



Meeting Agenda Planning Commission

Monday, April 25, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval

[KPB-4130](#) Plats - Administrative Approvals

Attachments: [C3. Admin Approval](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4131](#) April 11, 2022 PC Meeting Minutes

Attachments: [C7. 041122 PC Meeting Minutes](#)

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

[KPB-4132](#) Right-of-Way Vacation: A portion of 60' Wide Van Antwerp St. and Associated Utility Easements

Attachments: [E1.ROWV VanAntwerp Packet](#)

[KPB-4133](#) Ordinance 2022-16: An ordinance amending KPB 21.46.040 to repeal the Kalifornsky Center Single Family Residential (R1) Local Option Zoning District.

Attachments:

[E2. Kalifornsky Center LOZD Packet](#)

[Desk_Kalifornsky LOZD repeal MEMO.docx](#)

[Desk_Kalifornsky LOZD repeal ORD.docx](#)

[Desk_Kalifornsky Center LOZD Aerial Map](#)

[Desk_Public Meeting 42122 Memo](#)

[Desk_Kalifornsky Center Zoning Change Objection Letter](#)

[Desk_Steven Foster Comment](#)

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, May 9, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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

C. CONSENT AGENDA

***3. Administrative Approvals**

- a. Mackey Lake Subdivision Douglas Replat; KPB File 2021-109**
- b. Tide View Heights No. 2; KPB File 2021-088**



Planning Department

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

Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Mackey Lakes Subdivision Douglas Replat
KPB File 2021-109
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 23, 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 Wednesday, April 13, 2022.

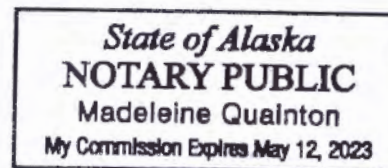
Julie Hindman
Acting Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 13 day of April 2022 by Julie Hindman.

Notary Public for the State of Alaska

My commission expires: 5/12/23



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

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

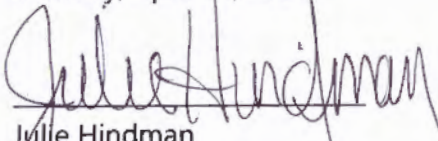
Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Tide View Heights No 2
KPB File 2021-088
Kenai Recording District

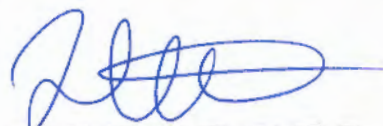
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on July 12, 2021. Approval for the plat is valid for two years from the date of approval.

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 Monday, April 04, 2022.

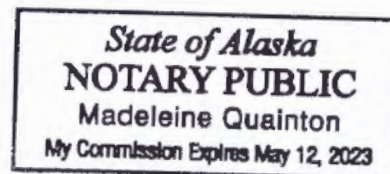

Julie Hindman
Acting Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 4 day of April 2022 by Julie Hindman.


Notary Public for the State of Alaska

My commission expires: 5/12/23



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

C. CONSENT AGENDA

- *7. April 11, 2022 Planning Commission Meeting Minute**

Kenai Peninsula Borough Planning Commission

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

April 11, 2022

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 Abrahamson-Bentz, District 9 – South Peninsula
Jeremy Brantley, District 5 – Sterling/Funny River
Diane Fikes, City of Kenai
Pamela Gillham, District 1 – Kalifornsky
John Hooper, District 3 - Nikiski
Virginia Morgan, District 6 – East Peninsula
Blair Martin, District 2 – Kenai
Robert Ruffner, District 7 – Central
David Stutzer, District 8 - Homer
Franco Venuti, City of Homer

With 10 members of an 11-member seated commission in attendance, a quorum was present.

Staff Present

Melanie Aeschliman, Planning Director
Walker Steinhage, Deputy Borough Attorney
Julie Hindman, Platting Specialist
Samantha Lopez, KRC Manager
Marcus Mueller, Land Management Officer
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Plats Granted Administrative Approval**

- a. Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Dept. Replat
KPB File 2021-080

***6. Commissioner Excused Absences**

- a. Michael Horton, District 4 - Soldotna
- b. City of Soldotna, Vacant
- c. City of Seward, Vacant
- d. City of Seldovia, Vacant

***7. Minutes**

- a. March 21, 2022 Planning Commission meeting minutes

Chair Martin asked if anyone wished to speak to any of the items on the consent agenda. Hearing no one wishing to comment he asked that Ms. Shirnberg read into the record the consent agenda items.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Bentz to approve the consent agenda and the regular agenda as amended.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	11	Absent		Vacant	3
Yes	Bentz, Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Ruffner, Stutzer, Venuti				
Absent	Horton				

AGENDA ITEM D. OLD BUSINESS

ITEM D1 – CONDITIONAL LAND USE PERMIT - REMAND HEARING

Applicant:	Beachcomber, LLC
Planning Commission Meeting:	March 21, 2022
Tax Parcel ID	169-010-67
Legal Description	Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104) - Deed recorded in Book 4, Page 116, Homer Recording District, State of Alaska.
General Location:	Anchor Point Area

MOTION: Commissioner Ruffner moved, seconded by Commissioner Gillham to adopt PC Resolution 2022-17, denying a conditional land use permit to operate a sand, gravel, or materials site for a parcel described as Tract B, McGee Tracts – Deed of Record Boundary Survey (Plat HM 80-104).

Chair Martin noted that Commissioner Brantley has recused himself from voting on this matter (he has no history of ever voting on this matter). Commissioner Hooper abstained from deliberating and voting on this matter at the 3/21/22 meeting. Commissioner Stutzer requested to abstain from this matter as he had not participated in the deliberations on 3/21/22 and 3/23/22 adjudicative sessions.

Commissioner Ruffner spoke in support of the resolution. He noted he has sat on the commission for a number of years and this particular permit application is one of the more complicated items that has come before the commission. This particular permit application has been in some type of process for at least four years. It has gone through the courts and has been remanded back to the commission on several occasions for consideration. He noted his support of the current resolution is a change in position for him. The code pertaining to material sites was adopted by the Assembly a number of years ago. During his time on the commission, they have heard that if the conditions set out in code are met then the standards are automatically met as well. He understood that was the intent of the Assembly when they adopted this section of code. That is the intent is that the commission has been following for years. Then this permit application came up and this intent was challenged in the courts. What has been weighing on his mind is did the commission want to change its precedent and go against what he believed was the intent of the Assembly on this section of code. He noted the courts are a part of the three branches of government and they have the authority to weigh in on these matters as well. He could disagree with the judge's ruling in this matter but he did not believe that was his place. The legislative branch would be the one's to take that up. He believes his roll is to follow the judges' instructions, which was to ignore the idea that if the conditions are met therefore that standards are met. So, with that in mind the visual standard does not seem to be met for a large percentage of the landowners on the south and east sides of this proposed material site. What the application proposes to do will not significantly mitigate visual impacts. The neighboring landowners will be looking directly down into the proposed pit. The evidence the neighbors presented to support this was compelling in his mind.

Commissioner Venuti spoke in support of the resolution. He noted he has sat on the commission for a number of years and has preside over numerous conditional land use permit applications. He does not ever recall any agency of the State ever weighing in on conditional land use permit and stating they that they would hold the Borough responsible if there is any damage to a state-maintained road. He is aware of the current condition of the road the applicant is proposing to use and he understands the State's concerns. He knows this area very well and has personally enjoyed the recreational uses associated with

area. The mouth of the Anchor River is a very popular recreational area year-round. It draws many people to the area which helps the local economy. It is as popular as the Russian River in Cooper Landing and the mouths of the Kasilof and Kenai Rivers. He believes there would be a negative reaction from the locals in these areas if a gravel pit was proposed to be adjacent to any of these areas. He understands the need for gravel and how important it is to development and construction. He also understands how important personal property rights are. He does not believe having a gravel pit in this location is in the best interest of the Anchor Point community.

Chair Martin wished to make a comment so he passed the gavel to Vice-Chair Ruffner. Commissioner Martin spoke in opposition to the resolution. He noted code talks about minimizing the conditions of noise, dust or visual impacts. The dictionary gives a sentence example of minimize. For example, the cost of production will be minimized. It means the endeavor will still be completed, but that the cost will be minimized to a degree. Minimize does not mean to do away with. He noted that mitigate is a lot like minimize. He believes the applicant has made the attempt to minimize or mitigate the sound and visual impacts of the pit. Commissioner Martin then took the gavel back from Commissioner Ruffner.

Commissioner Gillham spoke in opposition to the resolution. She noted this was a very difficult decision for the commission. She believed the applicant has minimize the noise and visual impacts and has tried to be a good neighbor. Minimize or mitigate does not mean eliminate. The applicant has done his best to work within the requirements of code. She believes this gravel pit is not different than the other gravel pits that have been permitted. Gravel is an important commodity and is needed to build our roads and homes. If you are a neighbor to one of these facilities it is just something you have to live with, code allows for gravel pits.

Commissioner Fikes spoke in support of the resolution. She stated that she did not believe the conditions met the sound and visualization standards. The buffers proposed will not minimize the noise or visual impacts. She also shares the same concerns expressed by Commissioner Venuti regarding the DOT concerns about the impact to the roads.

Commissioner Morgan spoke in support of the resolution. She noted this has been a very difficult issue for the commission. What was made clear to her was the separation of powers between the executive branch and the judicial branches of government. The superior court judge made a ruling on how borough code should be interpreted and she believe it is commission job to interpret it that way. She agreed with those commissioners that minimizing does not mean eliminating. However, it was clear that the mandatory conditions and voluntary conditions proposed, it was still not possible to minimize the visual and sound impacts of this proposed pit.

Commissioner Bentz spoke in support of the resolution. She noted the commission spent time discussing the judges' remand orders, findings of fact and conclusions of law in the development of this resolution. Her decision is based on the direction from the courts and the powers as appointed officials on the Planning Commission. She will be voting to approve the resolution based on the evidence in the resolution and the supporting information. It is clear that there will be visual and noise impacts to neighboring properties and so the standards in those areas cannot be met. She believes the minimization means to reduce to the smallest impact possible and not just a minor reduction.

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

MOTION PASSED BY MAJORITY VOTE:

Yes	5	Bentz, Fikes, Morgan, Ruffner, Venuti
No	2	Gillham, Martin
Recused	1	Brantley
Abstained	2	Hooper, Stutzer
Absent	1	Horton

AGENDA ITEM E. NEW BUSINESS

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

E1 – Right-of-way Vacation**Vacate a Portion of Symphony Lane associated with C.L. Hatton Subdivision Eagle's Crest Addition**

KPB File No.	2022-027V
Planning Commission Meeting:	April 11, 2022
Applicant / Owner:	Mathew Byler of Ninilchik, Alaska No More FYI LLC of Kenai, Alaska Kenneth Noonan of Willington, Connecticut
Surveyor:	Jason Schollenberg / Peninsula Surveying, Inc
General Location:	Symphony Lane near mile 132.5 of Sterling Highway, Ninilchik
Legal Description:	Tracts B-5, B-6, and B-7 of C.L Hatton Subdivision Eagle's Crest Addition, Section 23, Township 1 South, Range 14 West, Seward Meridian.

Staff report given by Julie Hindman.

Chair Martin opened the meeting for public comment.

Naomi Heneage; 181 Cascade Dr., Spring Creek, NV 89815: Ms. Heneage is the owner for Tract B of My View Subdivision 2021 Replat. She wanted to make sure that the vacation of any of the utility easements would not negatively affect her property. Ms. Hindman replied 150' portion of Symphony Land is being vacated and being moved to the west and a new 60' right-of-way will be dedicated. She also noted the utility easements being vacated are the ones along the current right-of-way where the house encroaches. New utility easements will be dedicated on the western side of the new right-of-way and the surveyor will be working with the utility companies regarding easements along the eastern side. All existing and new utility easements will be noted on the new plat.

Commissioner Ruffner asked staff to clarify that no existing utility services will be abandoned by this platting action. Ms. Hindman replied that no utility services will be abandoned and that they have reached out to all the area utilities for comment and those comments will be taken into consideration.

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Gillham to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance to borough code.

Commissioner Ruffner stated that right-of-way vacations are something the commission struggles with from time to time. He noted the last right-of-way vacation the commission approved, which was similar to this request in that a house was encroaching into the right-of-way, was overturned by the Assembly. Code does not have a great way to resolve these types of encroachment issues. He then noted the request before the commission right now is different than the other one in that the applicants are not gaining any land as they are basically moving the right-of-way over. This platting action will result in access and utility easements being maintained. As he sees it, this right-of-way vacation has no adverse effects to the public. He stated that he will be supporting this request.

Commissioner Stutzer asked how can the applicant dedicate a full 60' right-of-way in the proposed location. He does not own enough land to do so. Ms. Hindman replied that the applicant has worked with his neighbor to resolve the issue and they have come to an agreement. She then noted that the plat cannot be finalized without the neighboring landowner's signature on the plat.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Bentz, Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Ruffner, Stutzer, Venuti
No	0	
Absent	1	Horton

**E2- Conditional Use Permit; PC Resolution 2022-14
Anadromous Waters Habitat Protection District
Harvest Alaska, LLC**

KPB File No.	2022-14
Planning Commission Meeting:	April 11, 2022
Applicant	Harvest Alaska LLC
Mailing Address	3800 Centerpoint Dr Suite 1400, Anchorage AK 99503
Legal Description	T 12N R 11W SEC 25 SEWARD MERIDIAN AN 0001865 US SURVEY 1865 THAT PORTION OF SEC 25 LYING WITHIN USS 1865 MOQUAWKIE INDIAN RESERVATION T 12N R 11W SEC 25 SEWARD MERIDIAN AN 0001865 US SURVEY 1865 THAT PORTION OF SEC 25 LYING WITHIN USS 1865 MOQUAWKIE INDIAN RESERVATION
Physical Address	None
KPB Parcel Number	211-070-02

Staff report given by Samantha Lopez.

Chair Martin opened the meeting for public comment.

Kijun Hong, Harvest Alaska, LLC; 3800 Centerpoint Dr., #1400, Anchorage AK 99503: Mr. Hong is the engineer on this project and made himself available for questions.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Bentz to adopt PC Resolution 2022-14 granting a conditional use permit for the construction of a root wad diversion structure within the 50-foot Habitat Protection District of the Chuitna River.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Bentz, Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Ruffner, Stutzer, Venuti
No	0	
Absent	1	Horton

E3 – Resolution 2022-__

A resolution providing a 30-day application period prior to inactivating the Kalifornsky Advisory Planning Commission.

Staff report given by Samantha Lopez.

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

MOTION: Commissioner Gillham moved, seconded by Commissioner Bentz, to forward to the Assembly a recommendation to adopt Resolution 2022-__, providing a 30-day application period prior to inactivating the Kalifornsky Advisory Planning Commission.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Bentz, Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Ruffner, Stutzer, Venuti
No	0	
Absent	1	Horton

E4 – Ordinance 2022-06

An ordinance authorizing the negotiated sale of 180.261 acres in Cooper Landing as part of the Sterling Highway Mile Post 45-60 Realignment Project to the State of Alaska Department of Transportation and Public Facilities for a negotiated amount over appraised value.

Staff report given by Marcus Mueller.

Mr. Mueller noted that the Cooper Landing Advisory commission at their meeting on April 6, 2022 voted unanimously to recommend approval of this ordinance.

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

MOTION: Commissioner Morgan moved, seconded by Commissioner Gillham, to forward to the Assembly a recommendation to adopt Ordinance 2022-06 authorizing the negotiated sale of 180.281 acres in Cooper Landing as part of the Sterling Highway Mile Post 45-60 Realignment Project to the State of Alaska Department of Transportation and Public Facilities for a negotiated amount over appraised value.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Bentz, Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Ruffner, Stutzer, Venuti
No	0	
Absent	1	Horton

E5 – Resolution 2022-__

A resolution classifying certain parcels of Borough owned land in the Diamond Ridge area

Staff report given by Marcus Mueller.

Chair Martin opened the meeting for public comment.

Douglas Malone, Member of Kachemak Ski Club; P.O. Box 44, Homer, AK 99603: Mr. Malone spoke in favor of recommending approval of this resolution.

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

MOTION: Commissioner Bentz moved, seconded by Commissioner Ruffner to forward to the Assembly a recommendation to adopt Resolution 2022-__, classifying certain parcels of Borough owned land in the Diamond Ridge area

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Bentz, Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Ruffner, Stutzer, Venuti
No	0	
Absent	1	Horton

E6 – Ordinance 2022-09

An ordinance authorizing a negotiated lease at less than fair market value of certain real property containing 3.5 acres more or less to the Anchor Point Food Pantry for a food Pantry and other community uses

Staff report given by Marcus Mueller.

Mr. Mueller noted that the Anchor Point APC met on April 6, 2022 and by a majority vote recommended

the approval of this ordinance.

Chair Martin opened the meeting for public comment.

Missy Martin, Anchor Point Food Pantry; P.O. Box 266, Anchor Point, AK 99556: Ms. Martin is a member of the Anchor Point Food Pantry committee and gave a brief history of the project and spoke to the strong community support of the project.

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

MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti to forward to the Assembly a recommendation to adopt Ordinance 2022-09, authorizing a negotiated lease at less than fair market value of certain real property containing 3.5 acres more or less to the Anchor Point Food Pantry for a food Pantry and other community uses

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Bentz, Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Ruffner, Stutzer, Venuti
No	0	
Absent	1	Horton

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Brantley reported the plat committee reviewed nine plats and granted preliminary approval to eight and postponed action on one.

AGENDA ITEM G. OTHER

1. Plat Committee – April 25, 2022

- Commissioner Gillham
- Commission Venuti
- Commissioner Morgan
- Commissioner Brantley

2. Platting Memo Regarding Certificate to Plat Requirements

Ms. Hindman spoke brief regarding concerns expressed by some surveyors regarding what they believed were significant delays in getting certificate to plats and how that is delaying the submission of preliminary plats. The question was posed as to whether or not an exception request could be requested to KPB 20.25.080(E) requiring the certificate to plat for a complete submittal. Ms. Hindman states that she feels there should be some criteria for the exception to be supported. If this exception request was going to become a regular practice, then a rewrite of code should be done. No action was required of the commission.

AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS

1. Ordinance 2022-XX: An ordinance authorizing emergency harvest of spruce bark beetle impacted forestlands and amending KPB 17.08.020(J) to remove limitation of harvestable timber.

Comment: Lexmond; P.O. Box 873, Cooper Landing, AK: Mr. Lexmond shared concerns related to the ordinance authorizing emergency harvest of spruce bark beetle impacted forestlands.

Comment: Gary Nelson, Ability Surveys; 152 Dehel Avenue, Homer, AK 99603: Mr. Nelson spoke in support of allowing exceptions related to preliminary plat submittal for certificates of plat when there is a delay in getting them in a timely manner from the title companies.

AGENDA ITEM I. **DIRECTOR'S COMMENTS****AGENDA ITEM J.** **COMMISSIONER COMMENTS**

Commissioner Ruffner requested an excused absence for the April 25, 2022 Planning Commission meeting.

AGENDA ITEM K. **ADJOURNMENT** – Commissioner Venuti moved to adjourn the meeting 10:03 PM p.m.

Ann E. Shirnberg
Administrative Assistant

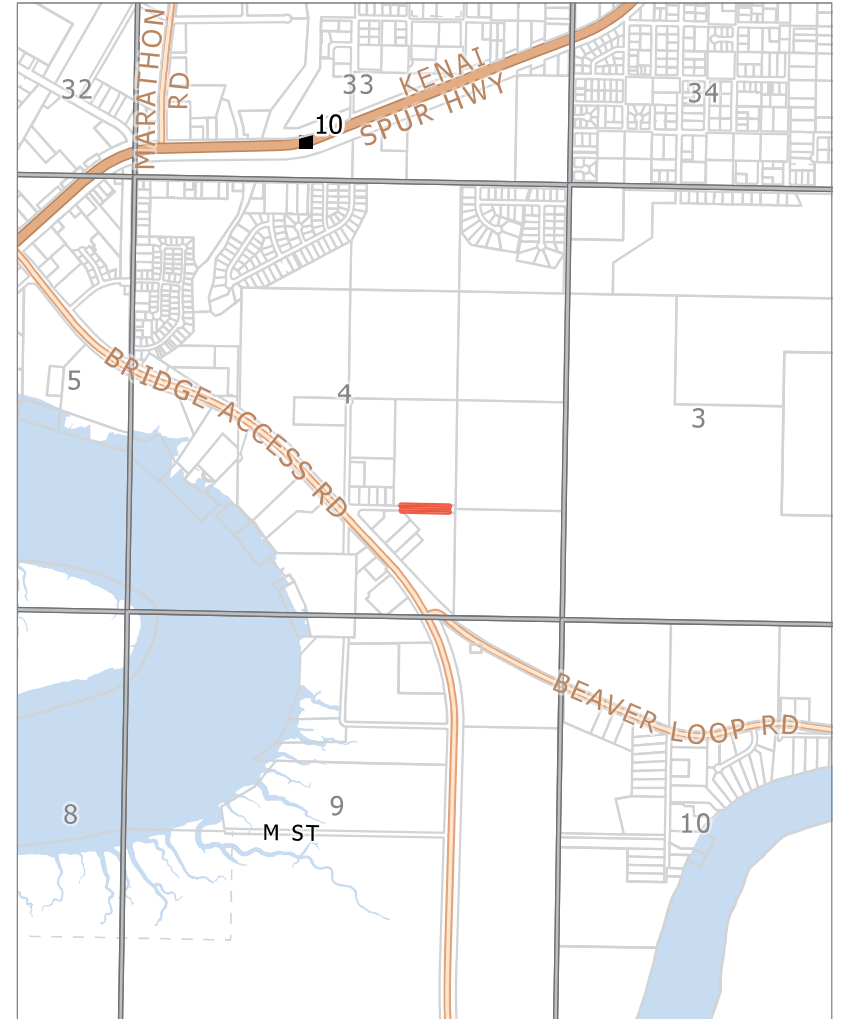
E. NEW BUSINESS

Public Hearing: Quasi-Judicial Matters

E1 Right-of-Way Vacation; KPB File 2022-040V

**Request: A Portion of Van Antwerp Avenue &
Associated Utility Easement**

**Petitioner(s)/Land Owner(s): James Hall, BMGC LLC &
Peninsula Storage LLC
City of Kenai**



KPB File # 2022-040V

Township 05N-Range 11W-Section 04

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.



AGENDA ITEM E. NEW BUSINESS

ITEM 1 - RIGHT OF WAY VACATION

A PORTION OF 60 FOOT WIDE VAN ANTWERP RIGHT OF WAY AND ASSOCIATED UTILITY EASEMENTS

KPB File No.	2022-040V
Planning Commission Meeting:	April 25, 2022
Applicant / Owner:	BMGC LLC and Peninsula Storage LLC all of Kenai, AK
Surveyor:	James Hall / McLane Consulting
General Location:	Bridge Access Road, Childs Avenue, City of Kenai
Legal Description:	Van Antwerp Avenue associated with Tract 4 Jaynes Subdivision Big Mikes Addition, Plat KN 2015-099, and Tract A-1 Bridge Road Subdivision 2019 Replat, Plat KN 2020-015, Kenai Recording District, Section 4 Township 5 North, Range 11 West, Seward Meridian

STAFF REPORT

Specific Request / Purpose as stated in the petition:

- Same owners on both sides of R/W.
- To accommodate future expansion needs of the storage facility.
- R/W is unconstructed for road use and has no vehicular/pedestrian traffic.
- The alternate route will be constructed and provides access around the facility.

Notification: Public notice appeared in the April 14, 2022 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the April 21, 2022 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 Kenai

Post Office of Kenai

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

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

Twenty 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
City of Kenai
Emergency Services of Kenai

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

Legal Access (existing and proposed): The proposed vacation is for approximately 551 feet of the eastern portion of Van Antwerp Avenue and some temporary turn around areas previously granted by plat. Van Antwerp Avenue is a 60 foot wide right of way that is accessed from state maintained Bridge Access Road. Childs Avenue is a 60 foot wide dedication that is at the same intersection with Van Antwerp Avenue. Childs Avenue is a north south right

of way. Van Antwerp Avenue is an east west right of way. Property involved with the dedication also has access from the south from Beaver Loop Road.

Per the City of Kenai staff report, Childs Avenue and Van Antwerp Avenue are gravel roads that are not currently maintained by the City of Kenai. Beaver Loop Road is paved and maintained by the City of Kenai.

The proposal is to vacate the eastern portion of Van Antwerp Avenue to allow two lots to be combined into one. The proposal will leave approximately 678 feet of Van Antwerp Avenue, will provide an eyebrow dedication for a turnaround area, and a turnaround area will remain to the east. New right of way dedications will be off Childs Avenue. The right of way will be approximately 1,340 feet. Another right of way will be dedicated along the eastern boundary and will end at the cul-de-sac located at the end of the existing Van Antwerp Avenue right of way.

The distance along Bridge Access Road between Childs Avenue and Beaver Loop Road is slightly longer than allowable block lengths. The current configuration does not comply as the block is not closed. The proposal of cul-de-sacs will not provide for closed blocks. Due to the development within the parcels and the neighboring terrain the ability to get a closed block with compliant lengths is minimal.

The lot to the north is a 40 acre lot owned by the City of Kenai. The only platted access is a 30 foot width of Childs Avenue. Childs Avenue has an eyebrow dedication to allow for a turnaround area with possible continuation in the future. The lot to the northeast is a 40 acre lot owned by the City of Kenai. This lot has access by section line easements and a 50 foot dedication of S Tinker Lane.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Bridge Access Road is as shown on page 7 of 25 of Beaver Loop Road Improvement Right of Way Map Plat 2014-104, KRD) and appears to be shown correctly.

Site Investigation: Wetlands are present through portions of the proposal. Areas with proposed right of ways contain low wet areas. Per KPB GIS Imagery, there appears to be areas with open water that the right of way dedications will avoid. The terrain is relatively flat within the existing right of way and within the proposed dedications.

There appears to be encroachments within the portion of the right of way proposed for vacation.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis: The dedication of Van Antwerp Avenue has occurred over several plats. Jaynes Subdivision, Plat KN 73-3, granted the temporary turn around located in the western portion on the north side of the proposed

vacation. It design indicates then intent to vacate the turnaround area and dedicate a portion of a cul-de-sac bulb that is slightly more east of the existing temporary turn around area. Jaynes Subdivision Big Mikes Addition, Plat KN 2015-99, dedicated the eastern portion of the northern half of Van Antwerp Avenue and the eyebrow located at the eastern end of the right of way.

The southern 30 foot width of Van Antwerp Avenue was originally dedicated on Bridge Road Subdivision, Plat KN 81-59. That plat also indicated a temporary turn around on the unsubdivided remainder. Bridge Road Subdivision Number Two, Plat KN 84-68, dedicated the eastern portion of the southern half of Van Antwerp Avenue. Bridge Road Subdivision 2019 Replat, Plat KN 2020-15 dedicated an eyebrow at the end of the right of way.

The lot located to the east is owned by Cook Inlet Natural Gas Storage Alaska LLC. It appears there may be a current access from the end of Van Antwerp Avenue. They will continue to have access from that route but the new right of way is currently not constructed but the City of Kenai has requested information regarding the construction of the new right of ways. The lot also appears to have another access from Beaver Loop Road and that appears to be the main access.

Some of the plats did not grant utility easements along the dedications. The most recent plats did grant along the portions proposed for vacation. The southern 30 foot has a 10 foot utility easement adjacent to the right of way while the northern 30 feet has a 15 foot utility easement adjacent to the right of way. The portions adjoining the right of way are proposed for vacation. ***Staff recommends the vacation of the utility easements should be depicted that 10 foot utility easements remain along the new dedications and so a connection is available to existing and remaining utility easements.***

It is stated that the portion to be vacated is used for internal access between lots and their improvements. The property houses storage units and provides outdoor storage.

The City of Kenai Planning and Zoning Commission heard the vacation at their March 23, 2022 meeting. They noted the property is zoned as Heavy Industrial. The vacation was approved unanimously. They adopted Resolution 2022-07 with the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the Van Antwerp 60' right of way and 25' of utility easements to be vacated is not needed for a public purpose and approve the vacation as shown on the preliminary plat.
3. The City of Kenai requests notification of the schedule for construction of the 60' dedicated rights of way starting at Childs Avenue.

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 right of way is constructed as a gravel road. The portion to be vacated provides access to two additional lots other than included in the replat.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The road appears to be useable but limits development and ability to protect assets. New dedications are proposed and the City of Kenai is requesting information regarding the construction of the dedications.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Staff comments: The lots on either side of the right of way are owned by the same owner and they wish to combine the lots. Those lots are being used as Industrial. The lot to the southeast has developed access from Beaver Loop Road. The lot the northeast is undeveloped. Previous plats granted numerous utility easements. New easements will be required along new dedications. Requested easements from the utility providers must be worked out with the providers.

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: Does not provide access to a public interest area.

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Staff comments: The new dedications will allow for future dedications. Due to the use of the lot to the southeast, future extensions may not be preferred. The lot to the northeast will have multiple access routes and ability to continue right of ways.

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Staff comments: As the right of way provides access to private and large parcels additional public access does not seem to be needed as long as new dedications are granted.

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 along new dedications must remain. A request has been received for a natural gas easement located within the Van Antwerp Avenue right of way proposed to be vacated.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Staff comments: Industrial, large acreage lots, that are wanting to combine lots to allow expansions of their business while limiting access. New dedications are proposed.

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

If approved, Jaynes Subdivision 2022 Replat will finalize the proposed right of way vacations. A complete submittal was received when this staff report was prepared. It will be scheduled for the first available Plat Committee meeting once received.

KPB department / agency review:

Planner	Comments not received when staff report was prepared. This is located within the City of Kenai.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Addressing	Reviewer: Haws, Derek Affected Addresses: 1345 BRIDGE ACCESS RD 511 VAN ANTWERP AVE 601 CHILDS AVE Existing Street Names are Correct: No

	<p>List of Correct Street Names: VAN ANTWERP AVE BRIDGE ACCESS RD BEAVER LOOP RD</p> <p>Existing Street Name Corrections Needed: CHILDS AVE should be labeled. Newly dedicated ROWs need approved street names.</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: City of Kenai will advise on affected addresses.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>

Utility provider review:

HEA	HEA comments provided a map which requested a portion of hatching be removed to provide a connection between utility easements. They also noted that a lines had been removed in an easement not related to this vacation but should remain unless a vacation petition for the easement was submitted and approved.
ENSTAR	<p>There is an existing natural gas main line located within the Van Antwerp Avenue ROW. ENSTAR objects to this plat unless one of the following is met:</p> <ol style="list-style-type: none"> 1. Add a note which says, "There is a fifteen foot (15 FT) wide natural gas easement centered on the existing main line." And draw in the approximate location of the main line on the map and add, "Approximate location of natural gas main and centerline of fifteen foot (15 FT) wide natural gas easement." 2. Owner signs an ENSTAR Natural Gas Easement document for a fifteen foot (15 FT) wide natural gas easement, centered on the main line at this location.
ACS	No objections
GCI	Approved as shown

RECOMMENDATION:

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

1. Consent by 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.

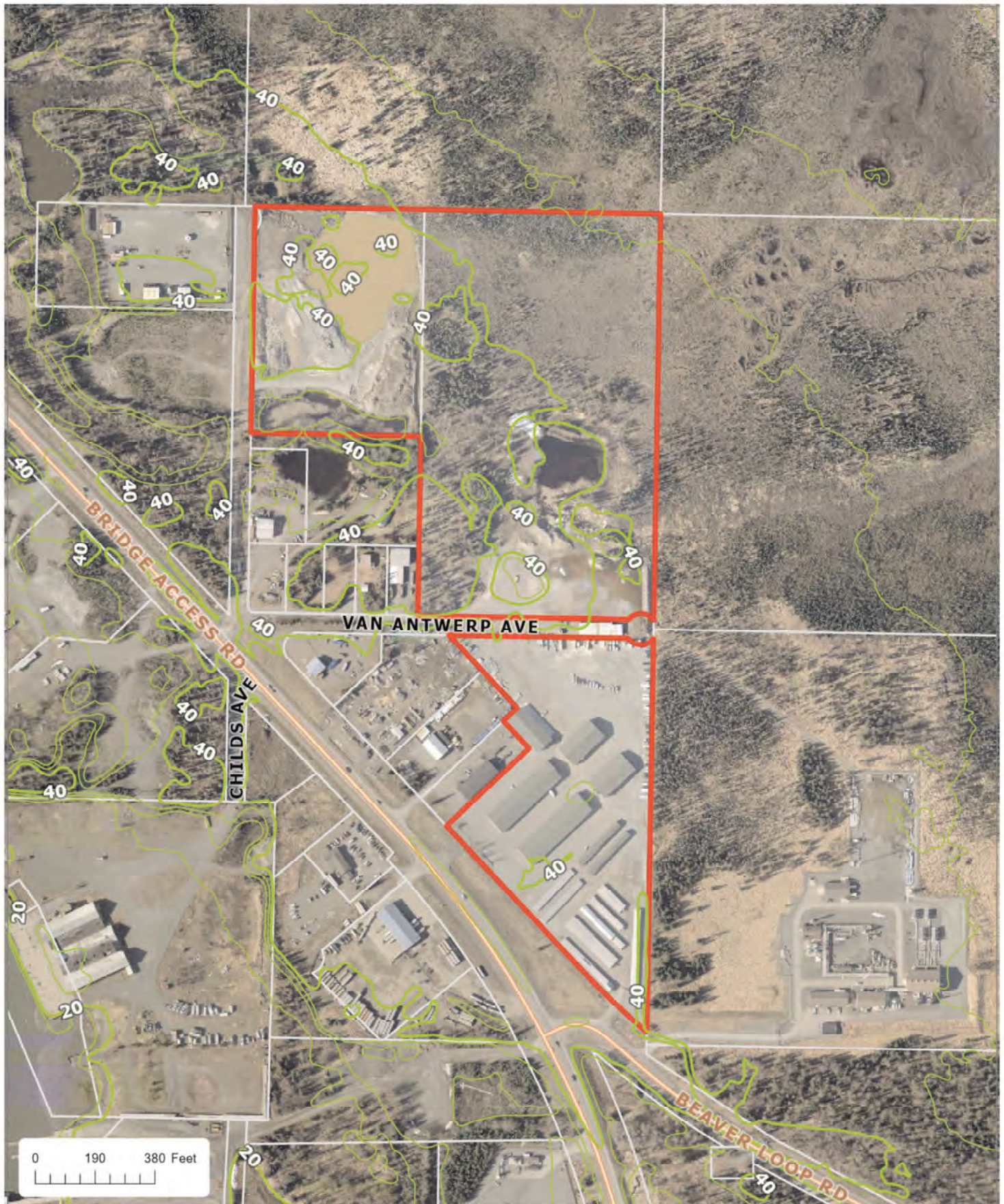
Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

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

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

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

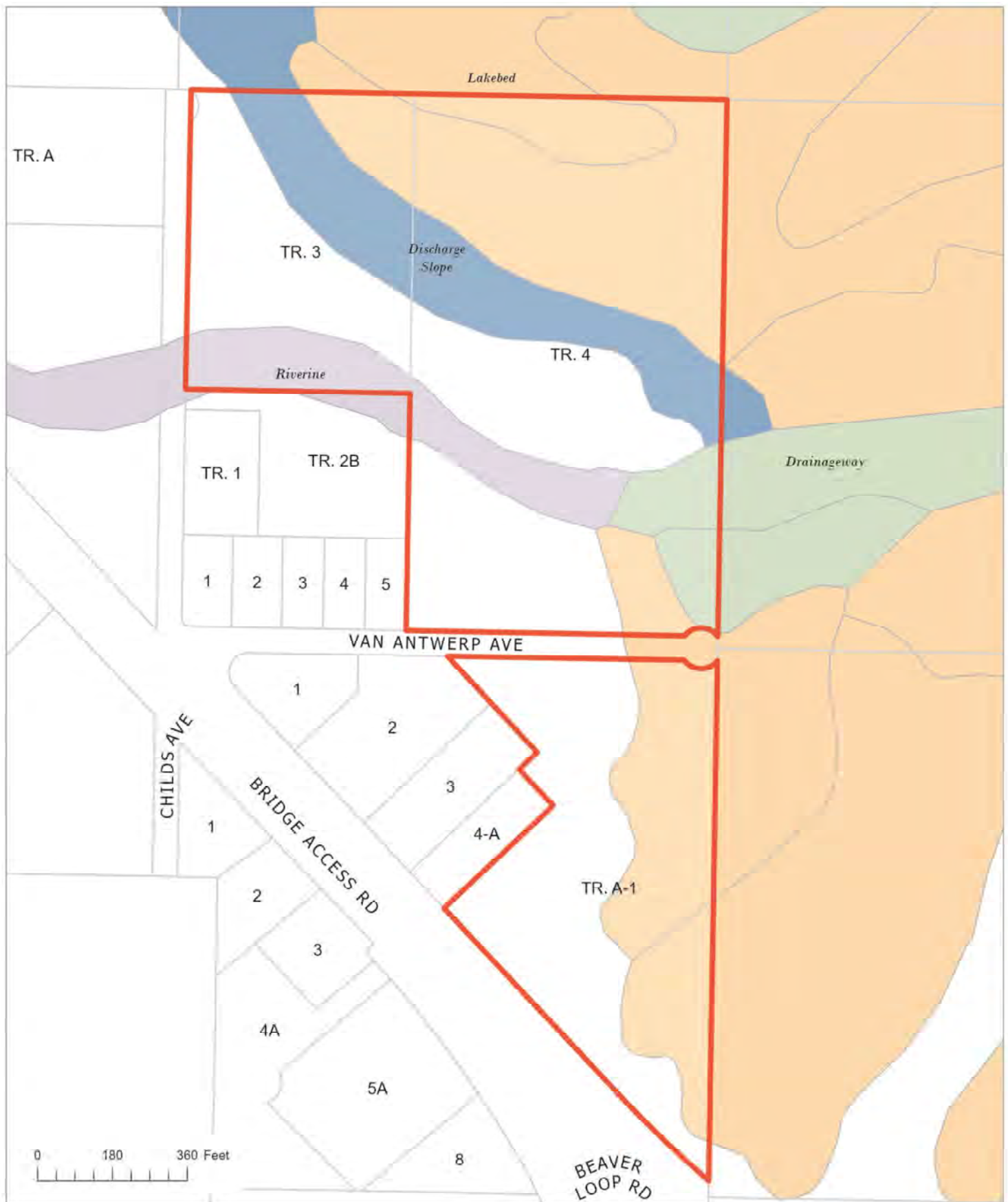
END OF STAFF REPORT







Wetlands



NOTES

1. 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.
2. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
3. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS. THE 80' RADIAL EASEMENT R/W DEDICATION AT THE END OF VAN ANTWERP AVENUE IS FOR TURN-AROUND AND NOT FOR FUTURE EXTENSION TO ADJACENT PROPERTY.
4. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA, AND LOCAL REGULATIONS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION (F. 81554001).
5. EXCEPTOR GRANTED TO BLOCK LENGTH (800' 00.36/170) BY PLANNING COMMISSION MEETING OCTOBER 28, 2019.
6. THIS SUBDIVISION MAY BE AFFECTED BY A RESERVATION OF EASEMENT RESERVED BY PUBLIC LAND ORDER NOT DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 167 DATED OCTOBER 10, 1959 PUBLIC LAND ORDER NO. 167 DATED AUGUST 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER NO. 10003 DATED OCTOBER 10, 1991 AMENDMENT NOT DATED JULY 17, 1997 AND AMENDMENT NO. 2 DATED SEPTEMBER 10, 1996 FILED IN THE FEDERAL REGISTER.
7. STATE OF ALASKA RIGHTS-OF-WAY ARE GRANTED PER BRAVER LOOP ROAD IMPROVEMENT PLAT 2014-104, PAID 2.72% AND BRAVER LOOP CROSSING PLAT 70-134 PAID 3 AND 10.
8. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VARIATION OF THE 20' UTILITY EASEMENT CREATED BY KENAI-08 AT THE MEETING OF OCTOBER 14, 2019.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT PENINSULA MBS STORAGE LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED AS LOT 4, BLOCK 1, BRIDGE ROAD SUBDIVISION NUMBER TWO (KENAI-08) AND LOT 7A, BLOCK 1, BRIDGE ROAD SUBDIVISION NUMBER TWO (KENAI-08) AND LOT 7A, BLOCK 1, BRIDGE ROAD SUBDIVISION NUMBER TWO (KENAI-08) AND ON BEHALF OF PENINSULA MBS STORAGE LLC, WE HEREBY GRANT THIS PLAT OF SUBDIVISION AND BY OUR FREE JOINTMENT DEED, ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAVID SCHULING MEMBER
PENINSULA MBS STORAGE, LLC (OWNER)
47 SPUR VIEW DR., KENAI, AK 99501

MICHAEL SCHULING MEMBER
PENINSULA MBS STORAGE, LLC (OWNER)
47 SPUR VIEW DR., KENAI, AK 99501

NOTARY'S ACKNOWLEDGMENT

I, DAVID SCHULING, Notary Public,
ACKNOWLEDGE BEFORE ME THIS

1st DAY OF Dec, 2019

MY COMMISSION EXPIRES June 3, 2023

DAVID SCHULING
NOTARY PUBLIC FOR THE

STATE OF ALASKA



CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT SBC DEVELOPMENT GROUP, INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED AS LOT 4, BLOCK 1, BRIDGE ROAD SUBDIVISION NUMBER TWO (KENAI-08) AND ON BEHALF OF SBC DEVELOPMENT GROUP, INC., I HEREBY GRANT THIS PLAT OF SUBDIVISION AND BY MY FREE JOINTMENT DEED, ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAVID SCHULING MEMBER
SBC DEVELOPMENT GROUP, INC. (OWNER)
4015 EASTWINDY BEACH RD. SHELTON, AK 99584

NOTARY'S ACKNOWLEDGMENT

I, DAVID SCHULING, Notary Public,
ACKNOWLEDGE BEFORE ME THIS

10th DAY OF Feb, 2020

MY COMMISSION EXPIRES June 3, 2023

DAVID SCHULING
NOTARY PUBLIC FOR THE

STATE OF ALASKA



CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE, IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEED BY THIS PLAT, INCLUDING EASEMENTS, USE OF WAY, AND DEDICATION FOR VAN ANTWERP AVENUE, RIGHTS-OF-WAY, AND/OR OTHER PUBLIC AREAS SHOWN ON THIS PLAT. THE ACCEPTANCE OF LAND FOR PUBLIC USE FOR PUBLIC PURPOSES DOES NOT EXHAUST THE PUBLIC OR ANY GOVERNMENT BODY TO SUBMIT, ORIGINATE, OR MAINTAIN IMPROVEMENTS.

BY: Paul DeBauer 12/14/19
PAUL DEBAUER
CITY MANAGER
CITY OF KENAI

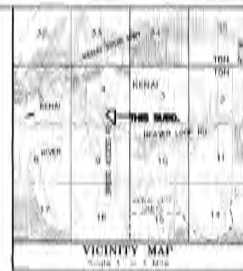
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI
PENINSULA BOROUGH PLANNING COMMISSION
AT THE MEETING OF OCTOBER 28, 2019

Paul DeBauer 4/1/2020
AUTHORIZING OFFICIAL



GRAPHIC SCALE
1" = 100' ±



LEGEND

- 1. FOUND PRIMARY MONUMENT AS DESCRIBED
- 2. FOUND 5/8" PEARL UNLESS NOTED
- 3. FOUND 2" AL CAP 15.1313
- 4. SET 5/8" x 3/4" REBAR w/ 1" STAINLESS STEEL CAP INSIDE 1/8" RECORD DATA AND FOUND DATA AGREE UNLESS OTHERWISE NOTED
- 5. AREA SHOWN TO BOUNDARY

UTILITY EASEMENT PER BRIDGE ROAD SUBDIVISION NUMBER TWO (KENAI-08) TO BE VACATED BY THIS PLAT AND APPROVED FOR VACATING BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION MEETING OCTOBER 14, 2019

WASTEWATER DISPOSAL TRACT A-1

THIS TRACT IS AT LEAST 80,000 SQUARE FEET OR MORE IN AREA AND THIS SUBDIVISION IS LIMITED TO MOBILE HOME OR MORE LOT UNITS WITHOUT INCREASING THE NUMBER OF DEVELOPABLE LOTS, WHILE MAINTAINING A MINIMUM OF FIFTY (50) SQUARE FEET OF CONTIGUOUS AREA, AS REQUIRED BY SUBDIVISION ACT (ASLCA), FOR EACH LOT AFFECTED BY THE LOT LINE MOVEMENT PER KRS 30.05.02(A)(1)(C). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL LOT 4-A

THE EXISTING PARENT SUBDIVISION WAS APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (MARCH 20, 1984) AND THIS SUBDIVISION IS LIMITED TO MOBILE HOME OR MORE LOT UNITS WITHOUT INCREASING THE NUMBER OF DEVELOPABLE LOTS, WHILE MAINTAINING A MINIMUM OF FIFTY (50) SQUARE FEET OF CONTIGUOUS AREA, AS REQUIRED BY SUBDIVISION ACT (ASLCA), FOR EACH LOT AFFECTED BY THE LOT LINE MOVEMENT PER KRS 30.05.02(A)(1)(C). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CURVE #	BEARING	LENGTH	CHORD BEARING	CHORD LENGTH
01	272° 28'	268.81	15° 47' 15" W	268.87
02	105° 11' 4"	80.00	52° 13'	80.00



BRIDGE ROAD SUBDIVISION 2019 REPLAT

(A REVISION OF LOTS 1, 6 & TRACT A BLOCK 1 BRIDGE ROAD SUBDIVISION NUMBER TWO (KENAI-08) AND LOT 7A BLOCK 1 BRIDGE ROAD SUBDIVISION LOCKWOOD ADDITION (KENAI-10))

PENINSULA MBS STORAGE, LLC (OWNER)
47 SPUR VIEW DR., KENAI, AK 99501
SBC DEVELOPMENT GROUP, INC. (OWNER)
4015 EASTWINDY BEACH RD. SHELTON, AK 99584

13,708 AC. M/A SITUATED IN A PORTION OF THE SE1/4 OF SEC. 4, T18N, R12W, S14N, AK, THE CITY OF KENAI, AND THE KENAI PENINSULA BOROUGH, IN THE KENAI PENINSULA BOROUGH.



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	307.78	2814.79	6°15'54"	154.04	S47°23'10"E	307.63
C2	289.63	2774.79	5°58'50"	144.95	S47°14'38"E	289.50

LINE TABLE		
LINE	LENGTH	BEARING
L1	14.88	S89°55'25"E
L2	39.68	S00°04'44"E

Record monument
Not Recovered
3 1/4 inch
diam. alum. cap



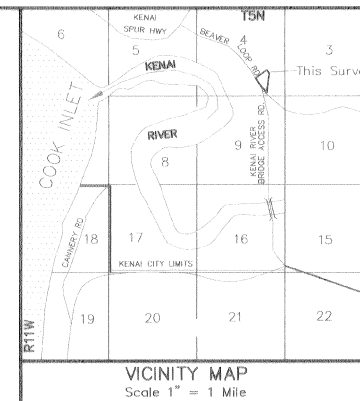
LEGEND



Survey monument as noted.



Found or set 1/2" rebar at property corner.



VICINITY MAP
Scale 1" = 1 Mile

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) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation and Public Facilities.

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 Kenai River Crossing and Beaver Loop Road rights of way were determined from monumentation shown hereon and from the State of Alaska DCT&PF Right of Way for Project No. S-0463(10) sheet 9 of 11.

WASTEWATER DISPOSAL

The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on March 20, 1984.

Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

The soils on parent parcels of this subdivision are unsuitable for conventional on-site waste disposal systems. No person may construct, install, maintain or operate a pressurized water system or a water carried waste disposal system on the this lot without obtaining prior written approval of this plan for the system from the the Alaska Department of Environmental Conservation. The burden of providing the soils testing data, groundwater table information, engineering designs, and any other information required by the Department to complete a review of the proposed system rests solely with the lot owner.

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.

Mark E. Lockwood

Michael P. Lockwood
1345 Bridge Access Road
Kenai, AK 99611

NOTARY'S ACKNOWLEDGMENT

FOR: Mark E. Lockwood
Michael P. Lockwood
Subscribed and sworn before me this

31st day of December, 2003

My commission expires 11/9/2007

Notary Public for the State of Alaska

PLAT APPROVAL

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

August 12, 2002.

KENAI PENINSULA BOROUGH by

Authorized Official



2004-18
KENAI REC. DIST. 20-
Date 5-28-04
Time 11:39 AM
Requested By McLane
Address

BRIDGE ROAD SUBDIVISION LOCKWOOD ADDITION

(A Resubdivision of Bridge Road Subd.
Number Two Lots 7 & 8 Block One)

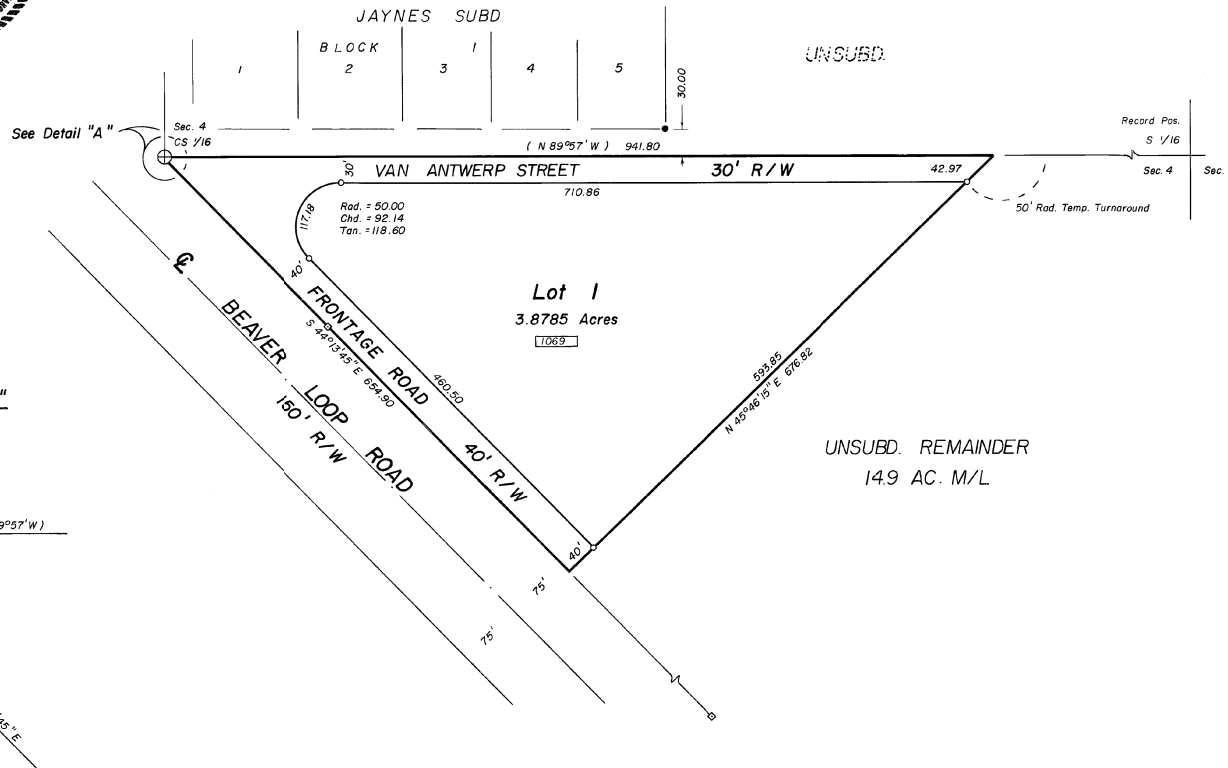
MARK LOCKWOOD
P.O. BOX 1566
KENAI, AK. 99611

LOCATION

3.367 AC. SITUATED IN A PORTION OF THE SW 1/4
SEC. 4, T5N, R11W, S.M. AK AND IN THE CITY OF KENAI
IN THE KENAI RECORDING DISTRICT

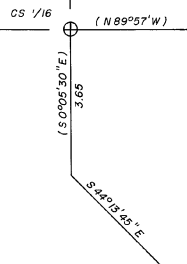
SCALE 1" = 100'	DATE: SEPT. 2003	BOOK NO. 02-07	DRAWN BY: LSC
P.O. Box 468 Seldovia, AK 99569		PROJECT NO. 022011	
McLane Consulting Group Testing		KPB FILE NO. 2002-157	
TEL 907.292.4218 FAX 907.293.2265			

BRIDGE ROAD SUBDIVISION



DETAIL "A"

Not to Scale



LEGEND AND NOTES

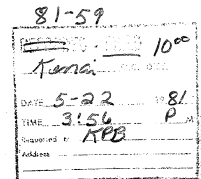
- ⊕ Found 2" brass cap set in conc., 1851-S 1971.
- Found 6"x6" conc. R/W monument.
- Found 1/2" steel rebar.
- Set 1/2"x24" steel rebar at all lot corners.
- () Indicates datum of record, K.R.D. 73-3.
- Street address number

Basis of bearing is the record datum of N 89°57'W for the S 1/16 line of Section 4, K.R.D. 73-3.

All wastewater treatment and disposal systems shall comply with existing law at time of construction.

COVENANT

Each of the lots in this subdivision shall be subject to assessments for improvements required by ordinance of the City of Kenai when installed by the City of Kenai.



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated by us for public use.

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this

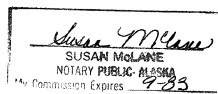
19. day of May, 1981.

My commission expires 9-23-83.

notary public for Alaska

Richard I. Morgan
Richard I. Morgan

Shirley L. Morgan
Shirley L. Morgan



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of January 5, 1981.

Kenai Peninsula Borough
By *[Signature]*
Authorized Official
ADMINISTRATIVE OFFICER

BRIDGE ROAD SUBDIVISION

Richard I. & Shirley L. Morgan, owners
Drawer 1101, Kenai, Ak. 99611

LOCATION

5.127 ACRES LOCATED IN GOVT. LOT 9, SEC. 4, T5N, R11W, S.M., AK., NORTH AND EAST OF THE KENAI RIVER CROSSING AND IN THE CITY OF KENAI, A PORTION OF THE SW1/4 SE1/4 SEC. 4, T5N, R11W S.M. AK.

Surveyed by: McLane and Assoc., Inc.
Box 468, Soldotna, Ak. 99669

DATE OF SURVEY	SCALE	FILE
Aug. 14 - Sept. 29, 1980	1" = 100'	80-17

Karen B. Doggett Hall
Karen B. Doggett Hall - owner - Box 3489, Kenai, Ak.

Gordon A. Jaynes
Gordon A. Jaynes - owner - Box 969, Kenai, Ak.

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this
15th day of April, 1977.

My commission expires 8-13-78.

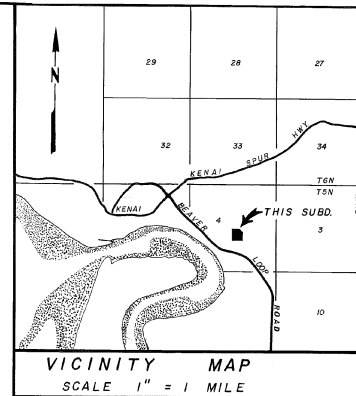
Wanda E. Mangan
notary public for Alaska

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this
15th day of April, 1977.

My commission expires 8-13-78.

Wanda E. Mangan
notary public for Alaska



UNSUBD. REMAINDER
30 AC. *

CERTIFICATE OF OWNERSHIP AND DEDICATION.

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

Irene (Jaynes) Hartwig
Irene (Jaynes) Hartwig, owner, 2800 East 15th, Anchorage, AK 99501

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 14 day of April, 1977.

My commission expires 3/5/79.

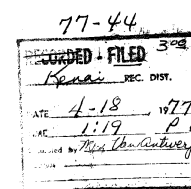
Donna L. Kiel
notary public for Alaska

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of April 4, 1977, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of law appertaining thereto.

KENAI PENINSULA BOROUGH

He O. Wait



JAYNES SUBDIVISION
ADDITION NO. 1

Irene (Jaynes) Hartwig, owner
2800 East 15th, Anchorage, Alaska 99501

DESCRIPTION
7.475 ACRES SITUATED IN THE NW 1/4 SE 1/4
SECTION 4, T5N, R11W, S.M. AK. AND IN THE
CITY OF KENAI.

Surveyed by: McLane & Associates
Soldotna, Alaska

Date of Survey Feb. 26, 1977	Scale 1" = 100'	Bk. No. 76-06
---------------------------------	--------------------	------------------

LEGEND:

- Found official 2" brass cap
- Found 1/2" steel rebar
- Set 1/2" x 24" steel rebar

NOTES:

All bearings refer to the south E-W 1/16 line
of Section 4 as being N 89° 57' W.

The temporary turnaround shown on the plat of Jaynes
Subd. K.R.D. 73-3 north of Block 1 on 9th Ave. S.E.
is hereby removed as the street dedication is herein continued.

A minimum 25' bldg. setback exists along all dedicated R/W's.

COVENANTS:

Each of the lots in this subdivision shall be
subject to assessments for improvements
required by ordinance of the City of Kenai
when installed by the City of Kenai.

All wastewater disposal systems shall comply with existing law at time
of construction.

LEGEND AND NOTES

- Found G.L.O. brass cap monument
- Found 2" brass cap set in concrete
- Set 2 1/2" brass cap attached to 3/4" pipe
- Set 1/2" X 24" steel rebar
- Power pole

All bearings refer to the G.L.O. Datum of N 00° 04' W for the EAST line of Sec. 4

COVENANT
Each of the lots in this subdivision shall be subject to assessments for improvements required by ordinance of the City of Kenai, when installed by the City of Kenai.

VICINITY MAP
SCALE 1" = 1 Mile

TEMP TURN-AROUND
JAYNES UNSUBD. REMAINDER 37 ± AC.

UNSUBD. REMAINDER 37 ± AC.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways and or streets dedicated by us for public use.

Date JANUARY 10, 1973 George L. Jaynes
owner

owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 10 day of January, 1973.

My commission expires 3-4-75

Sharon Sterling
Notary Public for Alaska

PLAT APPROVAL

Plat approved by the commission this 10th day of JANUARY, 1973.

Stanley S. McLane
Mayor

73-3

RECORDED - FILED

Kenai REC. DIST.

DATE 1/12 TO 73

BY 9:51 A.M.

By action of KPB

Address _____

JAYNES SUBDIVISION

George L. Jaynes — owner
Box 342, Kenai Alaska 99611

DESCRIPTION

3.271 ACRES SITUATED IN THE NW 1/4 SE 1/4 SEC. 4, T5N, R11W, S.M. AK. AND THE CITY OF KENAI, AK.

Surveyed by: S.S. McLane R.L.S

DATE OF SURVEY Sept. 7-12, 1972	SCALE 1" = 100'	BK. NO. 33-68
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**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MARCH 23, 2022 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

Chair Twait called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of the Allegiance.

2. Roll Call

Commissioners present: J. Twait, A. Douthit, G. Woodard, J. Halstead, V. Askin

Commissioners absent: D. Fikes, G. Greenberg

Staff/Council Liaison present: Planning Director R. Foster, Administrative Assistant K. Rector, Deputy Clerk M. Thibodeau, Vice Mayor J. Glendening

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda. Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda. Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

5. *Excused absences – Fikes

B. APPROVAL OF MINUTES

1. *Regular Meeting of February 23, 2022

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2022-06** - Preliminary Subdivision Plat of Toyon Subdivision 2021 Replat, submitted by Edge Survey and Design, P.O. Box 208, Kasilof, AK 99610, on behalf of Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611

MOTION:

Commissioner Askin **MOVED** to approve Resolution PZ2022-06. Commissioner Halstead **SECONDED** the motion.

Director Foster provided a summary description of the property noting that the plat had previously gone before the Planning & Zoning Commission but the new preliminary plat had been updated with changes requested by the Kenai Peninsula Borough (KPB) including a turnaround in the western portion of the plat. He noted that the changes were significant enough to require another review by City staff and the commission.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the two 20' public street easements to be vacated is not needed for a public purpose and approve the vacation of the 20' public street easements as shown on the preliminary plat.
3. The City of Kenai requests notification of the schedule for construction of the right of way turnaround at the end of Alaska Avenue.

The commission expressed appreciation for the addition of turnaround, noting that it addressed concerns discussed when the previous resolution was passed. It was noted that the City should consider placing "No Parking" signs at the turnaround, and that the addition would be good for snow removal vehicles.

VOTE:

YEA: Askin, Halstead, Woodard, Douthit, Twait
NAY: None

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2022-07** - Preliminary Subdivision Plat of Jaynes Subdivision 2022 Replat, submitted by McLane Consulting, P.O. Box 468, Kenai, AK 99611, on behalf

of BGMC LLC, P.O. Box 2682, Kenai, AK 99611

MOTION:

Commissioner Halstead **MOVED** to approve Resolution PZ2022-07. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a summary description of the property noting that it will create a Tract 3a and a Tract 4a; and the eastern half of Van Antwerp Avenue right of way and the utility easement proposed for vacation, as well as proposed creation of new dedicated 60 foot right of way connecting Childs Avenue to the current termination of Van Antwerp Avenue.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the Van Antwerp 60' right of way and 25' of utility easement's to be vacated is not needed for a public purpose and approve the vacation as shown on the preliminary plat.
3. The City of Kenai requests notification of the schedule for construction of the 60' dedicated rights of way starting at Childs Avenue.

Clarification was provided regarding the easement location, and that the use is heavy industrial. Discussion involved how the new right of way could impact utilization of the new tract 3a.

VOTE:

YEA: Halstead, Woodard, Douthit, Twait, Askin

NAY: None

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Action/Approval** - Windhaven Estates Phase 4 Time Extension

MOTION:

Commissioner Halstead **MOVED** to approve the Windhaven Estates Phase 4 Time Extension. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a staff report noting that a two-year time extension had been requested for the finalization of the plat, and in order to do so KPB requires concurrence from the City of Kenai. A two-year extension for Phase 4 had previously been approved in 2020 and was set to expire tonight, and allows for a total approval time of six years and that expiration of time extensions require the submission of an action on a new preliminary plat if they run over the six years of time extensions.

Commission discussed how larger subdivisions are developed in phases and it is common that

they take a long time and require time extensions. The commission discussed possibly reasons for the time extension of finalization.

VOTE:

YEA: Woodard, Douthit, Twait, Askin, Halstead

NAY: None

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Vice Mayor Glendening reported on the actions of the March 16, 2022 City Council Meeting.
2. **Borough Planning** – No report.
3. **City Administration** – Planning Director Foster reported on the following:
 - Next Commission meeting on April 13, 2022 will include an application for lease renewal, a conditional use permit application and a special use permit application.

K. ADDITIONAL PUBLIC COMMENT – None.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. April 13, 2022

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard noted she is glad to be back.

Commissioner Askin noted the upcoming March for Meals fundraiser at Senior Center and encouraged everyone to go. Noted she is glad to see the roads are clearing of snow.

Vice Chair Douthit noted that he might not be able to make the April 13th meeting.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:42 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-07**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT JAYNES SUBDIVISION 2022 REPLAT ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from McLane Consulting and,

WHEREAS, the plat meets Municipal Code requirements of the Heavy Industrial (HI) District; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access is provided via Bridge Access Road, which is a paved, State of Alaska maintained road; and

WHEREAS, City water and sewer lines are located along Bridge Access Road; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of Jaynes Subdivision 2022 Replat be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

2. The Kenai City Council must declare that the Van Antwerp 60' right of way and 25' of utility easement's to be vacated is not needed for a public purpose and approve the vacation as shown on the preliminary plat.
3. The City of Kenai requests notification of the schedule for construction of the 60' dedicated rights of way starting at Childs Avenue.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 23rd day of March, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Michelle M. Saner, MMC, City Clerk

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: March 17, 2022
SUBJECT: PZ2022-07 – Preliminary Plat – Jaynes Subdivision 2022 Replat

Applicant: BGMC LLC
P. O. Box 2682
Kenai, AK 99611

Submitted By: McLane Consulting
P.O. Box 468
Kenai, AK 99611

Requested Action: Preliminary Subdivision Plat – Jaynes Subdivision 2022 Replat

Legal Description: Tract 3, Jaynes Subdivision Big Mikes Addition
Tract 4, Jaynes Subdivision Big Mikes Addition
Tract A-1, Bridge Road Subdivision 2019 Replat

Property Address: 601 Childs Ave, 511 Van Antwerp Ave, 1345 Bridge Access Rd

KPB Parcel No: 04935012, 04935013, and 04901324

Lot Size: Approximately 8.89 acres, 22.21 acres, and 11.99 acres

Existing Zoning: Heavy Industrial

Current Land Use: Vacant and Commercial

Land Use Plan: Industrial

GENERAL INFORMATION

McLane Consulting submitted a preliminary plat on behalf of the property owners, BGMC LLC. The plat affects the parcels at 601 Childs Ave (KPB: 04935012), 511 Van Antwerp Ave (KPB: 04935013), 1345 Bridge Access Rd (KPB: 04901324).

The proposed Jaynes Subdivision 2022 Replat will create a Tract 3A (approximately 18.4 acres), consisting of Tract 3 and the northern portion of Tract 4, Jaynes Subdivision Big Mikes Addition. And also create a Tract 4A (approximately 22.7 acres), consisting of the southern portion of Tract 4, Jaynes Subdivision Big Mikes Addition and all of Tract A-1, Bridge Road Subdivision 2019 Replat. The eastern half of Van Antwerp Avenue is proposed for vacation, with the creation of new dedicated 60' rights of way connecting from Childs Avenue to the current termination of Van Antwerp Avenue.

Application, Public Notice, Public Comment

KMC 14.10.010 General under *Chapter 14.10 Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review prior to the submittal of the plat to the Kenai Peninsula Borough Planning Department. *Kenai Municipal Code (KMC) 14.10.060* describes the process in more detail. The plat will be reviewed first by the City of Kenai Planning and Zoning Commission and then by the Kenai Peninsula Borough's Plat Committee and Planning Commission.

The property owners completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of March 17, 2022.

ANALYSIS

Access to the proposed Jaynes Subdivision 2022 Replat is provided via Bridge Access Road, which is a paved, State of Alaska maintained road, Childs Avenue, which is a gravel road, not maintained by the City, Van Antwerp Avenue, which is a gravel road, not maintained by the City, and Beaver Loop Road, which is a paved, City maintained road. City water and sewer lines are adjacent along Bridge Access Road.

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required* under *Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Jaynes Subdivision 2022 Replat subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.



2. The Kenai City Council must declare that the Van Antwerp 60' right of way and 25' of utility easement's to be vacated is not needed for a public purpose and approve the vacation as shown on the preliminary plat.
3. The City of Kenai requests notification of the schedule for construction of the 60' dedicated rights of way starting at Childs Avenue.

ATTACHMENTS

1. Application
2. Preliminary Plat
3. Aerial Map





Preliminary Plat Submittal Form

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

APPLICANT (SURVEYOR)

Name:	McLane Consulting						
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-283-4218						
Email:	JHALL@MCLANECG.COM						

PROPERTY OWNER

Name:	BGM LLC						
Mailing Address:	PO BOX 2682	City:	KENAI	State:	AK	Zip Code:	99611
Phone Number(s):							
Email:							

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	KPB PID 04935012, 04935013, 04901324					
Current City Zoning:	Heavy Industrial					
Use:	<input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Other: Material Extraction Site					
Water:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community					
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community					

PLAT INFORMATION

Preliminary Plat Name:	Jaynes Subdivision 2022 Replat					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Street Name (if vacating ROW):	Portion of Van Antwerp Ave					

Exceptions Required and Requested:

Comments:

Alternate access is being dedicated per the plat

REQUIRED ATTACHMENTS

<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
---	--	---

SIGNATURE

Signature:			Date:	3/7/2022
Print Name:	Mike Brown	Title/Business:	CEO / BGM LLC	



Preliminary Plat Submittal Form

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-6200
planning@kenai.city
www.kenai.city/planning

APPLICANT (SURVEYOR)

Name: McLane Consulting
Mailing Address: PO BOX 468 City: Soldotna State: AK Zip Code: 99669
Phone Number(s): 907-283-4218
Email: JHALL@MCLANEOG.COM

PROPERTY OWNER

Name: PENINSULA MINI STORAGE, LLC
Mailing Address: 47 SPUR VIEW DR City: KENAI State: AK Zip Code: 99611
Phone Number(s):
Email:

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #: KPB PID 04935012, 04935013, 04901324
Current City Zoning: Heavy Industrial
Use: ☐ Residential ☐ Recreational ☒ Commercial
☒ Other: Material Extraction Site
Water: ☒ On Site ☐ City ☐ Community
Sewer: ☒ On Site ☐ City ☐ Community

PLAT INFORMATION

Preliminary Plat Name: Jaynes Subdivision 2022 Replat
Revised Preliminary Plat Name:
Vacation of Public Right-of-Way: ☒ Yes ☐ No
Street Name (if vacating ROW): Portion of Van Antwerp Ave

Exceptions Required and Requested:

Comments:

Alternate access is being dedicated per the plat

REQUIRED ATTACHMENTS

☒ Certificate to Plat ☒ (1) 24" x 36" Plat ☒ (2) 11" x 17" Plats

SIGNATURE

Signature: *David Schilling* Date: 3-7-21
Print Name: David Schilling Title/Business: Member



Preliminary Plat Submittal Form

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

APPLICANT (SURVEYOR)

Name:	McLane Consulting						
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-283-4218						
Email:	JHALL@MCLANECG.COM						

PROPERTY OWNER

Name:	PENINSULA MINI STORAGE, LLC						
Mailing Address:	47 SPUR VIEW DR	City:	KENAI	State:	AK	Zip Code:	99611
Phone Number(s):							
Email:							

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	KPB PID 04935012, 04935013, 04901324					
Current City Zoning:	Heavy Industrial					
Use:	<input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Other: Material Extraction Site					
Water:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community					
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community					

PLAT INFORMATION

Preliminary Plat Name:	Jaynes Subdivision 2022 Replat					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Street Name (if vacating ROW):	Portion of Van Antwerp Ave					

Exceptions Required and Requested:

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Comments:

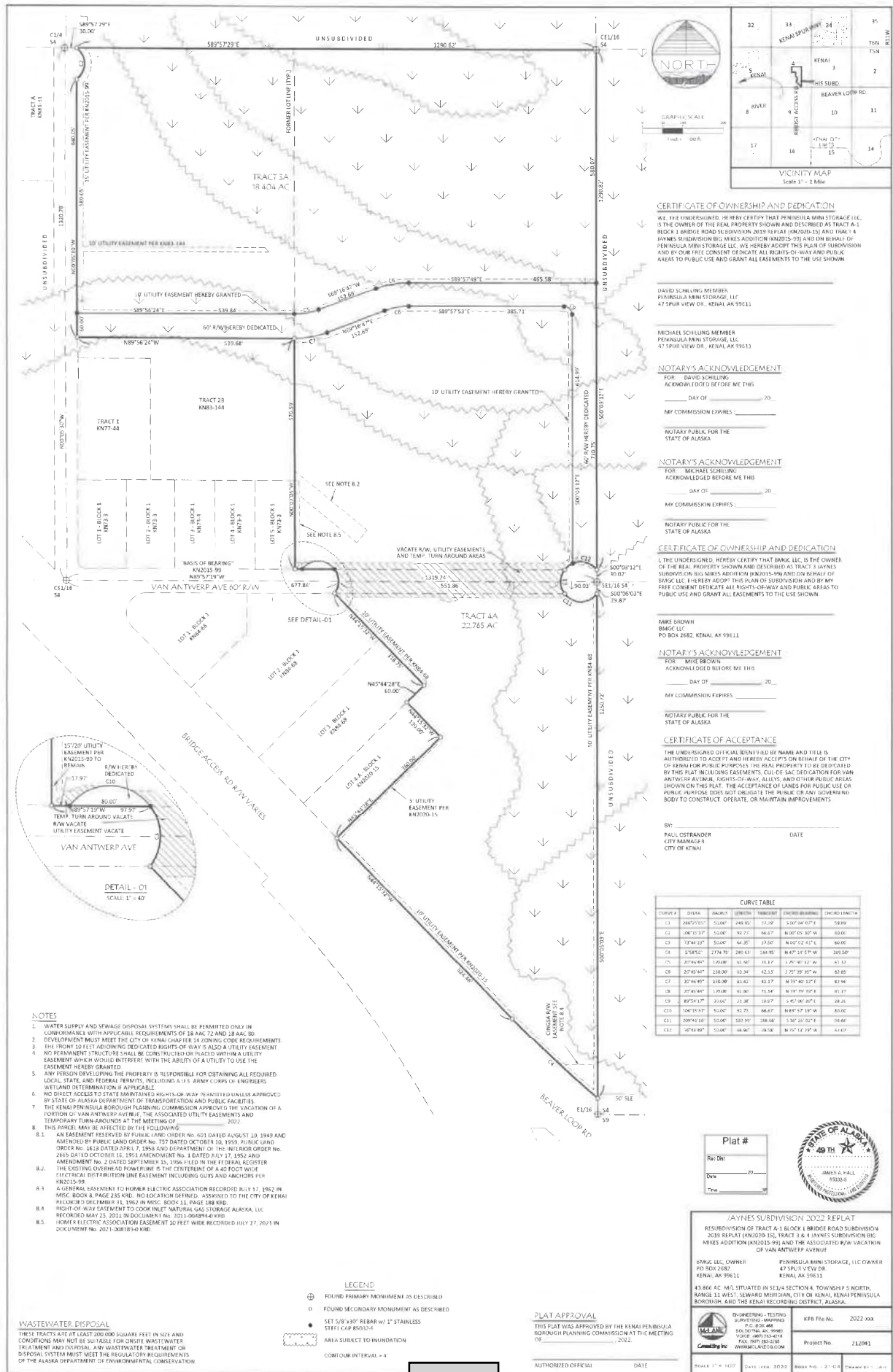
Alternate access is being dedicated per the plat						
--	--	--	--	--	--	--

REQUIRED ATTACHMENTS

<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
---	--	---

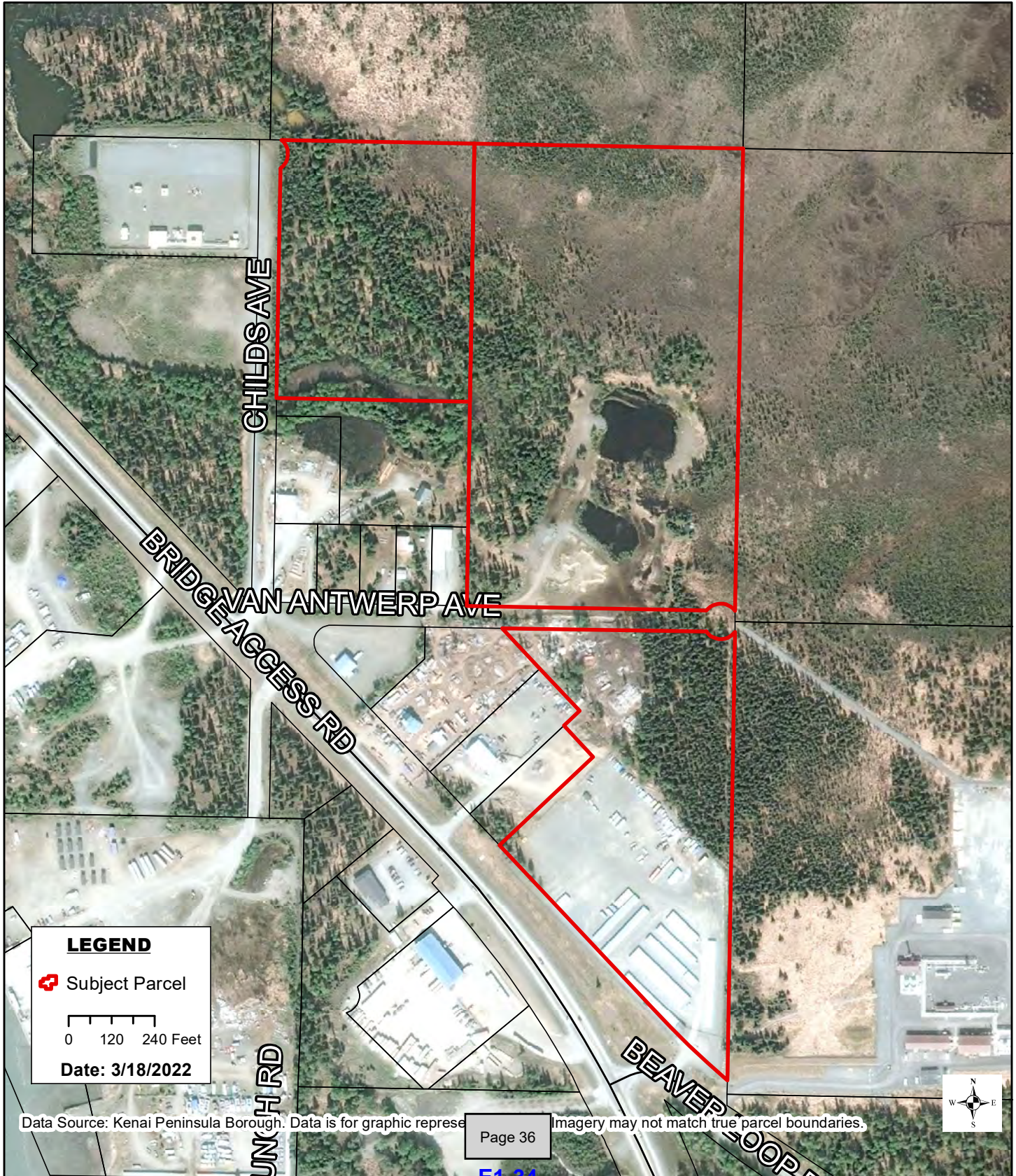
Signature: _____

Signature:	<i>Michael Schilling</i>	Date:	3-7-22
Print Name:	Michael Schilling	Title/Business:	Member





Jaynes Subdivision 2022 Replat
KPB #04935012
KPB #04935013
KPB #04901324



Data Source: Kenai Peninsula Borough. Data is for graphic representation only. Imagery may not match true parcel boundaries.

PLANNING & ZONING COMMISSION

Resolution PZ2022-07 – Preliminary Plat – Jaynes Subdivision 2022 Replat

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1

SUMMARY

Applicant: BGMC LLC
P. O. Box 2682
Kenai, AK 99611

Property Address: 601 Childs Ave, 511 Van Antwerp Ave,
1345 Bridge Access Rd

KPB Parcel No: 04935012, 04935013, and 04901324

Lot Size: Approximately 8.89 acres, 22.21 acres,
and 11.99 acres

Existing Zoning: Heavy Industrial

Current Land Use: Vacant and Commercial

Land Use Plan: Industrial

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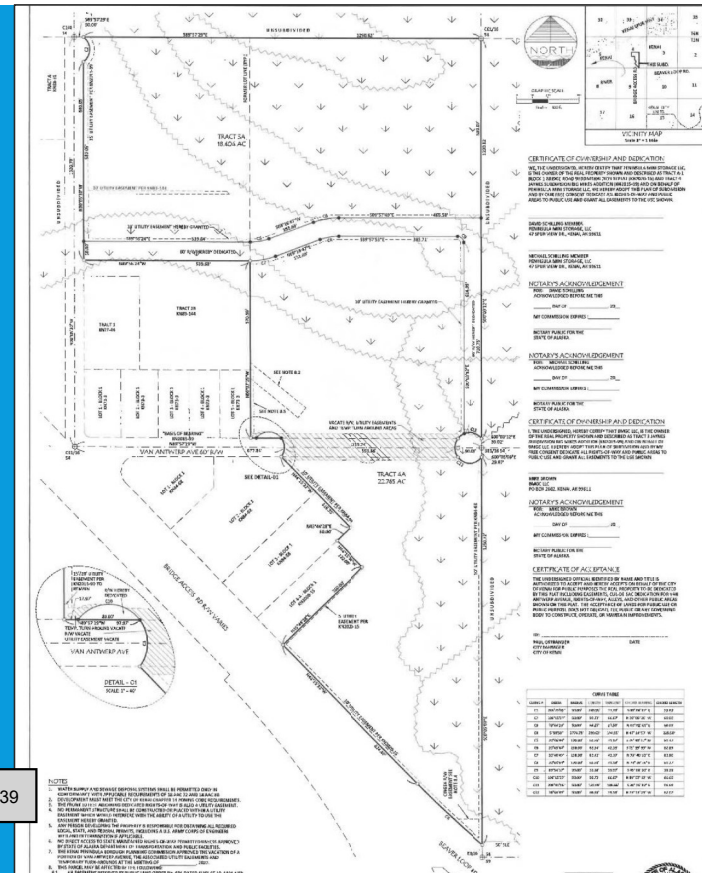
Jaynes Subdivision 2022 Replat
KPB #04935012
KPB #04935013
KPB #04901324



PRELIMINARY PLAT

- The proposed Jaynes Subdivision 2022 Replat will create a Tract 3A (approximately 18.4 acres), and a Tract 4A (approximately 22.7 acres),
- The eastern half of Van Antwerp Avenue ROW and utility easements is proposed for vacation.
- Proposed creation of new dedicated 60' rights of way connecting from Childs Avenue to the current termination of Van Antwerp Avenue.

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STAFF ANALYSIS

- Access to the proposed Jaynes Subdivision 2022 Replat is provided via Bridge Access Road, which is a paved, State of Alaska maintained road, Childs Avenue, which is a gravel road, not maintained by the City, Van Antwerp Avenue, which is a gravel road, not maintained by the City, and Beaver Loop Road, which is a paved, City maintained road.
- City water and sewer lines are adjacent along Bridge Access Road.
- The preliminary plat meets requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations.



RECOMMENDATIONS



- City staff recommends approval of the preliminary plat of Jaynes Subdivision 2022 Replat subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. The Kenai City Council must declare that the Van Antwerp 60' right of way and 25' of utility easement's to be vacated is not needed for a public purpose and approve the vacation as shown on the preliminary plat.
 3. The City of Kenai requests notification of the schedule for construction of the 60' dedicated rights of way starting at Childs Avenue.

ATTACHMENTS



- A. Application
- B. Preliminary Plat
- C. Aerial Map

A. APPLICATION

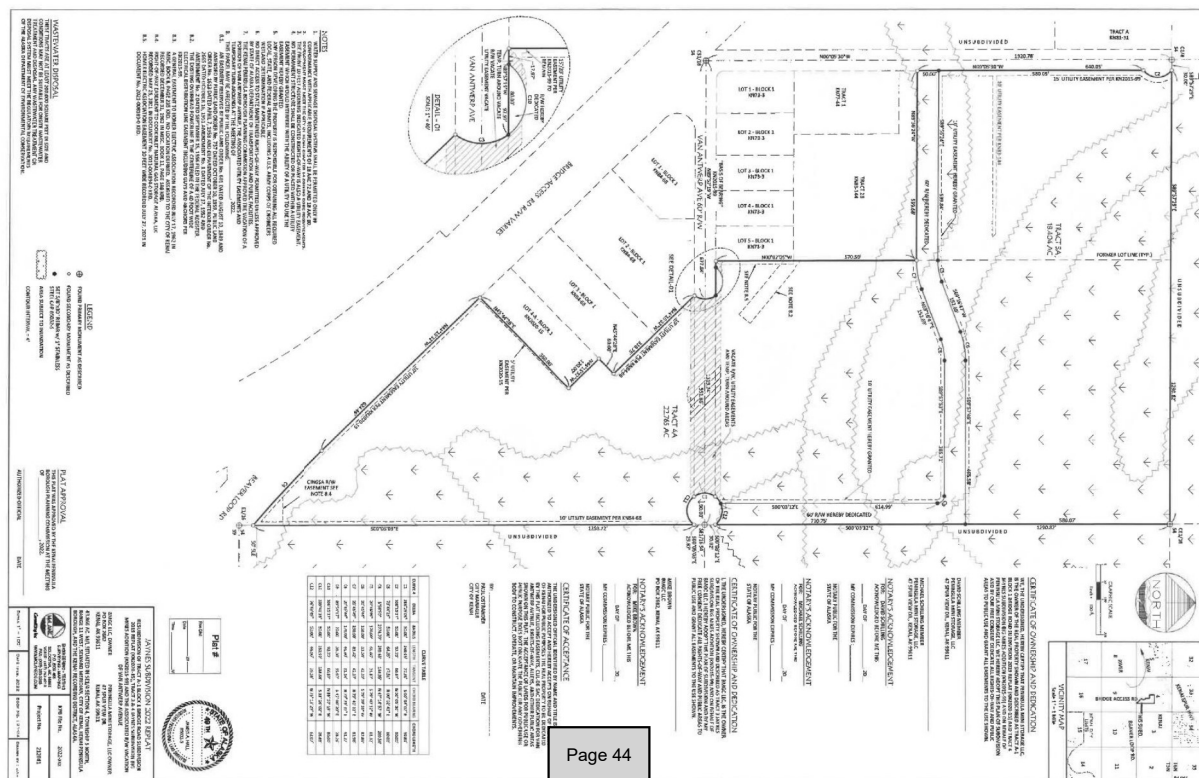
		Preliminary Plat Submittal Form		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
APPLICANT (SURVEYOR)					
Name:	McLane Consulting				
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK
Phone Number(s):	907-283-4218				
Email:	JHALL@MCLANECG.COM				
PROPERTY OWNER					
Name:	BOMC LLC				
Mailing Address:	PO BOX 2682	City:	KENAI	State:	AK
Phone Number(s):					
Email:					
PROPERTY INFORMATION					
Kenai Peninsula Borough Parcel #:	KPB PID 04935012, 04935013, 04901324				
Current City Zoning:	Heavy Industrial				
Use:	<input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Other: Material Extraction Site				
Water:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community				
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community				
PLAT INFORMATION					
Preliminary Plat Name:	Jaynes Subdivision 2022 Replat				
Revised Preliminary Plat Name:					
Vacation of Public Right-of-Way:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Street Name (if vacating ROW):	Portion of Van Antwerp Ave				
Exceptions Required and Requested:					
Comments:					
Alternate access is being dedicated per the plat					
REQUIRED ATTACHMENTS					
<input checked="" type="checkbox"/> Certificate to Plat <input checked="" type="checkbox"/> (1) 24" x 36" Plat <input checked="" type="checkbox"/> (2) 11" x 17" Plats					
Signature:					
Print Name:	Mike Brown				
Title/Business:	CEO / BOMC LLC				

		Preliminary Plat Submittal Form		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
APPLICANT (SURVEYOR)					
Name:	McLane Consulting				
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK
Phone Number(s):	907-283-4218				
Email:	JHALL@MCLANECG.COM				
PROPERTY OWNER					
Name:	PENINSULA MINI STORAGE, LLC				
Mailing Address:	47 SPUR VIEW DR	City:	KENAI	State:	AK
Phone Number(s):					
Email:					
PROPERTY INFORMATION					
Kenai Peninsula Borough Parcel #:	KPB PID 04935012, 04935013, 04901324				
Current City Zoning:	Heavy Industrial				
Use:	<input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Other: Material Extraction Site				
Water:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community				
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community				
PLAT INFORMATION					
Preliminary Plat Name:	Jaynes Subdivision 2022 Replat				
Revised Preliminary Plat Name:					
Vacation of Public Right-of-Way:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Street Name (if vacating ROW):	Portion of Van Antwerp Ave				
Exceptions Required and Requested:					
Comments:					
Alternate access is being dedicated per the plat					
REQUIRED ATTACHMENTS					
<input checked="" type="checkbox"/> Certificate to Plat <input checked="" type="checkbox"/> (1) 24" x 36" Plat <input checked="" type="checkbox"/> (2) 11" x 17" Plats					
Signature:					
Print Name:	David Schilling				
Title/Business:	Member				

Page 43

		Preliminary Plat Submittal Form		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
APPLICANT (SURVEYOR)					
Name:	McLane Consulting				
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK
Phone Number(s):	907-283-4218				
Email:	JHALL@MCLANECG.COM				
PROPERTY OWNER					
Name:	PENINSULA MINI STORAGE, LLC				
Mailing Address:	47 SPUR VIEW DR	City:	KENAI	State:	AK
Phone Number(s):					
Email:					
PROPERTY INFORMATION					
Kenai Peninsula Borough Parcel #:	KPB PID 04935012, 04935013, 04901324				
Current City Zoning:	Heavy Industrial				
Use:	<input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Other: Material Extraction Site				
Water:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community				
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community				
PLAT INFORMATION					
Preliminary Plat Name:	Jaynes Subdivision 2022 Replat				
Revised Preliminary Plat Name:					
Vacation of Public Right-of-Way:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Street Name (if vacating ROW):	Portion of Van Antwerp Ave				
Exceptions Required and Requested:					
Comments:					
Alternate access is being dedicated per the plat					
REQUIRED ATTACHMENTS					
<input checked="" type="checkbox"/> Certificate to Plat <input checked="" type="checkbox"/> (1) 24" x 36" Plat <input checked="" type="checkbox"/> (2) 11" x 17" Plats					
Signature:					
Print Name:	Michael Schilling				
Title/Business:	Member				

B. PRELIMINARY PLAT



C. AERIAL MAP







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

April 6, 2022

Kenai Peninsula Borough, Platting Division
144 North Binkley Street
Soldotna, AK 99669

To whom it may concern:

ENSTAR Natural Gas Company has reviewed the following Right of Way vacation request **JAYNES SUBDIVISION 2022 REPLAT (KPB Case # 2022-040V)** and advises that there is an existing natural gas main line located within the Van Antwerp Avenue ROW. Attached is an approximate ENSTAR as-built for you reference. ENSTAR objects to this plat unless one of the following is met:

1. Add a note which says, "There is a fifteen foot (15 FT) wide natural gas easement centered on the existing main line." And draw in the approximate location of the main line on the map and add, "Approximate location of natural gas main and centerline of fifteen foot (15 FT) wide natural gas easement".
2. Owner signs an ENSTAR Natural Gas Easement document for a fifteen foot (15 FT) wide natural gas easement, centered on the main line at this location.

If you have any questions, please feel free to contact me at 334-7944 or by email at james.christopher@enstarnaturalgas.com.

Sincerely,

A handwritten signature in black ink that reads "James Christopher". The signature is written in a cursive, flowing style.

James Christopher
Right of Way & Compliance Technician
ENSTAR Natural Gas Company





E. NEW BUSINESS

Public Hearing: Legislative Matters

E2 Kalifornsky Center LOZD

Petition to Remove LOZD; PC Resolution 2022-16

Petitioner: Trimark Earth Reserves

**Legal Description: T05N, R11W, SEC 26, S.M., KN
2020018 Kalifornsky Center Sub Tract A**

Kalifornsky Area

**Application to Repeal
Local Option Zoning District Kalifornsky Center (R-1)
STAFF REPORT**

KPB File No. RESOLUTION 2022-16
PC Meeting: April 25, 2022
Applicant: Cap Shafer; Dibble Creek
Brian Fontaine; Legal Assistant, Holmes Weddle & Barcott, P.C.
Owner: TRIMARK EARTH RESERVE LLC
34481 N FORK RD
ANCHOR POINT, AK 99556
Legal Description: T 05N R 11W SEC 26 SEWARD MERIDIAN KN 2020018 KALIFORNSKY
CENTER SUB TRACT A
Location: Near platted KPB road ROW of Ravenwood Street & Radcliff Avenue
Parcel ID: 05507273

BACKGROUND INFORMATION:

Applicant is seeking to remove the single-family residential (R-1) zoning designation from their parcel. This 55-acre parcel is located off Kalifornsky Beach Road, and was identified by the Kenai Peninsula Borough ("KPB") as a suitable location for future residential development. With that, KPB placed the single-family residential zone on the parcel prior to live auction where it was purchased by the applicant.

1. KPB 21.44.010(A) states that this chapter shall control land uses through regulating certain uses detrimental to residential areas, separating conflicting land uses, and shall provide consistency with the goals and objectives of the Kenai Peninsula Borough Comprehensive Plan and Coastal Management Program.
2. The KPB Planning Department encourages the private sector to develop residential subdivisions.
3. The KPB has created several Local Option Zoning Districts (LOZD) under KPB 21.44 in conjunction with the platting and sale of subdivision lots.
4. On April 2, 2019, the KPB Assembly zoned the above-described parcel as a residential (R-1) LOZD through Resolution 2019-020. Section 3 reads: "The KPB Assembly hereby waives the requirements of KPB 21.44.040 through KPB 21.44.060 with regards to establishment of the Kalifornsky Center LOZD". KPB 21.44.030(B) states that an LOZD may be proposed at the time of the preliminary plat. In addition, KPB 21.44.040(B) states that the application be signed by recorded owners.
5. On 04/19/2021, the parcel was listed and sold via live auction by the KPB Land Management. The ownership was passed from KPB to Trimark Earth Reserve LLC with the understanding that the KPB Assembly had placed an R-1 LOZD prior to the sale to promote residential development (see Section 14(Q) of the attached signed *Purchase Agreement* and Attachments A & B to the same *Purchase Agreement*).
6. On 02/22/2022, Trimark Earth Reserve LLC requested the parcel have the R-1 LOZD repealed. This would overturn Resolution 2019-34 which classified the property as a single-family residential (R-1) LOZD.
7. The applicant has submitted an application signed by the recorded sole owner of the parcel within the LOZD of Kalifornsky Center as required by KPB 21.44.040(B).
8. The parcel is currently recorded as LOZD Kalifornsky Center under KPB 21.46.040(A) (13) as: Tract A, Kalifornsky Center Subdivision, according to Plat 2020-18, Kenai Recording District.

9. The KPB Comprehensive Plan states that the KPB has experienced steady to modest population growth over the last several years, with the largest population increase in the Kalifornsky area. An objective of KPB's comprehensive plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms.
10. The KPB Comprehensive Plan Goal 3, Focus Area: Housing, Objective A, Strategy 1 is, in part, to identify KPB lands that are most suitable for residential development which was the KPB Planning Department's motivation to create the Kalifornsky Center LOZD.
11. The KPB Comprehensive Plan guides the development of locations, such as Kalifornsky Beach Road area. This area is experiencing substantial "strip commercial" development. This provides business opportunities and access to goods and services for consumers, but also creates a range of well-documented downsides, including congestion, unsafe streets, unattractive signage, and places that are unsafe and/or unattractive to move about by means other than the private automobile. This area is a good candidate for land use controls that can reduce these impacts.
12. During the creation of the Kalifornsky Center LOZD the Kalifornsky Advisory Planning Commission reviewed Resolution 2019-34 at its regularly scheduled meeting on December 2, 2019 and recommended approval of the Kalifornsky Center LOZD.
13. Trimark Earth Reserve LLC has submitted an application for a Conditional Land Use Permit (CLUP) to use this parcel as a gravel pit. At this time, the CLUP is on hold until the status of the Kalifornsky Center LOZD can be resolved.
14. Amendments to LOZDs may be initiated to repeal a zone, change the type of zone or modify the boundaries of the zoning district by following the process for establishing a LOZD set forth in KPB 21.44.040.
15. The planning commission shall make a recommendation to the assembly regarding the repeal or change in zone or modification of boundaries. All rezone petitions are subject to assembly approval.

PUBLIC NOTICE:

Public notice of the hearing was mailed on April 06, 2022 to the owners of the 1 parcel within the boundaries of the LOZD and the 11 parcels within 300 feet of the proposed re-zoning of the Kalifornsky Center LOZD. A public hearing was held at the April, 25 2022, meeting of the Kenai Peninsula Borough Planning Commission and public notice of the application was published in the April 14 & April 21, 2022 issues of the Peninsula Clarion.

ATTACHMENTS

Application with Proposed Boundaries
Aerial Map
Sales Agreement
Land Sale Brochure

STAFF RECOMMENDATION

Staff finds that the removal of the LOZD does not align with the KPB Comprehensive Plan and does not address conflicting land use issues. Staff recommends the denial of the repeal request and asks that the Planning Commission forward to the assembly with the recommendation to deny the re-zoning of the Kalifornsky Center R-1 LOZD.

END OF STAFF REPORT



LOCAL OPTION ZONING DISTRICT APPLICATION

(KPB 21.44.030A)

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

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

Please fill in the following information.

PRIMARY CONTACT		SECONDARY CONTACT	
Name	Cap Shafer	Name	HWB c/o Stacey C. Stone
Mailing Address	34481 North Fork Rd	Mailing Address	125 N Willow St.
	Anchor Point, AK 99556		Kenai, Alaska 99611
Contact Phone (Day)	907-235-7126 (Mobile)	Contact Phone (Day)	907-274-0666 (Mobile)
Email	cap@dibblecreekrock.com	Email	sstone@hwb-law.com

PROPERTY INFORMATION			
KPB Parcel ID # (000-000-00)	05507273	TOWNSHIP	05N RANGE 11W SECTION 26
SUBDIVISION	Kalifornsky Center SUB Tract A	LOT	BLOCK ACREAGE 54.9000
If the permit is not being requested for the entire parcel, describe the specific location within the parcel to be permitted. e.g. N1/2 SW1/4 NE1/4			
<u>This application is for dissolution of LOZD #13 Kalifornsky Center (see attached)</u>			
KPB Parcel ID # (000-000-00)	Acreage		
KPB Parcel 05507273 makes up this LOZD in its entirety			
Physical Address	N/A		
Legal Description	T 05N R 11W SEC 26 Seward Meridian KN 2020018 KALIFDRNSKY CENTER SUB TRACT A		

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

STRUCTURE TYPE	
<input type="checkbox"/> Single-Family Dwelling	<input type="checkbox"/> Garage <input type="checkbox"/> Storage Shed <input type="checkbox"/> Other _____

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

Date	2/22/22	Signature	
------	---------	-----------	--

ATTACHMENT

APPLICATION TO DISSOLVE LOZD

Pursuant to KPB 21.44.140, to KPB 21.44.140, this application is initiated to repeal a zone – LOZ #13 Kalifornsky Center. The applicant anticipates that given the property owner's desire, the planning commission shall make a recommendation to the assembly approve the repeal of the zone.

The purpose of the local zoning option allows property owners in the rural district to request the KPB adopt greater restrictions on land use than otherwise provided. KPB 21.44.010. To form a LOZD, there must be concurrence with the current owners of the property subject to the plat. KPB 21.44.030(b). While the subject property is currently subject to a LOZD, the property owner requests that the same be repealed, as it does not desire the LOZD, and the repeal will conform to use within the area.

Introduced by:
Date:
Hearing:
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-16**

AN ORDINANCE AMENDING KPB 21.46.040 TO REPEAL THE KALIFORNSKY CENTER SINGLE FAMILY RESIDENTIAL (R-1) LOCAL OPTION ZONING DISTRICT ON AN APPROXIMATELY 55-ACRE PRIVATELY OWNED PARCEL

- WHEREAS,** the Borough has created several local option zoning districts under KPB 21.44 in conjunction with the platting and sale of subdivision lots; and
- WHEREAS,** the Borough encourages the private sector to develop residential subdivisions; and
- WHEREAS,** the Borough owns an approximately 55-acre parcel off Kalifornsky Beach Road that is appropriate for single family residential use; and
- WHEREAS,** on April 2, 2019, the assembly approved Resolution 2019-020, which classified this property as residential; and
- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A of the Borough's comprehensive plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and
- WHEREAS,** Goal 3, Focus Area: Housing, Objective A, Strategy 1 is, in part, to identify Borough lands that are most suitable for residential development; and
- WHEREAS,** the Kalifornsky Advisory Planning Commission reviewed 2019-20 at its regularly scheduled meeting of December 2, 2019 and recommended approval; and
- WHEREAS,** the Kenai Peninsula Borough Planning Commission reviewed 2019-20 at its regularly-scheduled meeting of December 16, 2019, and recommended approval by unanimous consent; and
- WHEREAS,** on January 22, 2021, Trimark Earth Reserve LLC purchased the approximately 55-acre parcel from the Kenai Peninsula Borough at the 2020 Sealed Bid Land Sale; and
- WHEREAS,** on January 26, 2021, notice of Kenai Peninsula Borough Local Option Zoning District (LOZD) (R-1) was recorded within the Kenai Recording District, Third Judicial District, State of Alaska; and
- WHEREAS,** on February 08, 2022, Trimark Earth Reserve LLC submitted an application for a Conditional Land Use Permit (CLUP) to use parcel as a material site. A response from the Planning Department was sent to Trimark Earth Reserve LLC, stating that the CLUP application was on hold until the LOZD status for the parcel could be resolved; and

WHEREAS, on February 22, 2022, Trimark Earth Reserve LLC submitted an application to repeal the R-1 LOZD designation and overturn Resolution 2019-34; and

WHEREAS, public notice of the application was mailed on April 6, 2022, to the 6 landowners or leaseholders of the parcels within 300 feet of the subject parcel pursuant to KPB 21.44.040(C), 21.44.050 and 21.11.020; and

WHEREAS, public notice was sent to the postmaster in Kalifornsky area requesting that it be posted at the Kalifornsky Post Office; and

WHEREAS, public notice of the application was published in the April 14th 2022 & March 21th 2022 issues of the Peninsula Clarion; and

WHEREAS, a community meeting was held on April 21, 2022 at the Donald E. Gilman River Center; and

WHEREAS, a public hearing was held at the April, 25 2022, meeting of the Kenai Peninsula Borough Planning Commission; and

WHEREAS, the Borough's Planning Commission at its regularly scheduled meeting of April 25, 2022, recommended _____;

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

SECTION 1. That the Assembly finds the repeal of the of the Kalifornsky Center LOZD to be consistent with surrounding land uses, and by the petition on the single land owner.

SECTION 2. That KPB 21.46.040 is hereby amended as follows:

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

...

[13. Kalifornsky Center is described as follows:]

[Tract A, Kalifornsky Center Subdivision, according to Plat 2020-18, Kenai Recording District.]

[a. The local option zoning applies to any further replats within the Kalifornsky Center LOZD.]

SECTION 3. That this repeal of the LOZD shall be recorded in the proper recording district.

SECTION 4. That this Ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS __th DAY OF ____2022.

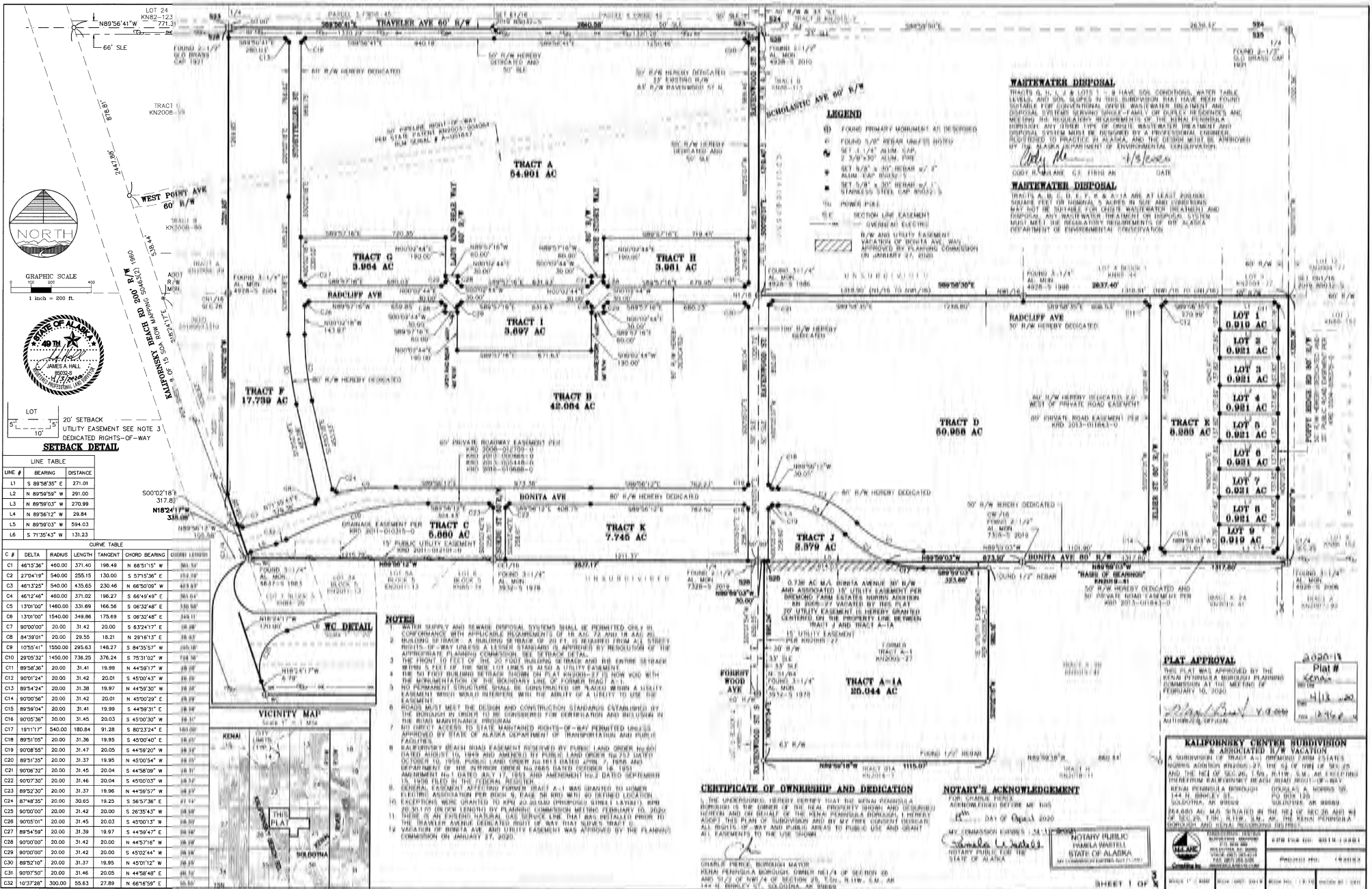
Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Aerial Map: Kalifornsky Center (055-072-73)





LINE TABLE			
LINE #	BEARING	DISTANCE	
L1	S 89°56'35" E	271.01	
L2	N 89°56'56" W	291.00	
L3	N 89°56'03" W	270.99	
L4	N 89°56'13" W	28.84	
L5	N 89°56'03" W	594.03	
L6	S 71°35'43" W	131.23	

CURVE TABLE					
C #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING
C1	46°15'35"	460.00	371.40	196.48	N 66°51'35" E
C2	27°04'19"	540.00	255.15	130.00	S 57°15'36" E
C3	46°15'35"	540.00	255.15	130.00	N 66°51'35" W
C4	46°15'35"	460.00	371.40	196.48	S 66°44'49" E
C5	13°01'00"	1480.00	331.69	166.56	S 06°32'48" E
C6	13°01'00"	1540.00	349.86	175.69	S 06°32'48" E
C7	90°00'00"	20.00	31.42	20.00	S 67°24'17" E
C8	84°30'00"	20.00	28.35	18.21	N 29°41'57" E
C9	10°55'41"	1550.00	285.63	148.27	S 84°55'37" W
C10	29°02'32"	1450.00	328.25	176.24	S 75°30'27" W
C11	89°58'36"	20.00	31.41	19.98	N 44°59'17" E
C12	90°01'24"	20.00	31.42	20.01	S 45°00'43" W
C13	89°54'24"	20.00	31.38	19.91	N 44°59'30" W
C14	90°05'36"	20.00	31.42	20.01	N 45°00'29" E
C15	89°59'04"	20.00	31.41	19.99	S 44°59'31" E
C16	90°05'36"	20.00	31.45	20.03	S 45°00'30" W
C17	15°11'17"	540.00	180.84	91.28	S 80°23'24" E
C18	89°51'07"	20.00	31.36	19.95	S 45°00'40" E
C19	90°08'55"	20.00	31.47	20.05	S 44°59'20" W
C20	89°51'35"	20.00	31.37	19.95	N 45°00'34" W
C21	90°08'32"	20.00	31.45	20.04	S 44°58'09" W
C22	90°07'37"	20.00	31.46	20.04	S 45°00'03" W
C23	89°52'37"	20.00	31.37	19.96	N 44°59'57" E
C24	89°54'55"	20.00	30.65	19.25	S 36°57'36" E
C25	90°07'00"	20.00	31.42	20.00	S 26°58'47" W
C26	90°05'07"	20.00	31.45	20.03	S 45°00'17" W
C27	89°54'59"	20.00	31.39	19.97	S 44°59'47" E
C28	90°07'00"	20.00	31.42	20.00	N 44°57'16" W
C29	90°07'00"	20.00	31.42	20.00	S 45°02'44" W
C30	89°52'10"	20.00	31.37	19.95	N 45°01'12" W
C31	90°07'37"	20.00	31.46	20.05	N 44°58'48" E
C32	10°37'28"	300.00	55.63	27.89	N 66°16'59" E

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Douglas A. Norris Sr.

DOUGLAS A. NORRIS SR., OWNER FORMER TRACT A-1
PO BOX 125, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: DOUGLAS A. NORRIS SR.
ACKNOWLEDGED BEFORE ME THIS

_____ DAY OF _____, 2020

MY COMMISSION EXPIRES : _____

NOTARY PUBLIC FOR THE
STATE OF CALIFORNIA

**See Attached
Notary Certificate**



KALIFORNISKY CENTER SUBDIVISION & ASSOCIATED R/W VACATION

A SUBDIVISION OF TRACT A-1 BREMOND FARM ESTATES NORRIS ADDITION
KN2005-27, THE S $\frac{1}{2}$ OF NW $\frac{1}{4}$ OF SEC.25 AND THE NE $\frac{1}{4}$ OF SEC.26, T.5N., R.11W.,
S.M., AK EXCEPTING THEREFROM KALIFORNISKY BEACH ROAD RIGHT-OF-WAY.

KENAI PENINSULA BOROUGH
144 N. BINKLEY ST.,
SOLDOTNA, AK 99669

DOUGLAS A. NORRIS SR.
PO BOX 125
SOLDOTNA, AK 99669

264.680 AC. M/L SITUATED IN THE NE $\frac{1}{4}$ OF SEC.26 AND W $\frac{1}{2}$ OF SEC.25, T.5N.,
R.11W., S.M., AK, KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT.

**SHEET
2 OF 3**



Consulting Inc

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

KPB FILE NO. 2019-132R1

PROJECT NO. 192023

SCALE 1" = 200'

DATE : OCT. 2019

BOOK No. : 19-10

DRAWN BY : JAH

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Stanislaus)

On April 07, 2020 before me, Nicole Field, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Douglas Alfred Norris
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

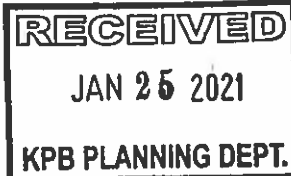
Description of Attached Document

Title or Type of Document: Certificate of Ownership and Dedication Document Date: 04/07/2020
Number of Pages: 1 Signer(s) Other Than Named Above: NA

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____



PURCHASE AGREEMENT

This Agreement is made by and between the KENAI PENINSULA BOROUGH, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669 (hereinafter referred to as "KPB") and Trimark Earth Reserve LLC, an Alaskan limited liability company, whose address is 24481 North Fork Road, Anchor Point, AK 99556, (hereinafter referred to as "BUYER").

WHEREAS, KPB is the owner of that real property located in the Kenai Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

Tract A, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18, Kenai Recording District. (hereinafter referred to as the Property)

WHEREAS, Buyer has offered to buy, and KPB is willing to sell the above-described Property as evidenced by KPB Ordinance 2020-08, enacted March 17, 2020, by the Assembly of the Kenai Peninsula Borough.

NOW THEREFORE, in consideration of the promises herein contained, KPB hereby agrees to sell to BUYER, and BUYER hereby agrees to buy from KPB, the property on the terms and conditions as set forth below:

1. PURCHASE PRICE

The purchase price of the property is Three Hundred Fifty Thousand dollars and No cents (\$350,000.00) to be paid as follows:

A. Down Payment

The following is herewith submitted to KPB and shall be held in escrow by KPB until closing or until this Agreement is otherwise terminated. This payment shall be credited towards the purchase price and costs unless this Agreement is otherwise terminated, in which case it shall be disbursed in accordance with the applicable provisions of this Agreement.

Thirty Five Thousand dollars and No cents (\$35,000.00) representing ten percent (10%) of the purchase price.

B. Balance

Three Hundred Fifteen Thousand dollars and No cents (\$315,000.00) representing the balance payable at closing.

2. TITLE

Title shall be delivered at time of closing by **quitclaim deed** which shall be issued to BUYER. Seller sells only its interest in the property, if any, without warranty of any kind or nature whatsoever. Title shall also be subject to reservations, easements, rights-of-way, covenants, conditions and restrictions of

record. BUYER warrants and covenants that at the time of closing there shall be no liens or judgments recorded against BUYER in the same recording district in which the property subject to this purchase agreement is situated. I hereby authorize KPB to obtain a credit report on me.

3. ESCROW AND CLOSING COSTS

In addition to the purchase price, BUYER agrees to pay for all closing costs in connection with this Agreement, including without limitation all escrow fees, title insurance charges, recording fees and bank charges. All costs must be paid in full at the time of closing.

4. CLOSING

Unless otherwise agreed in writing, closing will occur within 90 days of execution of the Purchase Agreement. At closing, buyer will pay the balance of the purchase price for all cash sales. Both parties will execute all documents required to complete the Purchase Agreement and, if applicable, establish an escrow account.

5. POSSESSION

Possession shall be delivered to BUYER at time of recording.

6. BREACH BY BUYER; REMEDIES OF KPB

Prior to closing of the sale, in the event that BUYER fails to make any payment required, or fails to submit or execute any and all documents and papers necessary in examination of BUYER's financial background, or with closing and transfer of title within time periods specified in this Agreement, up to lesser of \$1,000.00 or 10% of the purchase price of BUYER's deposit shall be retained by KPB as liquidated damages. Additionally, other funds may be retained for out-of-pocket expenses incurred, and this Agreement shall be terminated.

In addition to the foregoing, in the event of a default in the performance or observance of any of the agreement terms, conditions, covenants and stipulations thereto, either prior to or after the closing of the sale, and such default continues thirty days after written notice of the default, KPB may cancel the agreement or take any legal action for damages or recovery of the property. No improvements may be removed during the time which the contract is in default. This provision shall survive the execution of sale documents and shall continue in full force and effect until either the purchase price is paid in full or the sale is otherwise terminated.

7. NOTICE OF DEFAULT. Notice of default will be in writing as provided hereinbelow. A copy of the notice will be forwarded to all lienholders or others who have properly recorded their interest in the purchase agreement with KPB.

8. REMOVAL OR REVERSION OF IMPROVEMENTS UPON CANCELLATION OF PURCHASE AGREEMENT OR LEASE.

- A. BUYER covenants that improvements owned by the BUYER on KPB lands shall, within thirty calendar days after termination of the agreement, be removed by BUYER; provided, such removal will not cause injury or damage to the land; and further provided, that the mayor or planning director when applicable may extend time for removing such improvements in cases where hardship is proven. The retiring BUYER may, with consent of the mayor or planning director when applicable, dispose of BUYER'S improvements to the succeeding BUYER.
- B. If any improvements and/or chattels having an appraised value in excess of ten thousand dollars, as determined by a qualified appraiser, are not removed within the time allowed, such improvements and/or chattels shall, upon due notice to the BUYER, under the terminated or canceled contract, be sold at public sale under the direction of the mayor and in accordance with provisions of KPB Title 5. Proceeds of the sale shall inure to the former BUYER, lessee, or permittee who placed such improvements and/or chattels on the lands, or his successors in interest, after paying to KPB all monies due and owing and expenses incurred in making such a sale. In case there are no other bidders at any such sale, the mayor is authorized to bid, in the name of KPB, on such improvements and/or chattels. Bid money shall be taken from the fund to which said lands belong, and the fund shall receive all moneys or other value subsequently derived from the sale or leasing of such improvements and/or chattels. KPB shall acquire all rights, both legal and equitable, that any other BUYER could acquire by reason of the purchase.
- C. If any improvements and/or chattels having an appraised value of ten thousand dollars or less, as determined by the mayor, are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in KPB. Upon request, BUYER, lessee, or permittee shall convey said improvements and/or chattels by appropriate instrument to KPB.
- D. Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to the BUYER and placed on the land during BUYER'S tenure with or without BUYER'S permission and remaining upon the premises after termination of the contract shall entitle KPB to charge a reasonable rent therefor.

9. RESALE.

In the event that a purchase agreement should be terminated, canceled, forfeited or abandoned, KPB may offer said lands for sale, lease or other appropriate disposal pursuant to provisions of KPB 17.10 or other applicable regulations.

10. DEFENSE AND INDEMNIFICATION

The BUYER shall indemnify, defend, save and hold the borough, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from BUYER'S performance or failure to perform in accord with the terms of this Agreement in any way whatsoever. The BUYER shall be responsible under this clause for any and all claims of any character resulting from BUYER or BUYER'S officers, agents, employees, partners, attorneys, suppliers, and subcontractors performance or failure to perform this Agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the borough or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, BUYER shall not be responsible for any damages or claims arising from the sole negligence or willful misconduct of the borough, its agents, or employees.

11. HAZARDOUS MATERIAL

- A. BUYER covenants and agrees that no hazardous substances or wastes shall be located on or stored on the property, or any adjacent property, nor shall any such substance be owned, stored, used, or disposed of on the property or any adjacent property by BUYER, its agents, employees, contractors, or invitees, prior to BUYER's ownership, possession, or control of the property.
- B. BUYER covenants and agrees that if the presence of hazardous material on the property is caused or permitted by BUYER, its agents, employees, contractors, or invitees, or if contamination of the property by hazardous material otherwise occurs on the property, BUYER shall defend, indemnify, and hold harmless KPB from any and all claims, judgements, damages, penalties, fines, costs, liabilities, or losses (including, but not limited to, sums paid in the settlement of claims, attorney's fees, consultant fees and expert fees) which may arise as a result of such contamination. This defense and indemnification includes, without limitation, costs incurred in connection with any investigation of site conditions or any clean-up, remedial, removal, or restoration work required by any federal, state or local government on or under the property. As used herein, the term "hazardous material" means a substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 CFR 172.101), and materials that meet the defining criteria for hazard classes and divisions in part 173 of subchapter C of this chapter.

12. ASSIGNMENTS

BUYER may assign the lands upon which BUYER has an agreement only if approved by the mayor or planning director when applicable. Applications for assignment shall be made in writing on a form provided by the land management division. Assignment shall be approved if it is found that all interests of KPB are fully protected. Assignee shall be subject to and governed by provisions of KPB 17.10 applicable thereto.

13. ENTIRE AGREEMENT

This Agreement and the documents referred to herein contain the entire agreement of the parties with respect to the subject matter hereof. Any changes, additions or deletions hereto must be made in writing and signed by both KPB and BUYER or their respective successors in interest. Provisions of this agreement, unless inapplicable on their face, shall be covenants constituting terms and conditions of the sale and of the agreement to finance the sale, and shall continue in full force and effect until the purchase price is paid in full, or this agreement is earlier terminated.

14. MISCELLANEOUS

- A. Covenants. BUYER agrees to comply with any Declaration of Covenants, Conditions, and Restrictions of record, affecting the Property.
- B. No Warranty. BUYER acknowledges its responsibility to inspect the property and agrees KPB assumes no liability for matters that would have been disclosed to the BUYER by an inspection of the property. BUYER further acknowledges that KPB makes no warranties, either expressed or implied, nor assumes any liability whatsoever, regarding the social, economic or environmental aspects of the property, to include without limitation, soil conditions, water drainage, physical access, availability of personal use wood supplies now or in the future, or natural or artificial hazards which may or may not exist or merchantability, suitability, or profitability of the property for any use or purpose. The parties mutually agree that this transfer will not be covered by the Residential Real Property Transfers Act, AS 34.70.010 et. seq.
- C. Development. BUYER agrees the construction and maintenance of any improvements, roads, drainage systems and common areas shall be the responsibility of the BUYER. BUYER further agrees to comply with all federal, state, and borough regulations regarding use and development of the property, which includes but is not limited to; State of Alaska, Department of Environmental Conservation regulations regarding water and sewer installation; and if applicable, regulations of the U.S. Army Corps of Engineers regarding filling or draining any area within the property designated as wetlands by the appropriate authority.

- D. Time. Time is of the essence in performance of this Agreement.
- E. Cancellation. This agreement, while in good standing may be canceled in whole or in part, at any time, upon mutual written agreement by BUYER and the mayor or planning director when applicable. This purchase agreement is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts.
- F. Entry or Re-entry. In the event that this agreement is terminated, canceled or forfeited, or in the event that the demised lands, or any part thereof, should be abandoned by the BUYER during the agreement term, or prior to payment in full of the purchase price, KPB or its agents, servants or representative, may immediately or any time thereafter, enter or re-enter and resume possession of said lands or such part thereof, and remove all persons and property therefrom either by summary proceedings or by a suitable action or proceeding at law or equity without being liable for any damages therefor. Entry or re-entry by KPB shall not be deemed an acceptance or surrender of the contract.
- G. Fire Protection. The BUYER shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the land under agreement, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the demised premises are located.
- H. Notice. Any notice or demand, which under the terms of this agreement or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the contract. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in an U.S. general or branch post office by the addressor.
- I. Responsibility of Location. It shall be the responsibility of the BUYER to properly locate himself and his improvements on the purchased, leased, or permitted lands.
- J. Rights of Mortgage or Lienholder. In the event of cancellation or forfeiture of a sale agreement for cause, the holder of a properly recorded mortgage, conditional assignment, or collateral assignment will have the option to acquire the sale agreement for the unexpired term thereof, subject to the same terms and conditions as in the original instrument. Any party acquiring an agricultural purchase or lease agreement must meet the same requirements as the original BUYER or lessee.

- K. Rights-of-way. All trails or roads in existence at the time the land is sold may be considered to be an easement for public use. Nothing herein contained shall prevent the mayor or planning director when applicable from specifically reserving such additional easements and rights-of-way across KPB lands as deemed reasonable and necessary prior to the sale thereof.
- L. Sanitation. The BUYER, lessee, or permittee shall comply with all regulations or ordinances which a proper public authority in its discretion shall promulgate for promotion of sanitation. Premises under purchase or lease agreement, or permit shall be kept in a clean and sanitary condition and every effort shall be made to prevent any pollution of waters and lands.
- M. Shore Land Public Access Easement. As established by AS 38.05, KPB lands sold or leased may be subject to a minimum 50 foot public access easement landward from the ordinary high water mark or mean high water mark.
- N. Violation. Violation of any provision of KPB Chapter 17.10, or of the terms of the agreement of sale may expose BUYER to appropriate legal action including forfeiture of purchase interest, termination, or cancellation of BUYER'S interest in accordance with state law.
- O. Written Waiver. Receipt of payment by KPB, regardless of knowledge of any breach of the purchase agreement by BUYER, or of any default on the part of BUYER, in observance or performance of any of the conditions or covenants of the agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of KPB to enforce any covenant or provision therein contained shall not discharge or invalidate such covenants or provision or affect the right of KPB to enforce the same in the event of any subsequent breach or default. Receipt by KPB of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and payment fully satisfies the breach.
- P. Construction. This Agreement shall be deemed to have been jointly drafted by both parties. It shall be constructed according to the fair intent of the language as a whole, not for or against any party. The interpretation and enforcement of this Agreement shall be governed by the laws of the State of Alaska. The titles of sections in this Agreement are not to be construed as limitations of definitions but are for identification purposes only.

- Q. Local Option Zoning. BUYER acknowledges that the Property is subject to KPB zoning regulations. Specifically, the Property is zoned R-1: "Single-family residential district" per KPB 21.46.040 (A) (13), attached as Attachment A. Local Option Zoning land use regulations are established in KPB code, an excerpt of which is attached to this agreement for information purposes only (Attachment B). As a matter of due diligence, it is the BUYER's responsibility to understand any and all conditions that affect the Property for the BUYER's purposes.

The BUYER acknowledges and understands that pursuant to KPB 21.14.160(C)(8)(a) the Property shall not be offered for sale or lease for non-allowed uses. KPB represents to the BUYER that KPB 21.44.160(A) and (B) mean that industrial uses, including gravel pits or other resource extraction sites, are non-allowed uses within a single-family residential (R-1) local option zoning district. This Property was offered for sale and hereby sold with the understanding that the Property is being sold for allowed uses only.

KENAI PENINSULA BOROUGH:

BUYER



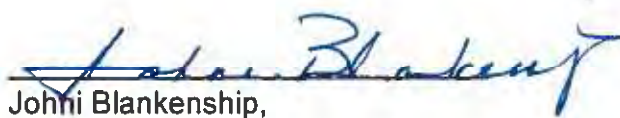
Charlie Pierce, Mayor



Cap Shafer, member,
for Trimark Earth Reserve LLC

ATTEST:

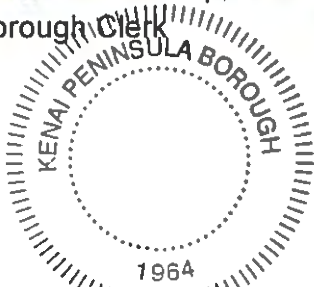
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



John Blankenship,
Borough Clerk



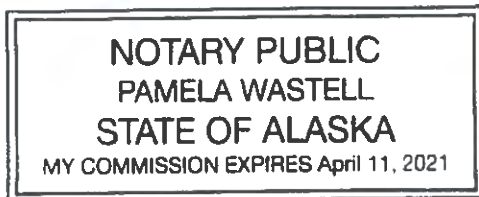
Sean Kelley,
Deputy Borough Attorney



NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 26th day of January, 2021, by **Charlie Pierce, Mayor** of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.



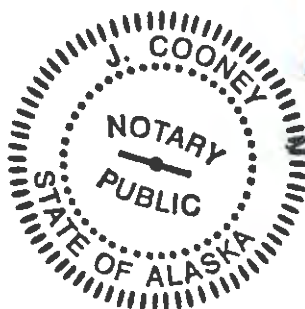
Notary Public in and for Alaska


My commission expires: 4.11.2021

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 22nd day of January, 2021, by Cap Shafer, a member of _____
print name print title

Trimark Earth Reserve LLC, for and on behalf of the corporation.




Notary Public for State of Alaska
Commission Expires: 11.19.2022

Attachment A: Kenai Peninsula Borough, AK Code of Ordinances

21.46.40. -Single-Family Residential (R-1) Districts.

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

1. Ten Mar Ranch, described as a subdivision of the S ½ NE ¼, S ½ NW ¼, N ½ SW ¼, and W ½ SE ¼ including Gov't. Lots 3 and 6, Mary Miller Subdivision (Plat No. 97-90 KRD) excluding Hollingsworth Subdivision. Located within Section 18, T5N, R9W, S.M., Kenai Recording District, Kenai Peninsula Borough Alaska. Containing 311.893 acres.
2. Grande View Heights One, described as Grande View Heights Subdivision Phase 1, Plat 2004-68, Kenai Recording District, Kenai Peninsula Borough, Alaska, containing 56.912 acres.
 - a. The local option zoning applies to any further replats of Grande View Heights Phase 1 Subdivision.
3. Funny River Grove, described as Funny River Grove Subdivision, KPB File No. 2007-294, located within the SW ¼ of Section 24, T5N, R9W, Seward Meridian, Kenai Recording District, State of Alaska, containing 52.622 acres.
 - a. The local option zoning applies to any further replats of Funny River Grove Subdivision.
4. Widgeon Woods, described as Widgeon Woods Phase Two Subdivision, located within the SE ¼ of Section 13 T5N, R11W S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska, KPB File No. 2008-254, excluding Lot 14 Block 4, and Tract B.

- a. The local option zoning applies to any further replats of Widgeon Woods Subdivision, except Lot 14 Block 4, and Tract B.

5. Diamond Willow - Fairfield, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, Fairfield Estates Subdivision, according to Plat 2000-36;

Lots 3 and 6, J and P Subdivision Aurora Addition, according to Plat 2001-21;

Lots 4, 5, 6, 7, 8, 9, 10, 18, 19, 20, and 21, Block 1, Diamond Willow Estates Subdivision - Part One, according to Plat 75-68; not 22;

Lot 11, Block 1, Diamond Willow Estates Subdivision - Part Two, according to Plat 76-38;

Lots 12, 13, 14, and 15, Block 1, Diamond Willow Estates Subdivision - Part Four, according to Plat 77-4;

Lots 26, 27, 28, and 29, Block 1, Diamond Willow Estates Subdivision - Part 5, according to Plat 81-100;

Lots 30-A, 31-A, and 32-A, Block 1, Diamond Willow Estates Subdivision Part 7, according to Plat 82-62;

Lots 33, 34, 35, 36, 37, 38, and 39, Diamond Willow Estates Subdivision Part-9, according to Plat 2005-5;

Lot 3, Diamond Willow Estates Subdivision Part-8 amended, according to Plat 2006-104;

Lot 2, Diamond Willow Estates Subdivision Part-10, according to Plat 2008-135;

Lot B2, Diamond Willow Estates Subdivision Part 11, according to Plat 2012-93;

Lots B2-2, B2-3, B2-4, and B2-5, Diamond Willow Estates Part 12, according to Plat 2014-38;

that portion of the Northeast ¼ Northwest ¼, Section 24, Township 5 North, Range 11 West, Seward Meridian, lying north of the northerly most boundary of Lot 15, Block 1, Diamond Willow Estates Subdivision, Part Four, Plat 77-44 and east of the easterly most boundary of Lot 18, Block 1, Diamond Willow Estates Subdivision, Part One, Plat 75-68; and

that portion of the Northwest ¼, Section 24, Township 5 North, Range 11 West, Seward Meridian, described as the "45.97 acre Unsubdivided Remainder" on Diamond Willow Estates Subdivision Part-10, according to Plat 2008-135;

all located in the Kenai Recording District, Third Judicial District, State of Alaska.

- a. The local option zoning applies to any further replats within the Diamond Willow - Fairfield LOZ.

Attachment A: Kenai Peninsula Borough, AK Code of Ordinances

6. Diamond Willow - Ravenwood, described as follows:

Tract A, Ravenwood Subdivision Addition No. Two, according to Plat 77-41; Lots 1, 2, 3, and 4, Block 4 and Lots 1, 2, 3, 4, 5, 6, and 7, Block 5, Ravenwood Subdivision Addition No. 2, according to Plat 81-47;

Lots 1, 1A, 2, 3, and 4, Block 6 and Lots 8, 9, 10, and 11, Block Five, Ravenwood Subdivision No. 4, according to Plat 84-234;

Lot A2, Diamond Willow Estates Subdivision Part 11, according to Plat 2012-93; all located in the Kenai Recording District, Third Judicial District, State of Alaska.

a. The local option zoning applies to any further replats within the Diamond Willow - Ravenwood LOZ.

7. Correia, described as follows:

Lots 1, 2, 3, 4, and 5, Block 1, and Lots 1, 2, 3, 4, 5 and 6, Block 2, Correia Subdivision Addition One, according to Plat 80-15, Kenai Recording District, Alaska;

NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 3 North, Range 12 West, Seward Meridian, Alaska.

a. The local option zoning applies to any further replats within the Correia LOZ.

8. College Heights Subdivision Zoning District as described in KPB 21.09.030.

9. North Fork One Zoning District described as described in KPB 21.40.030.

10. Bing's Landing, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Block 4; and Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, and 29, Block 5, Bing's Landing Subdivision Part One, according to 84-199, Kenai Recording District; and

Lot 26A, Bing's Landing Subdivision Part Two, according to 95-8 Recording District; and

11. Murwood South is described as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 27, T5N, R11W, Seward Meridian, Alaska

a. The local option zoning applies to any further replats within the Murwood South LOZD.

12. C & H Estates is described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 44, and 45, C & H Estates, according to Plat 80-23;

Lot 17C, C & H Estates Bell Addition No. 2, according to Plat 2000-58; and

Lots 27A and 35A, C & H Estates Four, according to Plat 2005-86; all within the Homer Recording District.

a. The local option zoning applies to any further replats within the C & H Estates LOZD.

13. Kalifornsky Center is described as follows:

Tract A, Kalifornsky Center Subdivision, according to Plat 2020-18, Kenai Recording District.

a. The local option zoning applies to any further replats within the Kalifornsky Center LOZD.

(Ord. No. 2019-34, § 2, 4-21-20; Ord. No. 2019-35, § 2, 1-7-20; Ord. No. 2019-07, § 2, 4-2-19; Ord. No. 2016-30, § 3, 8-23-16; Ord. No. 2016-03 (Sub.), § 2, 5-3-16; Ord. No. 2016-01, § 2, 2-2-16; Ord. No. 2014-39, § 2, 3-17-15; Ord. No. 2014-35, § 2, 3-17-15; Ord. No. 2012-20, § 2, 7-3-12; Ord. No. 2008-30, § 1, 1-18-08; Ord. No. 2004-28, § 1, 9-7-04; Ord. No. 2000-47, § 1, 10-24-00)

ATTACHMENT B - KPB Code Excerpt

21.44.160 - Single-family residential district (R-1).

A. *Allowed Principal Use.* Single-family residential (R-1) dwelling units are the allowed principal use in this district.

B. *Allowed Compatible Uses.* Compatible uses allowed in the R-1 zone are parks, playgrounds, open space, schools, community centers, libraries, churches, and home occupations.

C. *Development Standards.* Development standards apply to principal and accessory structures.

1. *Setbacks.* Setbacks for structures shall be 30 feet from the front yard line, 20 feet from the rear yard line, 15 feet from the side yard lines, and 50 feet from the shore and where applicable subject to the provisions of KPB 21.18.

2. *Maximum building height.* Maximum building height shall be 2½ stories above ground or 35 feet above average grade, whichever is less

3. *Lot size.* Minimum lot size shall be 40,000 square feet. Maximum lot size is 5 acres.

4. *Coverage.* Maximum coverage by structure is 20 percent of the lot.

5. *Drainage Ways.* Existing natural drainage ways shall be retained.

6. *Accessory structures.* Accessory structures commonly associated with residential dwellings, i.e., garages, barns, storage sheds, greenhouses, wind turbines, workshops, and a single, noncommercial guesthouse per parcel, are allowed within the district. A single accessory structure may constitute the principal use of the lot where an adjacent lot with the primary residence is in the same ownership.

7. *Livestock and pets.*

a. Dog Lots: Dog lots and kennels are prohibited.

b. Household pets including, but not limited to, dogs and cats shall be allowed provided that no more than four household pets of more than six months of age are kept on the lot.

c. Poultry, fowl and small animals shall be properly contained (e.g., chicken coop, rabbit hutch) and shall be located in accordance with the required accessory use setbacks. No more than 10 such animals over 6 months old are allowed.

d. Hoofed animals are prohibited, except for a single miniature horse used as a service animal.

8. *Prohibited uses and structures.* The following uses and structures are prohibited in the R-1 district:

a. A lot within the LOZD shall not be offered for sale or lease for non-allowed uses.

b. No more than two of either travel trailers or motor homes may be on each lot at any time.

c. No more than two of either inoperable or unregistered vehicles are allowed on each lot at any time.

2020 SEALED BID LAND SALE BROCHURE
KENAI PENINSULA BOROUGH
144 NORTH BINKLEY STREET
SOLDOTNA, ALASKA 99669

BIDS DUE: May 15, 2020, 2:00 P.M.

This brochure is also available online at:
www.kpb.us/landmgt/land-sales



Brochure Changes and Updates

The Kenai Peninsula Borough reserves the right to waive technical defects in this publication. If any errors in this brochure are discovered after publication, a corrected brochure will be available at www.kpb.us/landmgt/land-sales

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FREQUENTLY ASKED QUESTIONS

Q: Are these parcels tax-foreclosed properties?

A: No – The Borough has a separate sale for tax-foreclosed properties.

Q: Are these parcels available for inspection?

A: Yes – Parcels are available for public inspection. “For Sale” signs have been posted on each parcel, except for remote areas. Most parcels have survey monuments set at the property corners. For ease of identification most parcels have their property corners marked with stakes. It is the Bidder's responsibility to identify and accurately locate all property corners.

Q: Is there a minimum bid price?

A: Yes – See Index of Sale Parcels for minimum bid price on Page 3.

Q: Is financing available for these parcels?

A: Yes – See Terms and Conditions of the Sale, Item No. 4, Page 8.

Q: Does the buyer have the option to transfer the Deed of Trust before it is due?

A: No

Q: Whose name will be on the Quitclaim Deed?

A: Only the person(s) name who is on the Bid Application (Form A). Names cannot be added to the title or Deed of Trust after the bid is submitted.

Q: Can I bid on more than one parcel?

A: Yes – If you are the successful bidder on more than one parcel then you may purchase the parcels.

Q: Can I place more than one bid on a single parcel?

A: No. However, a bid may be modified according to the instruction in this brochure. See Page 6

Q: Is it possible for someone to submit a bid for me?

A: Yes, but that person must submit a Power-of-Attorney document along with your bid showing that they have the necessary authority to act on behalf of the bidder on the date of the bid. A Power of Attorney Form may be obtained by contacting the Kenai Peninsula Borough, Land Management Division, at (907) 714-2205.

Q: If I am notified of being the successful bidder, can I pay the down payment amount with a check?

A: Yes – See Terms and Conditions of the Sale, Item No. 6, Page 9, and Item No. 16, Page 11.

Q: What happens if a parcel doesn't sell in the sealed bid sale?

A: The sealed bid sale will be followed by an Over-The-Counter Sale starting October 1, 2020 and ending January 31, 2021. A separate brochure will be available prior to October 1, 2020 which will explain over-the-counter procedures and will list the properties and sale prices.

Q: How will the information for the submitted bids be released?

A: The amount and number of bids on any parcel will not be made public until title no longer vests in the KPB. Bids are kept confidential by the Land Management Division for each parcel until the resulting sale transaction is closed. High bidders will be notified directly by the Land Management Division upon completion of bid opening procedures, first by phone followed immediately by mail. Back-up bidders will not be notified, except in the event that all higher bidders have relinquished their bid. "Bid Results" will be linked to the KPB Land Management Website and will be updated upon status change for each parcel. Please allow one week for bid opening procedures and approximately one to six months for sale transactions to close depending on the volume of participation in the sale and financing options used.

If you have additional questions please contact the Land Management Division, Kenai Peninsula Borough, 144 North Binkley, Soldotna, Alaska 99669, (907) 714-2205 or toll free within the Borough 1-800-478-4441, ext. 2205.

INDEX OF SALE PARCELS

PARCEL ID	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES +/-	MINIMUM BID	PAGE
01302012 & 01302118	Nikiski	Government Lots 2 and 3, Section 22, T8N, R11W, Seward Meridian, Alaska, Kenai Recording District And NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, T8N, R11W, Seward Meridian, Alaska, Kenai Recording District Disclosure: Government Lots 2 and 3 were surveyed in 1923 and shows Lot 2 with 17 acres and Lot 3 with 42.77 acres. This survey followed the meander line of the lake at that time. The water level of the lake is different today than it was in 1923. The land has not been resurveyed since the 1923 survey from which the acreage is reported herein. Perspective buyers should consult with a professionally licensed surveyor regarding questions of boundaries and acreage.	99.77	\$100,000	21
01302119	Nikiski	SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, T8N, R11W, Seward Meridian, Alaska Kenai Recording District	40	\$25,000	22
01302120	Nikiski	S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, T8N, R11W, Seward Meridian, Alaska, Kenai Recording District	35	\$40,000	23
01404001 & 01404002	Nikiski	Lots 4 and 5, Bernice Lake Alaska Industrial Subdivision, as shown on Plat No. K-1560, Kenai Recording District Public water system sources map	1.93	\$32,500	24 43
01713014	North Kenai	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T6N, R12W, Seward Meridian, Alaska, lying east of the Kenai Spur Highway right-of-way	6.20	\$120,000	25
01715028	North Kenai	Government Lot 67, Section 14, T6N, R12W, Seward Meridian, Alaska, Kenai Recording District Subject to right-of-ways per Book 253, Page 621, Kenai Recording District	2.5 Gross 2.0 Net	\$6,000	26
03503064	Hope	Lot 1, Discovery Park Subdivision, as shown on Plat No. 2010-11, Seward Recording District	1.94	\$60,000	27
03503072	Hope	Lot 9, Discovery Park Subdivision, as shown on Plat No. 2010-11, Seward Recording District	1.98	\$60,000	28
03503073	Hope	Lot 10, Discovery Park Subdivision, as shown on Plat No. 2010-11, Seward Recording District	2.09	\$60,000	29
05503514	Ciechanski	Lot 1, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.2	\$32,500	30
05503515	Ciechanski	Lot 2, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.2	\$33,000	31
05503159	Kalifornsky	Lot 2, Phillips Station Subdivision, as shown on Plat No. 2010-41, Kenai Recording District	0.94	\$40,000	32

05507273	Kalifornsky	Tract A, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	54.91	\$350,000	33
05507284	Kalifornsky	Lot 1, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	0.92	\$25,000	34
05507285	Kalifornsky	Lot 2, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	0.92	\$25,000	34
05507286	Kalifornsky	Lot 3, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	0.92	\$25,000	34
05507287	Kalifornsky	Lot 4, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	0.92	\$25,000	34
05507288	Kalifornsky	Lot 5, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	0.92	\$25,000	34
05507289	Kalifornsky	Lot 6, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	0.92	\$25,000	34
05507290	Kalifornsky	Lot 7, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	0.92	\$25,000	34
05507291	Kalifornsky	Lot 8, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	0.92	\$25,000	34
05507292	Kalifornsky	Lot 9, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18 Kenai Recording District.	0.92	\$25,000	34
06314145	Sterling	Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-17, Kenai Recording District	17.03	\$60,000	35
06544066	Sterling	Lot 43A, Block 14, Gregory Subdivision, 2019 Replat, as shown on Plat No. 2020-12, Kenai Recording District	0.93	\$18,000	36
13106033	Kalifornsky	Lot 9, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.59	\$110,000	37
13106034	Kalifornsky	Lot 10, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.59	\$110,000	38
13106036	Kalifornsky	Lot 12, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.60	\$110,000	39

GENERAL INFORMATION IF YOU ARE BUILDING A STRUCTURE WITHIN THE KENAI PENINSULA BOROUGH (KPB):

1. BUILDING SETBACK

There is a minimum building setback of 20 feet from any public right-of-way unless a greater setback distance is specified by the subdivision plat or in covenants filed with the subdivision. Building setbacks for parcels within city limits may vary. Parcels are subject to the building codes and zoning ordinances applicable to that city. Covenants may further restrict site development and are recorded with the district recorder. Where a KPB local option zone applies, specific building setbacks are required and certain permits may be necessary.

2. ROAD AND DRIVEWAY CONSTRUCTION

A permit is required to construct a road or driveway within a dedicated right-of-way. Each city has their own permit requirements within their boundaries, as does the State of Alaska, Department of Transportation for state roads. The KPB issues permits for all other roads.

3. CONSTRUCTION REGULATIONS

A State building permit is required for all commercial buildings and all residential structures containing four or more dwellings units. This permit is required at any location in the State. Permits are issued by the State Fire Marshal upon submittal and approval of appropriate plans and specifications. For information contact: *State Fire Marshal, 5700 East Tudor Road, Anchorage, AK 99507 (907) 269-5491.*

The Corps of Engineers issues permits for projects involving construction, dredging, filling, excavation, etc. in or near water bodies, i.e. rivers, lakes, coastal waters, wetlands. For information contact: *U.S. Corps of Engineers, Kenai Peninsula Field Office, 44669 Sterling Highway, Suite B, Soldotna, AK 99669 (907) 753-2689.*

The Alaska Department of Environmental Conservation (ADEC) provides and enforces standards for well and septic systems. For information contact: *ADEC, 43335 Kalifornsky Beach Rd., Suite 11, Soldotna, AK 99669 (907) 262-5210.*

The KPB does not require a building permit for any structure or location; however, a building permit may be required within the cities of Kenai, Soldotna, Homer, Seldovia, Seward, and Kachemak. Contact the respective city for information.

A development permit may be required if building in a flood plain area or in the anadromous habitat protection district. For information contact: *The River Center, 514 Funny River, Road, Soldotna, AK 99669 (907) 714-2460.*

All waterfront parcels are subject to a 50-foot public access easement upland of the mean high waterline or ordinary high waterline.

The general information shown hereon is provided as a courtesy.
It is the bidder's responsibility to ascertain and obtain all permits necessary.

Kenai Peninsula Borough (KPB)
Sealed Bid Land Sale
Bids Due: May 15, 2020 at 2:00 p.m.

HOW TO SUBMIT BIDS

The bidder is not a borough employee, next of kin, or borough contractor in a position to obtain information not available to the general public about the disposal process if submitting a bid within the final 15 days of the offering period. (KPB 17.10.120 (F) (3))

Bids are to be submitted to the KPB Planning Department front counter, 144 North Binkley, Soldotna, AK 99669-7599 by no later than 2:00 p.m. **May 15, 2020**. To submit more than one bid, each bid must be submitted in a separately sealed envelope and clearly labeled with the following information:

Kenai Peninsula Borough
2020 Sealed Bid Land Sale
Parcel ID. _____ (8-digit KPB Parcel ID.)
Name of individual(s) or organization submitting offer

The 2020 Sealed Bid Land Sale includes certain parcels of Kenai Peninsula Borough (KPB) owned land as authorized by **Ordinance 2020-08**. The locations of parcels included in the sale are shown on vicinity and parcel site maps. The minimum bid for each parcel is shown on each site map and on the Index of Sale Parcels in this sale brochure.

Use Form A and Forms B and C if applicable to submit a bid. Each bid must be submitted on the Bid Form (Form A). **ONLY ONE BID MAY BE PLACED PER PARCEL, HOWEVER THERE IS NO LIMIT TO THE NUMBER OF PARCELS THAT YOU MAY BID ON.** Please include the names of all individuals or organizations you wish to hold title. Only the names or organizations listed on the Bid Form (Form A) will be included on any quitclaim deed issued by the KPB. A Credit Application (Form B) should be submitted if your bid includes KPB financing. Finder Application (Form C) may be submitted by the bidder if applicable (See page 19). Forms A, B, and C may be reproduced and submitted as necessary (See Mail in Check List on page 14).

Modification of Bid

Bid modifications will be accepted by the Borough, and binding upon the Bidder, where the modification:

- Is received by the KPB at the place designated for submission of bids prior to the deadline.
- Is sealed in an envelope clearly stating:
"Bid Modification"
Kenai Peninsula Borough
2020 Sealed Bid Land Sale
Parcel ID. _____ (8-digit KPB Parcel ID.)
Name of individual(s) or organization submitting offer

- Is signed by the same individual who signed the original bid.

All documents required in the original submittal are required in the modification submittal (See Mail in Check List on page 14). Should there be more than one bid modification from a Bidder, the last modification received prior to the deadline shall be opened and applied to the bid. All earlier modifications shall be disregarded. Any modification that fails to meet any requirement of this section shall be rejected, and the bid shall be considered as if no modification had been attempted.

Notification to Successful Bidder

The successful bidder for each parcel will be notified by telephone starting May 20, 2020 followed immediately by a certified mailed letter. Included in the letter will be a purchase agreement and a Bid Relinquishment form. If a successful bidder chooses to relinquish their bid the next successful bidder will be notified. This process will continue until such time as the KPB has an executed purchase agreement and deposit under the terms required by this invitation, or until all back-up bids are exhausted.

If you are the successful bidder on a parcel you have two options:

Option 1: Complete the enclosed purchase agreement and submit a deposit equal to the greater of \$1,500.00 or ten percent (10%) of the purchase bid price offered. The purchase agreement and deposit must be hand delivered or postmarked no later than 10 days from the receipt of the certified letter.

Option 2: Complete the enclosed bid relinquishment form. The bid relinquishment must be hand delivered or postmarked no later than 10 days from the receipt of the certified letter.

If a bid is relinquished by the bidder, or the bidder was non-responsive, or if the provisions of option 1 above are not met, the offer to purchase will be extended to the next highest bidder.

The KPB will arrange for preparation of necessary documents, and closing will take place at the Kenai Peninsula Borough, 144 North Binkley, Soldotna, AK 99669-7599 or as otherwise designated by the borough. At closing, if the sale is financed, the buyer shall pay all closing costs. If the sale is a cash sale, the buyer will be required to pay the full balance due plus closing costs at closing. Please carefully read and understand the Terms and Conditions of the Sale before submitting a bid.

TERMS AND CONDITIONS OF THE SALE

1. ALL INTERESTED BIDDERS ARE URGED TO INSPECT EACH PARCEL BEFORE SUBMITTING AN OFFER. KPB ASSUMES NO LIABILITY THAT WOULD HAVE BEEN DISCLOSED BY AN INSPECTION OF THE PROPERTY.
2. If bidding on more than one parcel, separate bids must be submitted for each parcel in separate envelopes. **Note:** See "How to Submit Bids" on page 6.
3. Offers must be submitted on the Bid Forms supplied, (reproduction is allowed for additional forms as required) according to the terms and conditions of this sale. Bids must be received by no later than **2:00 p.m. May 15, 2020** at the KPB, Planning Department front counter, 144 North Binkley Street, Soldotna, Alaska 99669. All parties submitting offers are responsible for ensuring that their offers are received by KPB by the required date and time.
4. Bidders must indicate on the Bid Form the financial option selected to close the transaction.

Option A. "All Cash": Bidder(s) will pay in cash, at closing, the balance of the purchase bid price plus closing costs. The deposit will be held by the KPB and credited to the purchase price.

Option B. "Financed": Bidder(s) will pay the down payment indicated on the bid form [the greater of \$1,500.00 or ten percent (10%) of the purchase bid price] plus closing costs. Upon credit approval, the balance will be financed by the KPB. The bidder(s) shall execute a deed of trust and note, secured by the property sold, in favor of the KPB. The note for initial principal amount will be payable in 120 equal monthly payments (ten years), all at the U.S. Prime Rate on the authorized date of sale plus two percent (2%). The deposit will be held by the KPB and credited to the purchase price.

5. The party who offers to purchase the property for the highest amount, at or above the Minimum Bid Price, shall be named the successful bidder.

However, the following shall apply in the event the same highest amount is submitted by two or more parties:

The bidder who submits an "All Cash" offer shall be named the successful bidder. If no such "All Cash" offer is made, or more than one "All Cash" offer is received, then the following shall apply:

The bidder who submits an offer to pay a higher down payment amount shall be named the successful bidder.

- a. If the financial arrangements are identical, the party whose offer was received first, as indicated by the stamped date and time received by the Planning Department front counter, shall be named the successful bidder.

- b. If the stamped date and time are also identical, then the name of the successful bidder will be determined by a drawing.
6. If a bidder is notified in writing by the KPB of being the successful bidder of a parcel the bidder so notified must within ten (10) days of receipt of written notification, properly complete, sign, and return the purchase agreement document AND provide the KPB with the greater of \$1,500.00 or ten percent (10%) deposit of the purchase price in the form of a U.S. Postal Money Order, a certified check, a cashier's check, or a personal check. Packages returned by mail and postmarked within ten (10) working days of certified receipt will be considered timely. The purchase agreement will be included in the notification of bid acceptance package. Should a personal check not be honored the borough shall cancel its acceptance of the bid, unless the rejection was caused by bank error.
7. The borough will retain all back-up bids on any parcel receiving more than one bid. In the event a successful bidder fails to properly complete, sign and return the purchase agreement under the terms required by this invitation, and make the greater of \$1,500.00 or ten percent (10%) deposit of the purchase price, the acceptance of the bid will be canceled by KPB. The next highest back-up bidder will be notified in the same manner as the initial bidder and will become the new successful bidder. This process will continue until such time as the KPB has obtained an executed purchase agreement under the terms required by this invitation and a deposit of the greater of \$1,500.00 or ten percent (10%) of the purchase bid price, or until all back-up bids are exhausted.
8. The KPB will not pay interest on any money held for any reason.
9. When a successful bidder properly completes, signs, and returns the purchase agreement document with the greater of \$1,500.00 or ten percent (10%) deposit, and then fails to meet any and all terms and conditions contained in the purchase agreement, up to \$1,000.00 of monies deposited may be retained by KPB as liquidated damages.
10. The buyer shall be responsible for paying all closing costs which may include, but are not limited to; recording fees, document preparation fees, mortgagee's title insurance policy if sale is financed by KPB, an owner's policy of title insurance, if desired, escrow collection fees (set up and annual fee), or other fees associated with the process and financial option selected.
11. All parcels shall be conveyed subject to the following:
 - a) reservations, exceptions, easements, rights-of-way, covenants, conditions and restrictions of record or created by operation of law;
 - b) governmental regulations including but not limited to, setbacks, zoning, and permit requirements;
 - c) the applicable general conditions contained in KPB 17.10.240, and

- d) any matters including, but not limited to issues associated with existing trails or encroachments, if any, which would be disclosed to the buyer by an actual inspection or survey of the property.
12. All parcels will be conveyed by quitclaim deed. Either title insurance or other similar report must be obtained for all borough-financed sales, at the Buyer's expense, showing the condition of title and that there are no unsatisfied judgments or liens against the Buyer at the time of closing, the latter of which shall also be verified by the Buyer. In the event a title report showing a reasonably acceptable condition of title cannot be obtained, then either the Buyer or the KPB may elect to terminate the purchase contract, in which case all monies on deposit will be refunded to the Buyer.
13. KPB financed land sales require a Deed of Trust be executed which contains additional terms and conditions including restrictions on certain uses and actions as follows:
- “TRUSTOR, during the term of this Deed of Trust, shall not subdivide the property, cut any timber, or extract any gravel, peat or other natural resources except for its own personal use on the property, nor shall TRUSTOR encumber the property with any obligation, which, in the judgment of BENEFICIARY or TRUSTEE, appears to be prior or superior to BENEFICIARY’S interest in or rights to the property.”
- A sample of the entire Deed of Trust document is available upon request.
14. The bidder is not a borough employee, next of kin, or borough contractor in a position to obtain information not available to the general public about the disposal process if submitting a bid within the final 15 days of the offering period. (KPB 17.10.120 (F) (3))
15. **The KPB makes no warranties, either expressed or implied, nor assumes any liability whatsoever, regarding the social, economic, or environmental aspects of any parcel, to include without limitation, the soil conditions, water drainage, practical or feasible physical access, availability of natural resources now or in the future, or natural or artificial hazards which may or may not exist, or merchantability, suitability or profitability of the parcel for any use or purpose.**

All properties in this offering will be sold "as is - where is." It is the responsibility of the bidder(s) to, among other things, investigate and determine the actual size of the parcel and parcel boundaries, regulations, restrictions and potential defects, including those created by prior use, which would affect the use of any parcel offered in this sale. The feasibility and costs to remedy defects, such as obtaining permits, variances, engineered septic systems, and in some cases replatting to combine adjacent parcel(s), should be determined prior to bidding on a parcel. All such costs will be borne by the bidder. No adjustments to a bid price or reimbursement to a bidder will be made by the KPB. Bidders should be

aware that, as with any other property, federal, state, and local laws and regulations may apply.

Bidders are solely responsible for determining the existence and applicability of any such provisions and the KPB assumes no responsibility to determine or advise the bidder regarding these regulations and laws. Bidders should not rely on any representation as to the scope of applicable regulations as being complete nor shall any statement by a KPB official be deemed a waiver or bar to the application of any such laws or regulations.

16. Unless otherwise agreed in writing, closing will occur within 90 days of execution of the purchase agreement and payment of the greater of \$1,500.00 or ten percent (10%) deposit. At closing, buyer will pay the balance of the purchase price plus closing costs for all cash sales, or the balance of the down payment plus closing costs for financed sales with a U.S. Postal Money Order, cashiers check, or personal check. Both parties will execute all documents required to complete the purchase agreement and, if applicable, establish an escrow account.
17. The requirements for construction and maintenance of roads, drainage systems, and other use of public easement areas shall be the responsibility of the buyer to determine. Buyers shall be required to comply with all federal, state and local regulations and requirements which, among others include, the State of Alaska, Department of Environmental Conservation regulations regarding well and septic installation and, if applicable, the regulations of the U.S. Army Corps of Engineers regarding filling or draining any area within the parcel which may be designated as wetlands by the appropriate authority.
18. The legal description of sale parcels in the brochure are provided for informational and identification purposes only. They should not be construed as complete property descriptions or legal descriptions. The KPB does not warrant the completeness or accuracy of any such descriptions. The KPB reserves the right to accurately describe the parcel by a complete legal description in the purchase agreement and subsequent documents.

Any parcel data (utilities, topography, soils, etc.) is provided for informational and identification purposes only. KPB does not warrant the completeness or accuracy of any such data. Bidders are solely responsible for verifying all data to their satisfaction.

19. Maps provided in the brochure are for informational reference only and should not be construed as a factual representation of matters such as access, parcel size, boundaries, and other matters contained thereon. The KPB makes no warranty, nor assumes any liability whatsoever, that monumentation indicated on surveys or plats is currently in place. The text accompanying the maps in the brochure are for informational reference only and should not be construed as a factual representation of matters such as location, topography, special features of the parcel, access, utilities, water and sewer, fire or other services, and does not necessarily include a complete list of restrictions and reservations.

20. The acreage reflected for each parcel is the approximate acreage based on the best information the KPB has at this time. The approximate acreage is based on the legal description's gross area. It may not have been adjusted to account for rights-of-way, easements, buffers, erosion, submerged land or wetlands, which may affect a parcel's usability but are not excluded from the parcel's legal description. Since the KPB makes no warranties, either expressed or implied regarding the actual size of the parcel, it is the responsibility of the bidder(s) to confirm the actual acreage and parcel boundaries to their own satisfaction.
21. All buyers are responsible for properly placing improvements within the boundaries of the parcel purchased and complying with all federal, state and local requirements and regulations regarding development of the parcel. Prior to development and construction of improvements, it is recommended that required setbacks and other land use and building regulations be determined by the buyer. If the property is located within a city, the buyer is also responsible for meeting city land use and building regulations and permit requirements of other federal, state and local agencies.
22. Disclosure required under Residential Real Property Transfer Act (AS 34.70.010 et seq.) shall not apply to properties offered in this sale by the KPB.
23. The following documents shall be used to complete the purchase transaction: purchase agreement, deed of trust, deed of trust note, and quitclaim deed. Sample copies are available for review upon request. The terms of these documents are generally not negotiable.
24. **At a minimum the following are required for a bid to be considered complete:**
 - a. **Offer is submitted at or above the Minimum Bid Price.**
 - b. **Bid Form A is completed in full, submitted, and manually signed.**
 - c. **Offer is received before 2:00 p.m. May 15, 2020.**
25. The KPB reserves the right to withdraw any parcel(s) offered at any time, for any reason and to reject any or all bids for any reason.
26. The amount and number of bids on any parcel will not be made public until title no longer vests in the KPB.
27. Unsuccessful bidders will not be personally notified. Results of the Sealed Bid will be made available at the Land Management web site at www.kpb.us/LandManagement as the parcels are closed.
28. **The KPB is not obligated to sell the parcels identified in this brochure, nor pay any costs incurred by parties participating in the submission or preparation of bids. The KPB reserves the right to:**

- 1) reject any and all offers;
- 2) accept an offer without further discussions;
- 3) waive any informality in the offers received;
- 4) accept an offer which will be in the best interest of the Borough;
- 5) withdraw any parcel from this offering at any time for any reason; and
- 6) sale is subject to provision of Ordinance 2020-08 and KPB 17.10. If there are any conflicts between this brochure and KPB code, KPB code will control.

**KENAI PENINSULA BOROUGH
2020 SEALED BID LAND SALE**

MAIL IN CHECK LIST

BEFORE MAILING OR HAND DELIVERING YOUR BID PACKAGE - BE SURE THAT A SEPARATELY SEALED AND CLEARLY LABELED ENVELOPE WITH THE FOLLOWING INFORMATION IS PROVIDED FOR EACH PARCEL YOU ARE SUBMITTING A BID ON:

Kenai Peninsula Borough
2020 Sealed Bid Land Sale
Parcel ID _____ (8 digit Parcel ID)

(Name of individual(s) or organization submitting offer)

ADDITIONALLY INCLUDED IN EACH SEPARATELY SEALED ENVELOPE SHOULD BE:

- _____ Bid Form (Form A)
- _____ Designation of signature authority: Only required if you will be signing as a representative for an organization or for an individual other than yourself.
- _____ Credit Application (Form B) required for financed sales only
- _____ Finder Application (Form C). Designating a Finder and submitting a Finder Application is done solely at the bidder's discretion.

Be sure that the procedures below are followed before mailing or hand delivering your bid package!

Form A

Form B

****Form C**

***Power-of-Attorney
if necessary**

Inside mailed or hand delivered envelope, place a separately sealed envelope, for each bid placed, clearly labeled:

**Kenai Peninsula Borough
Sealed Bid Land Sale
Parcel ID. (8-digit number goes here)
(Name of Individual or Organization submitting offer)**

Mailing Envelope

or

Hand Delivery Envelope

**KPB Planning Department
Sealed Bid Land Sale
144 N. Binkley Street
Soldotna, AK 99669**

**KPB Planning Department
Sealed Bid Land Sale**

*** Designation of a signature authority: Only required if you will be signing as a representative for an entity or for an individual other than yourself.**

****Designating a Finder and submitting a Finder Application is done solely at the bidder's discretion.**

FORM A

KENAI PENINSULA BOROUGH 2020 SEALED BID LAND SALE BID FORM

INSTRUCTIONS: Please print or type legibly. Read all the information contained in the SALE BROCHURE prior to completing this form. This form must be filled out in its entirety to submit a bid. The Bid Amount must be at or above the Minimum Bid Price set in the Brochure. Reproduction of this form is allowed for submitting a bid.

NAME(S) OF INDIVIDUAL BIDDER(S) OR ENTITY'S NAME AND ITS AUTHORIZED REPRESENTATIVE. PLEASE INCLUDE THE NAMES OF ALL INDIVIDUALS OF THE ENTITY YOU WISH TO HOLD TITLE. ADDITIONAL NAMES AND THEIR SIGNATURES MAY BE ON A SEPARATE SHEET. THE BOROUGH WILL CONVEY TITLE TO INDIVIDUALS AND ENTITIES FORMED AND GOVERNED BY TITLES 10, 13, AND 32 OF THE ALASKA STATUTES.

PLEASE WRITE YOUR NAME EXACTLY HOW YOU WANT IT TO APPEAR ON THE DEED. NAMES CANNOT BE ADDED TO THE TITLE DOCUMENTS OR DEED OF TRUST AFTER THE BID IS SUBMITTED.

Phone: (day) _____
Phone: (eve) _____
Phone: (msg) _____
E-mail: _____

(Individual Name and Marital Status)

(Individual Name and Marital Status)

; or

(Individual Name/Title) On Behalf of _____
(Entity's Name)

(Address)

(City, State and Zip Code)

How did you hear about this land sale? _____

I do hereby swear and affirm for myself as bidder or as a representative for the entity noted above that:

I am eighteen years of age or older; and

The bidder is a citizen of the United States or a permanent resident who has filed a declaration of intention to become a citizen or a representative of a group, association or corporation which is authorized to conduct business under the laws of Alaska; and

There are no judgments or liens against any bidder for a financed sale; and

The bidder is not delinquent on any deposit or payment of any obligation to the Borough; and

The bidder is not currently in breach or default on any contract or lease involving land in which the

Borough has an interest; and

The bidder has not failed to perform under a contract or lease involving Borough land in the previous five years and the Borough has not acted to terminate the contract or lease or to initiate legal action.

The bidder is not a borough employee, next of kin, or borough contractor in a position to obtain information not available to the general public about the disposal process if submitting a bid within the final 15 days of the offering period. (KPB 17.10.120 (F) (3))

All individuals must sign below. If the bid is in the name of an entity, proof of authority to represent and sign on behalf of the entity must be presented with this form.

(Signature) (Date)

(Signature) (Date)

I hereby submit a bid to purchase Parcel No. _____
(Use Parcel ID, which is the 8-digit Parcel ID indicated on the Index of Sale Parcels).

The amount of my bid is (write out the amount in words and numbers):

BID AMOUNT (\$_____)

Note: Minimum bid price is shown on the Index of Sale Parcels

I shall purchase the parcel under (Choose one only):

☐ Option A (All Cash)

☐ Option B (Financed) If Option B is selected complete the following statement and Form B.
As a deposit I shall pay _____ percent of the above stated sale price as a down payment [must be at least ten percent (10%) or \$1,500 whichever is greater]. The remaining \$_____, _____% percent of the sale price shall be financed through a deed of trust note subject to the terms and conditions in the sale brochure.

I hereby agree that the Bid Amount represents my purchase price offer for the above listed parcel. I understand that if my offer is accepted I will be sent a purchase agreement and a bid relinquishment form by certified mail.

FORM B

CREDIT APPLICATION FOR KENAI PENINSULA BOUROUGH FINANCED SALES

Confidential

I request the Kenai Peninsula Borough (KPB) finance my purchase of land offered for sale pursuant to Ordinance 2020-08.

I hereby authorize the KPB to obtain a credit report on me. My Social Security Number is _____.

Name: _____

Print _____ Signature _____

Date: _____

Telephone Number: _____
Mailing Address: _____

APPROVED: _____ DENIED: _____

Brandi Harbaugh, Finance Director

Date: _____

[illegible]

I hereby authorize the KPB to obtain a credit report on me. My Social Security Number is _____.

Name: _____

Print

Signature

Date: _____

Telephone Number: _____
Mailing Address: _____

APPROVED: _____ DENIED: _____

Brandi Harbaugh, Finance Director

Date:

FORM C

FINDER APPLICATION (To be submitted with bid Form A if applicable) This is not a contract

INSTRUCTIONS:

A bidder may designate a qualified “**Finder**” of the property that he/she has submitted a bid on. A Finder is an independent third party professional that has guided a perspective bidder to information about the property. Designating a Finder is not required and is done solely at the bidder’s discretion. If a bidder chooses to designate a Finder this form must be completed and submitted at the same time with **Bid Form A**. The bidder *will not* be able to submit a Finder Application *after* submitting their bid. Should the bidder be successful the designated Finder may be eligible for a 1½% Finder’s fee, paid by the borough with a \$300 minimum, and at no additional cost to the bidder.

Finder Qualifications:

- 1) At a minimum a qualified Finder shall be a duly licensed real estate salesperson authorized to perform the required services under Alaska law.
- 2) Finder cannot also be the bidder.

BIDDER(S):

Print Name

Signature

Print Name

Signature

The above signed bidder(s) hereby designate(s) the following Finder:

FINDER:

Print Name

Signature

Real Estate License No.

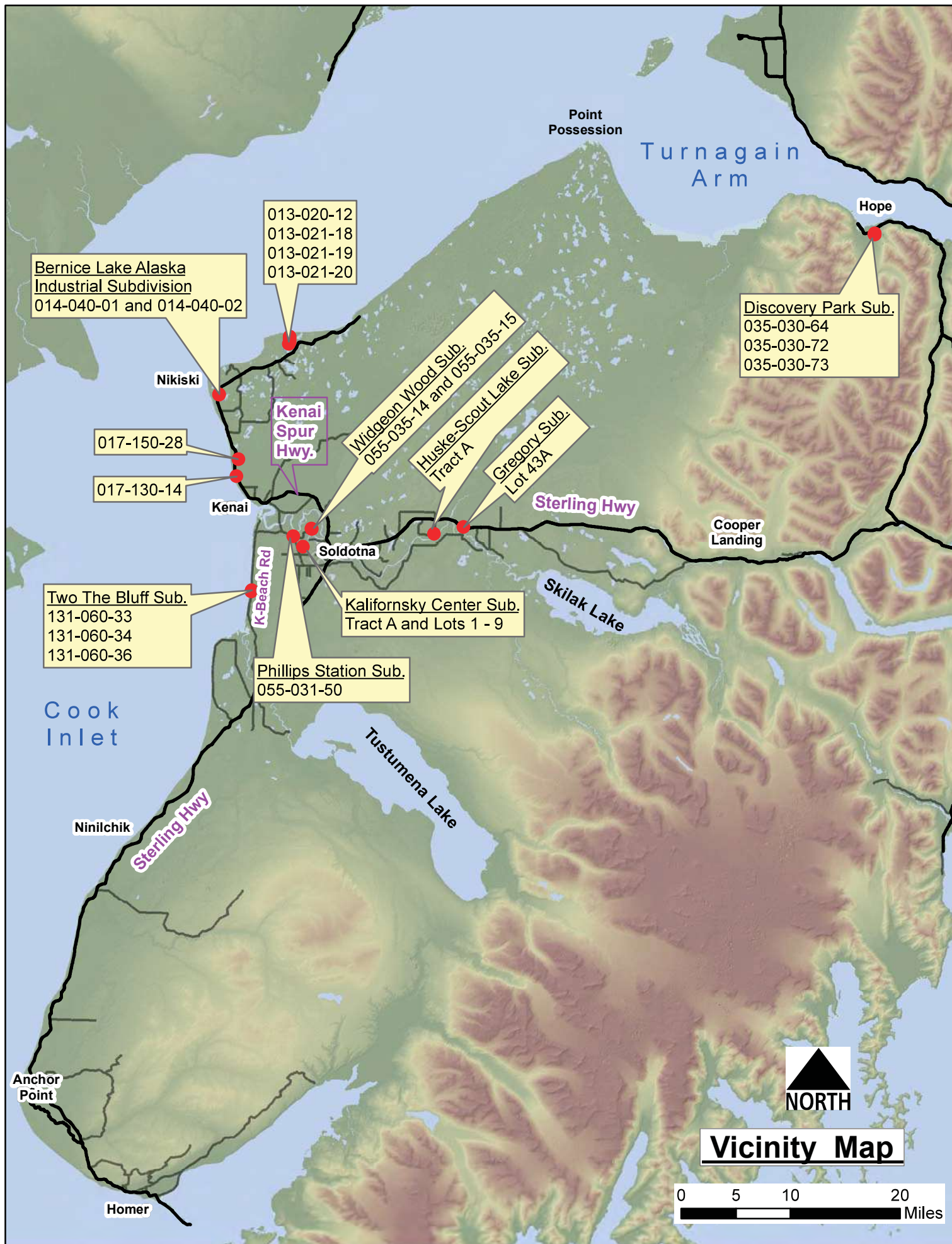
Date

Name of Realty Agency: _____

Mailing Address: _____

Phone Number(s): _____

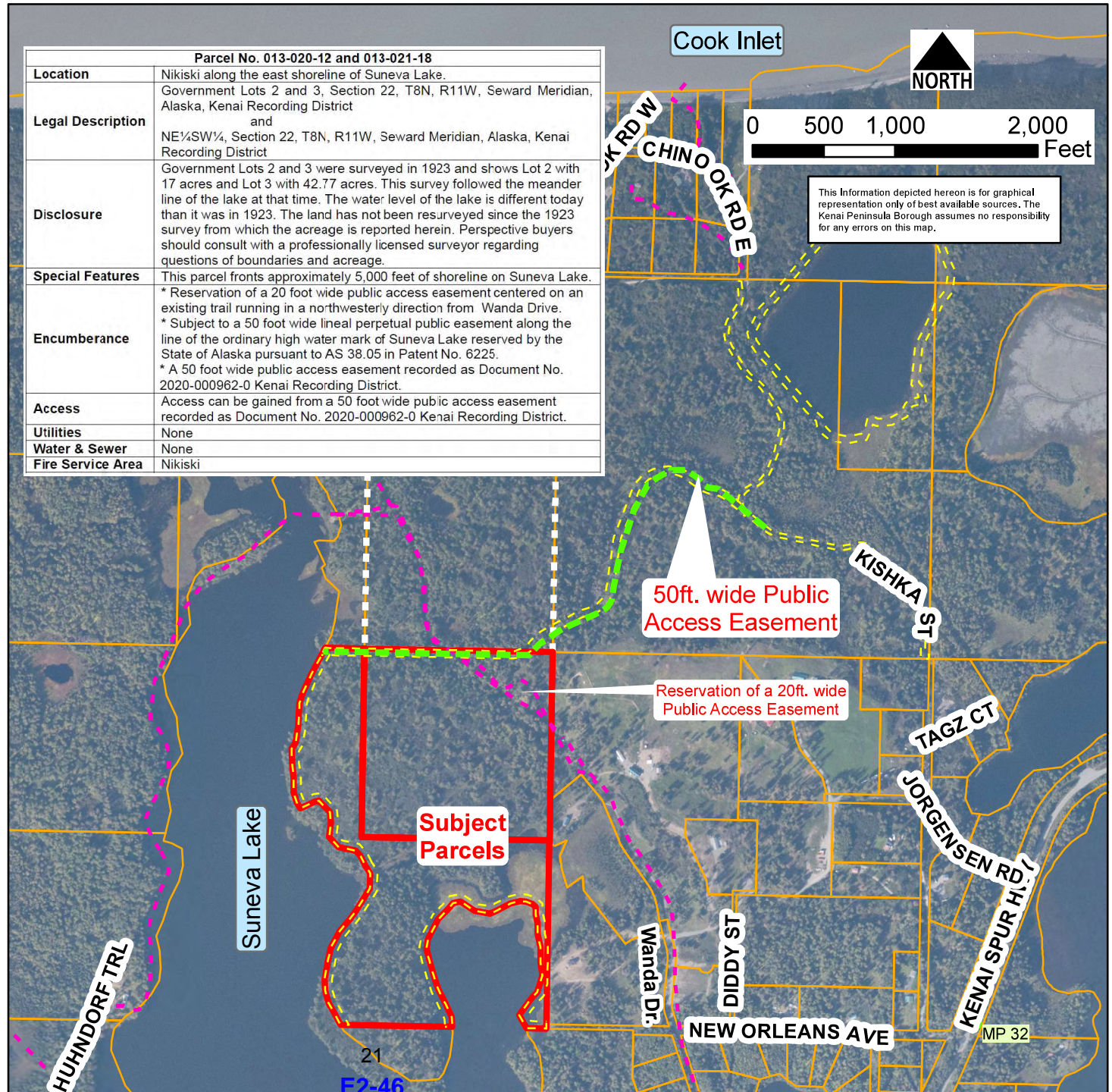
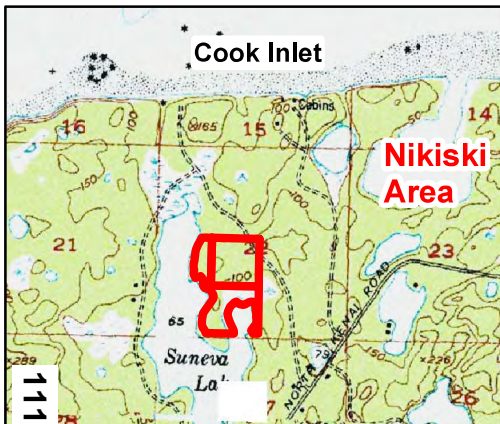
Email Address: _____



Parcel No. 013-020-12 & 013-021-18 (Sold Together)

**Minimum Bid
\$100,000**

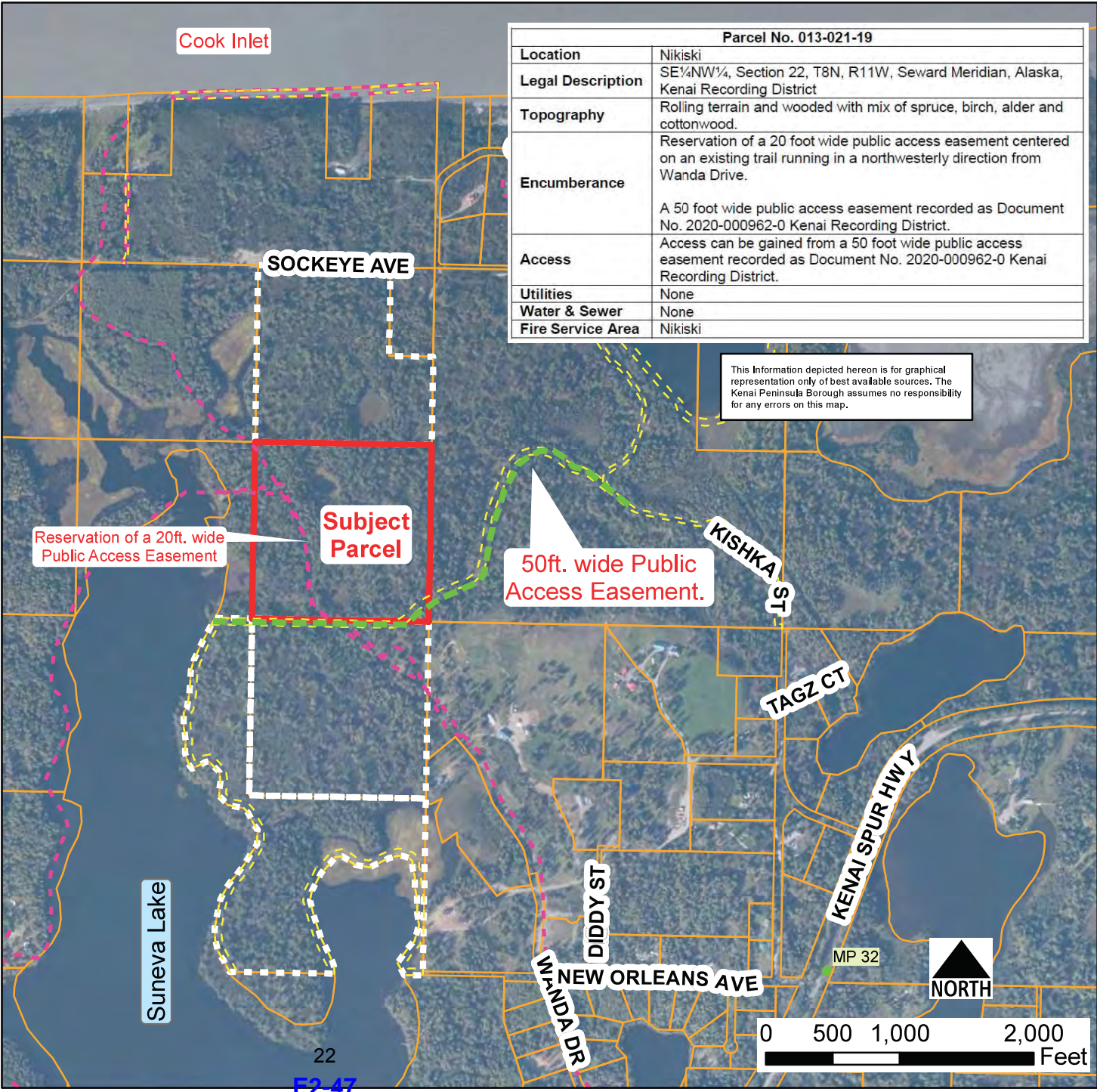
Acres: 99.77±



Minimum Bid
\$25,000

Acres: 40±

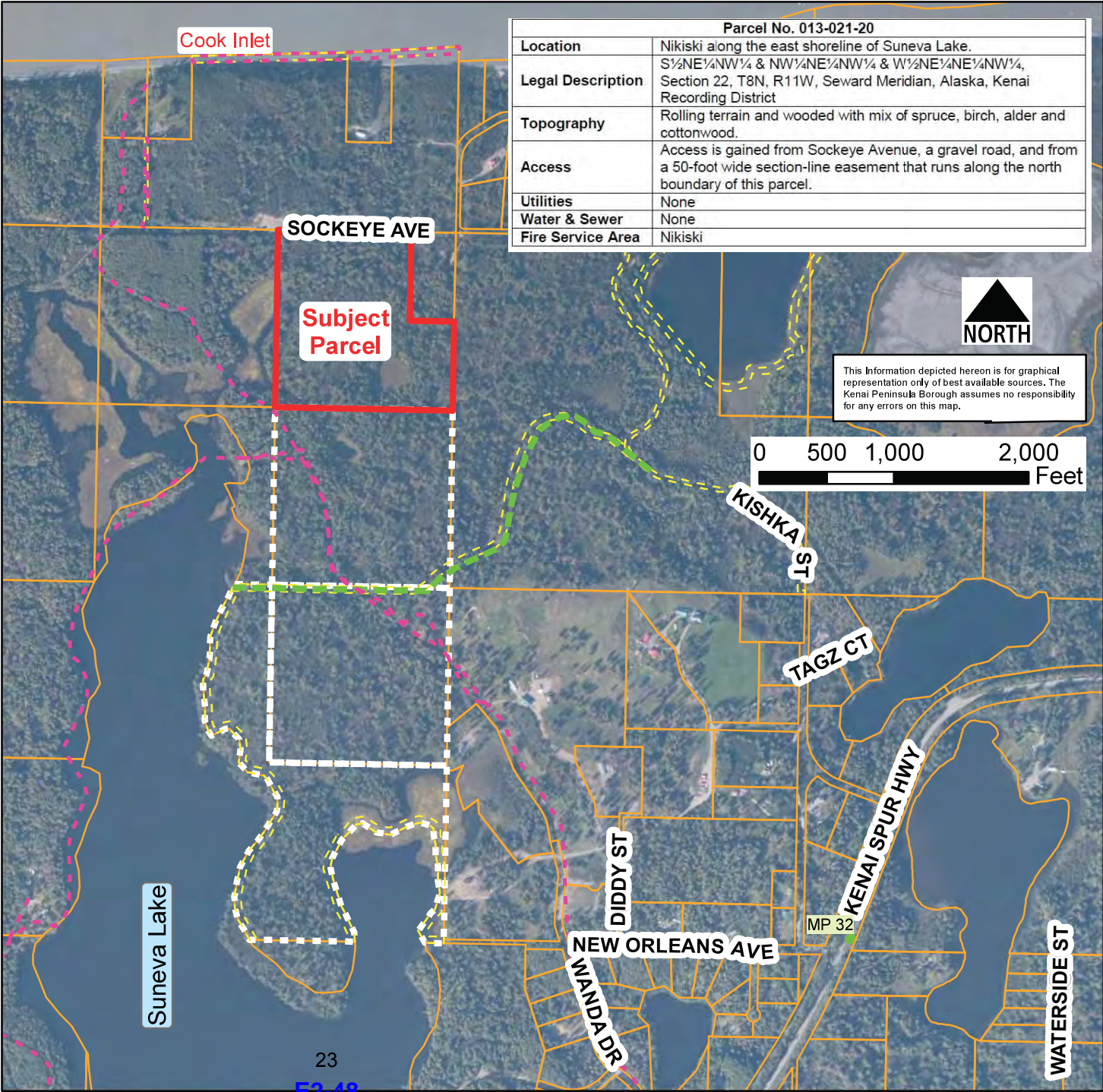
No photo
available



Minimum Bid
\$40,000

Acres: 35±

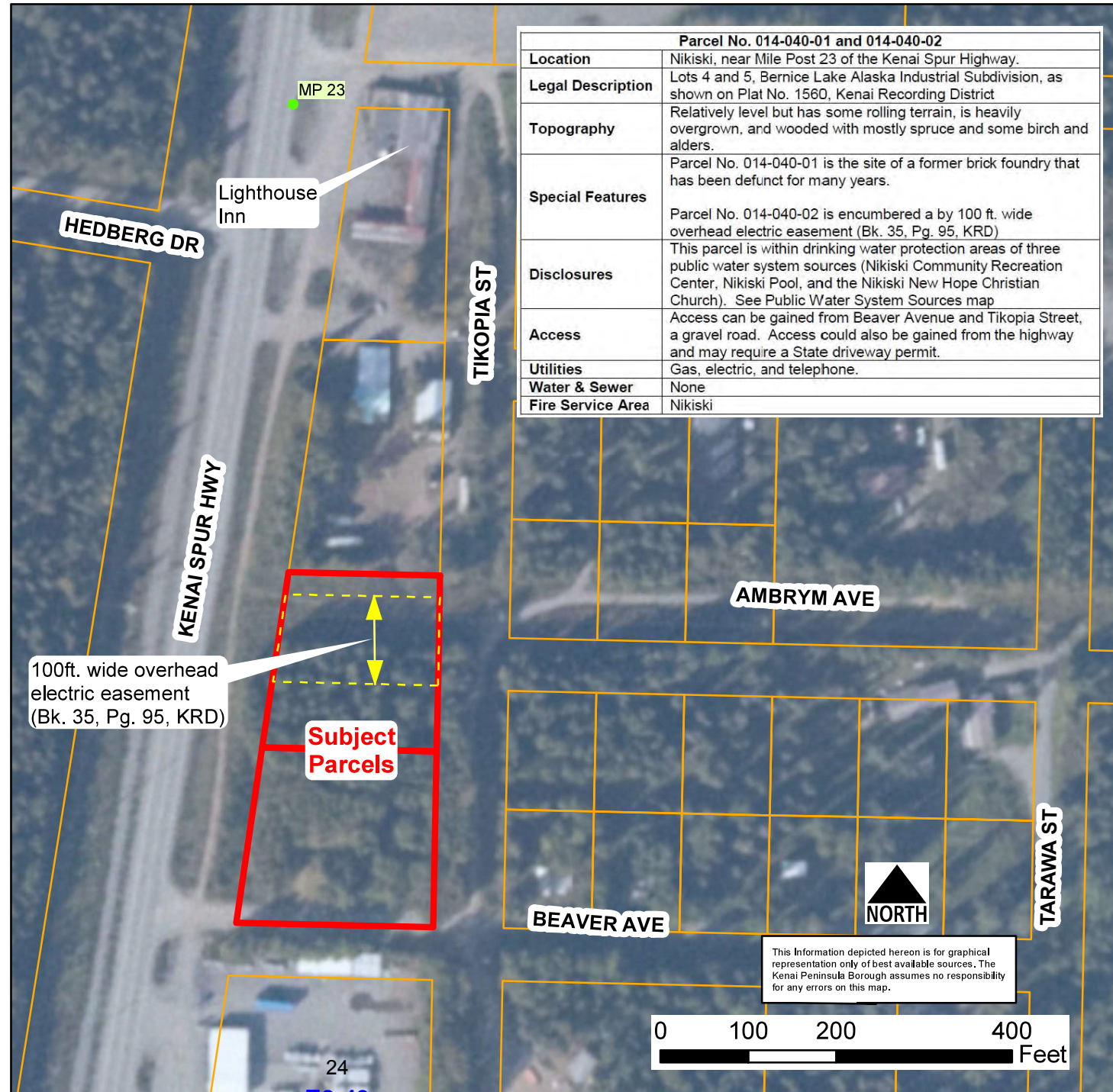
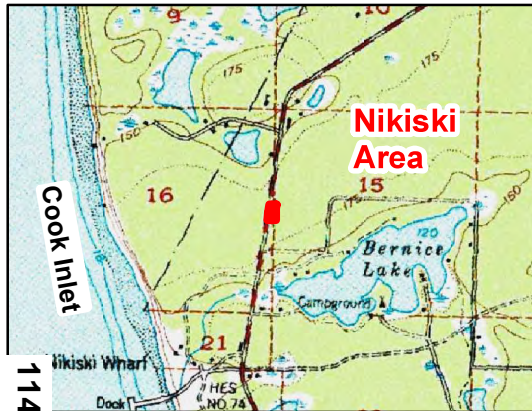
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available



Parcel No. 014-040-01 & 014-040-02 (Sold Together)

Minimum Bid
\$32,500

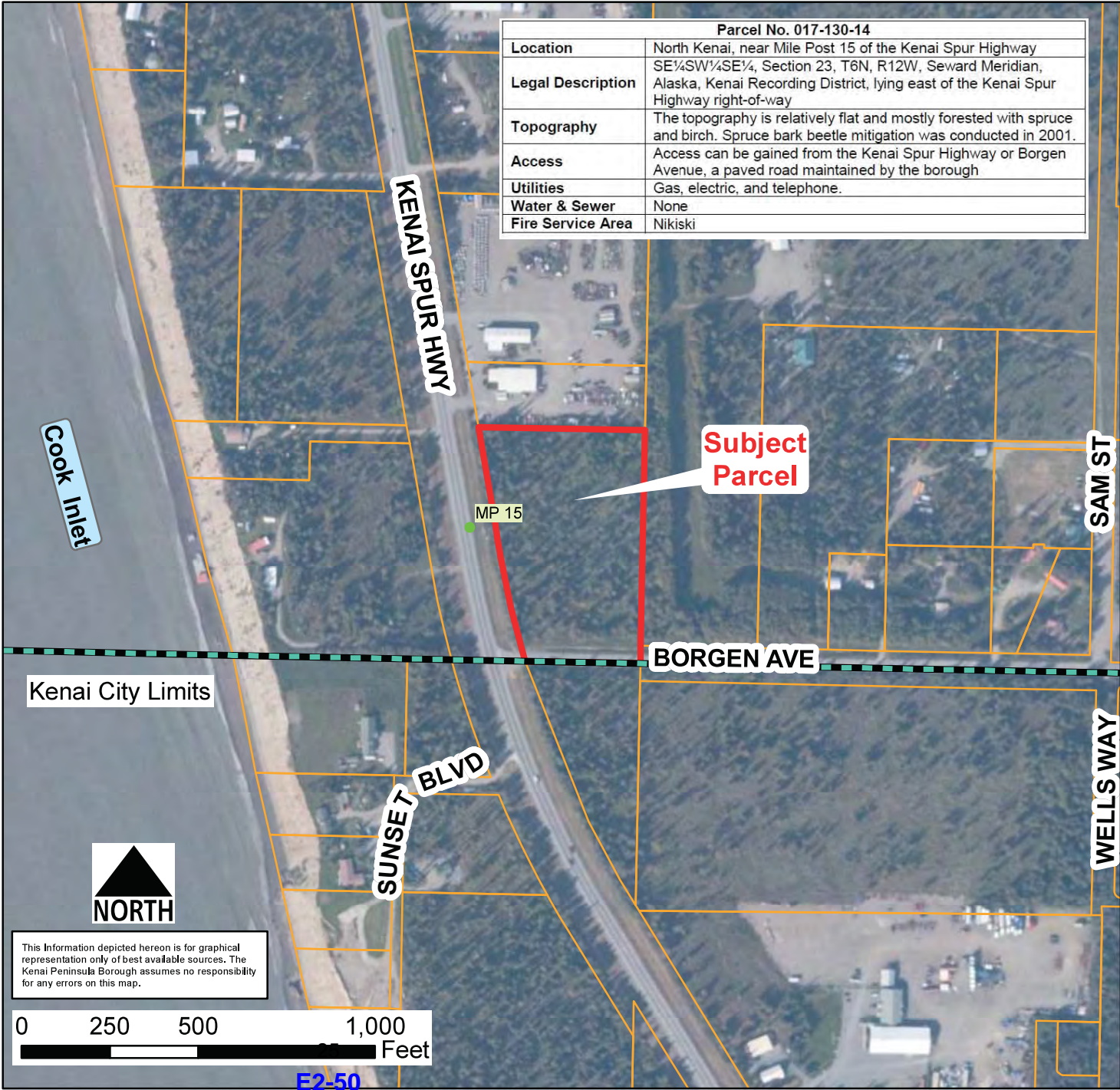
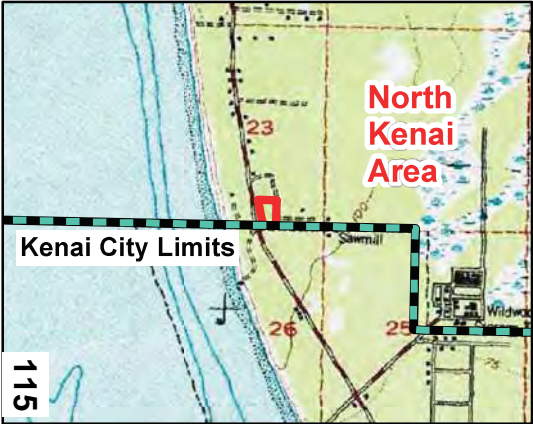
Acres: 1.93±



Parcel No. 017-130-14

Minimum Bid
\$120,000

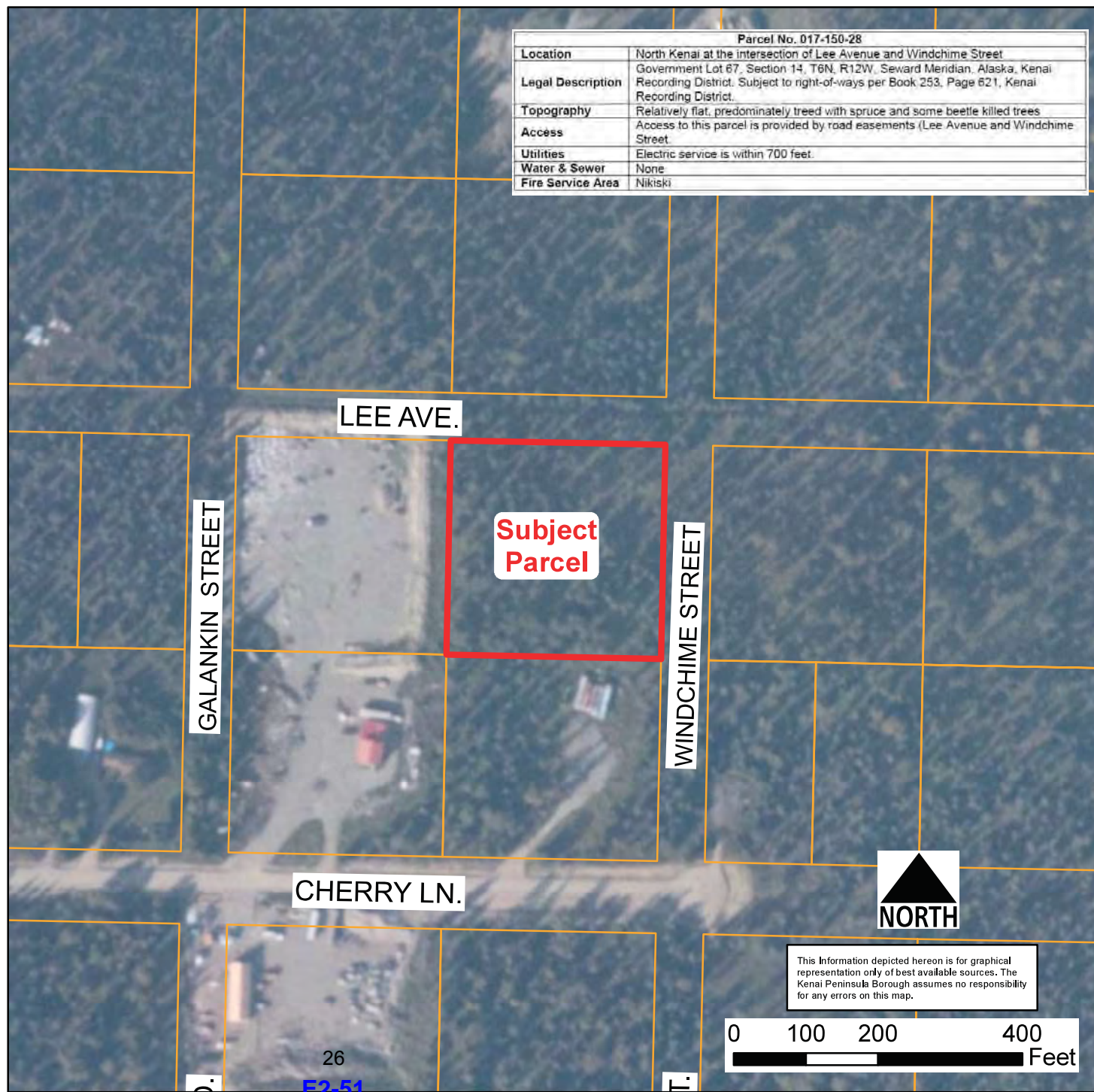
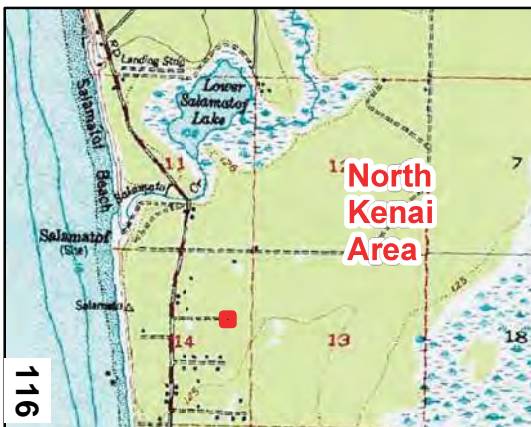
Acres: 6.20±



Minimum Bid
\$6,000

Acres:
2.5± Gross
2.0± Net

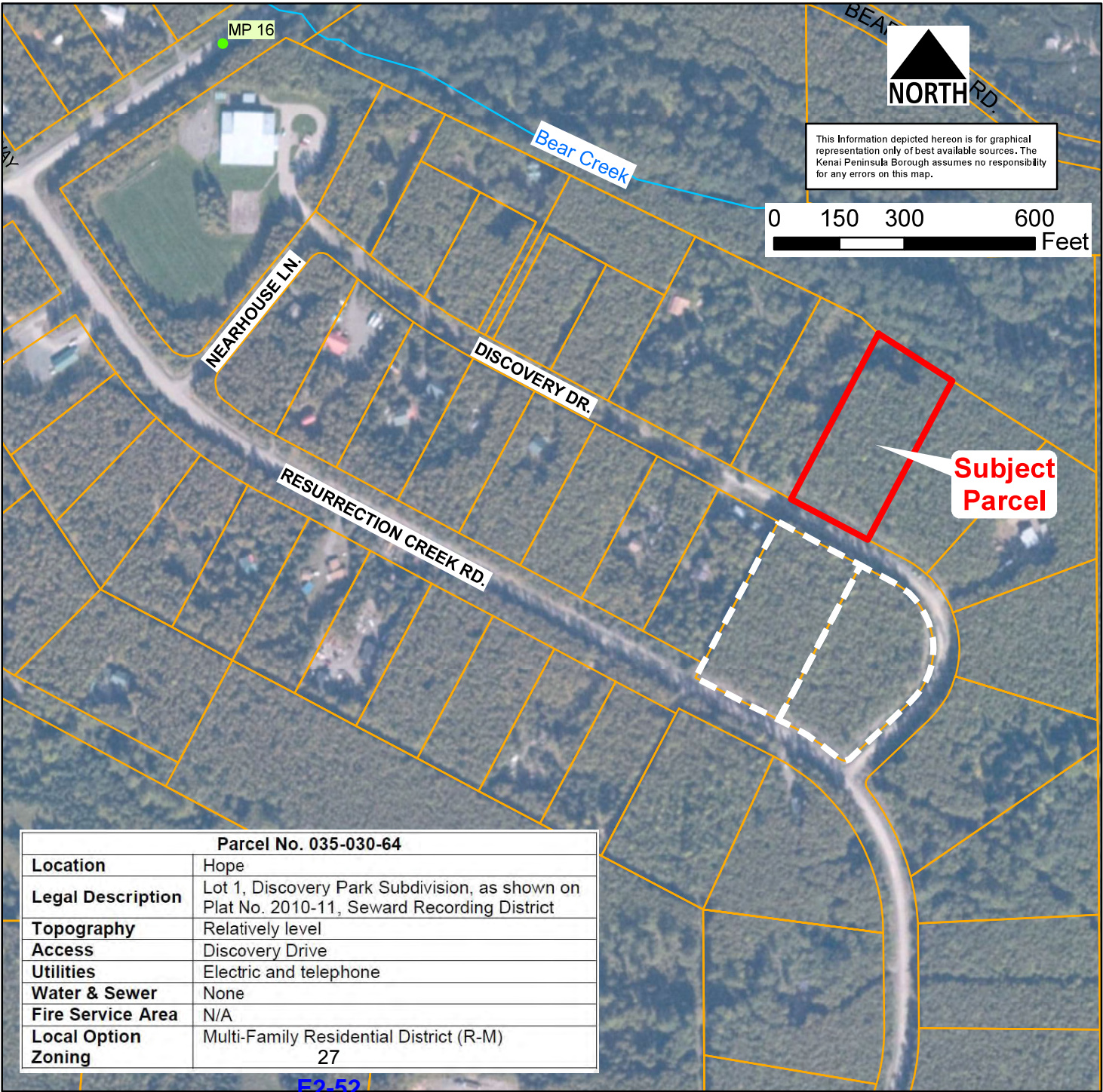
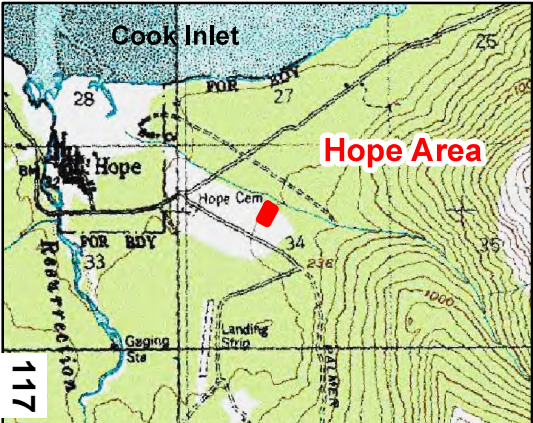
No photo
available



Parcel No. 035-030-64

Minimum Bid
\$60,000

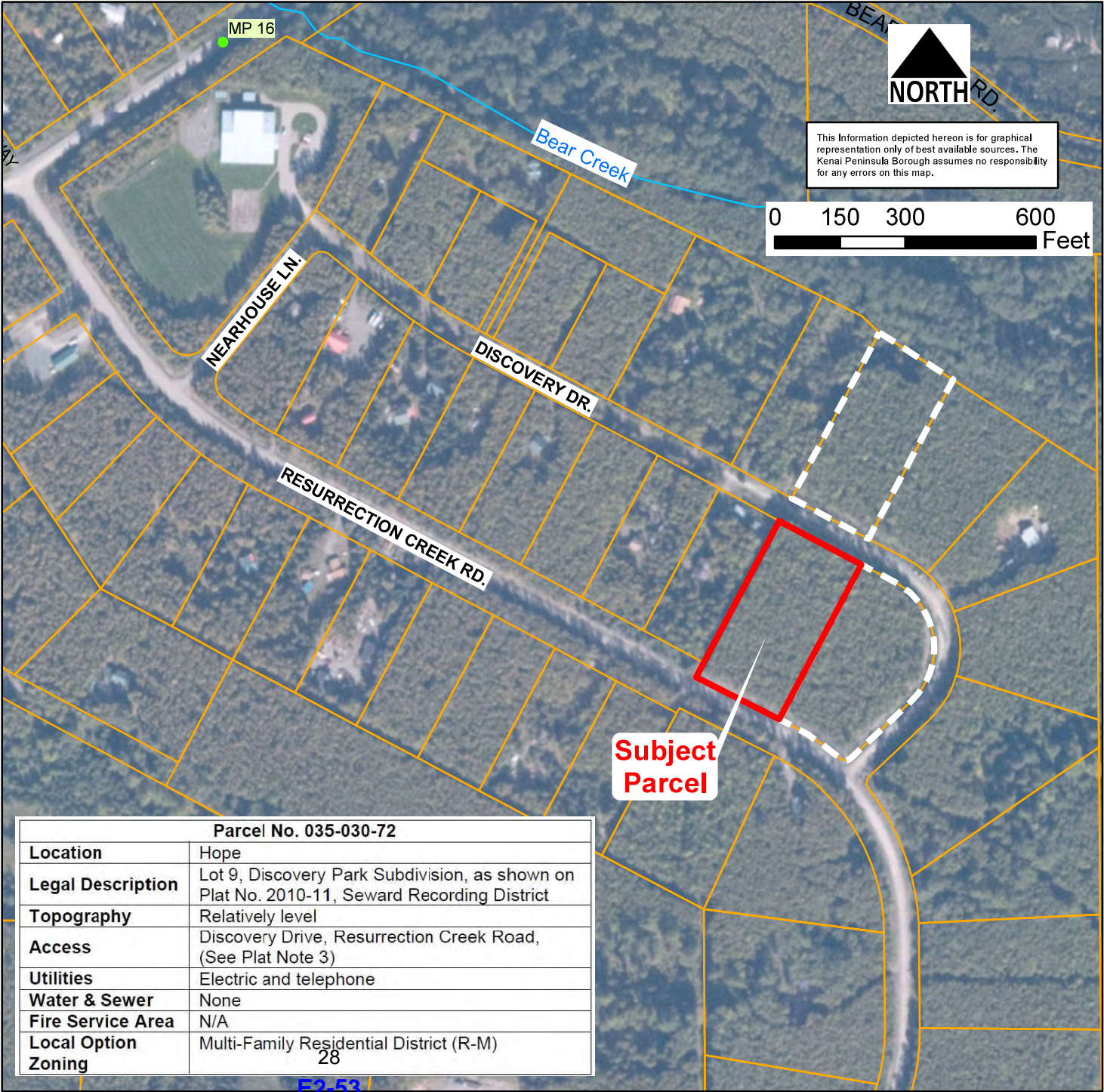
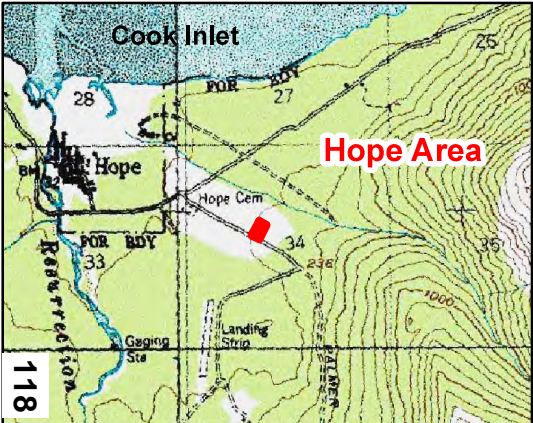
Acres: 1.94±



Parcel No. 035-030-72

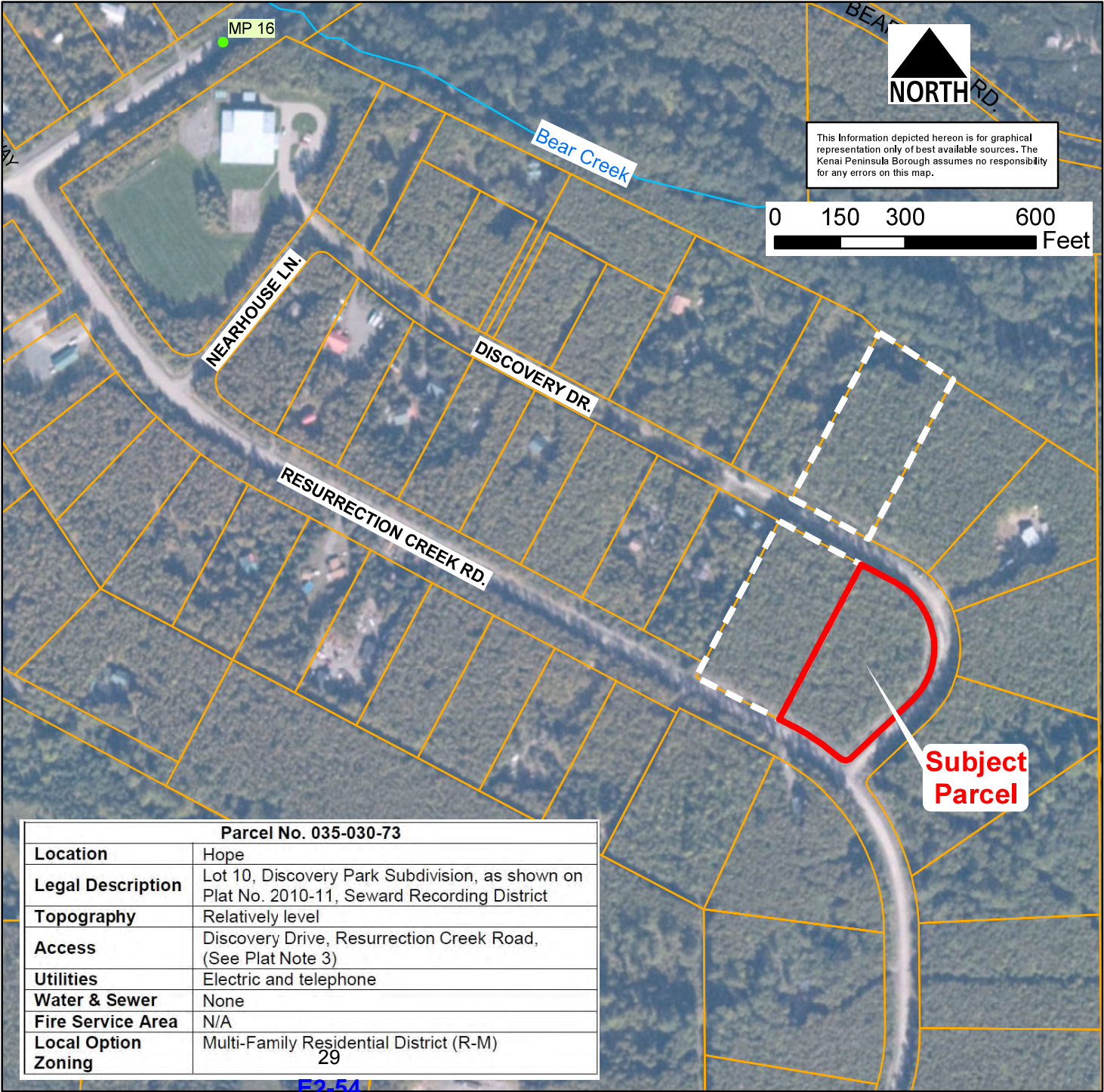
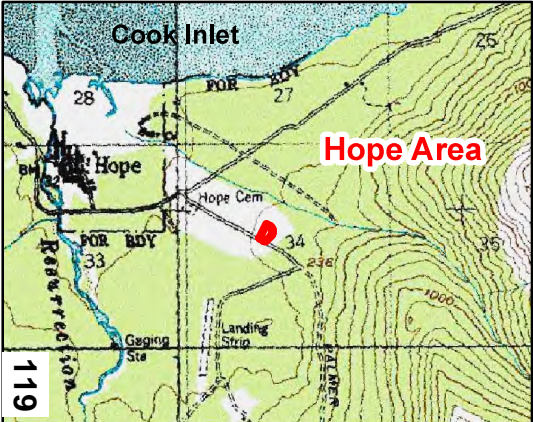
Minimum Bid
\$60,000

Acres: 1.98±



Minimum Bid
\$60,000

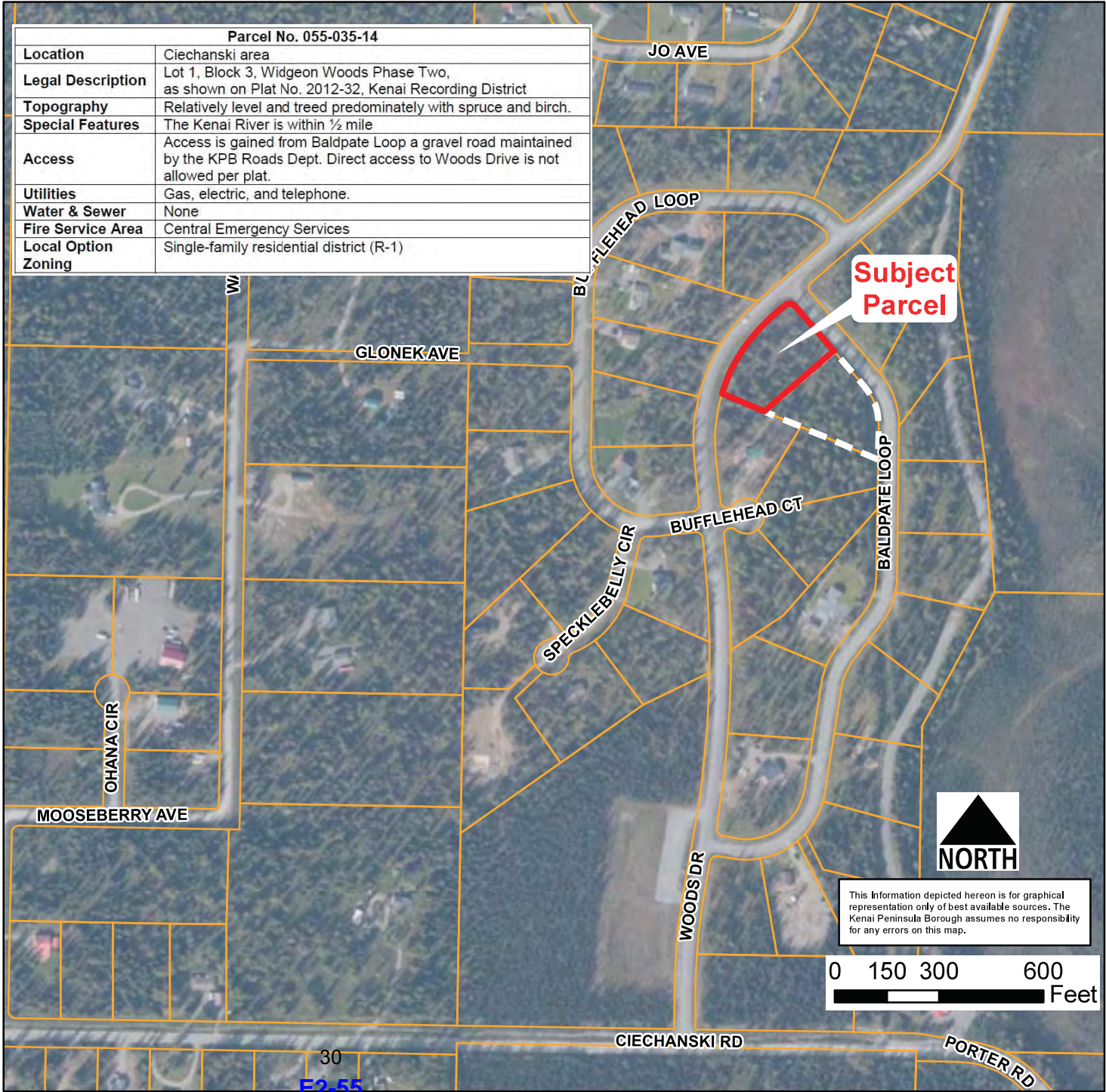
Acres: 2.09±



Parcel No. 035-030-73	
Location	Hope
Legal Description	Lot 10, Discovery Park Subdivision, as shown on Plat No. 2010-11, Seward Recording District
Topography	Relatively level
Access	Discovery Drive, Resurrection Creek Road, (See Plat Note 3)
Utilities	Electric and telephone
Water & Sewer	None
Fire Service Area	N/A
Local Option	Multi-Family Residential District (R-M)
Zoning	29

Minimum Bid
\$32,500

Acres: 1.2±

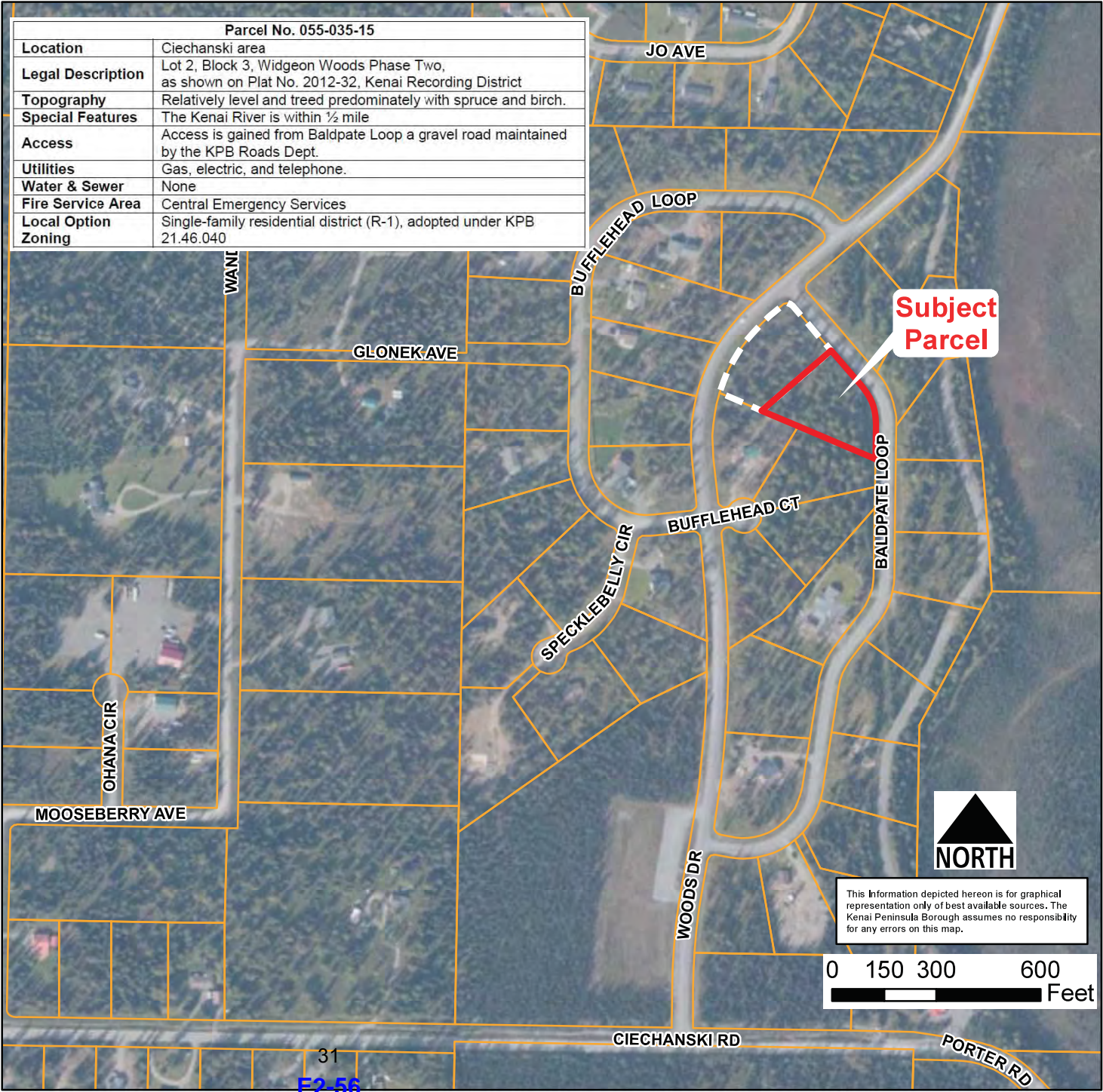


Minimum Bid
\$33,000

Acres: 1.2±



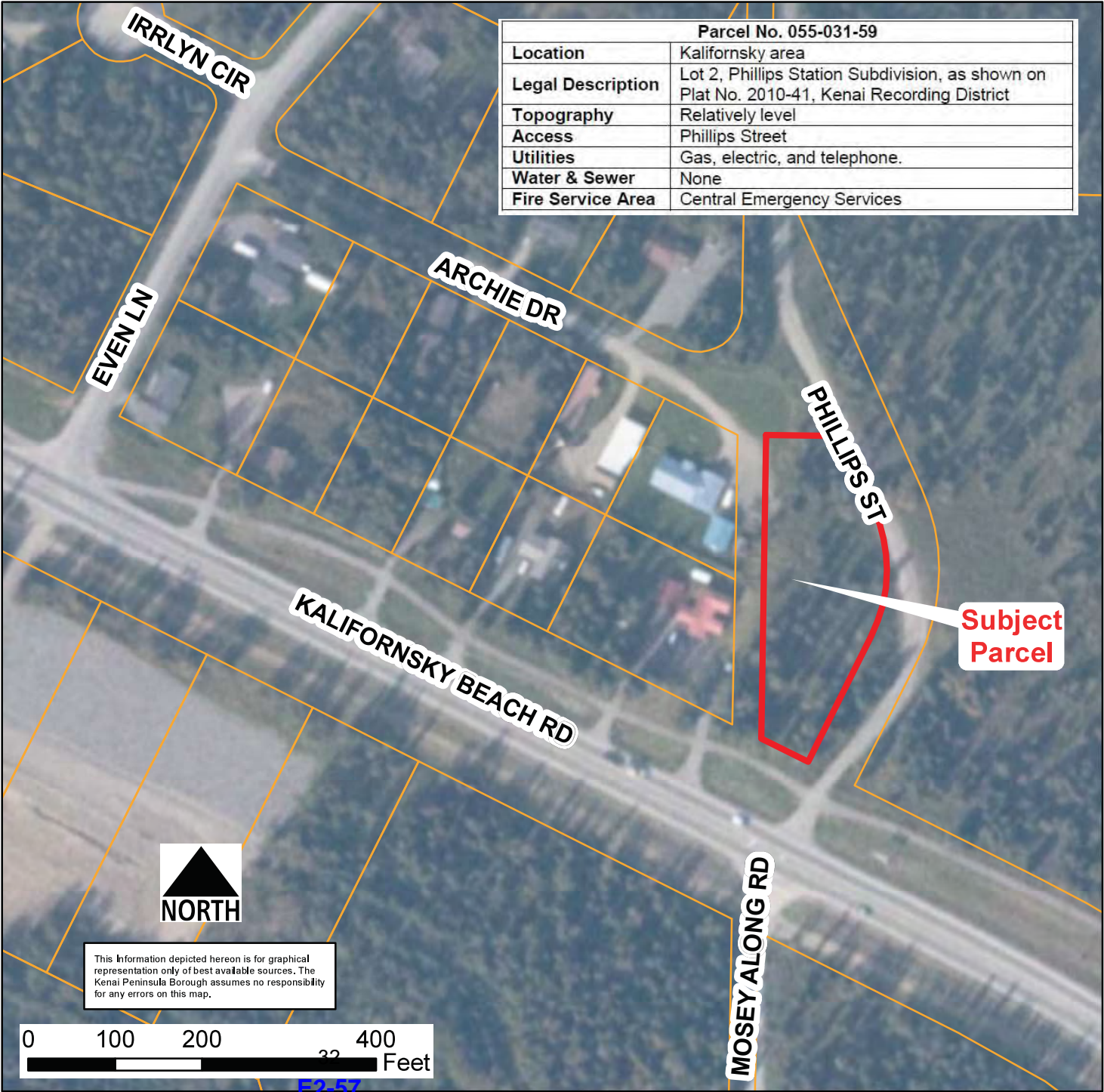
Parcel No. 055-035-15	
Location	Ciechanski area
Legal Description	Lot 2, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District
Topography	Relatively level and treed predominately with spruce and birch.
Special Features	The Kenai River is within ½ mile
Access	Access is gained from Baldpate Loop a gravel road maintained by the KPB Roads Dept.
Utilities	Gas, electric, and telephone.
Water & Sewer	None
Fire Service Area	Central Emergency Services
Local Option	Single-family residential district (R-1), adopted under KPB
Zoning	21.46.040



Minimum Bid
\$40,000

Acres: 0.94±

No photo
available

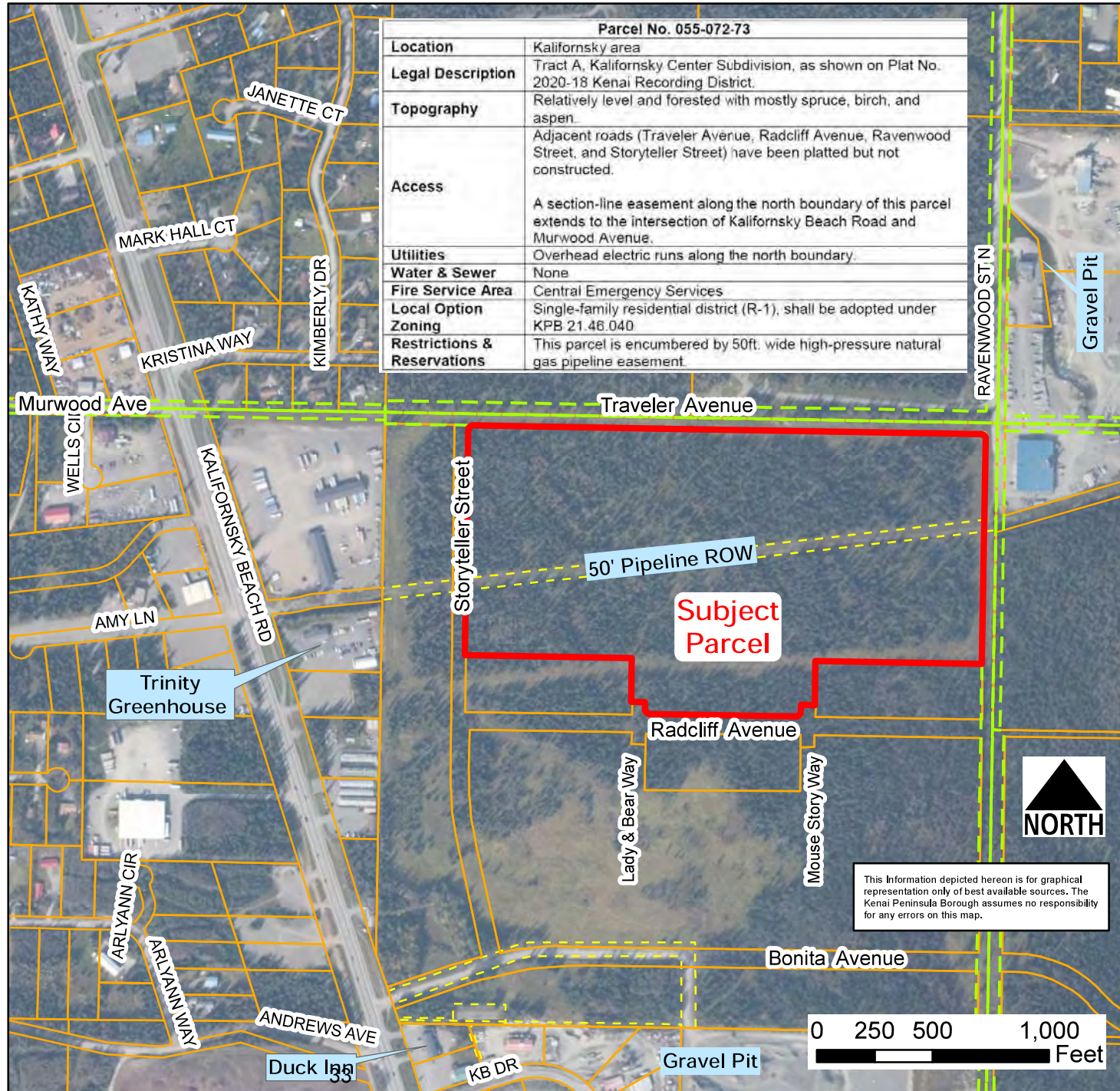


Parcel No. 05507273 (Tract A, Kalifornsky Center Sub)

Minimum Bid
\$350,000

Acres: 54.91±

No photo
available



Parcel No. 055-072-84 through 055-072-92 (Lots 1 through 9. Kalifornsky Center Sub)

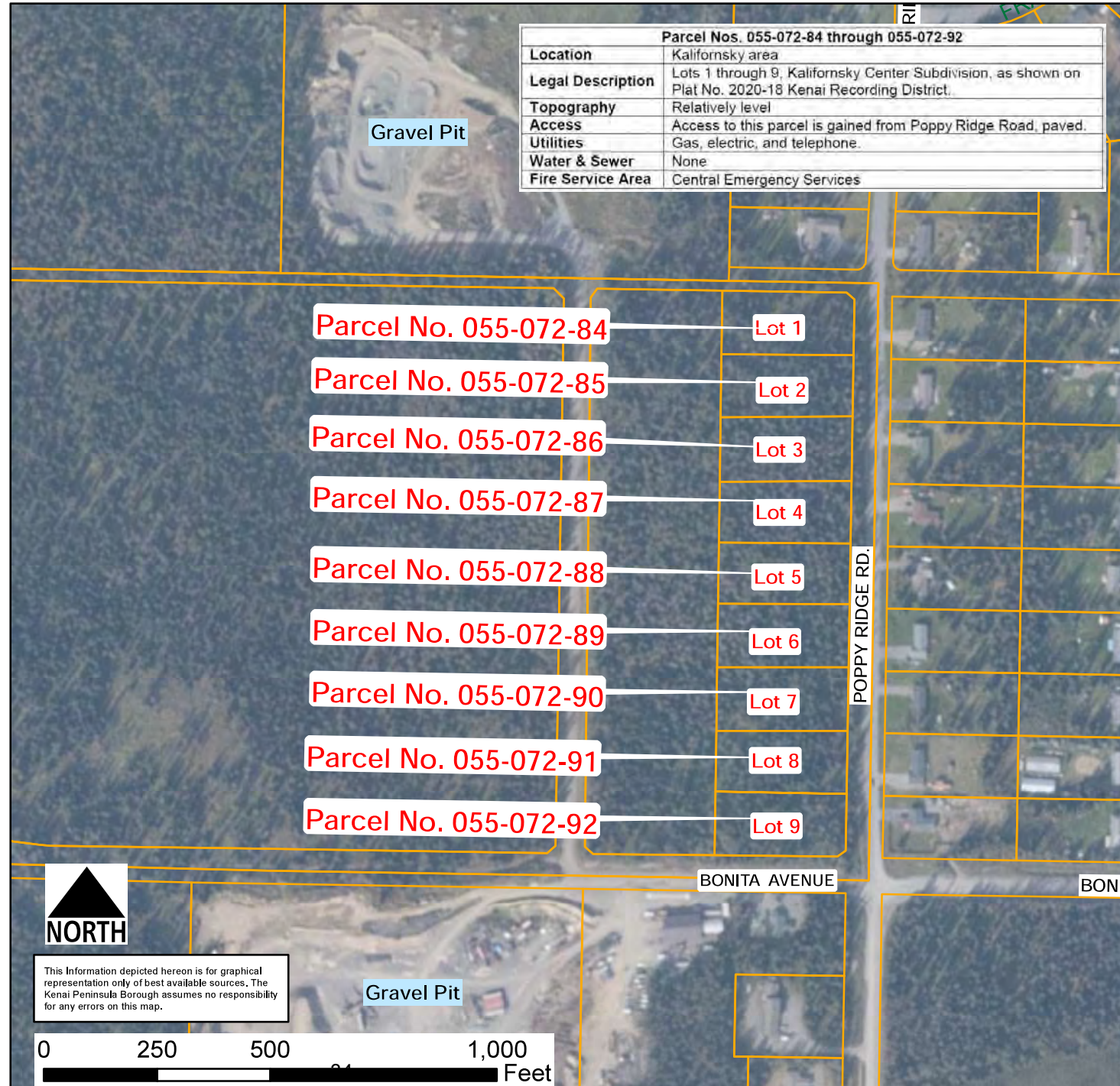
Minimum Bid
\$25,000 per lot

Acres: 0.92±
per lot

No photo
available

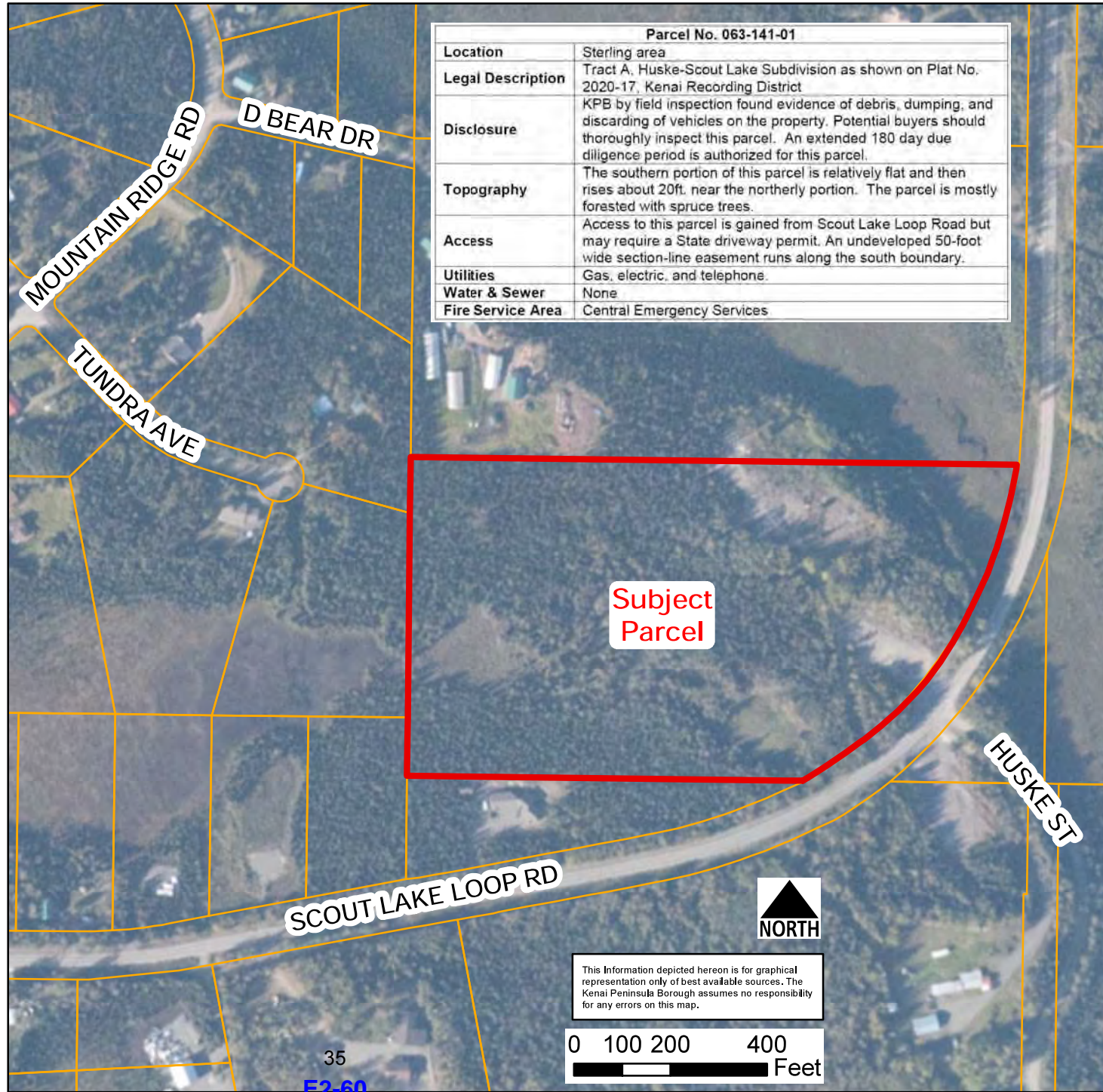


124



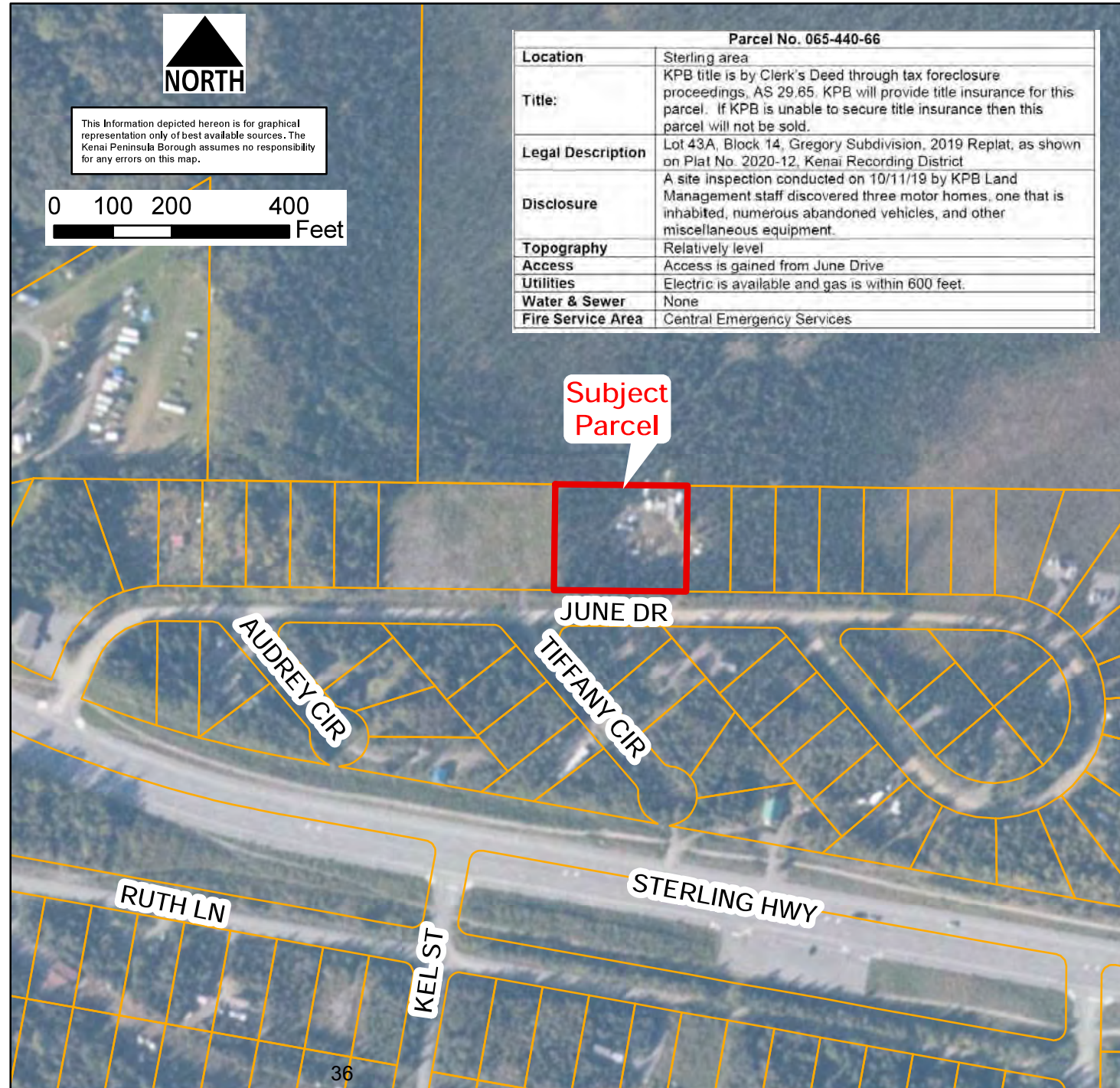
Minimum Bid
\$60,000

Acres: 17.03±



Minimum Bid
\$18,000

Acres: 0.93±

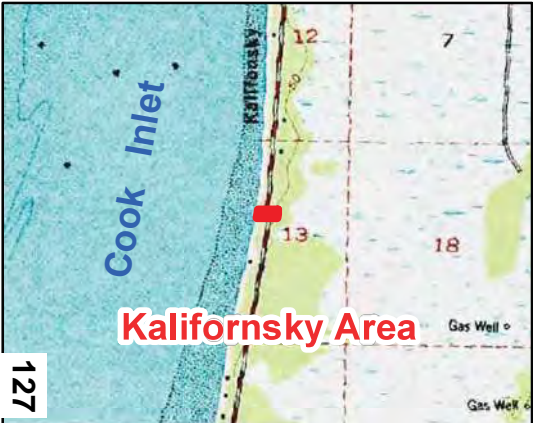


Minimum Bid
\$110,000

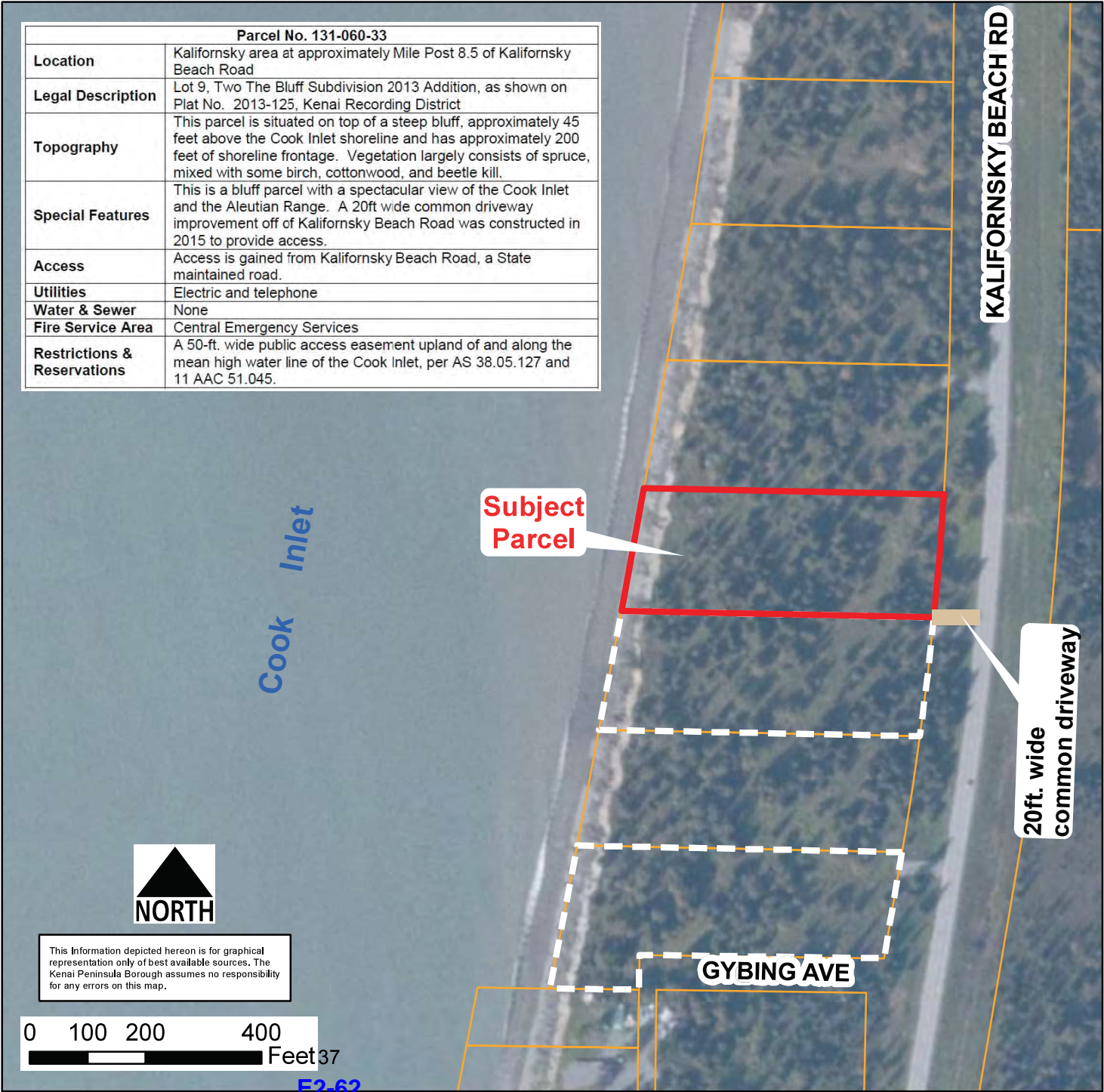
Acres: 2.59±



Representative photo taken from top of bluff looking out at the Cook Inlet.



Parcel No. 131-060-33	
Location	Kalifornsky area at approximately Mile Post 8.5 of Kalifornsky Beach Road
Legal Description	Lot 9, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District
Topography	This parcel is situated on top of a steep bluff, approximately 45 feet above the Cook Inlet shoreline and has approximately 200 feet of shoreline frontage. Vegetation largely consists of spruce, mixed with some birch, cottonwood, and beetle kill.
Special Features	This is a bluff parcel with a spectacular view of the Cook Inlet and the Aleutian Range. A 20ft wide common driveway improvement off of Kalifornsky Beach Road was constructed in 2015 to provide access.
Access	Access is gained from Kalifornsky Beach Road, a State maintained road.
Utilities	Electric and telephone
Water & Sewer	None
Fire Service Area	Central Emergency Services
Restrictions & Reservations	A 50-ft. wide public access easement upland of and along the mean high water line of the Cook Inlet, per AS 38.05.127 and 11 AAC 51.045.

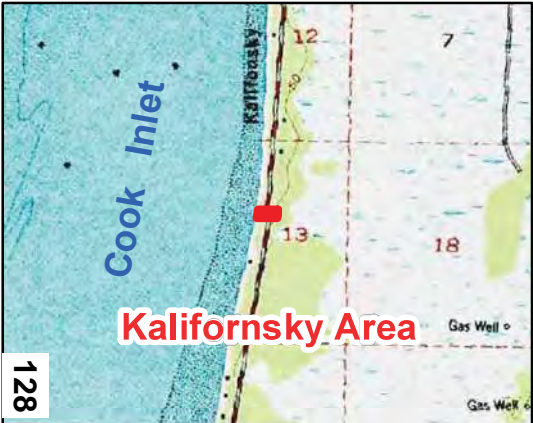


Minimum Bid
\$110,000

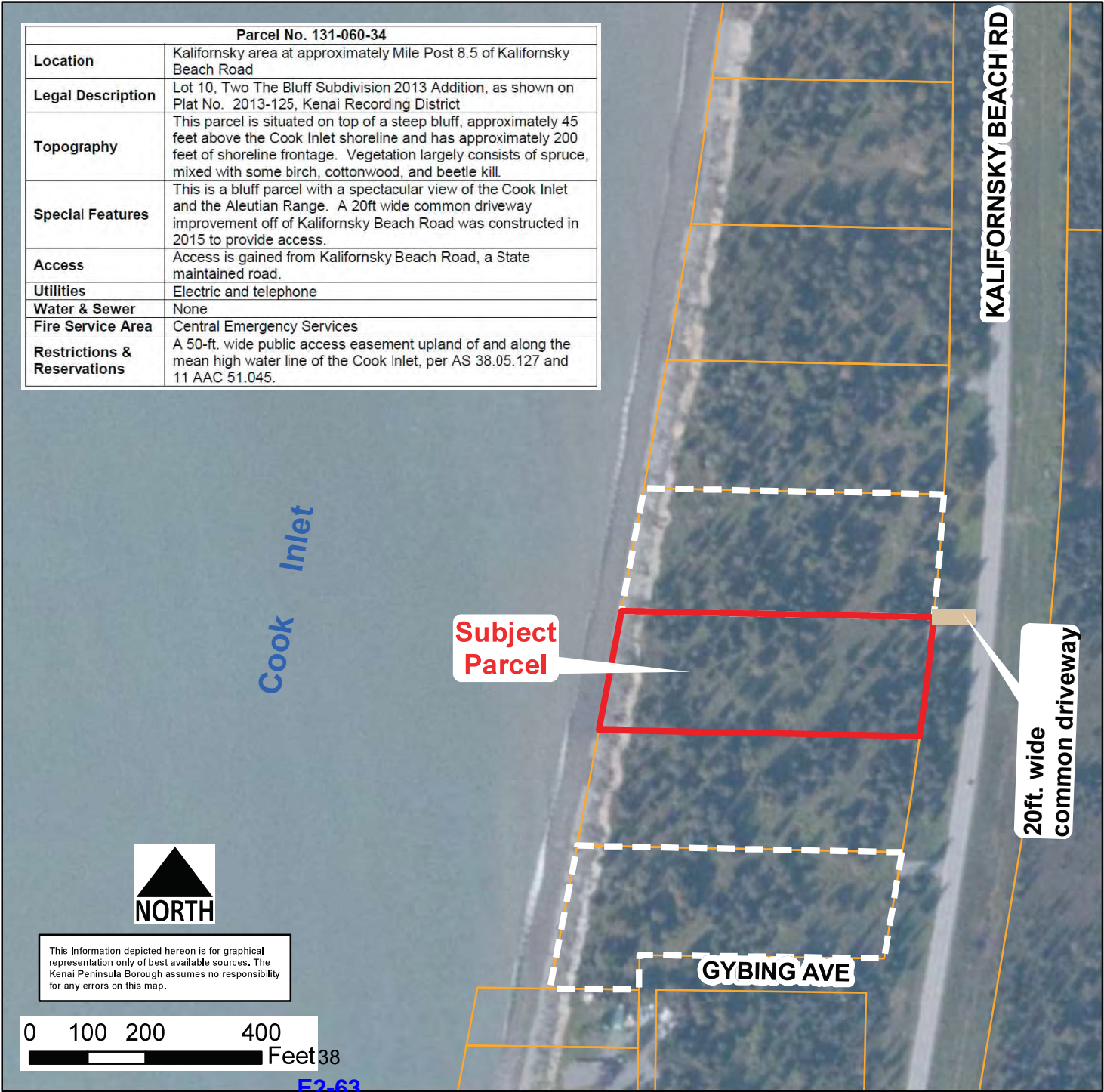
Acres: 2.59±



Representative photo taken from top of bluff looking out at the Cook Inlet.



Parcel No. 131-060-34	
Location	Kalifornsky area at approximately Mile Post 8.5 of Kalifornsky Beach Road
Legal Description	Lot 10, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District
Topography	This parcel is situated on top of a steep bluff, approximately 45 feet above the Cook Inlet shoreline and has approximately 200 feet of shoreline frontage. Vegetation largely consists of spruce, mixed with some birch, cottonwood, and beetle kill.
Special Features	This is a bluff parcel with a spectacular view of the Cook Inlet and the Aleutian Range. A 20ft wide common driveway improvement off of Kalifornsky Beach Road was constructed in 2015 to provide access.
Access	Access is gained from Kalifornsky Beach Road, a State maintained road.
Utilities	Electric and telephone
Water & Sewer	None
Fire Service Area	Central Emergency Services
Restrictions & Reservations	A 50-ft. wide public access easement upland of and along the mean high water line of the Cook Inlet, per AS 38.05.127 and 11 AAC 51.045.



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

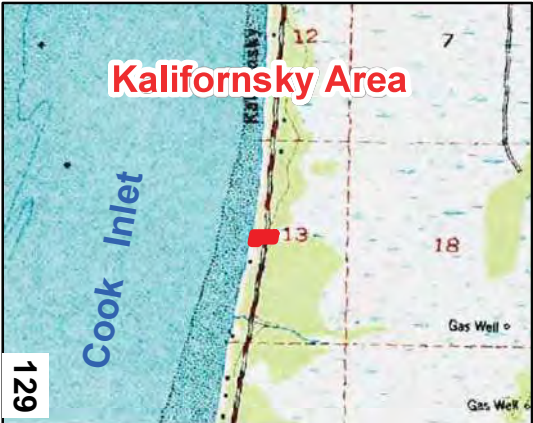
0 100 200 400 Feet

Minimum Bid
\$110,000

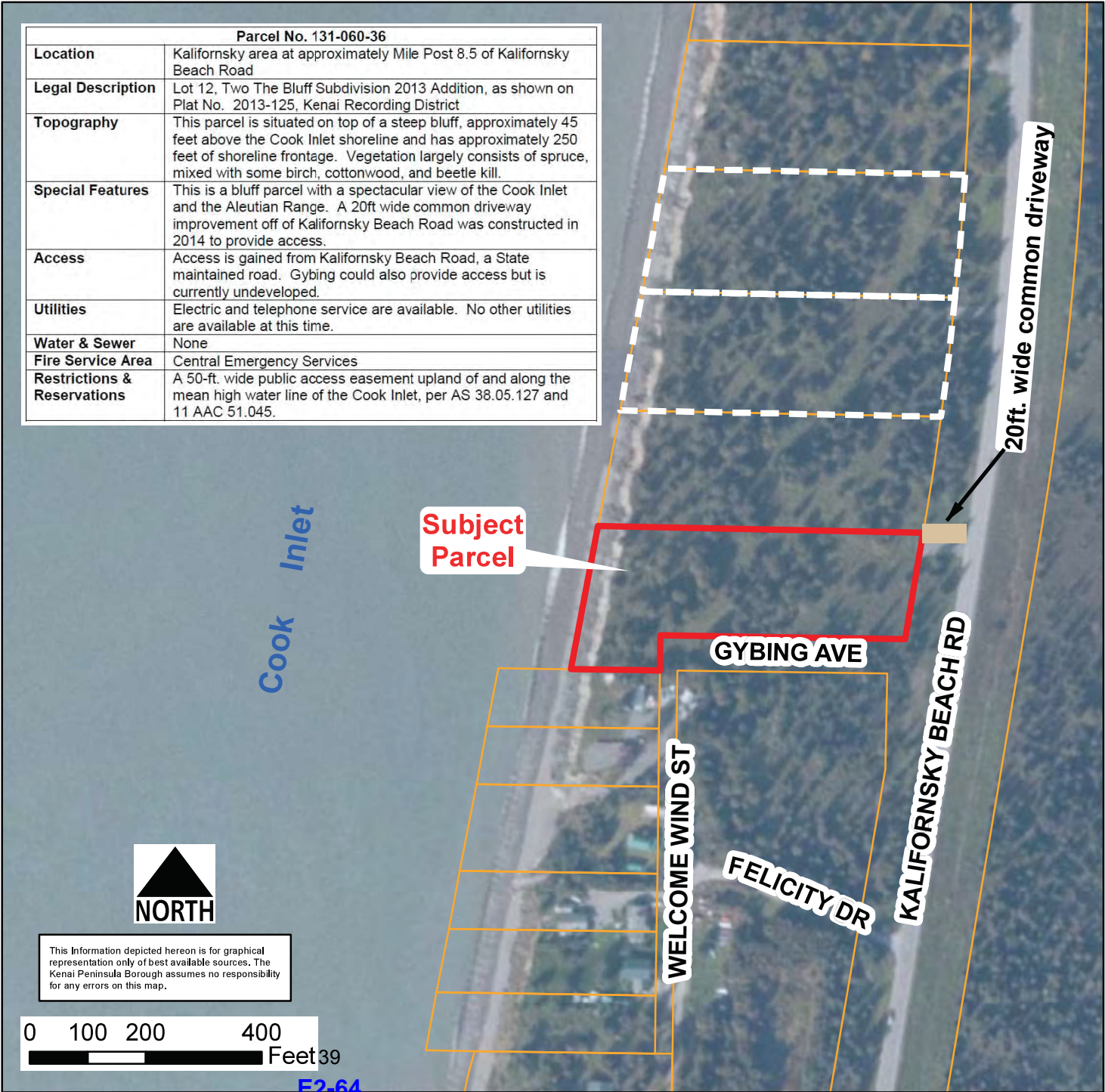
Acres: 2.60±

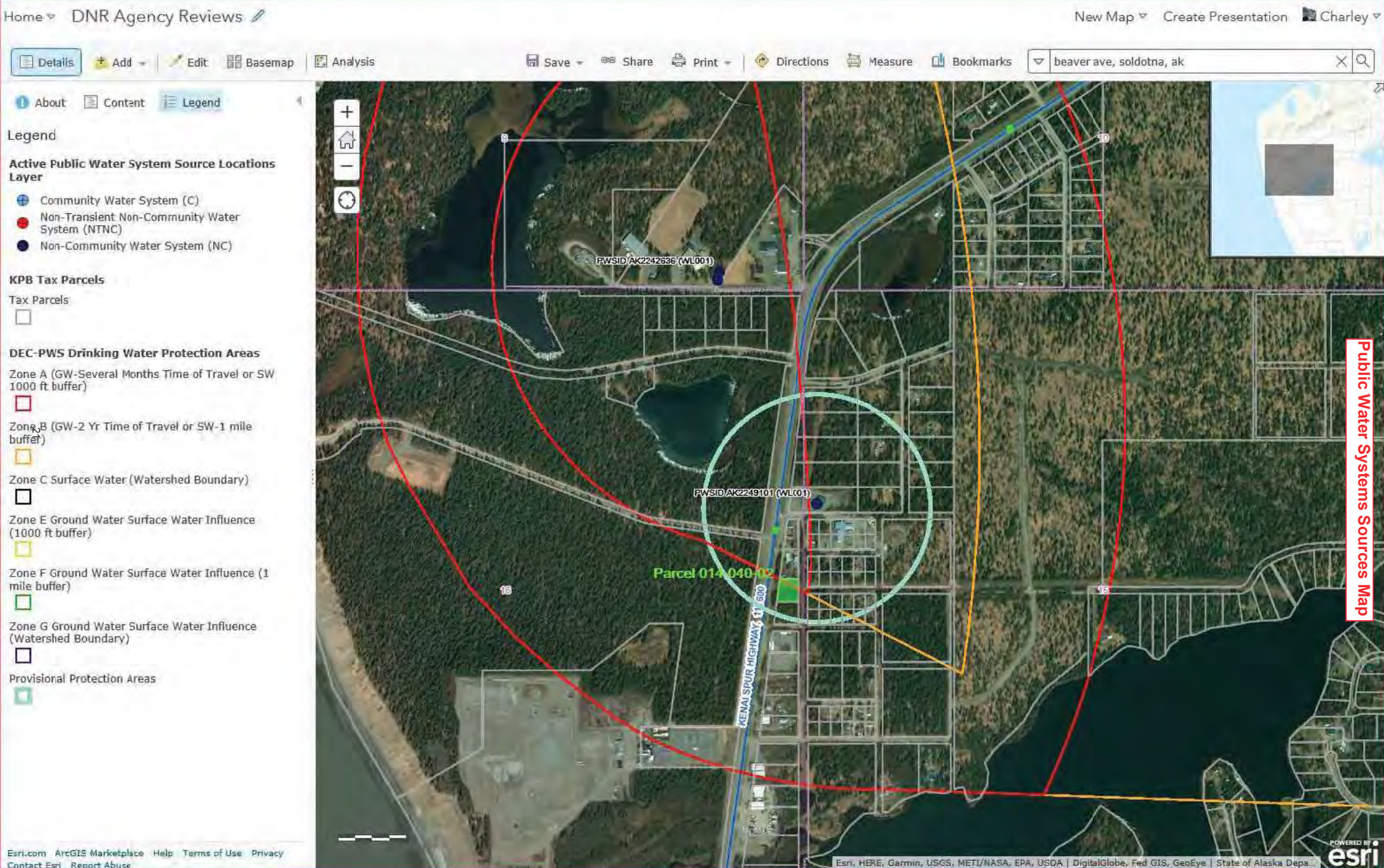


Photo taken from top of bluff looking out at the Cook Inlet.



Parcel No. 131-060-36	
Location	Kalifornsky area at approximately Mile Post 8.5 of Kalifornsky Beach Road
Legal Description	Lot 12, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District
Topography	This parcel is situated on top of a steep bluff, approximately 45 feet above the Cook Inlet shoreline and has approximately 250 feet of shoreline frontage. Vegetation largely consists of spruce, mixed with some birch, cottonwood, and beetle kill.
Special Features	This is a bluff parcel with a spectacular view of the Cook Inlet and the Aleutian Range. A 20ft wide common driveway improvement off of Kalifornsky Beach Road was constructed in 2014 to provide access.
Access	Access is gained from Kalifornsky Beach Road, a State maintained road. Gybing could also provide access but is currently undeveloped.
Utilities	Electric and telephone service are available. No other utilities are available at this time.
Water & Sewer	None
Fire Service Area	Central Emergency Services
Restrictions & Reservations	A 50-ft. wide public access easement upland of and along the mean high water line of the Cook Inlet, per AS 38.05.127 and 11 AAC 51.045.





LOCAL OPTION ZONING FOR:

DISCOVERY PARK SUBDIVISION

Allowed uses have been designated through Local Option Zoning enacted by Ordinance 2009-43.

21.44.180. - Multi-Family residential district (R-M).

- A. *Allowed Principal Use:* No more than one single-family or multi-family residential (no more than 4 units) dwelling unit is allowed per lot.
- B. *Allowed Compatible Uses:* Compatible uses allowed in the R-M zone are parks, playgrounds, schools, community centers, libraries, churches, and home occupations.
- C. *Development Standards.* Development standards apply to principal and accessory structures:
 - 1. *Setbacks.* Setbacks shall be 60 feet from the front yard line for multi-family units, 40 feet from the front yard line for single family units, 40 feet from the rear yard line for multi-family units, 20 feet from the rear yard line for single family units, 25 feet from the side yard lines for multi-family units, 15 feet from the side yard lines for single family units, and 50 feet from the shore and where applicable subject to the provisions of KPB 21.18.
 - 2. *Lot size.* Minimum lot size shall be 65,340 square feet for multi-family units and 40,000 square feet for single family units. Maximum lot size is 5 acres.
 - 3. *Drainage Ways.* Existing natural drainage ways shall be retained.
 - 4. *Coverage.* Maximum coverage by structure is 20 percent of the lot.
 - 5. *Accessory Structures.* Accessory structures commonly associated with residential dwellings, i.e., garages, barns, storage sheds, greenhouses, wind turbines, and workshops are allowed within the district.
 - 6. *Livestock and pets.*
 - a. *Dog Lots:* Dog lots and kennels are prohibited.
 - b. Household pets including, but not limited to, dogs and cats shall be allowed provided that no more than four household pets of more than six months of age are kept on the lot.
 - c. Poultry, fowl and small animals shall be properly contained (e.g., chicken coop, rabbit hutch) and shall be located in accordance with the required accessory use setbacks. No more than 10 such animals over 6 months old are allowed.
 - d. Hoofed animals are prohibited, except for a single miniature horse used as a service animal.
 - 7. *Prohibited uses and structures.* The following uses and structures are prohibited in the R-M district:
 - a. A lot within the LOZD shall not be offered for sale or lease for non-allowed uses.
 - b. No more than two of either travel trailers or motor homes may be on each lot at any time.
 - c. No more than two of either inoperable or unregistered vehicles are allowed on each lot at any time.

21.46.050. - Multi-Family Residential (R-M) Districts.

- A. The following Multi-Family Residential (R-M) districts and official maps are hereby adopted:
 - 2. Discovery Park Subdivision, described as lots 1-14 Discovery Park Subdivision Preliminary Plat, KPB File No. 2008-108.
 - a. Lots 8, 12, 13, and 14 are approved for commercial use as defined by KPB 21.44.230 and subject to the development standards in KPB 21.44.190.
 - b. Dog lots and kennels as defined in KPB 21.44.230 are a prohibited use within this LOZ.
 - c. The use of any lot within this district as a junkyard is prohibited.
 - d. The minimum lot size shall be 65,340 square feet (1.5 acres).
 - e. The local option zone applies to any further replats of Discovery Park Subdivision

LOCAL OPTION ZONING FOR:

THE WIDGEON WOODS SUBDIVISION

Allowed uses have been designated through Local Option Zoning enacted by Ordinance 2012-20 and shown below.

TRACT A, KALIFORNSKY CENTER SUBDIVISION

Allowed uses shall be designated through Local Option Zoning enacted by Ordinance 2019-34 and are proposed as follows:

21.44.160 - Single-family residential district (R-1)

- A. *Allowed Principal Use.* Single-family residential (R-1) dwelling units are the allowed principal use in this district.
- B. *Allowed Compatible Uses.* Compatible uses allowed in the R-1 zone are parks, playgrounds, open space, schools, community centers, libraries, churches, and home occupations.
- C. *Development Standards.* Development standards apply to principal and accessory structures.
 - 1. *Setbacks.* Setbacks for structures shall be 30 feet from the front yard line, 20 feet from the rear yard line, 15 feet from the side yard lines, and 50 feet from the shore and where applicable subject to the provisions of KPB 21.18.
 - 2. *Maximum building height.* Maximum building height shall be 2½ stories above ground or 35 feet above average grade, whichever is less
 - 3. *Lot size.* Minimum lot size shall be 40,000 square feet. Maximum lot size is 5 acres.
 - 4. *Coverage.* Maximum coverage by structure is 20 percent of the lot.
 - 5. *Drainage Ways.* Existing natural drainage ways shall be retained.
 - 6. *Accessory structures.* Accessory structures commonly associated with residential dwellings, i.e., garages, barns, storage sheds, greenhouses, wind turbines, workshops, and a single, noncommercial guesthouse per parcel, are allowed within the district. A single accessory structure may constitute the principal use of the lot where an adjacent lot with the primary residence is in the same ownership.
 - 7. *Livestock and pets.*
 - a. Dog Lots: Dog lots and kennels are prohibited.
 - b. Household pets including, but not limited to, dogs and cats shall be allowed provided that no more than four household pets of more than six months of age are kept on the lot.
 - c. Poultry, fowl and small animals shall be properly contained (e.g., chicken coop, rabbit hutch) and shall be located in accordance with the required accessory use setbacks. No more than 10 such animals over 6 months old are allowed.
 - d. Hoofed animals are prohibited, except for a single miniature horse used as a service animal.
 - 8. *Prohibited uses and structures.* The following uses and structures are prohibited in the R-1 district:
 - a. A lot within the LOZD shall not be offered for sale or lease for non-allowed uses.
 - b. No more than two of either travel trailers or motor homes may be on each lot at any time.
 - c. No more than two of either inoperable or unregistered vehicles are allowed on each lot at any time.

21.46.040 - Single-family residential district (R-1)

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

4. Widgeon Woods, described as Widgeon Woods Phase Two Subdivision, located within the SE¼ of Section 13 T5N, R11W S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska, KPB File No. 2008-254, excluding Lot 14 Block 4, and Tract B.
 - a. The local option zoning applies to any further replats of Widgeon Woods Subdivision, except Lot 14 Block 4, and Tract B.

12. Kalifornsky Center, described as Tract A, Kalifornsky Center Subdivision, according to Plat 2020-18, Kenai Recording District, Alaska, KPB File No. 2019-132.
 - a. The local option zoning applies to any further replats of said Tract A.

TAURIAINEN ENGINEERING & TESTING

35186 Spur Hwy Soldotna, AK 99669 (907)262-4624 FAX 262-5777 engineeringalaska@gci.net

6/25/2008 Discovery Park Subdivision

SOILS REPORT

KPB 2008-108 This is copy for subdivision file
This is original for soil report file ✓
Large working map- Yes No

Date: 13 May 2008

To: Paul Voeller, KPB

Copy: KPB Planning
Integrity Surveys

From: Henry Knackstedt, Project Engineer HK

Subject: Discovery Park Subdivision
A Subdivision of Tracts A, B, & C Within ASLS #2006 Within Protracted
Section 34, T10N, R2W, SM
Soils Investigation
2 pp + Attachments



08039

On May 9, 2008 we performed a soils investigation to determine suitability of Discovery Park Subdivision for onsite wastewater systems. The proposed 111.847-acre subdivision consists of Lots 1 - 14 which contain between 1.928 and 3.263 acres, and several large tracts which are not represented due to their large sizes. Based on test holes excavated by Avalanche Enterprises with a Hitachi EX 100 track-mounted excavator, soils are typically coarse gravel with cobbles in the likely depths for septic systems, and are suitable for conventional wastewater systems.

Access to the subdivision is from Palmer Creek Road via the Hope Highway. The property is within Tracts A, B, & C Within ASLS #2006-4, and Partial Vacation of Palmer Creek Road within Protracted Section 34, T10N, R2W, SM., in Hope, Alaska.

The proposed subdivision gently slopes generally toward the east and northeast and is heavily vegetated with hemlock, spruce and birch trees. No development was observed in the subdivision except for portions of Palmer Creek Road and a gravel pit in the southern portion of Tract B1.

Based on the soils investigation, each lot has at least 20,000 sf available for on-site wastewater systems and other residential development. We recommend that the developer of each lot carefully consider locations of existing and future on-lot and nearby wells and septic systems prior to construction. Wastewater treatment and disposal systems must be at least 100' from any private wells, 150' from Class C wells, and 200' from Class A and B wells. For other than single-family or duplex dwellings, ADEC or a qualified engineer should be consulted to determine water supply and wastewater treatment and disposal system requirements.

This investigation was performed according to TET standard procedures to evaluate subdivision soil conditions. This report was prepared solely for the Kenai Peninsula Borough

to present the findings of our investigation to the Kenai Peninsula Borough for Discovery Park Subdivision regarding suitability for on-site wastewater disposal, and is provided based on our knowledge of the area and information collected during our investigation. Information from others and considered in this report is believed to be reliable, but no responsibility is assumed for accuracy. Any use of this report, or conclusions drawn, by third parties is at their own risk.

This report is based upon the application of scientific principles and professional judgement to certain facts with resultant subjective interpretations based on facts currently available within the limits of existing information, scope of service, budget and schedule. Conclusions and recommendations stated herein are intended as guidance and not necessarily a firm course of action, unless explicitly stated. If more definitive conclusions are desired than are warranted by currently available facts, additional investigation is recommended.

TET makes no warranties as to merchantability or fitness for a particular purpose. Due to the variable nature of site soils and hydrogeology, the limited investigation, and the lack of a complete record of previous site activities, subsurface conditions may vary from the information presented. If conditions are found to differ significantly from those described in this report, please contact us. Please call if you have any questions.

End of Report Text

Attachments

Test Hole Logs
Working Map

**DISCOVERY PARK SUBDIVISION
Test Hole Logs (May 2008)**

TEST HOLE 1

0 - 0.7' SILT, black, frozen (ML)
0.7 - 1.2' SILT, brown, moist (ML)
1.2 - 2.0' SILT, some Gravel, gray, moist (ML) (Grab @ 3.0')
2.0 - 10' GRAVEL, coarse, Cobbles, few small Boulders, clean, gray (GP)
No ground water table observed

TEST HOLE 2

0 - 0.5' SILT, black, frozen (ML)
0.5 - 2' SILT, brown, moist (ML)
2.0 - 10' GRAVEL, coarse, Cobbles, few small Boulders, clean, gray (GP)
No ground water table observed

TEST HOLE 3

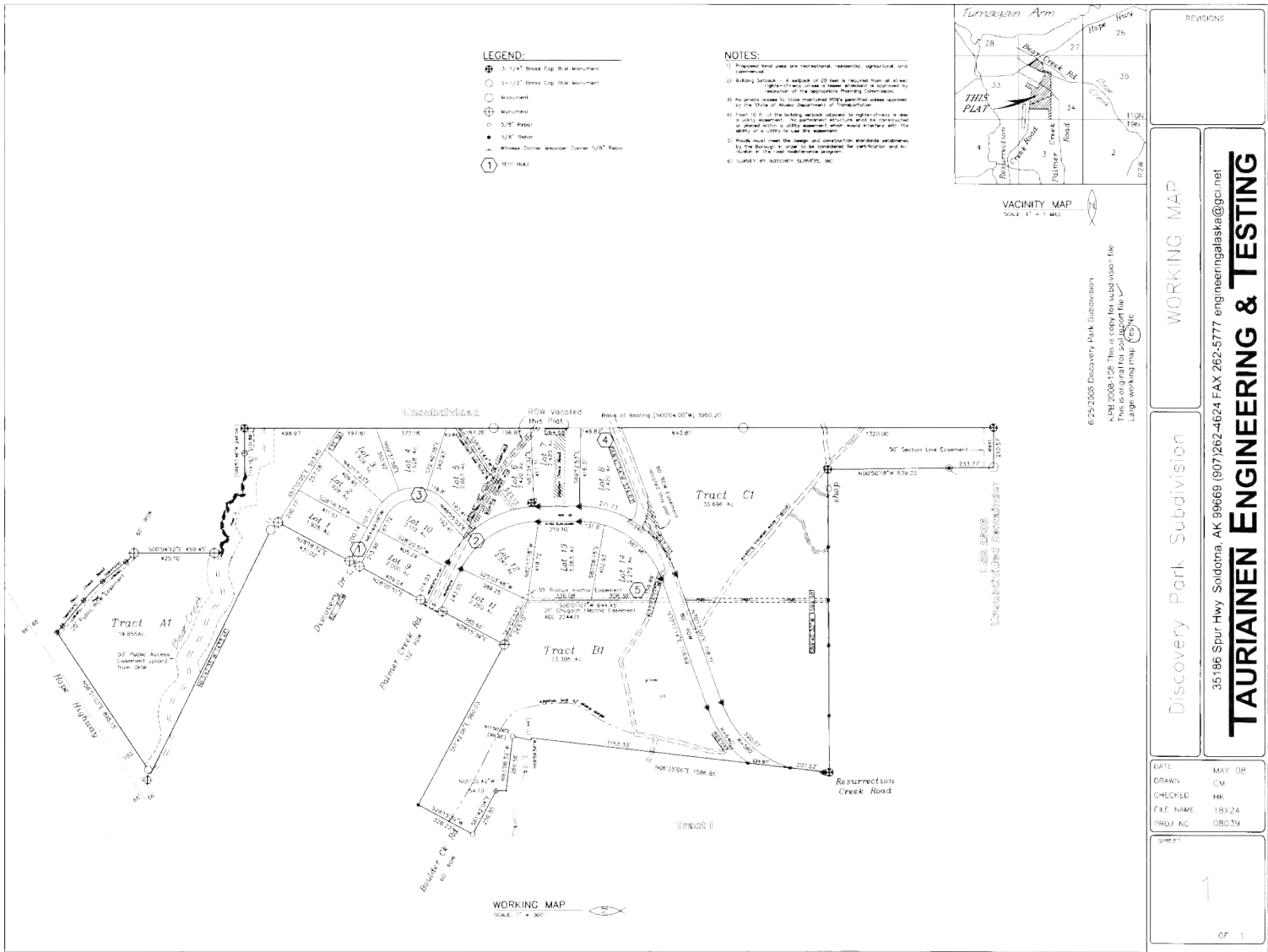
0 - 0.5' SILT, black, frozen (ML)
0.5 - 2' SILT, brown, Cobbles at depth, moist (ML)
2.0 - 9' GRAVEL, coarse, Cobbles, few small Boulders, clean, gray (GP) (Grab @ 3.0')
No ground water table observed

TEST HOLE 4

0 - 1.5' SILT, tan, Cobbles at bottom, moist (ML)
1.5 - 10' GRAVEL, coarse, Cobbles, few small Boulders, clean, gray (GP)
No ground water table observed

TEST HOLE 5 (Gravel Pit about 200' from hole)

0 - 1' SILT, brown, moist (ML)
1 - 9' GRAVEL, coarse, some Cobbles, clean, gray (GP)
No ground water table observed



TAURIAINEN ENGINEERING & TESTING

35186 Spur Hwy Soldotna, AK 99669 (907)262-4624 FAX 262-5777 engineeringalaska@gci.net

SOILS REPORT

Date: 4 December 2008, *Revised 19 December 2008*
To: Paul Voeller, KPB Planning
Copy: Cliff Baker, Integrity Surveys
From: Mike Tauriainen, Project Engineer
Subject: Widgeon Woods, Phase Two
Located Within W1/2 SE 1/4 S13, T5N, R11W, SM
Soils Investigation, *Revised*
3 pages + Attachments (6 pages)

08202



On 13 & 14 November 2008 we performed a soils investigation to determine suitability of Widgeon Woods Subdivision for onsite wastewater systems and roadways. The proposed 82.3 acre subdivision will consist of 33 lots containing 1.148 to 2.267 acres, and a 12.020 acre tract. Due to the size of the tract, it is not represented in this report except for information gathered. Based on 17 test holes dug by Hills Excavating and logged by Mike Tauriainen and/or Seth Tauriainen, soils are generally sands and gravels in the likely depths for septic systems, and are suitable for conventional wastewater systems. Based on field observation, samples and ten lab gradations, the soils are classified on the attached test hole logs.

The subdivision is bounded to the north by Franke Addition No. Three, to the east by Widgeon Woods Phase One Tract B and unsubdivided land, to the south by Ciechanski Road and unsubdivided land, and to the west by Circle Park Estates Addition No. 3 Glonek Addition and Kehau's Addition. Access to the subdivision is from Ciechanski Road, off Kalifornsky Beach Road. The property is within the W1/2 SE 1/4 S13, T5N, R11W, S.M., between Kenai and Soldotna, Alaska.

The proposed subdivision is relatively level except for two, steep 20-30' high steep slopes between nearly level terraces. The northwesterly 1/2 of the subdivision is on the upper terrace and has been partially logged of beetle-kill spruce and has numerous medium to large spruce and birch. The southwesterly 1/8 is very densely wooded with small to medium spruce with some birch. The easterly 1/3 has also been partially logged and has scattered to numerous medium spruce and birch. No development was observed other than a powerline and the existing road near the east boundary of the subdivision.

According to the USDA *Soil Survey of Kenai-Kasilof Area, Alaska*, soils in the subdivision include Tustumena silt loam, Longmare silt loam, Nikishka silt loam and Bernice sandy loam. These soils generally support a forest in which white spruce and birch are dominant.

The upper terrace encompasses the northwesterly half of the subdivision and is classified as Tustumena silt loam, nearly level (0 - 3%). "The Tustumena series consists of well-drained soils developed in a moderately deep deposit of wind-laid silty material underlain by water-worked sand and gravel or, in places, by coarse sand. Tustumena soils occupy broad terraces along the Kenai and Kasilof Rivers."

The middle terrace encompasses the south and easterly half of the subdivision and is classified as Longmare silt loam, nearly level (0 - 3%) and Nikishka silt loam, gently sloping (3 - 7%). "The Longmare soils occur mostly on broad, nearly level areas in regions where the Soldotna or Tustumena soils are dominant. The Longmare soils occur at slightly lower altitudes than those soils and are only moderately well drained. ... they developed in a wind-laid silty cap that lies over a thick deposit of gravel and coarse sand." "Nikishka soils developed in shallow, wind-laid, silty material overlying thick deposits of coarse sand and gravel. ... the Nikishka soils are widely distributed on outwash plains, escarpments, and slopes in hilly areas."

The steep slopes are classified as Bernice sandy loam, strongly sloping to steep (12 - 45%). "The Bernice series consists of excessively drained, very shallow, gravelly soils on short, steep slopes bordering streams, lakes, or muskegs." A lower terrace starts immediately east of the subdivision and it appears to include some wetland.

The soils observed by us appeared consistent with the USDA descriptions. In accordance with KPB Chapter 20.14 Wastewater Disposal, Section 20.14.100(D), the minimum number of test holes is one for every two acres except 20.14.100(E) allows less than the minimum number of test holes if, in the engineer's opinion, sufficient soils data indicates general consistency throughout all or a portion of the subdivision. The 17 test holes were well distributed across the subdivision and showed consistency of the soils in accordance with the terrain and USDA mapping. Test holes were located in close proximity to each of the lots to effectively indicate soils on all lots are suitable for conventional wastewater systems. Clean sands and gravels were found in all test holes in the likely depths for soil absorption systems. In our professional opinion, the number of test holes is adequate based on placement of test holes, consistent soils conditions and lot size and layout.

Based on the soils investigation, each lot has at least 20,000 sf available for on-site wastewater systems and other residential development. We recommend that the developer of each lot carefully consider locations of existing and future on-lot and nearby wells and septic

systems prior to construction. Wastewater treatment and disposal systems must be at least 100' from any private wells, 150' from Class C wells, and 200' from Class A and B wells. For other than single-family or duplex dwellings, ADEC or a qualified engineer should be consulted to determine water supply and wastewater treatment and disposal system requirements. No private wells were observed within 100' of the subdivision and no apparently public wells were observed.

This investigation was performed according to TET standard procedures for evaluating subdivision soil conditions. This report was prepared solely for the Kenai Peninsula Borough to present the findings of our investigation to the Kenai Peninsula Borough Planning Commission for Widgeon Woods Phase Two regarding suitability for on-site wastewater disposal, and is provided based on our knowledge of the area and information collected during our investigation. Information from others and considered in this report is believed to be reliable, but no responsibility for accuracy is assumed by us. Any use of this report, or conclusions drawn, by third parties is at their own risk.

This report is based upon the application of scientific principles and professional judgement to certain facts with resultant subjective interpretations based on facts currently available within the limits of existing information, scope of service, budget and schedule. Conclusions and recommendations stated herein are intended as guidance and not necessarily a firm course of action, unless explicitly stated. If more definitive conclusions are desired than are warranted by currently available facts, additional investigation is recommended.

TET makes no warranties as to merchantability or fitness for a particular purpose unless specifically noted. Due to the variable nature of site soils and hydrogeology, the limited investigation, and the lack of a complete record of previous site activities, subsurface conditions may vary from the information presented. If conditions are found to differ significantly from those described in this report, please contact us. Please call if you have any questions.

End of Report Text

Attachments

Test Hole Logs (3pp)
Gradations (2pp)
Working Map

L:\PROJECTS\KPB\08202\Widgeon\SDSoilsRpt.wpd

TEST HOLE LOGS Widgeon Woods

Test Hole #1 (13 Nov 08)

0 - 1.5' SILT, red-brown, soft, moist (ML), < 6" frost
1.5 - 3' SAND, olive, mod dense, moist (SP) S1 @ 2.5 - 3.5'
3 - 5.3' Silty SAND, olive, mod dense, moist (SM)
5.3 - 10' Sandy GRAVEL, olive, mod dense, moist (GP)
TD 10' No Groundwater Table Encountered

Test Hole #2 (13 Nov 08)

0 - 1.5' SILT, red-brown, soft, moist (ML), 6" frost
1.5 - 4.3' Fine SAND, olive, mod dense, moist (SP)
4.3 - 10' Sandy GRAVEL, olive, mod dense, moist (GP)
10 - 11' SILT, gray, hard, moist (ML)
TD 11' No Groundwater Table Encountered

Test Hole #3 (13 Nov 08)

0 - 1.5' SILT, red-brown, soft, moist (ML), < 6" Frost
1.5 - 11' Sandy GRAVEL, w/ cobbles and small boulders from 7' to 8'
olive, mod dense, moist (GP) S1 @ 4 - 7'
11 - 12' Medium to fine SAND, olive, mod dense, saturated (SP)
12 - 12.5' Gravelly SAND, olive, mod dense, saturated (SP)
TD 12.5' Groundwater Table at 11'

Test Hole #4 (13 Nov 08)

0 - 1.5' SILT, red-brown, soft, moist (ML), < 6" frost
1.5 - 2.5' SAND, olive, mod dense, moist (SP)
2.5 - 13' Sandy GRAVEL, olive, mod dense, moist (GP) S1 @ 6 - 9'
13 - 14' SAND, olive, mod dense, wet (SP) S2 @ 13 - 14'
TD 14' Groundwater Table at 13.5'

Test Hole #5 (13 Nov 08)

0 - 1.5' SILT, red-brown to gray, soft, moist (ML), < 6" frost
1.5 - 2.5' Silty SAND, brown, mod dense, moist (SM)
2.5 - 3' SILT, tan, stiff to hard, moist (ML)
3 - 3.8' SAND, olive, mod dense, moist (SP)
3.8 - 4.5' Pea GRAVEL, olive, mod dense, moist (GP)
4.5 - 7.5' SAND/GRAVEL, olive, mod dense, moist (SP/GP)
7.5 - 12' Silty Gravelly SAND w/ scat cobbles, gray, mod dense, moist (SM)
water seep @ t 11.5', S1 @ 7.5 - 9.5'
TD 12'

Test Hole #5A (13 Nov 08)

0 - 1.5' SILT, red-brown, soft, moist (ML), < 6" frost
1.5 - 7' Gravelly SAND w/ 32" Boulder @ 6', olive, mod dense, moist (SP)
7 - 12' Silty Gravelly SAND, gray, dense, moist (SM) S1 @ 9.5'
TD 12' No Groundwater Table Encountered

Test Hole #6 (13 Nov 08)

0 - 1.5' SILT, red-brown, soft, moist (ML), < 6" frost
1.5 - 3' Gravelly SAND, olive, mod dense, moist (SP)
3 - 9' Sandy GRAVEL, olive, mod dense, moist (GP) S1 @ 4.5'
TD 9' No Groundwater Table Encountered

Test Hole #7 (13 Nov 08)

0 - 1' SILT, red-brown, soft, moist (ML), < 6" frost
1 - 2' Silty SAND, olive, mod dense, moist (SM)
2 - 9' SAND/GRAVEL, olive, mod dense, moist (SP/GP) S1 @ 5'
9 - 10.5' SILT w/ small boulder, gray, stiff, moist (ML) S2 @ 9 - 10.5'
TD 10.5' No Groundwater Table Encountered

Test Hole #8 (14 Nov 08)

0 - 1.7' SILT, red-brown, soft, moist (ML), < 6" frost
1.7 - 5.5' Silty SAND, olive, mod dense, moist (SM) S1 @ 2.5 - 3'; S2 @ 4 - 5'
5.5 - 10' Gravelly SAND, olive, mod dense, moist (SP) S3 @ 9.5 - 10'
TD 10' No Groundwater Table Encountered

Test Hole #9 (14 Nov 08)

0 - 1.5' SILT, red-brown, soft, moist (ML), 8" frost
1.5 - 7' Silty SAND, very fine, olive, mod dense, moist (SM) S1 @ 2.5 - 3.5'
7 - 11' Gravelly SAND, olive, mod dense, moist (SP) S2 @ 5 - 6'
TD 11' No Groundwater Table Encountered

Test Hole #10 (14 Nov 08)

0 - 1' SILT, red-brown, soft, moist (ML), < 6" frost
1 - 4.5' Silty SAND, very fine, olive, mod dense, moist (SM) S1 @ 3 - 4'
4.5 - 10' Gravelly SAND, olive, mod dense, moist (SP) S2 @ 9.5 - 10'
TD 10' No Groundwater Table Encountered

Test Hole #11 (14 Nov 08)

0 - 1.5' SILT, red-brown, soft, moist (ML), < 6" frost
1.5 - 2.5' Sandy SILT, olive, firm, moist (ML)
2.5 - 5' Silty SAND, olive, mod dense, moist (SM) S1 @ 2.5 - 3.5'
5 - 7' Gravelly SAND w/tr silt, olive, dense, moist (SP-SM)
7 - 12' Gravelly SAND, olive, dense, moist (SP)
TD 12' No Groundwater Table Encountered

Test Hole #12 (14 Nov 08)

0 - 1' SILT, red-brown, soft, moist (ML), < 6" frost
1 - 2.5' Sandy SILT, olive, firm, moist (ML)
2.5 - 6' Silty SAND, olive, mod dense, moist (SM) S1 @ 3.5 - 4.5'
6 - 10' Gravelly SAND, olive, dense, moist (SP)
TD 10' No Groundwater Table Encountered

Test Hole #13 (14 Nov 08)

0 - 1.2' SILT, red-brown, soft, moist (ML), < 6" frost
1.2 - 3.5' Sandy SILT, olive, firm, moist (ML) S1 @ 2 - 3'
3.5 - 10' Gravelly SAND, olive, dense, moist (SP) S2 @ 5 - 6'
TD 10' No Groundwater Table Encountered

Test Hole #14 (14 Nov 08)

0 - 1.5' SILT, red-brown, soft, moist (ML), < 6" frost
1.5 - 2.7' Sandy SILT, olive, firm, moist (ML)
2.7 - 4.5' Silty SAND, olive, dense, moist (SM) S1 @ 3 - 4'
4.5 - 7' Gravelly SAND w/tr Silt, olive, dense, moist (SP-SM)
7 - 10' Gravelly SAND, olive, dense, moist (SP)
TD 10' No Groundwater Table Encountered

Test Hole #15 (14 Nov 08)

0 - 0.7' SILT, red-brown, soft, moist (ML), < 6" frost
0.7 - 2' SILT, olive, firm, moist (ML)
2 - 2.5' Silty SAND, olive, mod dense, moist (SM) S1 @ 2 - 2.5'
2.5' SILT/GRAVEL, thin lens, gray/tan, dense, moist (ML/GP)
2.5 - 5.5' SAND w/tr Silt, olive, mod dense, moist (SP-SM) S2 @ 3 - 4'
5.5 - 10' SAND/GRAVEL w/tr Silt, olive, dense, moist (SP-SM)
TD 10' No Groundwater Table Encountered

Test Hole #16 (14 Nov 08)

0 - 1' SILT, red-brown, soft, moist (ML), < 6" frost
1 - 2' Sandy SILT, olive, firm, moist (ML)
2 - 3.5' Silty SAND, olive, mod dense, moist (SM) S1 @ 2.5 - 3'
3.5 - 7' Gravelly SAND, olive, dense, moist (SP) S2 @ 3.5 - 4.5'
7 - 10' Gravelly SAND, olive, dense, moist (SP)
TD 10' No Groundwater Table Encountered

TAURIAINEN ENGINEERING & TESTING

35186 Spur Hwy Soldotna, AK 99669 (907)262-4624
FAX 262-5777 engineeringalaska@gci.net

Name: Kenai Peninsula Borough
Address: 144 N. Binkley
City: Soldotna, AK 99668
Attention:

Date: December 3, 2008
Project: Widgeon Woods
Project No.: 08202
Fax To:

Sample ID					
Lab #	1771L	1771L	1771L	1771L	1771L
Date	11/14/08	11/14/08	11/14/08	11/14/08	11/14/08
Sample	TH3 S1	TH4 S1	TH5 S1	TH8 S2	TH9 S1&2
Depth	4-7'	6-9'	7 1/2-9 1/2'	4-5'	2 1/2-6'
% Passing					
3"	100				
2 1/2"	96	100			
2"	93	89			
1 1/2"	82	85	100		
1"	73	72	94		
3/4"	64	65	93		
1/2"	52	57	89		
3/8"	44	51	86		
#4	28	35	80		
#10	22	26	75		
#20	19	20	68		100
#40	15	12	61	100	99
#60	4	2	44	93	84
#100	1	1	31	84	57
#200	0.4	0.3	17.9	39.7	22.0
% Moisture			10	22	9
Liquid Limit					
Plastic Index					
Specific Gravity					
% Fracture + #4					
USC Class	GP	GP	SM	SM	SM
% Bituminous					
Frost Class.					
Maximum Density pcf					
Adj. Lab Density pcf					
Optimum Moisture					
Does Not Conform					

TAURIAINEN ENGINEERING & TESTING

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Date: December 3, 2008
Project: Widgeon Woods
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Fax To:

Sample ID					
Lab #	1771L	1771L	1771L	1771L	1771L
Date	11/14/08	11/14/08	11/14/08	11/14/08	11/14/08
Sample	TH 11&12 S1	TH 13 S1	TH 14 S1	TH 15 S2	TH16 S1
Depth	2½-4½'	2-3'	3-4'	3-4'	2½-3'
% Passing					
3"					
2½"					
2"					
1½"					
1"					
¾"					
½"				100	
¾"				98	
#4	100			97	
#10	99		100	95	
#20	98		99	91	
#40	95	100	99	72	100
#60	78	96	86	15	95
#100	58	91	72	4	80
#200	23.1	75.8	44.2	2.1	37.6
% Moisture	12	25	18	4	20
Liquid Limit					
Plastic Index					
Specific Gravity					
% Fracture + #4					
USC Class	SM	ML	SM	SP	SM
% Bituminous					
Frost Class.					
Maximum Density pcf					
Adj. Lab Density pcf					
Optimum Moisture					
Does Not Conform					

TAURIAINEN ENGINEERING & TESTING

35186 Spur Hwy Soldotna, AK 99669 (907)262-4624 FAX 262-5777 engineeringalaska@gci.net

SOILS REPORT - SUPPLEMENT

Date: 6 July 2012
To: Paul Voeller, KPB Planning
Copy: Scott Huff, Integrity Surveys
From: Mike Tauriainen, Project Engineer
Subject: Widgeon Woods, Phase Two
Located Within W1/2 SE 1/4 S13, T5N, R11W, SM
Soils Investigation, *Supplement to 19 Dec 2008 Report*
1 page



08202

This report supplements our 19 December 2008 subdivision soils report to identify water wells on adjacent properties and clarify apparent usable wastewater disposal area in accordance with KPB 20.14.040(A.3).

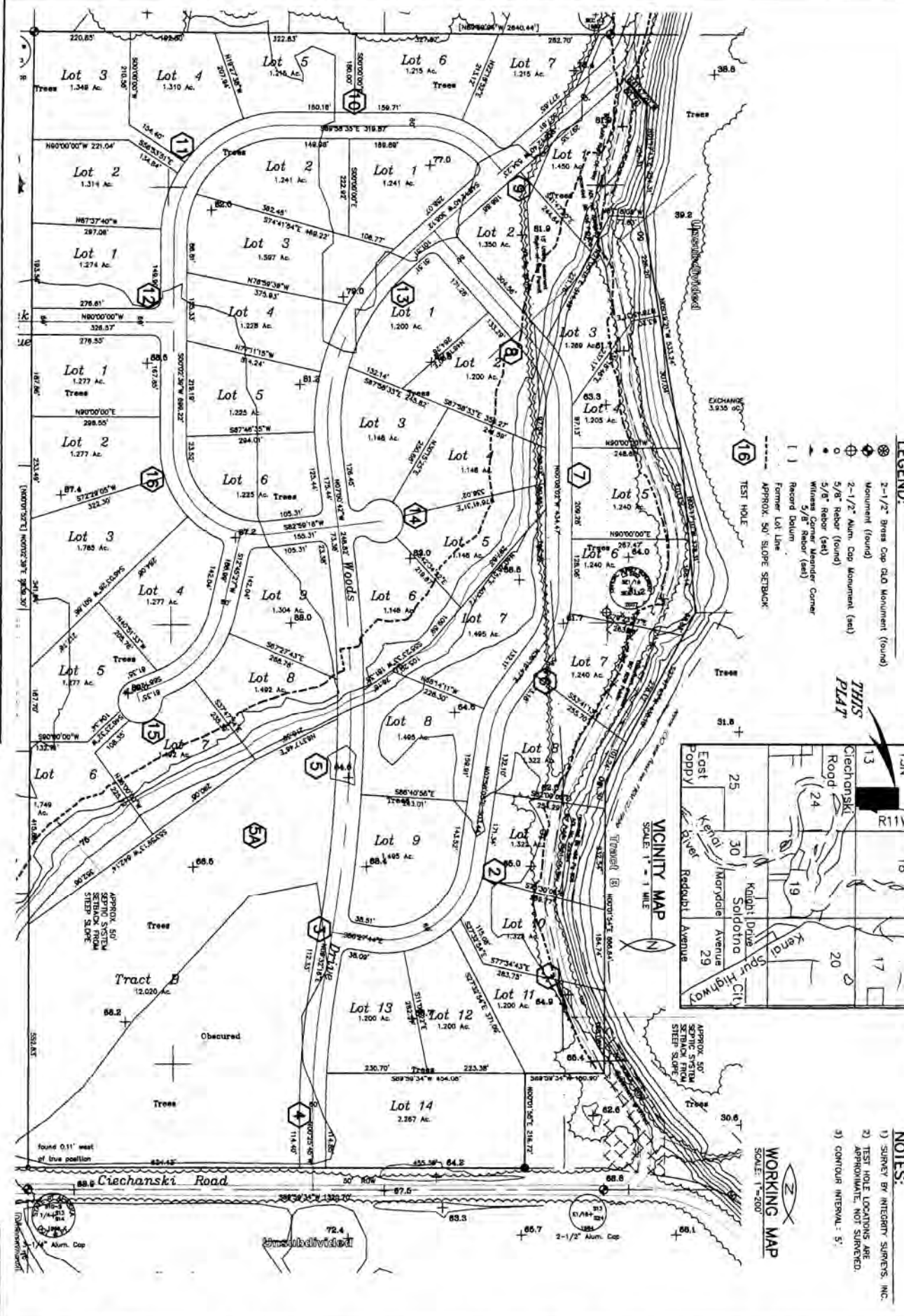
I checked all the developed lots adjacent to Widgeon Woods on 2 July 2012. No wells were observed within 100' of the subdivision. The lots to the north (Franke Addition) each have a well on the northerly side of the lot. The lot in the SE corner has a well more than 100' from its north and west property lines common with Widgeon.

All the soils are suitable for conventional septic systems, however, our December 2008 Working Map shows a required 50' setback from steep slopes.

Let me know if you need anything else.

End of Supplement Text

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LEGEND:

- 2-1/2" Brass Cap Old Monument (found)
- Monument (found)
- 2-1/2" Alum. Cap Monument (sat)
- 5/8" Rebar (sat)
- 5/8" Rebar (found)
- Witness Corner Measure Corner
- 5/8" Rebar (sat)
- Record Datum
- Former Lot Line
- APPROX. 50' SLOPE SETBACK
- TEST HOLE

THIS
PLAT

NOTES:

- 1) SURVEY BY INTEGRITY SURVEYS, INC.
- 2) TEST HOLE LOCATIONS ARE APPROXIMATE, NOT SURVEYED.
- 3) CONTOUR INTERVAL: 5'

WORKING MAP

SCALE: 1" = 200'

WIDGEON WOODS
PHASE TWO

WORKING MAP

35186 Spur Hwy Soldotna, AK 99669 (907) 262-4624 FAX 262-5777 engineeringaleska@gci.net

TAURIANEN ENGINEERING & TESTING

DATE	12/14/08
BY	TA
CHECKED	TA
FILE NAME	1-1117
PROJECT	08002
SHEET	1

15 February 2020

K.P.B. Subdivision Soil Report
FOR
**KALIFORNSKY CENTER
SUBDIVISION**

Prepared By:

McLANE CONSULTING INC.
P.O.B. 468
Soldotna, AK 99669



15 February 2020

POB 468 SOLDOTNA ALASKA
crmclane@mclanecg.com

INTRODUCTION

The site/soils investigation for KALIFORNSKY CENTER Subdivision was conducted on 7 & 8 November 2019. This subdivision is located within the NE¼ of Section 26 excluding Kalifornsky Beach Road and W½ of Section 25, Township 5 North, Range 11 West, Seward Meridian, Alaska. The location is east of Kalifornsky Beach Road, north of the Duck Inn and Best Transit batch plant, and west of the Poppy Ridge Road residential development in the K-Beach area (Refer to the Working Map for details).

This soils investigation encompasses lots 1-9 and tracts G-J. Tracts A-F, K, and A-1A are over 200,000 sf in area and excluded from the soils investigation per KPB 20.40.040.

SOILS INVESTIGATION

Eleven test holes were excavated using a Jogn Deere 50D excavator. They were inspected by McLane personnel and visually logged according to the Unified Soils Classification System. These well drained sands and gravels are typical of the general area.

SOILS CLASSIFICATIONS

The following soil profile, including a brief description of each soil stratum and a visual classification in accordance with the Unified Soil Classification Chart, is a typical example of the encountered soil conditions:

Test Hole #1				
0.0'	to	0.5'	(OL/PT)	Vegetation mat and ORGANICS
0.5'	to	2.2'	(ML)	Brown to gray SILT loam w/ some mottling
2.2'	to	3.2'	(ML)	Gray SILT w/ fine grain sand
3.2'	to	11.0'	(GP)	Clean sandy GRAVEL w/ mixed sand veins, 2" to 4" thick

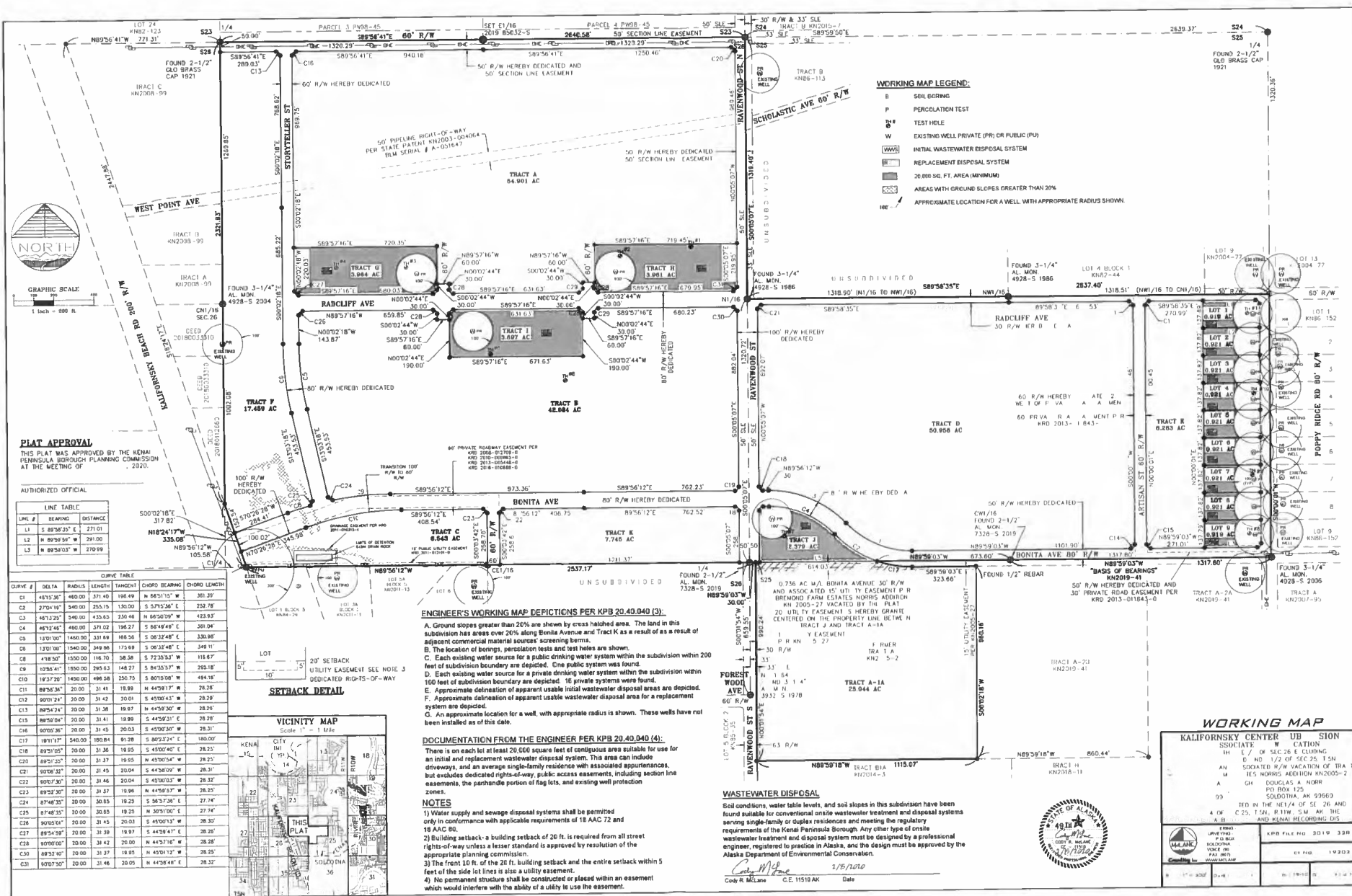
No ground water or water seeps were encountered during the soils investigation. This is not a permafrost area.

Soils in a usable wastewater disposal area must be:

- Soils shown to be visually classified as GW, GP, SW, or SP under the Unified Soils Classifications System; or
- Shown to be GM or SM under the Unified Soils Classifications System by sieve analysis; or
- Shown by percolation test to have a percolation rate of one and 60 minutes per inch for soil absorption trenches or beds.

The area soils found were visually classified as USCS GP and SP. The recommended application rate within 25 feet of each test hole is 150 Sq. Feet per Bedroom. Recommended soil absorption systems are beds or shallow trenches depending on depth to suitable soil strata. Sand liners may be required in areas of clean, coarse gravel.

While tracts A-F, K, and A-1A were excluded from the soils investigation, as noted above, it is likely that soils in these areas are similar to areas where test holes were excavated and suitable for conventional wastewater disposal systems as detailed above. This assumption is based on the prevalence of nearby commercial material sources, local knowledge of area geology, and past excavations witnessed by Engineer in the general area.





Project: **Kalifornsky Center Subdivision Soil Investigation**
Field Tech: Cody McLane, PE
Contractor: McLane Consulting Inc.
Equipment: John Deere 50D Excavator
Work Date: 11/7/2019 & 11/8/2019
Conditions: Overcast, 40° F

LOG OF ONSITE SOILS

Test Hole Number	Depth	USCS	Description / Date
TH #1	Location:		8-Nov-19
	Latitude:		
	Longitude:		
	0.0' - 0.5'	PT/OL	Vegetation mat & ORGANICS
	0.5' - 2.2'	ML	Brown to gray SILT loam, some mottling
	2.2' - 3.2'	ML	Gray SILT w/ fine grain sand
	3.2' - 11.0'	GP	Clean sandy GRAVEL w/ mixed sand veins, 2" to 4" wide
* No ground water encountered.			
TH #2	Location:		8-Nov-19
	Latitude:		
	Longitude:		
	0.0' - 0.3'	PT/OL	Vegetation mat & ORGANICS
	0.3' - 2.2'	ML	Dark brown to tan-gray SILT loam
	2.2' - 4.9'	ML	Gravelly SILT , partial cementation, very firm
	4.9' - 11.0'	GP	Clean sandy GRAVEL w/ mixed sand veins, 2" to 4" thick
* No ground water encountered.			
TH #3	Location:		8-Nov-19
	Latitude:		
	Longitude:		
	0.0' - 0.5'	PT/OL	Vegetation mat & ORGANICS
	0.5' - 1.8'	ML	Brown to tan-gray SILT loam
	1.8' - 2.8'	ML	Gray SILT w/ fine grain sand
	2.8' - 4.5'	SP	Clean gravelly SAND
	4.5' - 7.0'	GP	Clean, sandy GRAVEL
	7.0' - 9.0'	SP	Clean SAND w/ gravel
	9.0' - 11.0'	GP	Clean sandy GRAVEL
* No ground water encountered.			
TH #4	Location:		8-Nov-19
	Latitude:		
	Longitude:		
	0.0 - 0.4'	PT/OL	Vegetation mat & ORGANICS
	0.4' - 1.5'	ML	Brown to tan-gray SILT loam
	1.5' - 2.5'	ML	Gray SILT w/ fine grain sand
	2.5' - 11.0'	GP	Clean sandy GRAVEL
* No ground water encountered.			



Project: **Kalifornsky Center Subdivision Soil Investigation**
Field Tech: Cody McLane, PE
Contractor: McLane Consulting Inc.
Equipment: John Deere 50D Excavator
Work Date: 11/7/2019 & 11/8/2019
Conditions: Overcast, 40° F

LOG OF ONSITE SOILS

Test Hole Number	Depth	USCS	Description / Date
TH #5	Location:		8-Nov-19
	Latitude:		
	Longitude:		
	0.0' - 0.4'	PT/OL	Vegetation mat & ORGANICS
	0.4' - 2.0'	ML	Brown to tan-gray SILT loam
	2.0' - 3.5'	ML	Gray SILT w/ sand and gravel bottom 0.5'
TH #6	3.5' - 11.0'	SP	Clean gravelly SAND w/ mixed gravel veins 4" to 8" thick
	* No ground water encountered.		
	Location:		8-Nov-19
	Latitude:		
	Longitude:		
	0.0' - 0.4'	PT/OL	Vegetation mat & ORGANICS
TH #7	0.4' - 2.0'	ML	Dark brown to tan SILT loam
	2.0' - 4.5'	ML	Gray SILT w/ fine grain sand
	4.5' - 8.0'	GP	Clean sandy GRAVEL w/ mixed sand veins, 2" to 4" thick
	8.0' - 11.0'	SP	Clean gravelly SAND , coarse grain
	* No ground water encountered.		
	Location:		7-Nov-19
TH #8	Latitude:		
	Longitude:		
	0.0' - 0.5'	PT/OL	Vegetation mat & ORGANICS
	0.5' - 2.2'	ML	Brown to tan-gray SILT loam
	2.2' - 3.0'	ML	Tan-gray SILT w/ fine grain sand
	3.0' - 11.0'	GW/GP	Clean GRAVEL , well graded
TH #9	* No ground water encountered.		
	Location:		7-Nov-19
	Latitude:		
	Longitude:		
	0.0' - 0.6'	PT/OL	Vegetation mat & ORGANICS
	0.6' - 3.0'	ML	Brown to tan SILT loam
TH #10	3.0' - 4.0'	ML	Gray SILT w/ fine grain sand
	4.0' - 8.0'	SP	Clean SAND w/ gravel
	8.0' - 11.0'	GP	Clean GRAVEL
	* No ground water encountered.		
	Location:		7-Nov-19
	Latitude:		
TH #11	Longitude:		
	0.0' - 0.6'	PT/OL	Vegetation mat & ORGANICS
	0.6' - 3.0'	ML	Brown to tan SILT loam
	3.0' - 4.0'	ML	Gray SILT w/ fine grain sand
	4.0' - 7.2'	GP	Clean GRAVEL w/ cobbles
	7.2' - 9.4'	SP	Clean SAND , M-F grain
TH #12	9.4' - 11.3'	GP	Clean sandy GRAVEL w/ cobbles
	* No ground water encountered.		



Project: **Kalifornsky Center Subdivision Soil Investigation**
Field Tech: Cody McLane, PE
Contractor: McLane Consulting Inc.
Equipment: John Deere 50D Excavator
Work Date: 11/7/2019 & 11/8/2019
Conditions: Overcast, 40° F

LOG OF ONSITE SOILS

Test Hole Number	Depth	USCS	Description / Date
TH #10 Location: 7-Nov-19 Latitude: Longitude:			
	0.0' - 0.5'	PT/OL	Vegetation mat & ORGANICS
	0.5' - 2.9'	ML	Brown to tan SILT loam
	2.9' - 4.5'	ML	Gray SILT w/ fine grain sand
	4.5' - 9.0'	GP/SP	Very sandy GRAVEL w/ cobbles, clean
	9.0' - 10.5'	SP	Clean gravelly SAND w/ cobbles
	10.5' - 11.2'	GP	Clean sandy GRAVEL w/ cobbles
* No ground water encountered.			
TH #11 Location: 7-Nov-19 Latitude: Longitude:			
	0.0' - 0.5'	PT/OL	Vegetation mat & ORGANICS
	0.5' - 2.5'	ML	Brown to tan-gray SILT loam
	2.5' - 3.9'	ML	Gray SILT w/ fine grain sand
	3.9' - 6.5'	GP	Clean sandy GRAVEL w/ cobbles
	6.5' - 8.7'	SP	Clean gravelly SAND
	8.7' - 11.0'	GP	Clean sandy GRAVEL w/ cobbles
* No ground water encountered.			

1. No ground water encountered in any test hole.
2. No permafrost gravel encountered down the sublayer or anticipated in this area.
3. Test hole stratum were visually classified under the Unified Soils. Classification System by McLane Personnel working under the direction of Cody McLane PE.



BERNICE LAKE ALASKA INDUSTRIAL SUBDIVISION

Located within:

That portion of Section 16, Township 7 North, Range 12 West, Seward Meridian, Alaska,
situated East of the North Kenai Road

Kenai, Alaska

June 12, 1961



LEGEND
 - 1/2" 2" Monument - Re-surveyed
 - 1/2" 2" Monument - Not re-surveyed
 - 1/2" 2" Monument - Not re-surveyed
 - 1/2" 2" Monument - Not re-surveyed
 - 1/2" 2" Monument - Not re-surveyed



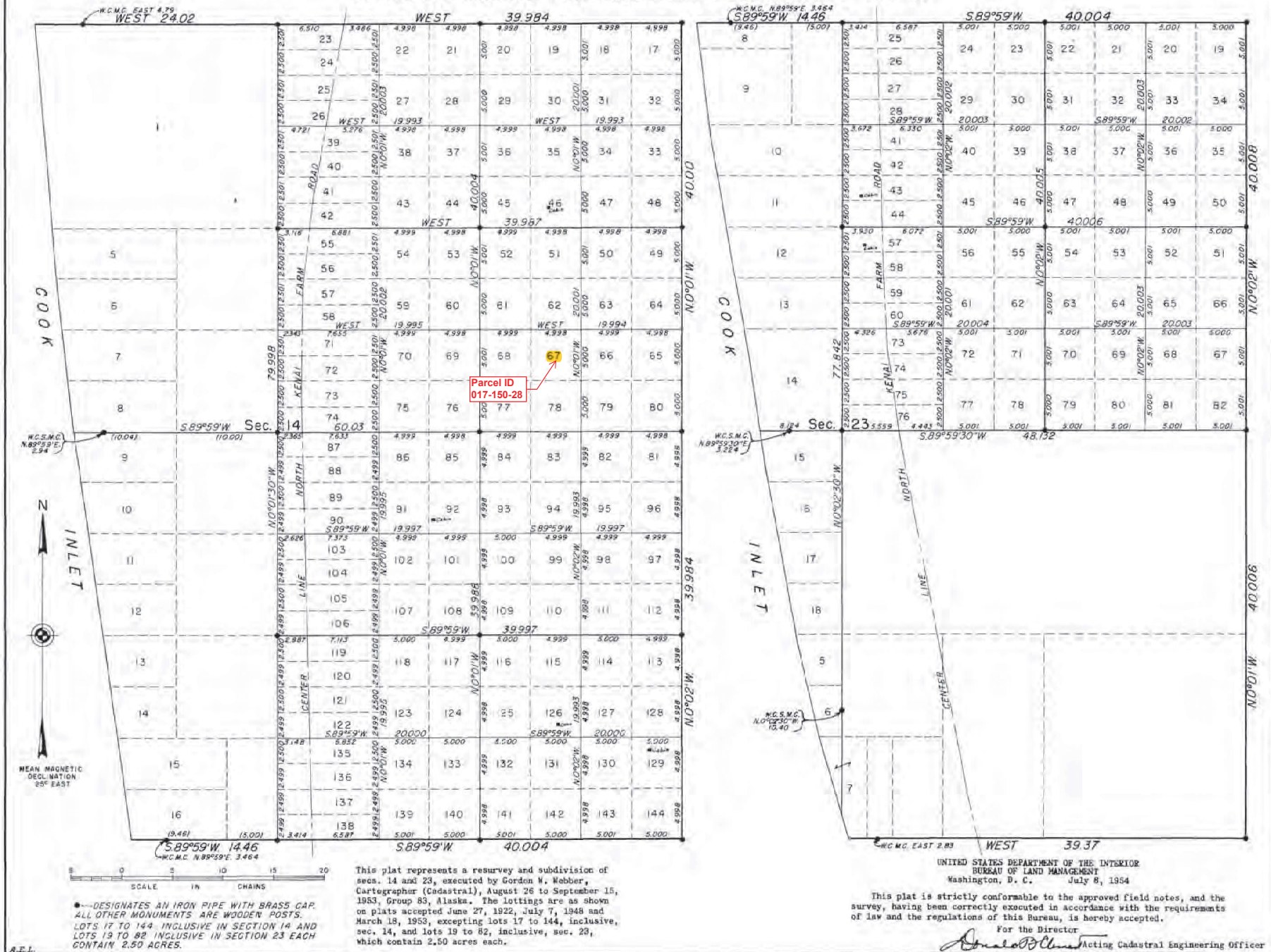
RECORDED - FILED

RECORDED - FILED

RECORDED - FILED	BY	DATE

DATE OF SURVEY May 22, 1961	NAME OF SURVEYOR R. L. BAKER
DATE OF MAP May 22, 1961	NAME OF MAP R. L. BAKER
DATE OF RECORD 7-25-61	NAME OF RECORD R. L. BAKER
DATE OF SUBDIVISION 7-25-61	NAME OF SUBDIVISION R. L. BAKER
DATE OF SURVEY 7-25-61	NAME OF SURVEY R. L. BAKER

TOWNSHIP 6 NORTH, RANGE 12 WEST, OF THE SEWARD MERIDIAN, ALASKA
DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS 14 AND 23







NORTH



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 ADVERTISE THE PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC UTILITY TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Mike Navarre
MIKE NAVARRE - BOROUGH MAYOR
KENAI PENINSULA BOROUGH
144 N. BAKLEY STREET
SELETONA, ALASKA 99565
(FORMER TRACT A WOODEN WOODS PHASE ONE)

I, THE UNDERSIGNED, HEREBY CERTIFY THAT COOK INLET REGION INCORPORATED IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF THE COOK INLET REGION INCORPORATED, I HEREBY ADVERTISE THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Ethan G. Shutt
ETHAN G. SHUTT
SR. VICE PRESIDENT, LAND AND ENERGY DEVELOPMENT
COOK INLET REGION INCORPORATED (LWR)
PO BOX 33334, ANCHORAGE, AK 99503-3333
(FORMER NE1/4 SE1/4 SECTION 33)

NOTARY'S ACKNOWLEDGMENT

FOR MIKE NAVARRE
SUBSCRIBER AND SIGNED BEFORE ME THIS 26
DAY OF June, 2012

John B. ...
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12/31/2014

NOTARY'S ACKNOWLEDGMENT

FOR ETHAN G. SHUTT
SUBSCRIBER AND SIGNED BEFORE ME THIS 27th
DAY OF June, 2012

Maureen ...
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 6/3/2014

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 16, 2012.

KENAI PENINSULA BOROUGH
Maureen ...
APPROVED OFFICIAL

WIDGEON WOODS PHASE TWO

A SUBDIVISION OF TRACT A WIDGEON WOODS - PHASE ONE, PLAT NO. 2008-254 KRS, AND A PORTION OF NE1/4 SECTION 13, LOCATED WITHIN THE SE1/4 OF SECTION 13 T15N, R17W, E4M, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA, CONTAINING 62,321 ACRES.

INTEGRITY SURVEYS INC.

83125 S. BEACH RD. SUITE 101 SELETONA, ALASKA 99565
SURVEYORS: (907) 335-5000 FAX: (907) 335-5074
JOB NO.: 2012-03 DRAWN: 13 June 2012 SP
SURVEYED: 2008-2012 SCALE: 1" = 250'
FIELD BN: 2008-7 & 2011-6 FILE: 2012-03 PWC
PAGE: 1 OF 3 KPS FILE NO. 2008-254



NOTES:

- THESE LOTS, EXCEPT FOR LOT 14 BLOCK 4, ARE AFFECTED BY LOCAL OPTION ZONING. CONTACT KENAI PENINSULA BOROUGH FOR INFORMATION REGARDING THE LOCAL OPTION ZONING.
- 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.
- NO PRIVATE ACCESS TO STATE MAINTAINED ROWS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- THE FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT. THE FRONT 25 FEET ADJACENT TO WOODS DRIVE OF LOT 8 AND W BLOCK 5 AND A PORTION OF TRACT B IS A 25 FOOT UTILITY EASEMENT. THE FRONT 25 FEET ADJACENT TO BALDRATE LOOP OF LOTS 1, 2, 4 AND 5 BLOCK 3 AND LOT 2 AND 3 BLOCK 4 IS A 25 FOOT UTILITY EASEMENT. SEE SHEETS TWO AND THREE FOR THE EASEMENT DETAIL. 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.
- THERE IS A 25 FOOT BUILDING SETBACK FROM THE RIGHT OF WAY WITHIN LOT 8 BLOCK 3 AS SHOWN.
- NO STRUCTURES ARE PERMITTED TO BE CONSTRUCTED WITHIN THE PAVEMENT PORTION OF ANY FLAG LOTS.
- DIRECT ACCESS TO CIECHANSKI ROAD AND WOODS DRIVE IS NOT ALLOWED EXCEPT FOR LOT 1 AND W BLOCK 8 AND TRACT B. ACCESS TO LOT 4 AND 3 BLOCK 3 IS VIA BUFFHEAD LOOP. DIRECT ACCESS FROM LOT 8 AND LOT 5 OF BLOCK 3 TO BALDRATE LOOP IS NOT ALLOWED.
- A PORTION TO VACATE A PORTION OF THE 60' ROW EASEMENT (ADJ. 226504) & 60' ROW AS DEDICATED ON PLAT NO. 1007-24 KRS AND A PORTION OF A 15 FOOT WIDE UTILITY EASEMENT (ADJ. 223747) HAS BEEN SUBMITTED TO THE KENAI PENINSULA BOROUGH AND THE STATE OF ALASKA.
- WASTEWATER DISPOSAL FOR ALL LOTS EXCLUDING TRACT B: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL SEWAGE 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.
- LOTS WITHIN THIS SUBDIVISION MAY BE LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA. IF SUCH IS THE CASE, DEVELOPMENT MUST COMPLY WITH TITLE 21 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES. A SURVEY TO DETERMINE THE ELEVATION OF THE PROPERTY MAY BE REQUIRED PRIOR TO CONSTRUCTION.
- THESE PARCELS MAY BE AFFECTED BY THE FOLLOWING EASEMENTS:
60' TRANSPORTATION AND UTILITY CORRIDOR BK 226 19 N KB
A 15 FT. STRIP PIPELINE EASEMENT BK 449 PG 352 150

LEGEND

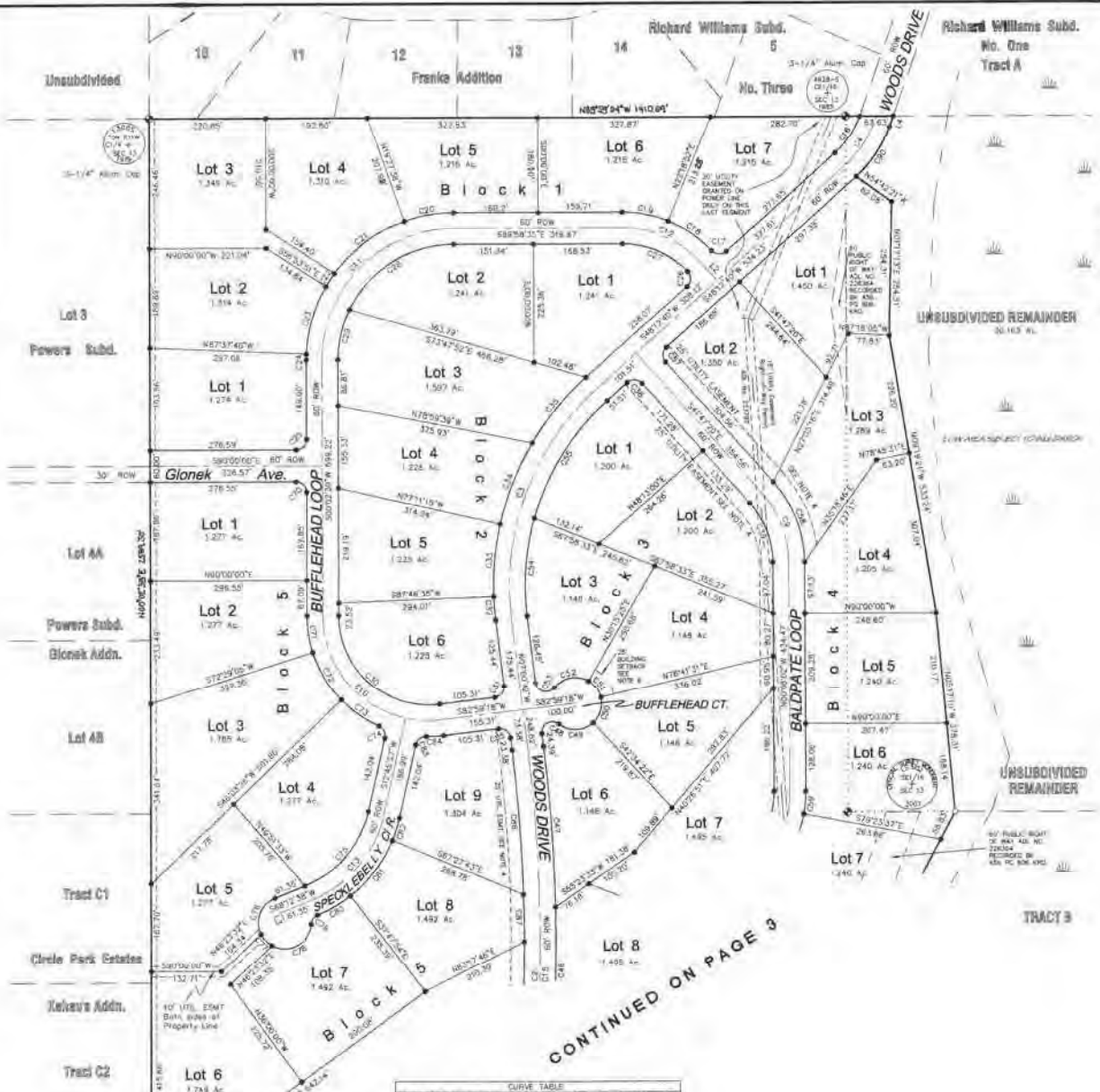
- 1/2" BRASS CAP - SURVEY MONUMENT RECOVERED - 2 1/2" BRASS CAP
- AS NOTED - PRIMARY MONUMENT RECOVERED - AS NOTED
- 1/2" X 30" IRON - SECONDARY MONUMENT SET THIS SURVEY 1/2" X 30" IRON
- 1/2" X 30" IRON - SECONDARY MONUMENT RECOVERED 5/8" X 30" IRON
- RECORD AND MEASURED WIDGEON WOODS PHASE ONE PLAT NO. 2007-24 KRS

CERTIFICATE OF SURVEY

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 instruments shown herein actually exist, as described, and all dimensions and other details are correct to the nearest standards of practice of land surveyors in the State of Alaska.



Kenai 2012-32



CONTINUED ON PAGE 3

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	866.52	3000.00	16°32'58"	N01°15'42"E	863.52
C2	491.31	550.00	52°13'21"	S25°25'29"W	483.47
C3	100.28	100.00	28°52'42"	N33°02'40"E	89.21
C4	145.07	100.00	41°39'18"	S20°57'41"W	142.32
C5	336.79	100.00	87°03'21"	S48°29'01"E	229.71
C6	292.81	100.00	88°58'46"	S45°02'00"W	253.49
C7	158.21	100.00	46°11'19"	N03°53'26"E	153.52
C8	222.60	225.00	52°27'12"	N40°28'08"E	214.02
C9	85.70	100.00	16°22'58"	N01°16'47"E	84.88
C10	85.84	100.00	28°47'46"	S01°56'07"E	84.87
C11	31.30	100.00	39°03'14"	S01°15'42"E	28.02
C12	100.16	230.00	24°57'01"	N53°12'37"W	99.37
C13	89.48	216.00	22°17'28"	N78°49'51"W	88.52
C14	25.22	180.00	17°09'37"	S06°16'33"E	24.18
C15	107.94	280.00	14°21'57"	S25°21'33"W	105.44
C16	30.01	280.00	8°08'30"	S11°06'09"W	30.02
C17	133.17	280.00	27°39'34"	S18°14'07"W	133.86
C18	11.38	280.00	2°19'40"	S01°12'28"E	11.39
C19	31.40	20.00	62°52'21"	N45°01'20"E	28.27
C20	31.87	20.00	81°24'37"	N01°25'21"E	28.67
C21	178.30	120.00	49°38'28"	N66°40'16"W	138.61
C22	248.23	100.00	84°02'37"	S43°19'36"W	233.58
C23	99.27	100.00	52°51'09"	S12°56'18"W	99.43
C24	287.87	170.00	97°03'21"	S48°29'01"E	254.79
C25	31.42	20.00	60°00'00"	N37°16'17"E	28.28
C26	44.25	130.00	14°17'10"	S04°37'03"E	44.68
C27	158.09	200.00	10°02'10"	S05°17'40"W	158.89
C28	165.00	530.00	17°56'45"	S21°47'07"W	162.52
C29	161.45	530.00	17°27'11"	S20°28'26"W	160.82
C30	31.42	20.00	60°00'00"	N66°47'20"W	28.28
C31	123.59	120.00	41°38'18"	N40°27'41"W	120.89
C32	236.18	200.00	4°35'52"	N01°16'18"E	236.70
C33	308.31	200.00	7°46'14"	N04°07'10"E	305.19
C34	47.33	20.00	138°33'06"	S60°46'31"W	37.03
C35	76.81	50.00	81°08'45"	N00°00'01"E	50.18
C36	53.20	50.00	80°44'07"	N01°00'00"E	50.35
C37	46.52	50.00	46°26'06"	N30°10'37"E	38.47
C38	70.50	50.00	80°51'14"	S78°49'49"W	68.17
C39	47.33	20.00	139°35'09"	S78°48'14"E	37.03
C40	158.13	470.00	5°01'15"	S02°16'17"E	158.89
C41	284.68	470.00	5°01'15"	S20°42'01"W	281.37
C42	31.42	20.00	60°00'00"	S01°16'48"W	28.28
C43	187.20	230.00	41°39'18"	N20°17'41"W	183.50
C44	43.17	120.00	10°44'25"	N02°16'17"E	43.05
C45	31.42	20.00	60°00'00"	N44°38'40"W	28.28
C46	76.49	230.00	17°33'35"	S08°44'08"E	76.41
C47	126.09	230.00	16°22'30"	S30°53'43"E	125.13
C48	82.36	230.00	11°40'48"	S44°49'27"E	86.84
C49	27.58	20.00	88°27'47"	N20°28'22"W	25.30
C50	183.67	200.00	55°27'12"	N40°28'08"E	186.10
C51	82.36	20.00	84°21'38"	S41°07'48"W	73.86
C52	36.47	50.00	34°54'45"E	S43°06'36"E	30.97
C53	100.66	50.00	115°21'11"	N01°15'28"E	84.80
C54	22.42	20.00	6°14'24"	S34°42'36"W	21.27
C55	72.03	250.00	15°34'22"	N38°03'00"E	71.80
C56	133.46	280.00	26°24'39"	N37°44'40"E	132.00
C57	44.58	265.00	9°46'50"	N17°38'52"E	44.35
C58	27.18	20.00	78°27'47"	S41°19'10"W	26.30
C59	33.02	230.00	6°13'24"	N02°09'16"E	32.97
C60	274.18	2970.00	51°17'22"	N04°22'51"W	274.08
C61	89.00	2970.00	1°44'11"	N00°31'15"W	89.02
C62	119.32	330.00	28°43'47"	N33°02'40"E	116.52

LINE TABLE		
LINE	LENGTH	BEARING
L1	45.67	S41°17'20"E
L2	30.60	S21°47'22"E
L3	51.91	S14°28'05"W

- LEGEND**
- OLD/BLM MONUMENT RECOVERED - 1/2" 1/2" BRASS CAP
 - PRIMARY MONUMENT RECOVERED - AS NOTED
 - SECONDARY MONUMENT SET THIS SURVEY 3/4" 3/4" REBAR
 - SECONDARY MONUMENT RECOVERED 3/4" 3/4" REBAR
 - RECORD AND MEASURED WIDGEON WOODS PHASE ONE
 - FILE NO. 2007-84 KNO

**WIDGEON WOODS
PHASE 2**

A SUBDIVISION OF TRACT A WIDGEON WOODS - PHASE ONE, PLAT NO. 2007-84 KNO, AND A PORTION OF SECTION 15, T4N, R11W, S4, KENAI PENINSULA DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

LOCATED WITHIN THE SE1/4 OF SECTION 15, T4N, R11W, S4, KENAI PENINSULA DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 22,321 ACRES

INTEGRITY SURVEYS INC.

43335 W BEACH RD, SUITE 10 SOUTHTON, ALASKA 99588

PA - (907) 832-5472 FAX - (907) 832-5474

SURVEYORS	PLANNERS
JES NO 20163	DRAWN 07 June 2012 SH
SURVEYED 2008-2012	SCALE 1" = 100'
FIELD BN 2008-7 + 2011-3	FILE 20163 FP 2012
PAGE: 2 OF 3	KPB FILE NO. 2008-254

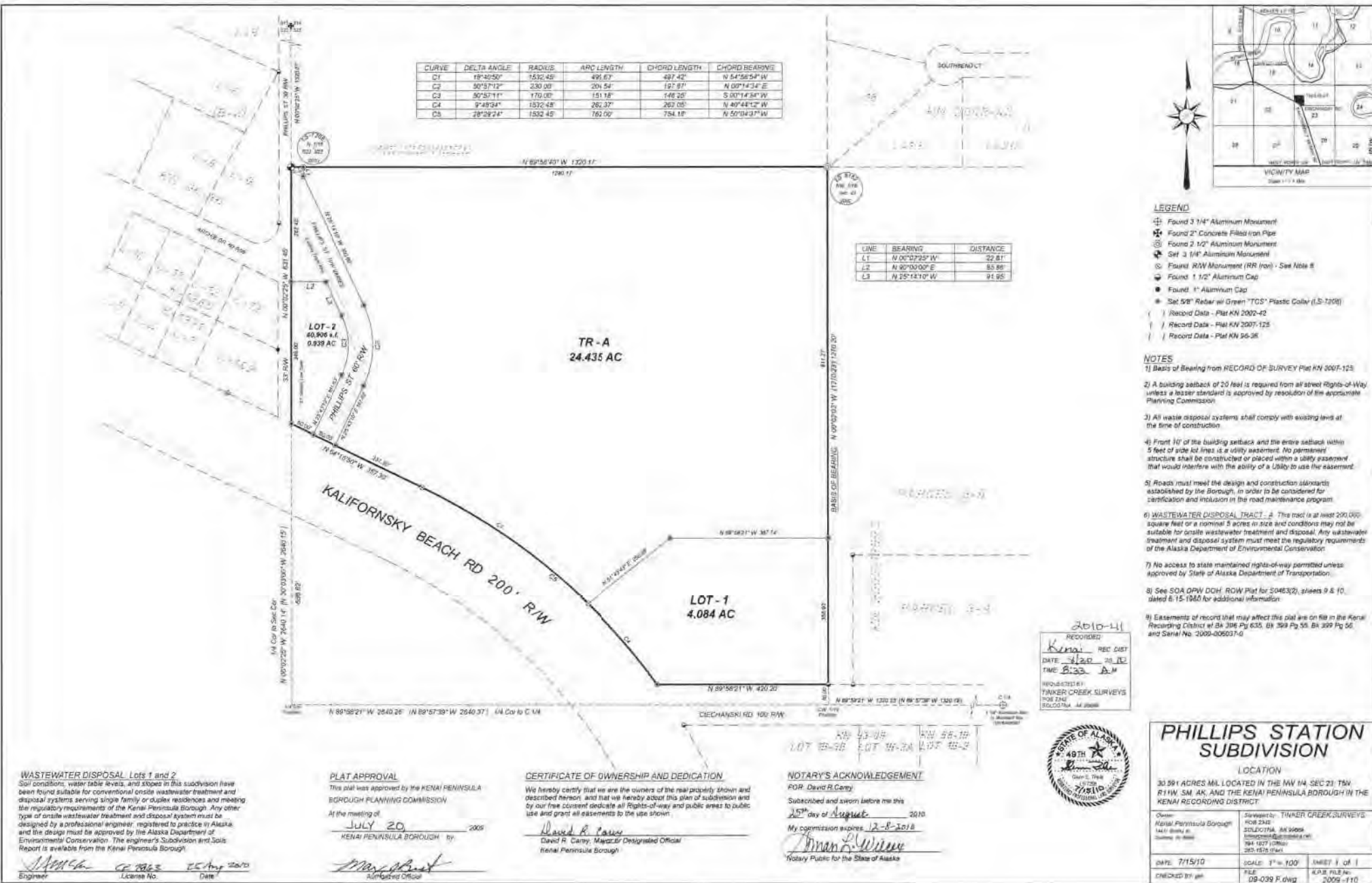


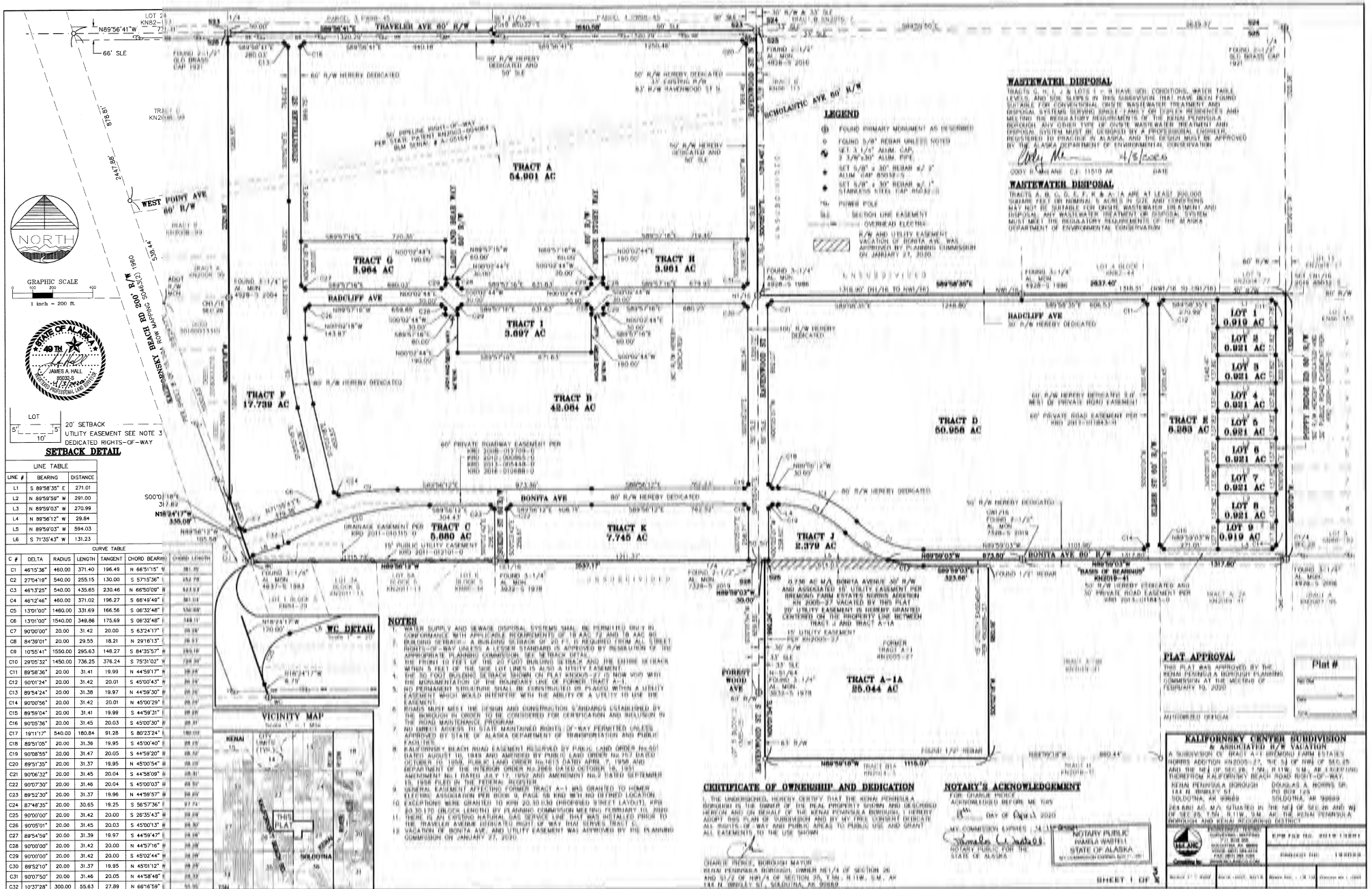
CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	304.43	1750.00	9°38'02"	S04°33'19"W
C2	888.22	3000.00	18°13'58"	S04°15'47"E
C3	319.84	3000.00	9°18'11"	S2°24'11"E
C4	88.94	850.00	2°42'04"	S2°08'36"W
C5	127.23	230.00	35°28'49"	N0°55'22"E
C6	8.75	3000.00	0°10'00"	N0°27'15"E
C7	182.50	3000.00	18°12'58"	N0°10'47"E
C8	108.14	770.00	36°26'49"	N0°50'22"E
C9	38.47	230.00	14°15'36"	S29°04'18"W
C10	26.58	230.00	13°47'44"	S14°21'27"W
C11	172.63	170.00	31°24'11"	S52°24'11"E
C12	31.02	20.00	84°51'48"	S59°00'50"E
C13	273.77	550.00	5°00'26"	N05°51'20"E
C14	238.28	3000.00	4°30'33"	N04°01'03"E
C15	83.11	210.00	10°24'29"	N05°43'07"E
C16	103.13	230.00	25°41'25"	N21°27'35"E
C17	84.10	170.00	38°20'41"	S24°02'28"W
C18	26.82	230.00	8°31'56"	N17°14'00"E
C19	107.59	130.00	58°54'10"	N27°54'09"E
C20	31.85	230.00	7°49'31"	N45°33'01"E
C21	119.47	230.00	29°45'42"	N04°30'47"E
C22	89.87	230.00	22°28'58"	N02°12'27"E
C23	31.62	20.00	90°00'00"	S24°13'18"W
C24	182.29	1720.00	6°34'18"	S06°15'05"W
C25	121.82	1720.00	12°27'42"	S04°18'50"W
C26	493.68	3270.00	9°51'25"	N04°45'37"E
C27	309.87	1780.00	4°58'02"	S04°33'16"W

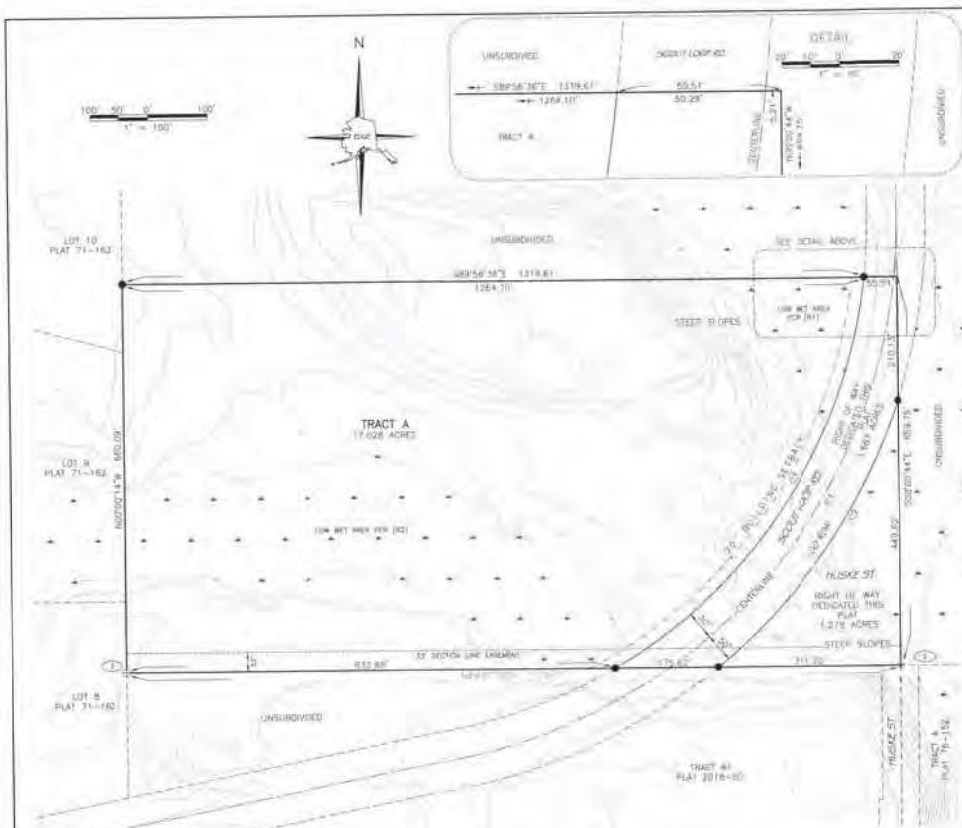


WIDGEON WOODS PHASE 2			
A SUBDIVISION OF TRACT A WIDGEON WOODS - PHASE ONE, PLAT NO. 2007-84 KRD, AND A PORTION OF NE 1/4 SECTION 13, LOCATED WITHIN THE SE 1/4 OF SECTION 13 T54N R19W S14W, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA			
CONTAINING 82.321 ACRES			
INTEGRITY SURVEYS INC.			
4335 K-BEACH RD. SUITE 10		GOLDENVA, ALASKA 99666	
SURVEYORS		PLANNERS	
JOE NO. 28163		DRAWN: 08 June 2012 JH	
SURVEYED: 2008-2012		SCALE: 1" = 100'	
FIELD BK: 2008-7 & 2011-6		FILE: 28163 PP.DWG	
PAGE: 3 OF 3		KPB FILE NO. 2008-254	

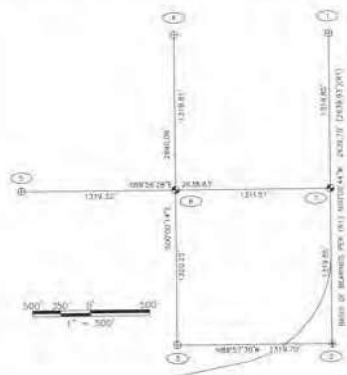
7012-32
Plat #
Kenai
7-18-12
11:45 A







SECTION BREAKDOWN



CERTIFICATE OF ACCEPTANCE AND DEDICATION BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE, IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF SODONA FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

SCOUT LODGE RIGHT-OF-WAY BEING DEDICATED THIS PLAT

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

RECEIVED: _____ DATE: _____

REGIONAL CHIEF RIGHT-OF-WAY AGENT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF NOVEMBER 13, 2019, KENAI PENINSULA BOROUGH.

APPROVED: _____

APPROVED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK AMONETH, 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 DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



NOTES

- 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.
- THE FRONT 15' FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT AND PERMANENT STRUCTURE SHALL BE CONSTRUCTED OF PLACES 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.
- PORTION OF S&P PARCELS ARE AFFECTED BY A UTILITY EASEMENT GRANTED TO ENSTAR NATURAL GAS COMPANY, RECORDED JUNE 24, 2014, SERIAL NUMBER 2014-018128-0, KENAI RECORDING DISTRICT.
- THESE PARCELS ARE AFFECTED BY A PUBLIC ROAD EASEMENT RECORDED NOVEMBER 9, 2017, SERIAL NUMBER 2014-005128-0, KENAI RECORDING DISTRICT.
- THESE PARCELS ARE SUBJECT TO A ROAD RESERVATION OF 50' FEET ALONG EACH SIDE OF SECTION LINE AS LIMITED BY AS 19.10.019.
- THESE PARCELS ARE SUBJECT TO RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OF USES THEREOF FOR RECREATIONAL UTILITY OR OTHER PURPOSES.
- WASTEWATER DISPOSAL LOTS WHICH ARE AT LEAST 200.00 SQUARE FEET OR A NORMAL FIVE ACRES IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LEGEND

FOUND CORNER MONUMENT	(M1)	RECORD DATA, SET REFERENCE
FOUND PRIMARY MONUMENT AS REFERENCED	(P1)	MONUMENT REFERENCE NUMBER
FOUND PROPERTY CORNER YELLOW PLASTIC CAP STAMPED C-2063		SUBDIVISION BOUNDARY
SET PRIMARY MONUMENT AS REFERENCED		INTERIOR LOT LINE
SET PROPERTY CORNER 2"X4" X 30" REDWOOD WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY 15-11-2022 3078		ADJACENT PROPERTY LINE
		CENTERLINE RIGHT OF WAY
		BUILDING SETBACK LINE
		EASEMENT AS NOTED
		LOW WET AREA

CURVE TABLE

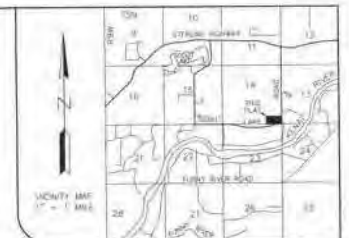
CURVE	RADIUS	ARC LENGTH	DETAILED ANGLE	CHORD BEARING	CHORD LENGTH
C-1	575.00'	709.24'	ARCS 51°	637.31' (S 15° W)	705.31'
C-2	575.00'	553.99'	32° 25' 19"	134° 41' 38"E	546.57'
C-3	575.00'	617.29'	53° 34' 00"	N 42° 10' 43"E	587.90'

REFERENCES

- (M1) LAND VIEW ACRES, SUBDIVISION "SAVANA ADDITION PLAT 2001-52, KENAI RECORDING DISTRICT
- (U2) KENAI WATERSHED FORUM WETLAND DETERMINATION

MONUMENT REFERENCES

<p>1. 2"X4" ALUMINUM MONUMENT WITH MONUMENT 2001-52-0001 (SUBDIVISION)</p> <p>2. 1-1/2" BRASS MONUMENT 11459 WITH SPICE-2002 (SUBDIVISION)</p> <p>3. 1-1/2" BRASS MONUMENT 11459 WITH SPICE-2002 (SUBDIVISION)</p> <p>4. 3-1/4" ALUMINUM MONUMENT 2411 (SUBDIVISION) MEASURED SEVERAL 2" PINE</p>	<p>5. 2-1/2" ALUMINUM MONUMENT 1048 (SUBDIVISION) MEASURED SEVERAL 2" PINE</p> <p>6. 2-1/2" ALUMINUM MONUMENT 1048 (SUBDIVISION) MEASURED SEVERAL 2" PINE</p> <p>7. 2-1/2" ALUMINUM MONUMENT 1048 (SUBDIVISION) MEASURED SEVERAL 2" PINE</p> <p>8. 2-1/2" ALUMINUM MONUMENT 1048 (SUBDIVISION) MEASURED SEVERAL 2" PINE</p>
---	---



CERTIFICATE OF OWNERSHIP AND DEDICATION

I, HEREBY CERTIFY I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ACCEPT THIS PLAT OF SUBDIVISION AND BY MY PRESENT CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHARLE PERCE, BOROUGH MAYOR
144 NORTH BINKLEY ST.
SODONA, ALASKA 99889

NOTARY ACKNOWLEDGEMENT

CHARLE PERCE
ACKNOWLEDGES BEFORE ME
DATE: _____ DAY OF: _____ 2019
NOTARY PUBLIC FOR STATE OF ALASKA

KPB FILE No. 2019-000

TUNDRA SUBDIVISION

SECTION 28 & 1/2 SE 1/4 SE 1/4
SECTION 14, 15N 95W 5.1M
KENAI RECORDING DISTRICT

OWNER: KENAI PENINSULA BOROUGH
144 NORTH BINKLEY ST.
SODONA, ALASKA 99889

LOCATED WITHIN SE 1/4 SECTION 14
15N 95W SEWARD MERIDIAN
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

CONTAINING 19.992 ACRES



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

DRAWN BY: JL	DATE: 10/22/19	FIELD BOOK: 19-18
CHECKED BY: ML	SCALE: 1" = 100'	SHEET: 1 OF 1

KPB 2019-127



VICINITY 1" = 1 mile MAP

GREGORY SUBDIVISION, 2019 REPLAT

A replat combining Lots 43, 44, & 45 Block 14 Gregory Subd. Addn #6, KRD 74-54
Located in the NE 1/4 Section 17, T5N R8W, SM, Sterling, Alaska.
Kenai Recording District Kenai Peninsula Borough File 2019-134

Prepared for Prepared by

Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669

Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99568



SCALE 1" = 100'
AREA = 40,793 sq ft
31 October, 2019

1/31/20

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 16 December, 2019

KENAI PENINSULA BOROUGH

By: *Mark G. Gault* 3-4-2020 Date

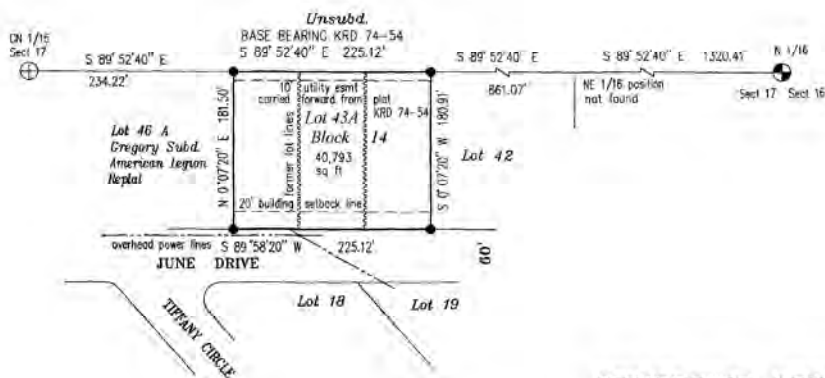
2020-12
Plat #
Kenai
Rec. Dist.
3/5 1/20
DATE
TIME 9:20 AM

LEGEND

- ⊕ - 2 1/2" brass cap monument, 510-S, 1980, found
- ⊙ - 3 1/2" alcap monument, 4928-S, 1984, found.
- - 5/8"x 1' rebar found, removed & replaced with a 1/2"x 4' rebar with plastic cap

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. The front 15' of the building setback is also a utility easement, no is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. An exception to KPB 20.30.170, Block Length, was approved by the KPB Planning Commission at the meeting of 16 December, 2019.
4. An electrical easement was granted to Homer Electric Association by KRD Bk 3 Pg 57. This is a general easement, no definite location given.
5. Borough acceptance of this subdivision plat does not indicate acceptance any possible encroachments over boundary lines



OWNERSHIP CERTIFICATE

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE KENAI PENINSULA BOROUGH IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE KENAI PENINSULA BOROUGH, I HEREBY ADOPT THIS PLAN OF REPLAT, AND BY MY FREE CONSENT GRANT ALL EASEMENTS TO THE USE SHOWN.

Charlie Pierce
CHARLIE PIERCE, MAYOR
KENAI PENINSULA BOROUGH
144 N. Binkley ST.
SOLDOTNA, AK 99669

NOTARY'S JURAT

For: Charlie Pierce
Subscribed and sworn to before me this 19th

day of February, 2020.

Pamela Wastell
Notary Public for Alaska

My commission expires 4-11-2021

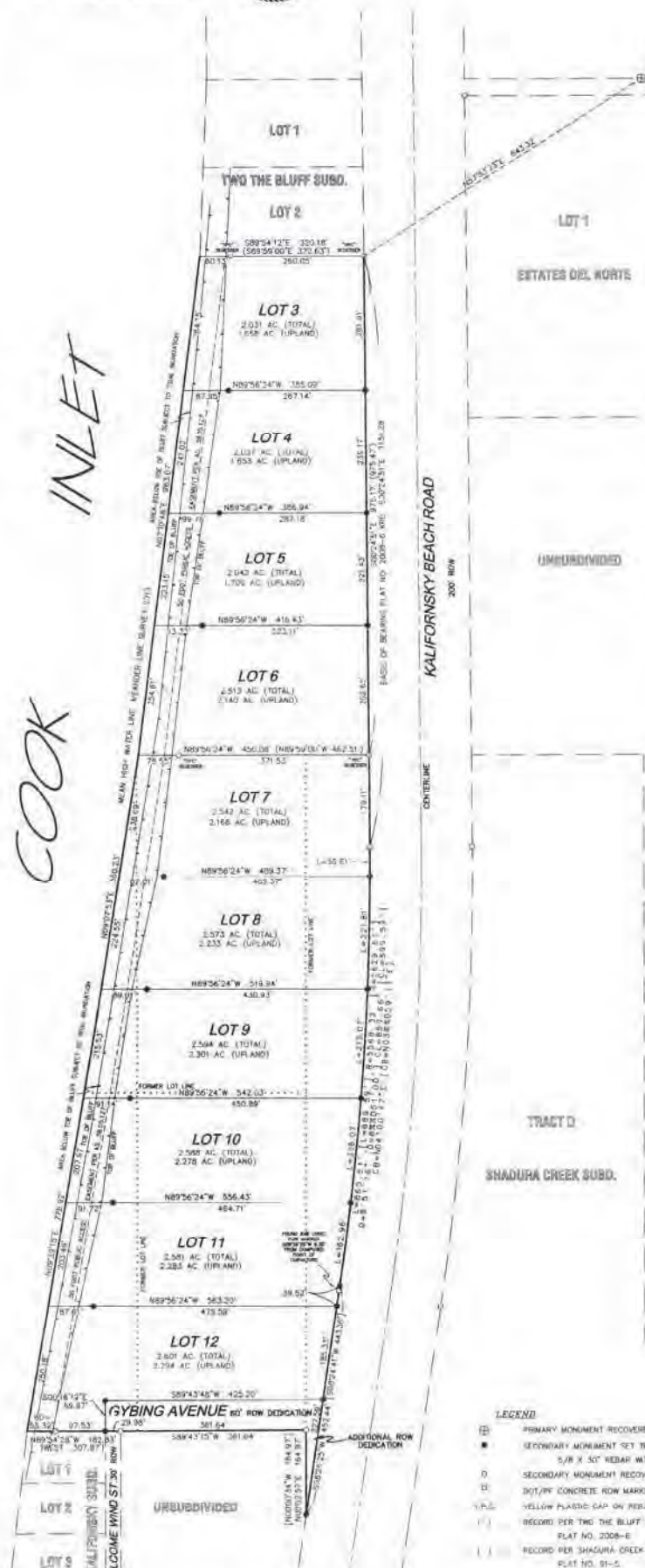
NOTARY PUBLIC
PAMELA WASTELL
STATE OF ALASKA
MY COMMISSION EXPIRES April 11, 2021

WASTEWATER DISPOSAL

20 40 020
No Engineers Sale and Subdivision Report is available for this subdivision.
This platting action increases available per lot wastewater disposal area.

Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

CERTIFICATE OF SURVEY
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAN 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 SURVEYING IN 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 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.

Paul A. Shadura
PAUL A. SHADURA
OWNER OF FORMER TRACT E SHADURA CREEK SUBDIVISION
PO BOX 1832
KENAI, AK 99501

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE KENAI PENINSULA BOROUGH IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF THE KENAI PENINSULA BOROUGH, 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.

Mike Navarre
MIKE NAVARRE (MAYOR)
OWNER OF FORMER TRACT A TWO THE BLUFF SUBDIVISION AND COVLT. LOTS 8-12 & E1/2 W1/2 SW1/4 NE1/4 S13 T4N R12W S.M.

NOTARY'S ACKNOWLEDGMENT

FOR Paul A. Shadura, 11)
SUBSCRIBED AND SIGNED BEFORE ME THIS 6
DAY OF November, 2013

Mike Navarre
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 1-16-15

NOTARY'S ACKNOWLEDGMENT

FOR Mike Navarre
SUBSCRIBED AND SIGNED BEFORE ME THIS 2
DAY OF November, 2013

Dorena Hight
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 5-11-2017

NOTES:

- 1) BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LATER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 2) NO PRIVATE ACCESS TO STATE MAINTAINED ROWS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- 3) FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY 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) THE PARCELS WITHIN THIS SUBDIVISION MAY BE SUBJECT TO A HIGHWAY RESERVATION 100 FEET ON EACH SIDE OF THE CENTERLINE OF KALIFORSKY BEACH ROAD AS CLAIMED BY THE STATE OF ALASKA PURSUANT PUBLIC LAND ORDERS 601, 757 AND 1013 AND DEPARTMENT ORDER 2465 ISSUED BY THE SECRETARY OF INTERIOR OF THE UNITED STATES OF AMERICA.
- 6) THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER FORMS THE TRUE BOUNDS OF THE SUBDIVISION. THE APPROXIMATE LINE OF MEAN HIGH WATER, AS SHOWN, IS FOR COMPUTATIONAL PURPOSES. THE TRUE PROPERTY CORNERS BEING ON THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
- 7) SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAN HAS BEEN DESIGNATED BY FEMA OR THE KENAI PENINSULA BOROUGH AS A FLOOD HAZARD AREA DISTRICT 45 OF THE DATE THIS PLAN IS FILED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES. A SURVEY MAY BE REQUIRED TO DETERMINE THE ELEVATION OF THE PROPERTY PRIOR TO CONSTRUCTION.
- 8) WASTEWATER DISPOSAL, ON CONCRETE WATER TANKS, LINDS, 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.

Joe H. Moore 4918 12/31/13
ENGINEER LICENSE # DATE

1) ACCEPTANCE OF THE PLAN BY THE BOROUGH DOES NOT IMPLY ACCEPTANCE OF ANY ENCUMBRANCES.



PLAT APPROVAL

THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF AUGUST 26, 2013.

KENAI PENINSULA BOROUGH

Paul A. Shadura
AUTHORIZED OFFICIAL

KPB FILE NO. 2013-138

**TWO THE BLUFF SUBDIVISION
2013 ADDITION**

A SUBDIVISION OF TRACT E TWO THE BLUFF SUB (2209-6) AND COVLT LOTS 8-12 & E1/2 W1/2 SW1/4 NE1/4 S13 T4N R12W S.M. LOCATED WITHIN THE W1/2 NE1/4 AND NE1/4 NW1/4 S13 T4N R12W S.M. TOWN, R12W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA.
CONTAINING 24.729 ACRES.

INTEGRITY SURVEYS INC.

800 SET NET DRIVE KENAI AK 99501
PHONE - (907) 284-0047
FAX - (907) 282-3578
info@integritysurveys.com

SURVEYORS	PLANNERS
JOB NO. 213121	DRAWN: OCT 27, 2013 SH
SURVEYED: AUG - OCT 2013	SCALE: 1" = 100'
FIELD SK: 2013-9 PGS 38-42	FILE: 213121.PFDWG



Planning Department

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

Charlie Pierce
Borough Mayor

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition to repeal the Kalifornsky Center Local Option Zoning District (LOZD) has been received. **You are being sent this invitation because you are a property owner within the proposed district or within 300 feet of the proposed district and are being invited to provide your input at the below public hearing.**

Pursuant to KPB 21.44.140(A), amendments to LOZDs may be initiated to repeal a zone, change the type of zone, or modify the LOZD boundaries. The Kalifornsky Center LOZD is located at T 05N R 11W SEC 26 SEWARD MERIDIAN KN 2020018 KALIFORNSKY CENTER SUB TRACT A, on Kalifornsky Beach Road in Soldotna, Alaska.

Petitioner: Trimark Earth Reserve, LLC
34481 North Fork Road
Anchor Point, AK 99556

Public Hearing: The Kenai Peninsula Borough Planning Commission meeting will hold a public hearing on April 25, 2022 commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting is to be held in the Borough Administrative Building, 144 N. Binkley St., Soldotna, Alaska. The public may also attend the meeting electronically/telephonically via Zoom. To join the meeting from a computer visit <https://us06web.zoom.us/j/9077142200>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247. When calling in you will need the Meeting ID 907 714 2200.

Public Comment: Anyone wishing to testify may attend the above meeting to give testimony, or may submit written comment via the methods below. **Written comments must be submitted by 1:00 pm Friday, April 22, 2022.**

Mail comments to:
KPB Planning Department
144 N Binkley St.
Soldotna, Alaska 99669

Fax comments to:
(907) 260-5992

Email comments to:
planning@kpb.us

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

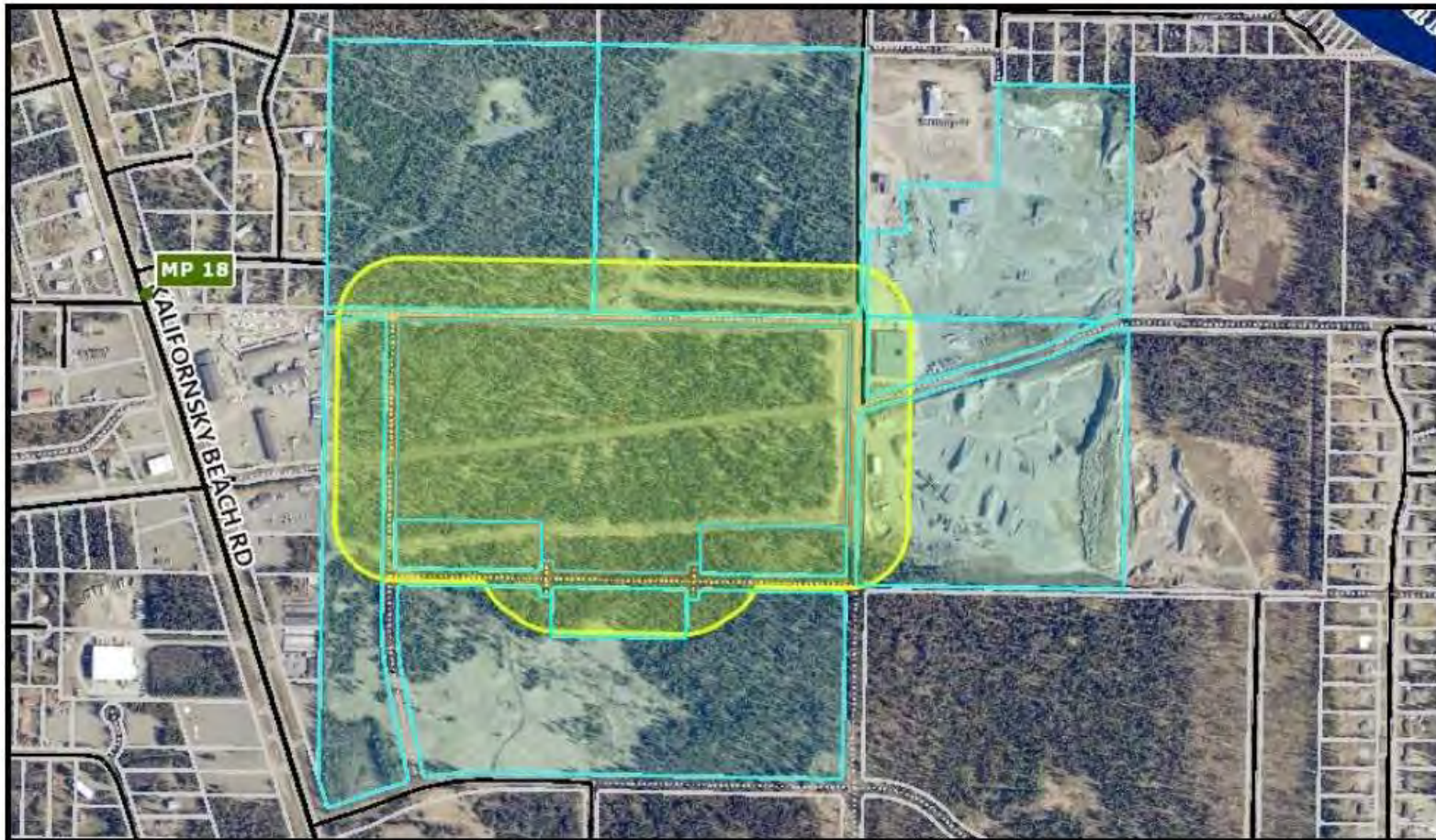
Ryan Raidmae
KPB Planner



Kenai Peninsula Borough

Parcels Within 300 feet of LOZD Modification

Kenai Peninsula Borough 04/05/2022



Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *RR for CP*
Melanie Aeschliman, Planning Director *MA*
Samantha Lopez, Planning & River Center Manager *SL*

FROM: Ryan Raidmae, Planner *RR*

DATE: April 21, 2022

RE: Ordinance 2022-____, Amending KPB 21.46.040 to Repeal the Kalifornsky Center Single Family Residential (R1) Local Option Zoning District (Mayor)

Trimark Earth Reserve, LLC is requesting to repeal the Kalifornsky Center Local Option Zoning District (LOZD), an R-1 single-family residential zone, from their property. Per KPB 21.44.040, amendments to an LOZD may be initiated to repeal a zone, change the type of zone or modify the boundaries of the zoning district.

The only property within the Kalifornsky center LOZD is a 55-acre parcel located off of Kalifornsky Beach Road that was previously owned by the Kenai Peninsula Borough (KPB). The parcel was identified by the KPB Comprehensive Plan as a suitable location for residential development. Through Ordinance 2019-34 and prior to its sale, KPB placed a single-family residential LOZD on the property to ensure it would be developed for residential use.

KPB Land Management then listed and sold the parcel via live auction as a residentially-zoned parcel. After the auction, Trimark Earth Reserve, LLC signed an agreement acknowledging that the property was residentially-zoned.

Contemporaneous to its application to repeal the R-1 LOZD designation, Trimark Earth Reserve, LLC submitted an application for a Conditional Land Use Permit (CLUP) to use this parcel for material extraction and processing pursuant to KPB 21.25 and KPB 21.29. At this time, the CLUP cannot be processed until the status of the Kalifornsky Center LOZD is resolved.

The Planning Department finds that repealing the Kalifornsky Center LOZD does not align with the KPB Comprehensive Plan and does not address conflicting land issues. Staff does not support the repeal of the Kalifornsky Center LOZD, and recommends that the petition to repeal be denied.

Your consideration of this ordinance is appreciated.

Introduced by: Mayor
Date: 05/03/22
Hearing: 06/07/22
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-**

**AN ORDINANCE AMENDING KPB 21.46.040 TO REPEAL THE KALIFORSKY
CENTER SINGLE FAMILY RESIDENTIAL (R-1) LOCAL OPTION ZONING
DISTRICT**

WHEREAS, the Kenai Peninsula Borough (Borough) has created several local option zoning districts under KPB 21.44 in conjunction with the platting and sale of subdivision lots; and

WHEREAS, on April 2, 2019, the assembly adopted Resolution 2019-020 classifying an approximately 55-acre Borough-owned parcel off Kalifornsky Beach as residential; and

WHEREAS, following classification of the parcel, the assembly enacted Ordinance 2019-34 amending KPB 21.46.040 to create the Kalifornsky Center Single Family Residential R-1 Local Option Zoning District on the approximately 55-acre Borough-owned parcel; and

WHEREAS, Goal 2, Focus Area: Land Use, Objective A of the KPB Comprehensive Plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and

WHEREAS, Goal 3, Focus Area: Housing, Objective A, Strategy 1 of the KPB Comprehensive Plan is, in part, to identify Borough lands that are most suitable for residential development; and

WHEREAS, the KPB Comprehensive Plan identified Kalifornsky Beach as the fastest growing population in the Borough; and

WHEREAS, the KPB Comprehensive Plan identified Kalifornsky Beach as a good candidate for land use controls to mitigate the downsides of “strip commercial” development; and

WHEREAS, the Kalifornsky Advisory Planning Commission reviewed Ordinance 2019-34 at its regularly scheduled meeting of December 2, 2019 and recommended approval; and

WHEREAS, the Borough's Planning Commission reviewed Ordinance 2019-34 at its regularly-scheduled meeting of December 16, 2019, and recommended approval by unanimous consent; and

WHEREAS, on January 22, 2021, Trimark Earth Reserve LLC entered into an agreement with the Borough during the 2020 Over-the-Counter Land Sale to purchase the approximately 55-acre parcel with agreement that the property was being sold for the purpose of the R-1 allowed uses and subject to the Single-Family Residential R-1 Local Option Zoning; and

WHEREAS, on January 26, 2021, notice of Kenai Peninsula Borough Local Option Zoning District (LOZD) (R-1) was recorded within the Kenai Recording District, Third Judicial District, State of Alaska; and

WHEREAS, on February 08, 2022, Trimark Earth Reserve LLC submitted an application for a Conditional Land Use Permit (CLUP) to use parcel as a material site, wherein the Borough's Planning Department notified Trimark Earth Reserve LLC that the CLUP application was on hold until the LOZD status for the parcel could be resolved; and

WHEREAS, on February 22, 2022, Trimark Earth Reserve LLC submitted an application to repeal the R-1 LOZD designation; and

WHEREAS, public notice of the application was mailed on April 6, 2022, to the six landowners or leaseholders of the parcels within 300 feet of the subject parcel pursuant to KPB 21.44.040(C), 21.44.050 and 21.11.020; and

WHEREAS, public notice was sent to the postmaster covering the Kalifornsky area requesting that it be posted at the Soldotna Post Office; and

WHEREAS, public notice of the application was published in the April 14, 2022, and March 21 2022, issues of the Peninsula Clarion; and

WHEREAS, the Borough's Planning Department objects to the repeal of the Kalifornsky Center LOZD because the repeal does not align with the KPB Comprehensive Plan and does not address conflicting land issues; and

WHEREAS, a community meeting was held on April 21, 2022 at the Donald E. Gilman River Center; and

WHEREAS, a public hearing was held at the _____, meeting of the Kenai Peninsula Borough Planning Commission; and

WHEREAS, the Borough's Planning Commission at its regularly scheduled meeting on _____, 2022, recommended _____;

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

SECTION 1. That the Assembly approves repeal of the of the Kalifornsky Center Local Option Zoning District (LOZD). The zoning district for the property within the repealed Kalifornsky Center LOZD is the rural district under KPB 21.04.010(B).

SECTION 2. That KPB 21.46.040 is hereby amended as follows:

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

...

[13. KALIFORNSKY CENTER IS DESCRIBED AS FOLLOWS:

TRACT A, KALIFORNSKY CENTER SUBDIVISION, ACCORDING TO PLAT 2020-18, KENAI RECORDING DISTRICT.

A. THE LOCAL OPTION ZONING APPLIES TO ANY FURTHER REPLATS WITHIN THE KALIFORNSKY CENTER LOZD.]

SECTION 3. That this repeal of the LOZD shall be recorded in the proper recording district.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS __th DAY OF ____2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk



Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Blair Martin, Planning Commission Chair
Kenai Peninsula Borough Planning Commissioners

THRU: Melanie Aeschliman, Planning Director

FROM: Ryan Raidmae

DATE: April 22, 2022

RE: Public Meeting to consider the Local Option Zoning District application to repeal the Single-Family Residential District (R-1).

On April 21, 2022 at 6:00pm a public meeting was held at the Donald E. Gilman River Center. The meeting was in regards to the Local Option Zoning District application to repeal the Single-Family Residential District (R-1) of Kalifornsky Center.

There were no attendees to this public meeting.



Land Management

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2205 • (907) 714-2378 Fax

A Division of the Planning Department

Charlie Pierce
Borough Mayor

April 20, 2022

KPB Planning Department
144 N Binkley St.
Soldotna, Alaska 99669
(sent via planning@kpb.us)

RE: Comments concerning Petition to Repeal the Kalifornsky Center Local
Option Zoning District

Dear KPB Planning Commission and Borough Assembly,

The Kenai Peninsula Borough Land Management Division is responsible for the planning, preparation and methods of sale for borough owned lands. The 55-acre parcel Tract A Kalifornsky Center Subdivision was planned for, prepared and sold by the Kenai Peninsula Borough.

The property was classified Residential per Resolution 2019-20, where residential was a planned land use compatible with surrounding uses, including the borough's interest in 40 acres to the north, and 80 acres to the south. The residential land use plan was also to make new land available for residential uses which sustain a positive contribution to the community and tax rolls. The residential plan was also in consideration of public comments received which were in opposition to opening the land to gravel pit development. Records of Resolution 2019-20 can be found at:

<https://kpb.legistar.com/LegislationDetail.aspx?ID=3869161&GUID=3962BC5D-25FB-4FCE-87E8-4E9F1EAF24BF&Options=ID|Text|&Search=>

The property was further planned through subdivision to establish main collector roadways at boulevard widths sufficient for multiple lanes, turnouts and sidewalks. Blocks were designed to allow for transitional land uses to go from residential to future adjacent commercial, institutional, and parkstrip development which will be increasingly important in this center-of-community area. The area will maximize its utility and value in the future with the extension of sewer and water services, thereby reducing minimum lot size, and drawing anchor tenants. As reported by 2 appraisals of the borough property, the

highest and best use at this time is to hold the property, which is to manage it for its future value.

In conjunction with the subdivision, and in fulfillment of the residential classification, the Kalifornsky Center Single Family R-1 Local Option Zone was established on the subject 55 acre Tract A prior to offering the parcel for sale. Zoning is the land use tool available to municipalities, governed at the planning department level as to definitions of allowed use, and at the planning commission level through conditional use permitting and variances. Appropriate levels of zoning serve the role of reducing land use conflicts and empowering investment towards the planned uses. The establishment and sale of land under the LOZ is consistent with KPB 17.10.010 land management policy to promote orderly development, to protect and orderly manage natural resources, and to dispose of lands in resources in manner which is fair to all. KPB 17.10.010 Policy can be found here.

https://library.municode.com/ak/kenai_peninsula_borough/codes/code_of_ordinances?nodeId=TIT17BOLA

The process of establishing the Kalifornsky Center Single Family R-1 Location option zoning under Ordinance 2019-34 can be found here:

<https://kpb.legistar.com/LegislationDetail.aspx?ID=4249333&GUID=0AE8DEA2-C4CE-4C61-9FC4-3841A108EFF3&Options=ID|Text|&Search=>

It should be noted that in this same classification and planning process, 50 acres were classified for resource development and offered for sale in 2021 without any zoning restrictions. The borough saw a significant price differential (4.3:1) between these two properties showing that the economics of residential land uses are in a different category than the economics of material extraction.

To repeal the Residential zoning framework that was made part of the land planning and terms of sale would create an undermining precedent to the point of local option zoning, particularly as a tool available in the management of land to promote orderly development which is deemed through these processes to be in the public's best interest. To repeal the zone with no substantial changes in the conditions upon which the zone was created, would raise many questions regarding the sale of borough land.

As indicated in the ordinance, the petitioner seeks to repeal the LOZ as it is blocking an application for a material site conditional use permit on Tract A. A material site land use would be inconsistent with all the points of public interest made above. Additionally, as the borough remains a landowner on 3 sides of

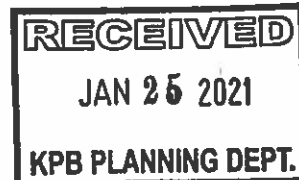
this parcel, including the Serenity House facility, and Tracts B, F, G, H & I Kalifornsky Subdivision has a continued interest in Tract A remaining as Single Family Residential Local Option Zone. A material site land use arising from repeal of the zone would negatively impact the borough's ownership interest and detract from future land uses. To this end the petitioner, when purchasing the property was fully aware that the land use restrictions of the Kalifornsky Center Single Family R-1 Local Option Zoning District were a condition of the sale, not only articulated in the sale brochure, but as a term of the purchased agreement signed 15 months ago by the petitioner.

Respectfully,



Marcus A. Mueller
Land Management Officer

Attachment: Tract A Purchase Agreement (Section Q referenced above)



PURCHASE AGREEMENT

This Agreement is made by and between the KENAI PENINSULA BOROUGH, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669 (hereinafter referred to as "KPB") and Trimark Earth Reserve LLC, an Alaskan limited liability company, whose address is 24481 North Fork Road, Anchor Point, AK 99556, (hereinafter referred to as "BUYER").

WHEREAS, KPB is the owner of that real property located in the Kenai Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

**Tract A, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18,
Kenai Recording District. (hereinafter referred to as the Property)**

WHEREAS, Buyer has offered to buy, and KPB is willing to sell the above-described Property as evidenced by KPB Ordinance 2020-08, enacted March 17, 2020, by the Assembly of the Kenai Peninsula Borough.

NOW THEREFORE, in consideration of the promises herein contained, KPB hereby agrees to sell to BUYER, and BUYER hereby agrees to buy from KPB, the property on the terms and conditions as set forth below:

1. PURCHASE PRICE

The purchase price of the property is Three Hundred Fifty Thousand dollars and No cents (\$350,000.00) to be paid as follows:

A. Down Payment

The following is herewith submitted to KPB and shall be held in escrow by KPB until closing or until this Agreement is otherwise terminated. This payment shall be credited towards the purchase price and costs unless this Agreement is otherwise terminated, in which case it shall be disbursed in accordance with the applicable provisions of this Agreement.

Thirty Five Thousand dollars and No cents (\$35,000.00) representing ten percent (10%) of the purchase price.

B. Balance

Three Hundred Fifteen Thousand dollars and No cents (\$315,000.00) representing the balance payable at closing.

2. TITLE

Title shall be delivered at time of closing by **quitclaim deed** which shall be issued to BUYER. Seller sells only its interest in the property, if any, without warranty of any kind or nature whatsoever. Title shall also be subject to reservations, easements, rights-of-way, covenants, conditions and restrictions of

record. BUYER warrants and covenants that at the time of closing there shall be no liens or judgments recorded against BUYER in the same recording district in which the property subject to this purchase agreement is situated. I hereby authorize KPB to obtain a credit report on me.

3. ESCROW AND CLOSING COSTS

In addition to the purchase price, BUYER agrees to pay for all closing costs in connection with this Agreement, including without limitation all escrow fees, title insurance charges, recording fees and bank charges. All costs must be paid in full at the time of closing.

4. CLOSING

Unless otherwise agreed in writing, closing will occur within 90 days of execution of the Purchase Agreement. At closing, buyer will pay the balance of the purchase price for all cash sales. Both parties will execute all documents required to complete the Purchase Agreement and, if applicable, establish an escrow account.

5. POSSESSION

Possession shall be delivered to BUYER at time of recording.

6. BREACH BY BUYER; REMEDIES OF KPB

Prior to closing of the sale, in the event that BUYER fails to make any payment required, or fails to submit or execute any and all documents and papers necessary in examination of BUYER's financial background, or with closing and transfer of title within time periods specified in this Agreement, up to lesser of \$1,000.00 or 10% of the purchase price of BUYER's deposit shall be retained by KPB as liquidated damages. Additionally, other funds may be retained for out-of-pocket expenses incurred, and this Agreement shall be terminated.

In addition to the foregoing, in the event of a default in the performance or observance of any of the agreement terms, conditions, covenants and stipulations thereto, either prior to or after the closing of the sale, and such default continues thirty days after written notice of the default, KPB may cancel the agreement or take any legal action for damages or recovery of the property. No improvements may be removed during the time which the contract is in default. This provision shall survive the execution of sale documents and shall continue in full force and effect until either the purchase price is paid in full or the sale is otherwise terminated.

7. NOTICE OF DEFAULT. Notice of default will be in writing as provided hereinbelow. A copy of the notice will be forwarded to all lienholders or others who have properly recorded their interest in the purchase agreement with KPB.

8. REMOVAL OR REVERSION OF IMPROVEMENTS UPON CANCELLATION OF PURCHASE AGREEMENT OR LEASE.

- A. BUYER covenants that improvements owned by the BUYER on KPB lands shall, within thirty calendar days after termination of the agreement, be removed by BUYER; provided, such removal will not cause injury or damage to the land; and further provided, that the mayor or planning director when applicable may extend time for removing such improvements in cases where hardship is proven. The retiring BUYER may, with consent of the mayor or planning director when applicable, dispose of BUYER'S improvements to the succeeding BUYER.
- B. If any improvements and/or chattels having an appraised value in excess of ten thousand dollars, as determined by a qualified appraiser, are not removed within the time allowed, such improvements and/or chattels shall, upon due notice to the BUYER, under the terminated or canceled contract, be sold at public sale under the direction of the mayor and in accordance with provisions of KPB Title 5. Proceeds of the sale shall inure to the former BUYER, lessee, or permittee who placed such improvements and/or chattels on the lands, or his successors in interest, after paying to KPB all monies due and owing and expenses incurred in making such a sale. In case there are no other bidders at any such sale, the mayor is authorized to bid, in the name of KPB, on such improvements and/or chattels. Bid money shall be taken from the fund to which said lands belong, and the fund shall receive all moneys or other value subsequently derived from the sale or leasing of such improvements and/or chattels. KPB shall acquire all rights, both legal and equitable, that any other BUYER could acquire by reason of the purchase.
- C. If any improvements and/or chattels having an appraised value of ten thousand dollars or less, as determined by the mayor, are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in KPB. Upon request, BUYER, lessee, or permittee shall convey said improvements and/or chattels by appropriate instrument to KPB.
- D. Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to the BUYER and placed on the land during BUYER'S tenure with or without BUYER'S permission and remaining upon the premises after termination of the contract shall entitle KPB to charge a reasonable rent therefor.

9. RESALE.

In the event that a purchase agreement should be terminated, canceled, forfeited or abandoned, KPB may offer said lands for sale, lease or other appropriate disposal pursuant to provisions of KPB 17.10 or other applicable regulations.

10. DEFENSE AND INDEMNIFICATION

The BUYER shall indemnify, defend, save and hold the borough, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from BUYER'S performance or failure to perform in accord with the terms of this Agreement in any way whatsoever. The BUYER shall be responsible under this clause for any and all claims of any character resulting from BUYER or BUYER'S officers, agents, employees, partners, attorneys, suppliers, and subcontractors performance or failure to perform this Agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the borough or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, BUYER shall not be responsible for any damages or claims arising from the sole negligence or willful misconduct of the borough, its agents, or employees.

11. HAZARDOUS MATERIAL

- A. BUYER covenants and agrees that no hazardous substances or wastes shall be located on or stored on the property, or any adjacent property, nor shall any such substance be owned, stored, used, or disposed of on the property or any adjacent property by BUYER, its agents, employees, contractors, or invitees, prior to BUYER's ownership, possession, or control of the property.
- B. BUYER covenants and agrees that if the presence of hazardous material on the property is caused or permitted by BUYER, its agents, employees, contractors, or invitees, or if contamination of the property by hazardous material otherwise occurs on the property, BUYER shall defend, indemnify, and hold harmless KPB from any and all claims, judgements, damages, penalties, fines, costs, liabilities, or losses (including, but not limited to, sums paid in the settlement of claims, attorney's fees, consultant fees and expert fees) which may arise as a result of such contamination. This defense and indemnification includes, without limitation, costs incurred in connection with any investigation of site conditions or any clean-up, remedial, removal, or restoration work required by any federal, state or local government on or under the property. As used herein, the term "hazardous material" means a substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 CFR 172.101), and materials that meet the defining criteria for hazard classes and divisions in part 173 of subchapter C of this chapter.

12. ASSIGNMENTS

BUYER may assign the lands upon which BUYER has an agreement only if approved by the mayor or planning director when applicable. Applications for assignment shall be made in writing on a form provided by the land management division. Assignment shall be approved if it is found that all interests of KPB are fully protected. Assignee shall be subject to and governed by provisions of KPB 17.10 applicable thereto.

13. ENTIRE AGREEMENT

This Agreement and the documents referred to herein contain the entire agreement of the parties with respect to the subject matter hereof. Any changes, additions or deletions hereto must be made in writing and signed by both KPB and BUYER or their respective successors in interest. Provisions of this agreement, unless inapplicable on their face, shall be covenants constituting terms and conditions of the sale and of the agreement to finance the sale, and shall continue in full force and effect until the purchase price is paid in full, or this agreement is earlier terminated.

14. MISCELLANEOUS

- A. Covenants. BUYER agrees to comply with any Declaration of Covenants, Conditions, and Restrictions of record, affecting the Property.
- B. No Warranty. BUYER acknowledges its responsibility to inspect the property and agrees KPB assumes no liability for matters that would have been disclosed to the BUYER by an inspection of the property. BUYER further acknowledges that KPB makes no warranties, either expressed or implied, nor assumes any liability whatsoever, regarding the social, economic or environmental aspects of the property, to include without limitation, soil conditions, water drainage, physical access, availability of personal use wood supplies now or in the future, or natural or artificial hazards which may or may not exist or merchantability, suitability, or profitability of the property for any use or purpose. The parties mutually agree that this transfer will not be covered by the Residential Real Property Transfers Act, AS 34.70.010 et. seq.
- C. Development. BUYER agrees the construction and maintenance of any improvements, roads, drainage systems and common areas shall be the responsibility of the BUYER. BUYER further agrees to comply with all federal, state, and borough regulations regarding use and development of the property, which includes but is not limited to; State of Alaska, Department of Environmental Conservation regulations regarding water and sewer installation; and if applicable, regulations of the U.S. Army Corps of Engineers regarding filling or draining any area within the property designated as wetlands by the appropriate authority.

- D. Time. Time is of the essence in performance of this Agreement.
- E. Cancellation. This agreement, while in good standing may be canceled in whole or in part, at any time, upon mutual written agreement by BUYER and the mayor or planning director when applicable. This purchase agreement is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts.
- F. Entry or Re-entry. In the event that this agreement is terminated, canceled or forfeited, or in the event that the demised lands, or any part thereof, should be abandoned by the BUYER during the agreement term, or prior to payment in full of the purchase price, KPB or its agents, servants or representative, may immediately or any time thereafter, enter or re-enter and resume possession of said lands or such part thereof, and remove all persons and property therefrom either by summary proceedings or by a suitable action or proceeding at law or equity without being liable for any damages therefor. Entry or re-entry by KPB shall not be deemed an acceptance or surrender of the contract.
- G. Fire Protection. The BUYER shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the land under agreement, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the demised premises are located.
- H. Notice. Any notice or demand, which under the terms of this agreement or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the contract. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in an U.S. general or branch post office by the addressor.
- I. Responsibility of Location. It shall be the responsibility of the BUYER to properly locate himself and his improvements on the purchased, leased, or permitted lands.
- J. Rights of Mortgage or Lienholder. In the event of cancellation or forfeiture of a sale agreement for cause, the holder of a properly recorded mortgage, conditional assignment, or collateral assignment will have the option to acquire the sale agreement for the unexpired term thereof, subject to the same terms and conditions as in the original instrument. Any party acquiring an agricultural purchase or lease agreement must meet the same requirements as the original BUYER or lessee.

- K. Rights-of-way. All trails or roads in existence at the time the land is sold may be considered to be an easement for public use. Nothing herein contained shall prevent the mayor or planning director when applicable from specifically reserving such additional easements and rights-of-way across KPB lands as deemed reasonable and necessary prior to the sale thereof.
- L. Sanitation. The BUYER, lessee, or permittee shall comply with all regulations or ordinances which a proper public authority in its discretion shall promulgate for promotion of sanitation. Premises under purchase or lease agreement, or permit shall be kept in a clean and sanitary condition and every effort shall be made to prevent any pollution of waters and lands.
- M. Shore Land Public Access Easement. As established by AS 38.05, KPB lands sold or leased may be subject to a minimum 50 foot public access easement landward from the ordinary high water mark or mean high water mark.
- N. Violation. Violation of any provision of KPB Chapter 17.10, or of the terms of the agreement of sale may expose BUYER to appropriate legal action including forfeiture of purchase interest, termination, or cancellation of BUYER'S interest in accordance with state law.
- O. Written Waiver. Receipt of payment by KPB, regardless of knowledge of any breach of the purchase agreement by BUYER, or of any default on the part of BUYER, in observance or performance of any of the conditions or covenants of the agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of KPB to enforce any covenant or provision therein contained shall not discharge or invalidate such covenants or provision or affect the right of KPB to enforce the same in the event of any subsequent breach or default. Receipt by KPB of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and payment fully satisfies the breach.
- P. Construction. This Agreement shall be deemed to have been jointly drafted by both parties. It shall be constructed according to the fair intent of the language as a whole, not for or against any party. The interpretation and enforcement of this Agreement shall be governed by the laws of the State of Alaska. The titles of sections in this Agreement are not to be construed as limitations of definitions but are for identification purposes only.

- Q. Local Option Zoning. BUYER acknowledges that the Property is subject to KPB zoning regulations. Specifically, the Property is zoned R-1: "Single-family residential district" per KPB 21.46.040 (A) (13), attached as Attachment A. Local Option Zoning land use regulations are established in KPB code, an excerpt of which is attached to this agreement for information purposes only (Attachment B). As a matter of due diligence, it is the BUYER's responsibility to understand any and all conditions that affect the Property for the BUYER's purposes.

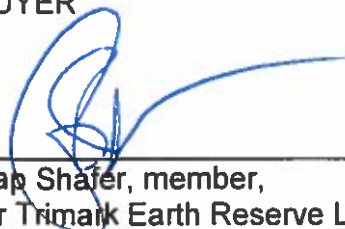
The BUYER acknowledges and understands that pursuant to KPB 21.14.160(C)(8)(a) the Property shall not be offered for sale or lease for non-allowed uses. KPB represents to the BUYER that KPB 21.44.160(A) and (B) mean that industrial uses, including gravel pits or other resource extraction sites, are non-allowed uses within a single-family residential (R-1) local option zoning district. This Property was offered for sale and hereby sold with the understanding that the Property is being sold for allowed uses only.

KENAI PENINSULA BOROUGH:



Charlie Pierce, Mayor

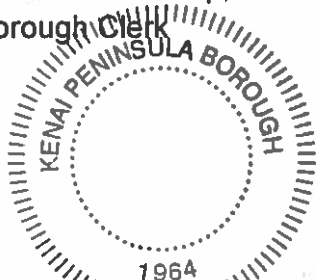
BUYER


Cap Shafer, member,
for Trimark Earth Reserve LLC

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

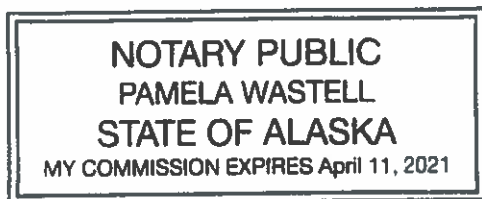

John Blankenship,
Borough Clerk

Sean Kelley,
Deputy Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 26th day of January, 2021, by **Charlie Pierce, Mayor** of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: 4.11.2021

Attachment A: Kenai Peninsula Borough, AK Code of Ordinances

21.46.40. -Single-Family Residential (R-1) Districts.

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

1. Ten Mar Ranch, described as a subdivision of the S ½ NE ¼, S ½ NW ¼, N ½ SW ¼, and W ½ SE ¼ including Gov't. Lots 3 and 6, Mary Miller Subdivision (Plat No. 97-90 KRD) excluding Hollingsworth Subdivision. Located within Section 18, T5N, R9W, S.M., Kenai Recording District, Kenai Peninsula Borough Alaska. Containing 311.893 acres.
2. Grande View Heights One, described as Grande View Heights Subdivision Phase 1, Plat 2004-68, Kenai Recording District, Kenai Peninsula Borough, Alaska, containing 56.912 acres.
 - a. The local option zoning applies to any further replats of Grande View Heights Phase 1 Subdivision.
3. Funny River Grove, described as Funny River Grove Subdivision, KPB File No. 2007-294, located within the SW ¼ of Section 24, T5N, R9W, Seward Meridian, Kenai Recording District, State of Alaska, containing 52.622 acres.
 - a. The local option zoning applies to any further replats of Funny River Grove Subdivision.
4. Widgeon Woods, described as Widgeon Woods Phase Two Subdivision, located within the SE ¼ of Section 13 T5N, R11W S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska, KPB File No. 2008-254, excluding Lot 14 Block 4, and Tract B.
 - a. The local option zoning applies to any further replats of Widgeon Woods Subdivision, except Lot 14 Block 4, and Tract B.
5. Diamond Willow - Fairfield, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, Fairfield Estates Subdivision, according to Plat 2000-36;

Lots 3 and 6, J and P Subdivision Aurora Addition, according to Plat 2001-21;

Lots 4, 5, 6, 7, 8, 9, 10, 18, 19, 20, and 21, Block 1, Diamond Willow Estates Subdivision - Part One, according to Plat 75-68; not 22;

Lot 11, Block 1, Diamond Willow Estates Subdivision - Part Two, according to Plat 76-38;

Lots 12, 13, 14, and 15, Block 1, Diamond Willow Estates Subdivision - Part Four, according to Plat 77-4;

Lots 26, 27, 28, and 29, Block 1, Diamond Willow Estates Subdivision - Part 5, according to Plat 81-100;

Lots 30-A, 31-A, and 32-A, Block 1, Diamond Willow Estates Subdivision Part 7, according to Plat 82-62;

Lots 33, 34, 35, 36, 37, 38, and 39, Diamond Willow Estates Subdivision Part-9, according to Plat 2005-5;

Lot 3, Diamond Willow Estates Subdivision Part-8 amended, according to Plat 2006-104;

Lot 2, Diamond Willow Estates Subdivision Part-10, according to Plat 2008-135;

Lot B2, Diamond Willow Estates Subdivision Part 11, according to Plat 2012-93;

Lots B2-2, B2-3, B2-4, and B2-5, Diamond Willow Estates Part 12, according to Plat 2014-38;

that portion of the Northeast ¼ Northwest ¼, Section 24, Township 5 North, Range 11 West, Seward Meridian, lying north of the northerly most boundary of Lot 15, Block 1, Diamond Willow Estates Subdivision, Part Four, Plat 77-44 and east of the easterly most boundary of Lot 18, Block 1, Diamond Willow Estates Subdivision, Part One, Plat 75-68; and

that portion of the Northwest ¼, Section 24, Township 5 North, Range 11 West, Seward Meridian, described as the "45.97 acre Unsubdivided Remainder" on Diamond Willow Estates Subdivision Part-10, according to Plat 2008-135;

all located in the Kenai Recording District, Third Judicial District, State of Alaska.

 - a. The local option zoning applies to any further replats within the Diamond Willow - Fairfield LOZ.

Attachment A: Kenai Peninsula Borough, AK Code of Ordinances

6. Diamond Willow - Ravenwood, described as follows:

Tract A, Ravenwood Subdivision Addition No. Two, according to Plat 77-41; Lots 1, 2, 3, and 4, Block 4 and Lots 1, 2, 3, 4, 5, 6, and 7, Block 5, Ravenwood Subdivision Addition No. 2, according to Plat 81-47;

Lots 1, 1A, 2, 3, and 4, Block 6 and Lots 8, 9, 10, and 11, Block Five, Ravenwood Subdivision No. 4, according to Plat 84-234;

Lot A2, Diamond Willow Estates Subdivision Part 11, according to Plat 2012-93; all located in the Kenai Recording District, Third Judicial District, State of Alaska.

a. The local option zoning applies to any further replats within the Diamond Willow - Ravenwood LOZ.

7. Correia, described as follows:

Lots 1, 2, 3, 4, and 5, Block 1, and Lots 1, 2, 3, 4, 5 and 6, Block 2, Correia Subdivision Addition One, according to Plat 80-15, Kenai Recording District, Alaska;

NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 3 North, Range 12 West, Seward Meridian, Alaska.

a. The local option zoning applies to any further replats within the Correia LOZ.

8. College Heights Subdivision Zoning District as described in KPB 21.09.030.

9. North Fork One Zoning District described as described in KPB 21.40.030.

10. Bing's Landing, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Block 4; and Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, and 29, Block 5, Bing's Landing Subdivision Part One, according to 84-199, Kenai Recording District; and

Lot 26A, Bing's Landing Subdivision Part Two, according to 95-8 Recording District; and

11. Murwood South is described as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 27, T5N, R11W, Seward Meridian, Alaska

a. The local option zoning applies to any further replats within the Murwood South LOZD.

12. C & H Estates is described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 44, and 45, C & H Estates, according to Plat 80-23;

Lot 17C, C & H Estates Bell Addition No. 2, according to Plat 2000-58; and

Lots 27A and 35A, C & H Estates Four, according to Plat 2005-86; all within the Homer Recording District.

a. The local option zoning applies to any further replats within the C & H Estates LOZD.

13. Kalifornsky Center is described as follows:

Tract A, Kalifornsky Center Subdivision, according to Plat 2020-18, Kenai Recording District.

a. The local option zoning applies to any further replats within the Kalifornsky Center LOZD.

(Ord. No. 2019-34, § 2, 4-21-20; Ord. No. 2019-35, § 2, 1-7-20; Ord. No. 2019-07, § 2, 4-2-19; Ord. No. 2016-30, § 3, 8-23-16; Ord. No. 2016-03 (Sub.), § 2, 5-3-16; Ord. No. 2016-01, § 2, 2-2-16; Ord. No. 2014-39, § 2, 3-17-15; Ord. No. 2014-35, § 2, 3-17-15; Ord. No. 2012-20, § 2, 7-3-12; Ord. No. 2008-30, § 1, 1-18-08; Ord. No. 2004-28, § 1, 9-7-04; Ord. No. 2000-47, § 1, 10-24-00)

ATTACHMENT B - KPB Code Excerpt

21.44.160 - Single-family residential district (R-1).

A. *Allowed Principal Use.* Single-family residential (R-1) dwelling units are the allowed principal use in this district.

B. *Allowed Compatible Uses.* Compatible uses allowed in the R-1 zone are parks, playgrounds, open space, schools, community centers, libraries, churches, and home occupations.

C. *Development Standards.* Development standards apply to principal and accessory structures.

1. *Setbacks.* Setbacks for structures shall be 30 feet from the front yard line, 20 feet from the rear yard line, 15 feet from the side yard lines, and 50 feet from the shore and where applicable subject to the provisions of KPB 21.18.

2. *Maximum building height.* Maximum building height shall be 2½ stories above ground or 35 feet above average grade, whichever is less

3. *Lot size.* Minimum lot size shall be 40,000 square feet. Maximum lot size is 5 acres.

4. *Coverage.* Maximum coverage by structure is 20 percent of the lot.

5. *Drainage Ways.* Existing natural drainage ways shall be retained.

6. *Accessory structures.* Accessory structures commonly associated with residential dwellings, i.e., garages, barns, storage sheds, greenhouses, wind turbines, workshops, and a single, noncommercial guesthouse per parcel, are allowed within the district. A single accessory structure may constitute the principal use of the lot where an adjacent lot with the primary residence is in the same ownership.

7. *Livestock and pets.*

a. Dog Lots: Dog lots and kennels are prohibited.

b. Household pets including, but not limited to, dogs and cats shall be allowed provided that no more than four household pets of more than six months of age are kept on the lot.

c. Poultry, fowl and small animals shall be properly contained (e.g., chicken coop, rabbit hutch) and shall be located in accordance with the required accessory use setbacks. No more than 10 such animals over 6 months old are allowed.

d. Hoofed animals are prohibited, except for a single miniature horse used as a service animal.

8. *Prohibited uses and structures.* The following uses and structures are prohibited in the R-1 district:

a. A lot within the LOZD shall not be offered for sale or lease for non-allowed uses.

b. No more than two of either travel trailers or motor homes may be on each lot at any time.

c. No more than two of either inoperable or unregistered vehicles are allowed on each lot at any time.

Raidmae, Ryan

From: Raidmae, Ryan
Sent: Thursday, April 21, 2022 2:33 PM
To: Raidmae, Ryan
Subject: FW: <EXTERNAL-SENDER>Public hearing comment

-----Original Message-----

From: Steve Foster <steve@fosterco.biz>
Sent: Thursday, April 21, 2022 1:12 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Public hearing comment

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

To KPB Planning Dept.

My name is Steven Foster. Our company owns and operates a material site under the name of Twin Rivers Resources. Our material site is adjacent to the property owned by Trimark Earth Reserve LLC who is currently petitioning the commission to repeal the Kalifornsky Center Local Option Zoning District.

I support Trimark in their efforts to repeal this LOZD. This area on K Beach should be reserved for material sites to supply all the aggregate needs for the residents as our area grows for coming generations. The quality of aggregate in this area will sustain future generations for many years to come. Affordable gravel products are key to all new construction. An abundant supply that is near to the consumer, saves on fuel consumed, wear and tear on our roads, as well as labor and equipment costs.

I support affordable new home construction for our area. Our area has a lot to offer. I just do not support more new homes adjacent to existing material sites. I would like to see the borough continue to release more land for private ownership, but please don't put housing developments on this land in question since it is surrounded by existing material sites.

Thank you for allowing me to voice my opinion. I will not be able to address the planning commission in person.

Steven Foster.

Sent from my iPhone