



Meeting Agenda Plat Committee

Monday, May 9, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-4176](#) April 25, 2022 Plat Committee Meeting Minutes

Attachments: [C3. Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4177](#) Jaynes Subdivision 2022 Replat; KPB File 2022-040
Attachments: [E1. Jaynes Sub_Packet](#)
2. [KPB-4178](#) Breakfield-McCaughey Subdivision; KPB File 2022-054
Attachments: [E2. Breakfiels-McCaughey_Packet](#)
3. [KPB-4179](#) CL Hatton Subdivision Eagles Crest Addition; KPB File 2022-027
Attachments: [E3. CL Hatton Sub_Packet](#)
4. [KPB-4180](#) Coles Corner No. 3; KPB File 2022-052
Attachments: [E4. Coles Corner_Packet](#)
5. [KPB-4181](#) East Oyster Cove Subdivision; KPB File 2022-047
Attachments: [E5. East Oyster Cove_Packet](#)
[E5 - Plat Comments](#)
6. [KPB-4182](#) Soldotna Airport Leased Lot 2021 Replat; KPB File 2022-048
Attachments: [E6. Soldotna Airport_Packet](#)
7. [KPB-4183](#) Lloyd Race & Eker Estates Lujan 2022 Replat
Attachments: [E7. Lloyd Race_Packet](#)
8. [KPB-4184](#) Puffin Acres Bayweld 2022 Replat; KPB File 2022-046
Attachments: [E8. Puffin Acres_Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT**MISCELLANEOUS INFORMATIONAL ITEMS****NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held Monday, May 23, 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.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

***C-3. MINUTES**

- a. April 25, 2022 Plat Committee Meeting Minutes**

Kenai Peninsula Borough Plat Committee

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

April 25, 2022
6:00 PM
UNAPPROVED MINUTES

A. CALL TO ORDER

Chair Brantley called the meeting to order at 6:00 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Jeremy Brantley, District 5 - Sterling
Pamela Gillham, District 1 – Kalifornsky
Blair Martin, District – Kenai
Virginia Morgan, District 6 – East Peninsula
Franco Venuti, City of Homer

Staff Present

Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*3 Minutes

a. April 11, 2022 Plat Committee Meeting Minutes

Chair Brantley asked if anyone from the public wished to speak to any of the items under the consent agenda. He then requested that Ms. Hindman give the staff report for the grouped plats.

Ms. Hindman gave the staff report for the grouped plats and noted the following plats were contained in the report:

- E1. The Business Center Subd. 2022 Replat; KPB File 2022-039
- E7. Sterling Heights Subdivision 2022 Addition; KPB File 2022-037

Hearing no one wishing to comment discussion was opened among the commission

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to approve the agenda, the April 11, 2022 Plat Committee meeting minutes and grouped plats based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

E. NEW BUSINESS

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

ITEM E1 - THE BUSINESS CENTER SUBDIVISION 2022 REPLAT

KPB File No.	2022-039
Plat Committee Meeting:	April 25, 2022
Applicant / Owner:	BEEZ LLC of Kenai, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kenai Spur Highway and Knight Drive, City of Soldotna

Parent Parcel No.:	059-340-57 & 059-340-63
Legal Description:	Lot 1 The Business Center Subdivision Part 2, KN 85-151 and Tract 3-A Gerhart Homestead Subdivision 1996 Addition, KN 97-99
Assessing Use:	General Commercial and Residential
Zoning:	Commercial District
Water / Wastewater	City

**Passed - Grouped Plats Under the Consent Agenda*

ITEM E2 – HERRIN SUBDIVISION NO 5

KPB File No.	2022-042
Plat Committee Meeting:	April 25, 2022
Applicant / Owner:	Tammy McNeil and Scott Oldenberg both of Kasilof, AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design
General Location:	Mandy Court, Cache Street, Hidden Avenue, Cohoe

Parent Parcel No.:	133-112-26
Legal Description:	Tract 16 Herrin Subdivision KN 76-159
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Julie Hindman.

Chair Brantley 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 Commission Gillham to grant preliminary approval to Herrin Subdivision No. 5 based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

ITEM E3 - BEAR RUN TRACT 2 REPLAT

KPB File No.	2022-043
Plat Committee Meeting:	April 25, 2022
Applicant / Owner:	James R Cary of Homer, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Greer Road, Fritz Creek / Kachemak APC

Parent Parcel No.:	172-160-03
Legal Description:	Tract 2 of Bear Run Subdivision HM 74-984
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Ave., Homer, AK 99603: Mr. Nelson was the surveyor 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 Gillham moved, seconded by Commissioner Venuti to grant preliminary approval to Bear Run Tract 2 Replat, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti to grant exception request to KPB 20.25.080(E) – Current Certificate to Plat., citing findings 1-6 in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

ITEM E4 - CROSSMAN RIDGEVIEW

KPB File No.	2022-044
Plat Committee Meeting:	April 25, 2022
Applicant / Owner:	Dan Endres of Greeley, CO and John C George of Barrow, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Diamond Ridge / Kachemak APC

Parent Parcel No.:	173-051-02
Legal Description:	The N1/2 NE1/4 Section 6, Township 6 South, Range 13 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Ave., Homer, AK 99603: Mr. Nelson was the surveyor on this project and made himself available for questions. He noted that ADL 200045 granted a 100' wide easement utility easement that was not on the certificate of plat and he believed this easement stopped short of this property. He will talk with HEA and to determine exactly where this easement is located.

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 Morgan to grant preliminary approval to Crossman Ridgeview, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Venuti moved, seconded by Commissioner Morgan to grant

exception request to KPB 20.30.030 – Proposed Street Layout Requirements & KPB 20.30.170 – Block Length Requirements, subject to a 30' public access easement or dedicated right-of-way along the western boundary of Lot 6, citing findings 1-5 & 7-10 in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

ITEM E5 - MCGAHAN-SCHILLING TRACTS 2022 ADDITION

KPB File No.	2022-031
Plat Committee Meeting:	April 25, 2022
Applicant / Owner:	McGahan Family Limited Partnership and Carmen McGahan all of Kenai, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Admiralty Drive, Montague Lane, Nikiski

Parent Parcel No.:	012-350-09
Legal Description:	Tract B McGahan-Schillings Tracts KN 98-56
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment.

Dick Hamilton; P.O. Box 252 Willow: Mr. Hamilton owns parcel # 012-132-01 and has concerns about language in the notice about him being required to match a right-of-way dedication. Ms. Hindman replied the language in the notices is standardized and this platting action would not affect him and the language in the notice regarding possible having to match a right-of-way dedication does not apply to him.

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 grant preliminary approval to McGahan-Schilling Tracts 2022 Addition, based on staff recommendations and compliance to borough code.

AMENDMENT A MOTION: Commissioner Gillham moved seconded by Commissioner Morgan to grant exception request to KPB 20.30.100 – Cul-de-sacs.

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

AMENDMENT A MOTION FAILED BY UNANIMOUS VOTE

Yes	0	
No	5	Brantley, Gillham, Martin, Morgan, Venuti

AMENDMENT B MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.190 – Lot Dimension (3:1 depth to width ratio) for Tracts B7, B9 & B11, citing findings 6-9 in support of standards one, two and three.

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

AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

ITEM E6 - SADDLE RIDGE SUBDIVISION 2022 REPLAT

KPB File No.	2022-036
Plat Committee Meeting:	April 25, 2022
Applicant / Owner:	Douglas and Amy Baxter, Scott and Morgan Foster all of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Echo Lake Road, Saddleback Circle, Kalifornsky / Kalifornsky APC

Parent Parcel No.:	131-044-35, 131-044-42, & 131-044-43
Legal Description:	Lot 2 Saddle Ridge Subdivision KN 2017-81 and Lots 3A and 4A Saddle Ridge Subdivision Baxter Replat KN 2020-89
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Julie Hindman.

Chair Brantley 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 Martin moved, seconded by Commission Venuti to grant preliminary approval to Saddle Ridge Subdivision 2022 Replat, based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

ITEM E7 - STERLING HEIGHTS SUBDIVISION 2022 ADDITION

KPB File No.	2022-037
Plat Committee Meeting:	April 25, 2022
Applicant / Owner:	Tom Hibpshman of Sterling, AK
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Robinson Loop Road, McDowell Road, Sterling

Parent Parcel No.:	063-454-04
Legal Description:	Lot 4 Block 1 Sterling Heights Subdivision Addition No 2 KN 76-174
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

**Passed - Grouped Plat Under the Consent Agenda*

ITEM E8 - TATUM DENISE SUBDIVISION

KPB File No.	2021-122R1
Plat Committee Meeting:	April 25, 2022
Applicant / Owner:	Gene Friendshuh, Linda Friendshuh, and George Friendshuh all of Soldotna, AK
Surveyor:	James Hall / McLane Consulting
General Location:	Derks Lake Road, Sterling

Parent Parcel No.:	058-301-72, 058-320-45, 058-320-46, 058-320-47, 058-320-48, 058-320-49, & 058-320-50
Legal Description:	Lots 10-15 Tatum Subdivision KNJ 2021-15 and the SE1/4 Sec 14 and NE1/4 of Sec 23, T05N R10W, Seward Meridian, Alaska Excepting Denise Lake Estates Part One KN 86-124, Denise Lake Estates Part Two KN 94-27, Denise Lake Estates Part Three KN 97-18 and Denise Lake Estates Part Four KN 2007-55
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Julie Hindman.

Chair Brantley 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 Venuti moved, seconded by Commission Martin to grant preliminary approval to Tatum Denise Subdivision, based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Martin, Morgan, Venuti
No	0	

F. PUBLIC COMMENT - None**G. ADJOURNMENT**

Commissioner Martin moved to adjourn the meeting 7:16 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

- 1. Jaynes Subdivision 2022 Replat; KPB File 2022-040
McLane Consulting Group / BMGC LLC & Peninsula Mini
Storage LLC
Location: Bridge Access Rd., Childs Ave. & Van Antwerp Ave.
City of Kenai**



Vicinity Map

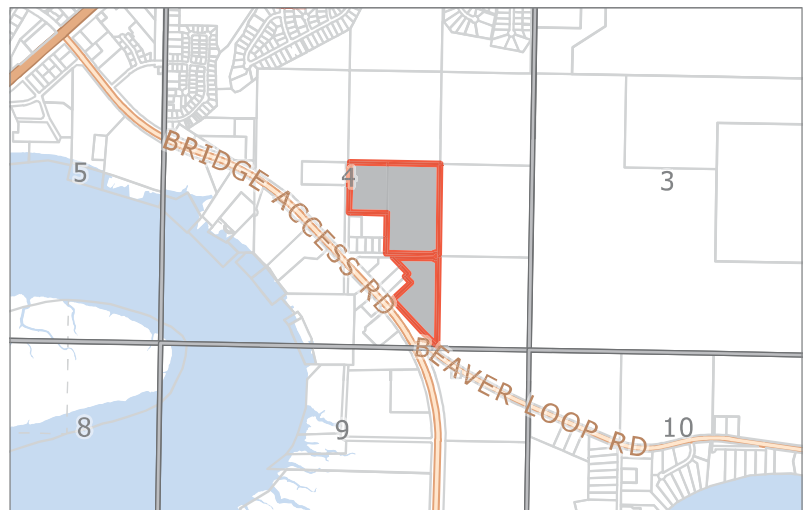
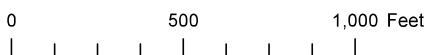


KPB File # 2022-040

S04-T05N-R11W

Kenai

3/31/2022





AGENDA ITEM E. NEW BUSINESS

ITEM 1 – JAYNES SUBDIVISION 2022 REPLAT

KPB File No.	2022-040
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	BMGC LLC and Peninsula Mini Storage, LLC both of Kenai, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Van Antwerp Avenue, Beaver Loop Road, City of Kenai

Parent Parcel No.:	049-013-24, 049-350-12, 049-350-13
Legal Description:	Tract A-1 Bridge Road Subdivision 2019 Replat (KN 2022-15) and Tracts 3 and 4 Jaynes Subdivision Big Mikes Addition
Assessing Use:	Residential / Commercial
Zoning:	Heavy Industrial District
Water / Wastewater	City available

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure three parcels into two parcels, finalize a right-of-way dedication, and dedicate several new rights-of-way.

Location and Legal Access (existing and proposed): The proposed plat is located along Bridge Access Road in the City of Kenai. Access to lots is currently via Childs Avenue, Van Antwerp, Bridge Access Road, and Beaver Loop Road. 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.

The petition to vacate the eastern portion of Van Antwerp Avenue will 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 rights-of-way dedications will be off Childs Avenue. One of the rights-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.

Proposed Tract 3A will continue to have access from Childs Avenue and the new right-of-way proposed along the south boundary of the tract. Proposed Tract 4A will continue to have access from Beaver Loop Road, an existing driveway appear to be present. Access also appears present from Bridge Access Road. The tract will also have access from the proposed bulb at the end of Van Antwerp Avenue, and the new rights-of-way proposed for dedication along the northern and eastern boundary of the tract.

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 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 Planning Commission approved the vacation of the through right-of-way on April 25, 2022. **Staff recommends the plat committee concur that an exception is not required for block length as the ability to get a compliant block is currently limited and this is finalizing an already approved vacation.**

KPB Roads Dept. comments	
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SOA DOT comments	No comment
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Site Investigation: Wetlands are present through portions of the proposal. Areas with proposed rights-of-way 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.

Proposed Tract 4A is the site for Peninsula Mini Storage. There are multiple storage unit buildings present. Outdoor storage is also provided. There appears to be encroachments within the right-of-way being vacated. This platting action will resolve the encroachment issues.

The City of Kenai owns three forty acre parcels that are vacant. They are located to the north, northeast, and east of the proposed subdivision. Cook Inlet Natural Gas Storage Alaska owns the forty acre parcel south of the Kenai lots and east of Proposed Tract 4A. The lot does contain improvements.

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

Staff Analysis The land within the proposed plat has been subdivided several times through the years. The portion south of Van Antwerp Avenue was first within Bridge Road Subdivision, Plat KN 81-59. Multiple subdivision plats changed the configurations and added some additional acreage. Plats done in 1984, 2004, and 2020 reconfigured the property. Bridge Road Subdivision 2019 Replat, Plat 2020-15, created the parent Tract A-1 as it is currently configured. The property located north of Van Antwerp Avenue was originally included in Jaynes Subdivision Addition No. 1, Plat KN 77-44. This area was also replatted in 1983 and 2015. Jaynes Subdivision Big Mikes Addition, Plat KN 2015-99, created parent Tracts 3 and 4 as they are currently configured.

The eyebrow located at the end of Childs Avenue allows for future continuation of the right-of-way and an appropriate turn around until the dedication occurs. The remaining portion of Van Antwerp Avenue will have a cul-de-sac to provide an adequate turn around area. The new dedications will allow access that will go around the Industrial sites. The access will shift north about 560 feet on Childs Avenue. A new right-of-way will then proceed between the new tracts and will connect with another right-of-way that will travel south and end at the existing bulb currently located at the end of Van Antwerp Avenue.

The lots proposed are larger than 200,000 square feet and do not require a soils report. The City of Kenai Planning and Zoning Resolution 2022-07, stated city water and sewer is present along Bridge Access Road. An installation agreement will be required unless documentation is provided by the City of Kenai that one is not required.

The City of Kenai's approval was subject to being notified of the construction schedule of the newly dedicated rights-of-way. Staff will require confirmation from the City of Kenai that their needs have been satisfied prior to signing the final plat.

The City of Kenai Planning and Zoning Commission heard the vacation and plat at their March 23, 2022 meeting. They noted the property is zoned as Heavy Industrial. They recommended approval 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.

Notice of the proposed plat was mailed to the beneficial interest holder on April 26, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Utility Easements There are several easements that have been granted by recorded documents. These may be found within the plat notes. The certificate to plat did indicate another easement is present on the property. The document did contain a description of the location. **Staff recommends the surveyor confirm the location of the easement to depict on the plat and include a plat note to reference its creation.**

As this property has been subdivided numerous times various platted utility easements are present. The easements and their source information appears to be presented correctly.

This plat is proposing to grant 10 foot utility easements along the newly dedicated rights-of-way. The plat will also be finalizing the vacation of the utility easements adjacent to the right-of-way vacation. Corrections will need to be applied along the cul-de-sacs and within the detail. 10 foot utility easements need to be depicted to remain around the cul-de-sacs. Along the western cul-de-sac for Van Antwerp Avenue, the depiction must provide a connection from the easement per KN 84-68, around the cul-de-sac, along the small straight portion of Van Antwerp and this will connect to the 10 foot easement along the western boundary that was granted by recorded document. In addition the requested easement by ENSTAR should be recorded by document and then noted and depicted on the final or they may grant the easement by this plat by depicting the new easement. **Staff recommends update the depiction of the utility easements around existing and new rights-of-way and grant easements requested by utility providers.**

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

Utility provider review:

HEA	Provide a continuous utility easement from the 10 foot utility easement adjoining the cul-de-sac to the 10 foot utility easement adjoining the boundary line by removing the depiction of the vacation within 10 foot of the boundary line.
ENSTAR	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: 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	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 1345 BRIDGE ACCESS RD 601 CHILDS AVE 511 VAN ANTWERP AVE</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: BRIDGE ACCESS RD BEAVER LOOP RD VAN ANTWERP AVE</p> <p>Existing Street Name Corrections Needed: CHILDS AVE should be labeled. Street name needed for newly dedicated ROW.</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>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation: The block designation was not carried over onto Tract A-1. Remove “Block 1” from description. Verify BMGC address, KPB Assessing records have a street address instead of a PO Box.

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation: A label for Childs Avenue is required. Provide a width label for Childs Avenue and Beaver Loop Road.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
Staff recommendation: Street names will need to be provided. Work with the City of Kenai and the KPB Addressing Officer to get approved street names.

KPB 20.30 – Subdivision Design Requirements

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

- 20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10
Staff recommendation: Work with the City of Kenai and the KPB Addressing Officer for approved street names.
- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).
Staff recommendation: The City of Kenai does not meet the specified requirements for the application and consideration of different standards.

KPB 20.40 – Wastewater Disposal

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

- 20.40.010 Wastewater disposal.
Platting Staff Comments: Lots are larger than 200,000 square feet and city utilities are available along Beaver Loop Road. No soils report required and correct note is present.
Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

- 20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.
Staff recommendation: City of Kenai will need to sign the acceptance. Once street names are selected they should be added to the certificate.
- 20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will

be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: *Provide documentation from the City of Kenai that the subdivision is in compliance or that an installation agreement is not required.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: *Place the following notes on the plat.*

- *Right-of-way easement to Union Oil Company of California recorded on August 27, 1965 in Book 19 Page 128, KRD and assigned to Marathon Oil Company on January 30, 1995 in Book 458 Page 287, KRD.*
- *Update plat note 7 with the PC Meeting date of April 25, 2022. Also, include "Kenai City Council consented to the vacation at their meeting of _____."*

RECOMMENDATION:

STAFF RECOMMENDS:

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

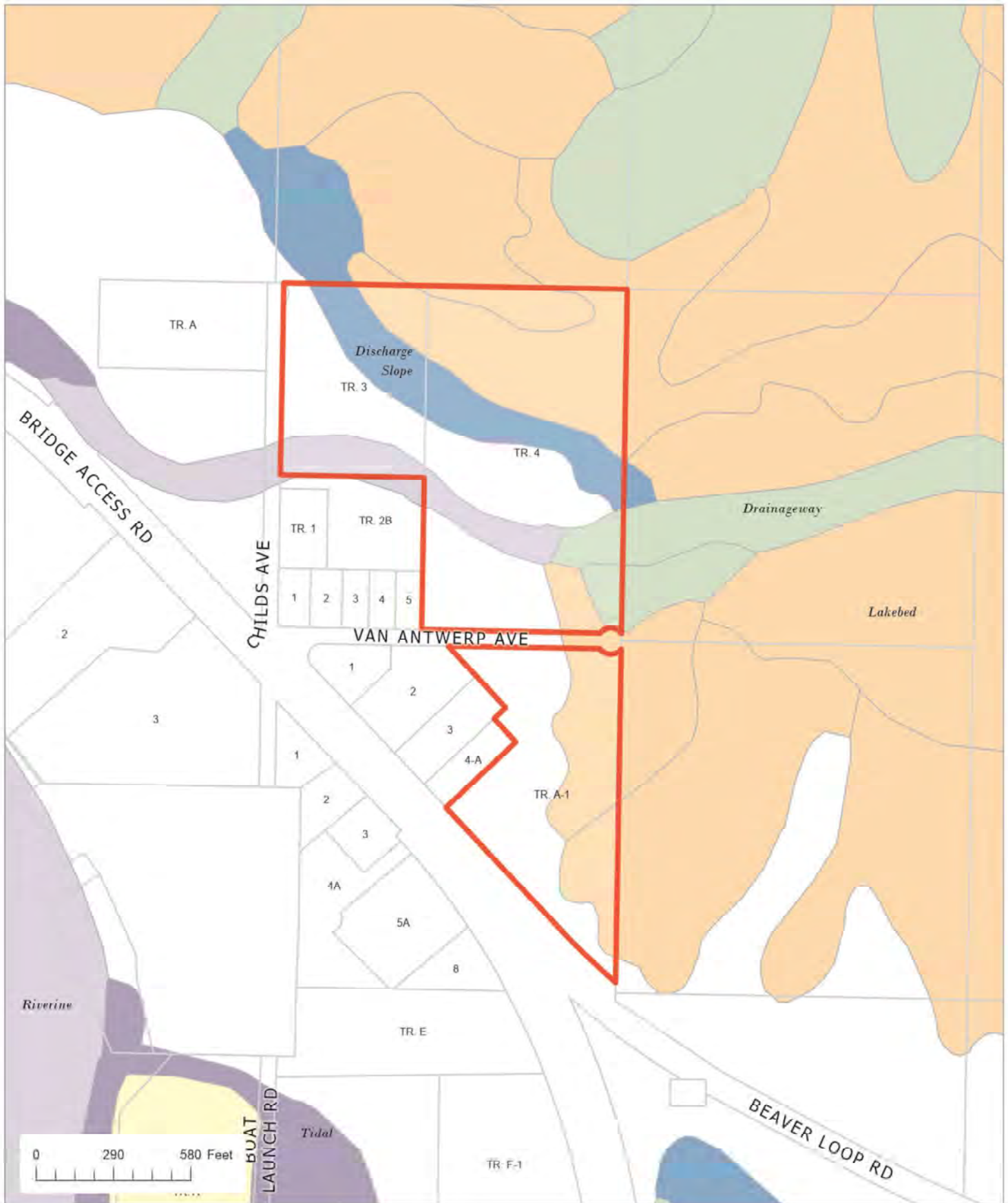
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT





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. 8775000).
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 NO. 001 DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 017 DATED OCTOBER 10, 1959. PUBLIC LAND ORDER NO. 015 DATED APRIL 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER NO. 0003 DATED DECEMBER 18, 1991. AMENDMENT NO. 1 DATED JULY 17, 1997 AND AMENDMENT NO. 2 DATED SEPTEMBER 10, 1998 FILED IN THE FEDERAL REGISTER.
7. STATE OF ALASKA RIGHTS-OF-WAY ARE GRANTED PER BEAVER LOOP ROAD IMPROVEMENT PLAT 2014-104, PAGE 2/275 AND BEAVER LOOP CROSSING PLAT 70-134 PAGE 3 AND 10.
8. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VARIATION OF THE 20' UTILITY EASEMENT CREATED BY KENAI-00 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-00) AND LOT 7A-BLOCK 1 BRIDGE ROAD SUBDIVISION NUMBER TWO (KENAI-00) AND ON BEHALF OF PENINSULA MBS STORAGE LLC WE HEREBY GRANT THIS PLAT OF SUBDIVISION AND BY OUR FREE CONSENT GRANT 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 SPIR VIEW DR., KENAI, AK 99501

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

NOTARY'S ACKNOWLEDGMENT

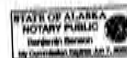
I, DAVID SCHULING, Notary Public,
ACKNOWLEDGE BEFORE ME THIS

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-00) AND ON BEHALF OF SBC DEVELOPMENT GROUP, INC. I HEREBY GRANT THIS PLAT OF SUBDIVISION AND BY MY FREE CONSENT GRANT ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAVID SCHULING, PRESIDENT
SBC DEVELOPMENT GROUP, INC. (OWNER)
4015 EASTWIND BEACH RD. SUITE B,
SOLDFORTH, AK 99688

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 IDENTIFIED BY THIS PLAT, INCLUDING EASEMENTS, USE-OF-WAY DEDICATION FOR VAN ANTWERP AVENUE, RIGHTS-OF-WAY, ALLEYS, AND 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 DeBrunner 12/14/19
CITY MANAGER
CITY OF KENAI

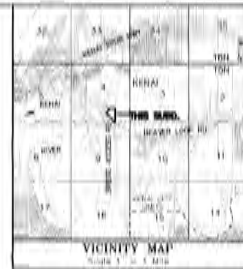
PLAT APPROVAL

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

Paul DeBrunner 12/14/19
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 15-1513
- 4. SET 5/8" x 3/4" REBAR w/ 1" STAINLESS STEEL CAP INSIDE/OUT
- 5. RECORD KENAI-00 AND FOUND DATA AGREE UNLESS OTHERWISE NOTED
- 6. AREA SHOWN TO BOUNDARY

UTILITY EASEMENT PER BEAVER LOOP ROAD SUBDIVISION NUMBER TWO (KENAI-00) TO BE VACATED BY THIS PLAT AND APPROVED FOR VACATING BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION MEETING DECEMBER 16, 2019

WASTEWATER DISPOSAL TRACT A-1

THIS TRACT IS AT LEAST 80,000 SQUARE FEET OR MORE IN AREA IN SIZE AND DIMENSIONS MAY NOT BE SUITABLE FOR WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM 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 MOORE OR MORE LOTS UNLESS OTHERWISE NOTED. THE NUMBER OF DEVELOPABLE LOTS, WHILE MAINTAINING A MINIMUM OF FIFTY SQUARE FEET OF CONTIGUOUS AREA, AS DETERMINED BY THE 20-ALONG-10-AC, FOR EACH LOT AFFECTED BY THE LOT LINE MOVEMENT PER 20-ALONG-10-AC(1)(C). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CURVE TABLE					
CURVE #	DEG	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
01	45.000°	2774.78	288.81	S 47° 15' 30" W	288.87
02	180.000°	0.00	0.00	S 89° 57' 10" E	80.00



BRIDGE ROAD SUBDIVISION 2019 REPLAT

(A REVISION OF LOTS 1, 6 & TRACT A BLOCK 1 BRIDGE ROAD SUBDIVISION NUMBER TWO (KENAI-00) AND LOT 7A-BLOCK 1 BRIDGE ROAD SUBDIVISION LOCKWOOD ADDITION (KENAI-00))

PENINSULA MBS STORAGE, LLC (OWNER)
47 SPIR VIEW DR., KENAI, AK 99501
SBC DEVELOPMENT GROUP, INC. (OWNER)
4015 EASTWIND BEACH RD. SOLDFORTH, AK 99688
13,708 AC. W/A SITUATED IN A PORTION OF THE SE1/4 OF SEC. 4, T18N, R12W, S4M, 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



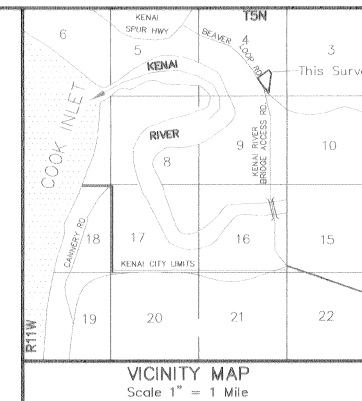
LEGEND



Survey monument as noted.



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



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

Mary Joell
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)

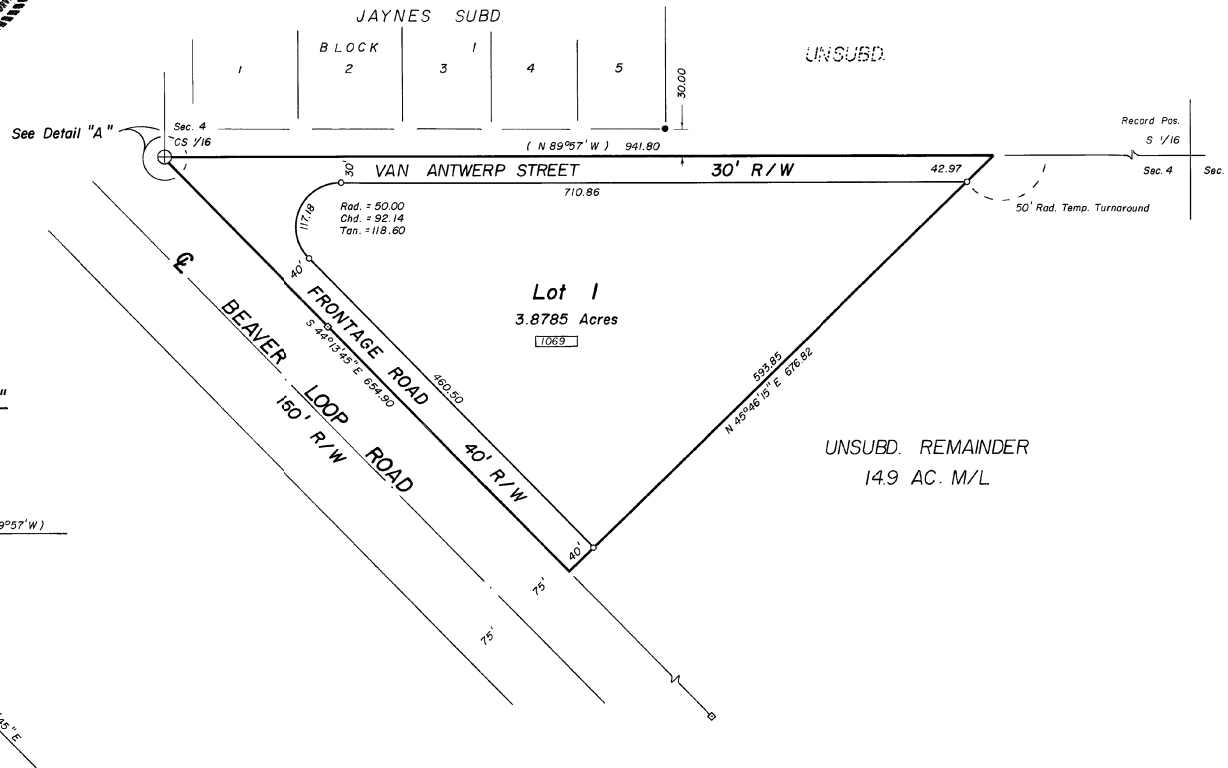
MARK LOCKWOOD
P.O. BOX 1566
KENAI, AK. 99611

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

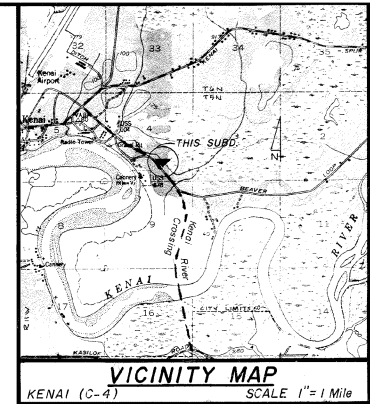
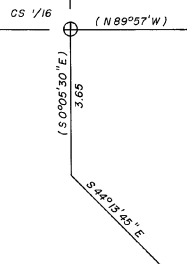
SCALE 1" = 100'	DATE: SEPT. 2003	BOOK NO. 02-07	DRAWN BY: LSC
P.O. Box 468 Seldovia, AK 99589		PROJECT NO. 022011	
		KPB FILE NO. 2002-157	

BRIDGE ROAD SUBDIVISION



DETAIL "A"

Not to Scale



LEGEND AND NOTES

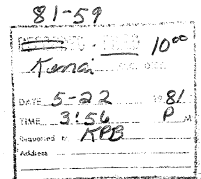
- ⊕ Found 2" brass cap set in conc., 1851-S 1971.
- Found 6"x6" conc. R/W monument.
- Found 1/2" steel rebar.
- Set 1/2"x24" steel rebar at all lot corners.
- () Indicates datum of record, K.R.D. 73-3.
- Street address number

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

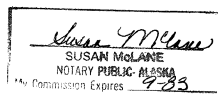
19. day of May, 1981.

My commission expires 9-23-83.

notary public for Alaska

Richard I. Morgan

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 SW 1/4 SE 1/4 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.

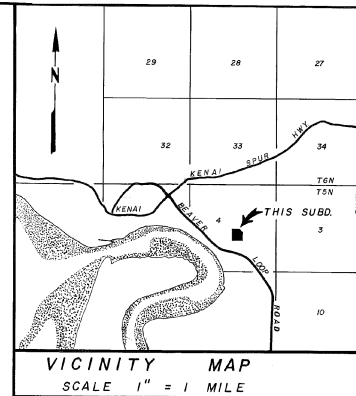
Wanda E. Mangan
notary public for Alaska

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.

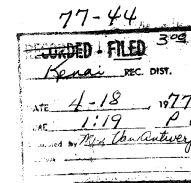
Donna L. Kiel
notary public for Alaska

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

Geo. O. Waino



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.

**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:

--	--	--	--	--	--

Comments:

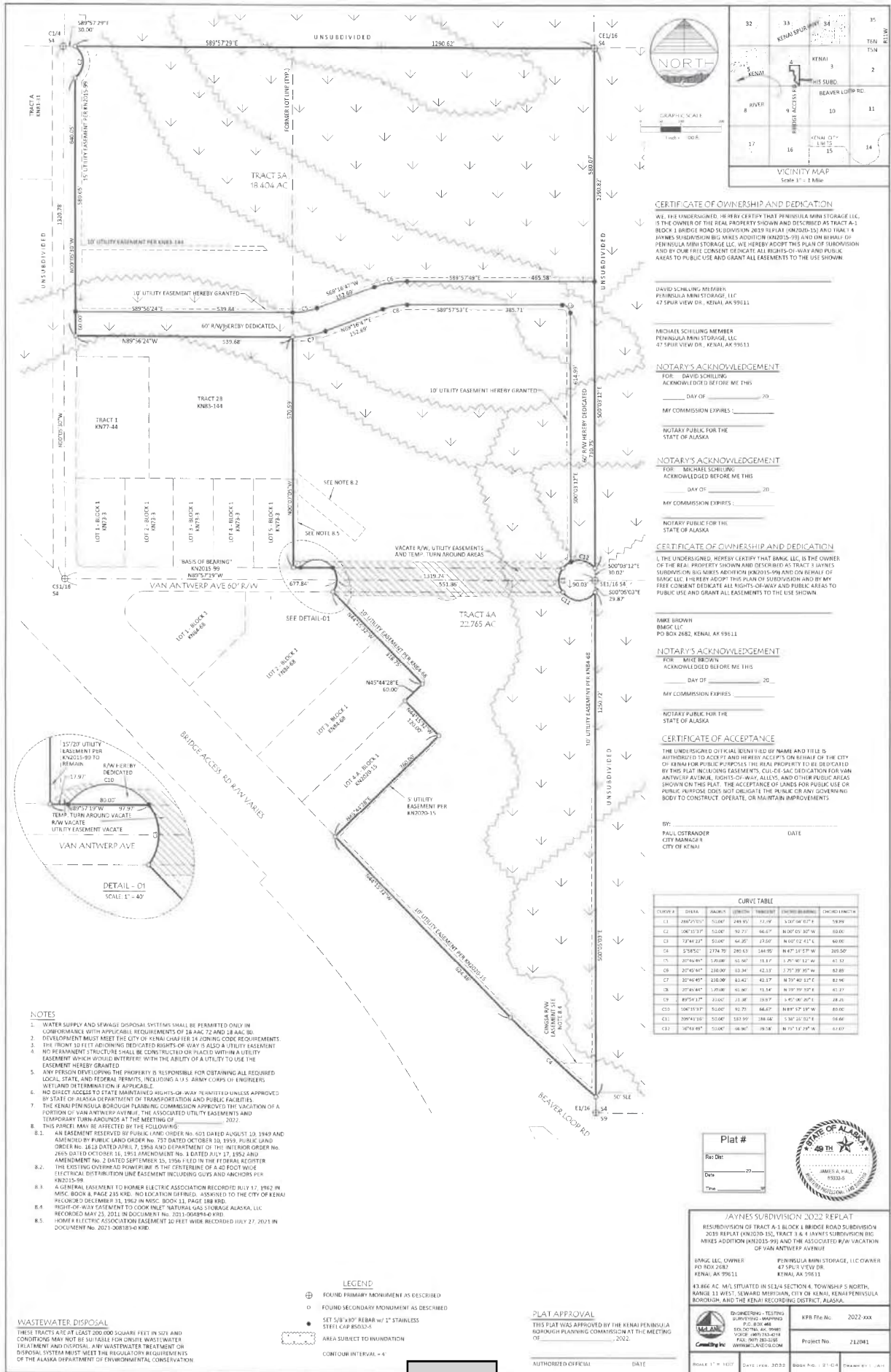
Alternate access is being dedicated per the plat					
--	--	--	--	--	--

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



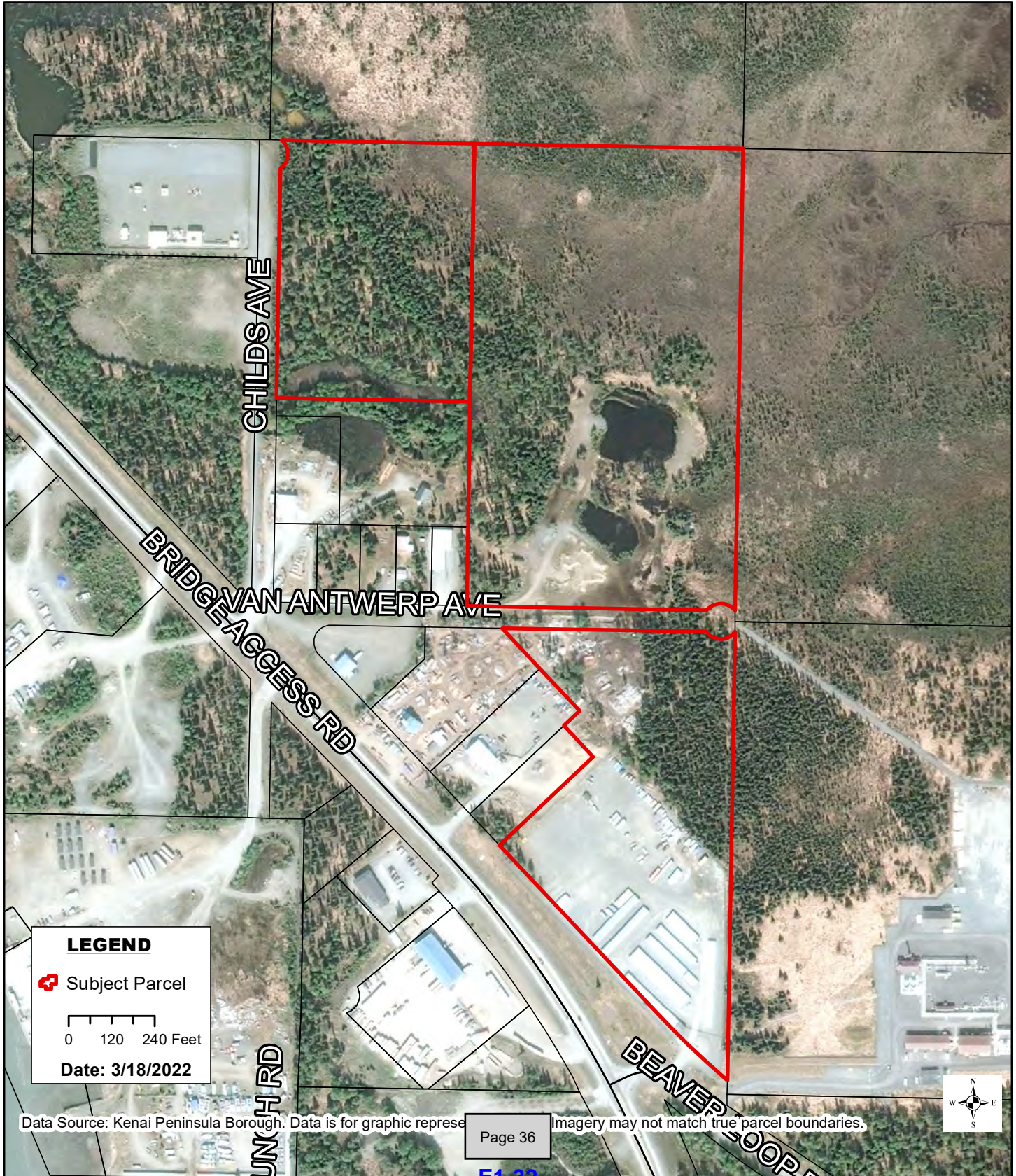


Jaynes Subdivision 2022 Replat

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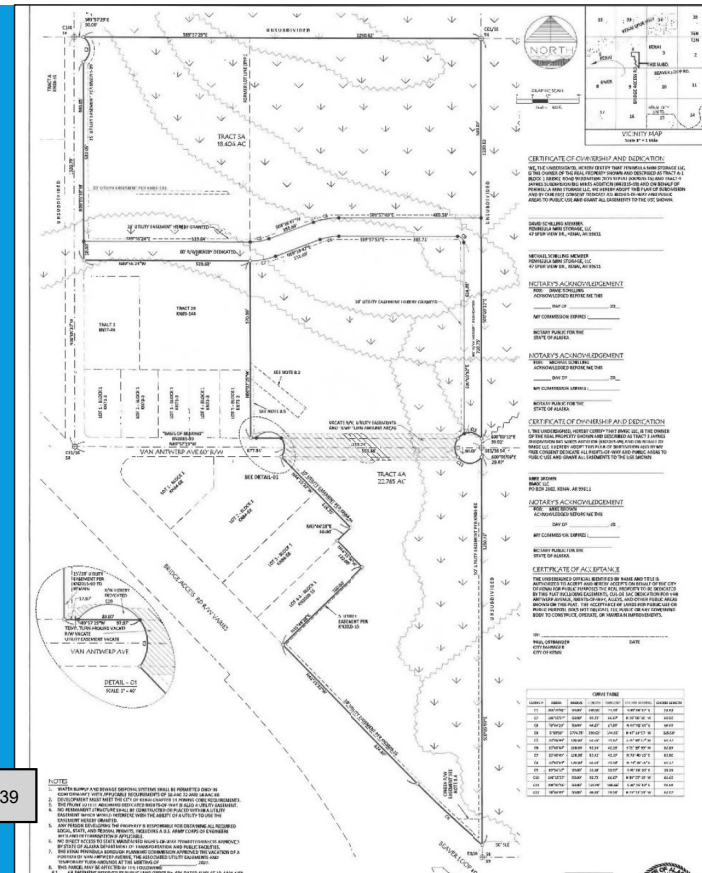
Jaynes Subdivision 2022 Replat
KPB #04935012
KPB #04935013
KPB #04901324



2

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

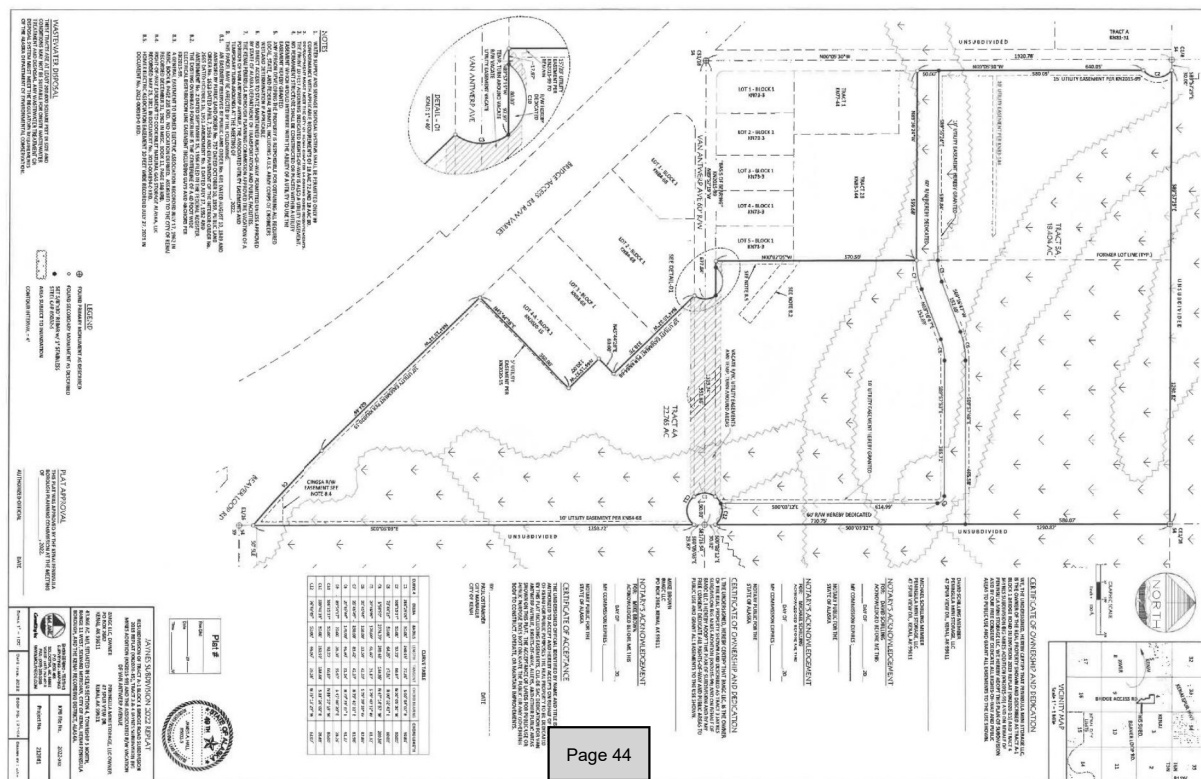
		Preliminary Plat Submittal Form		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
APPLICANT (SURVEYOR)					
Name:	McLane Consulting				
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK
Phone Number(s):	907-283-4218				
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				

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		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

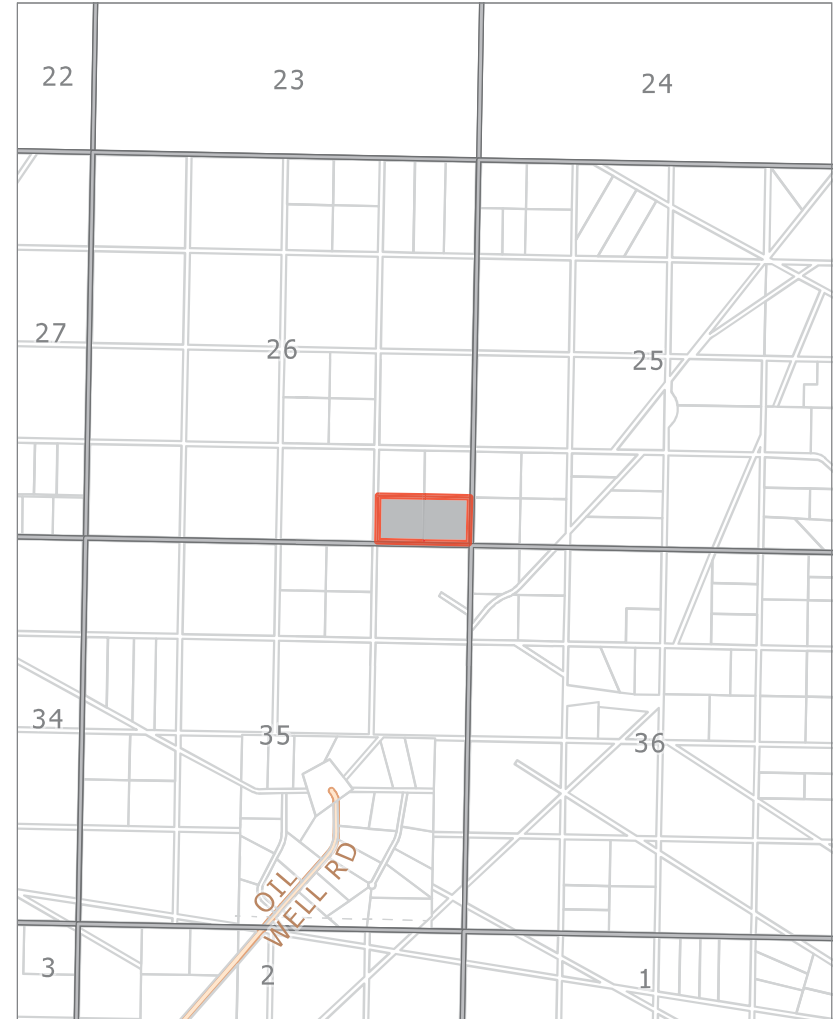


C. AERIAL MAP

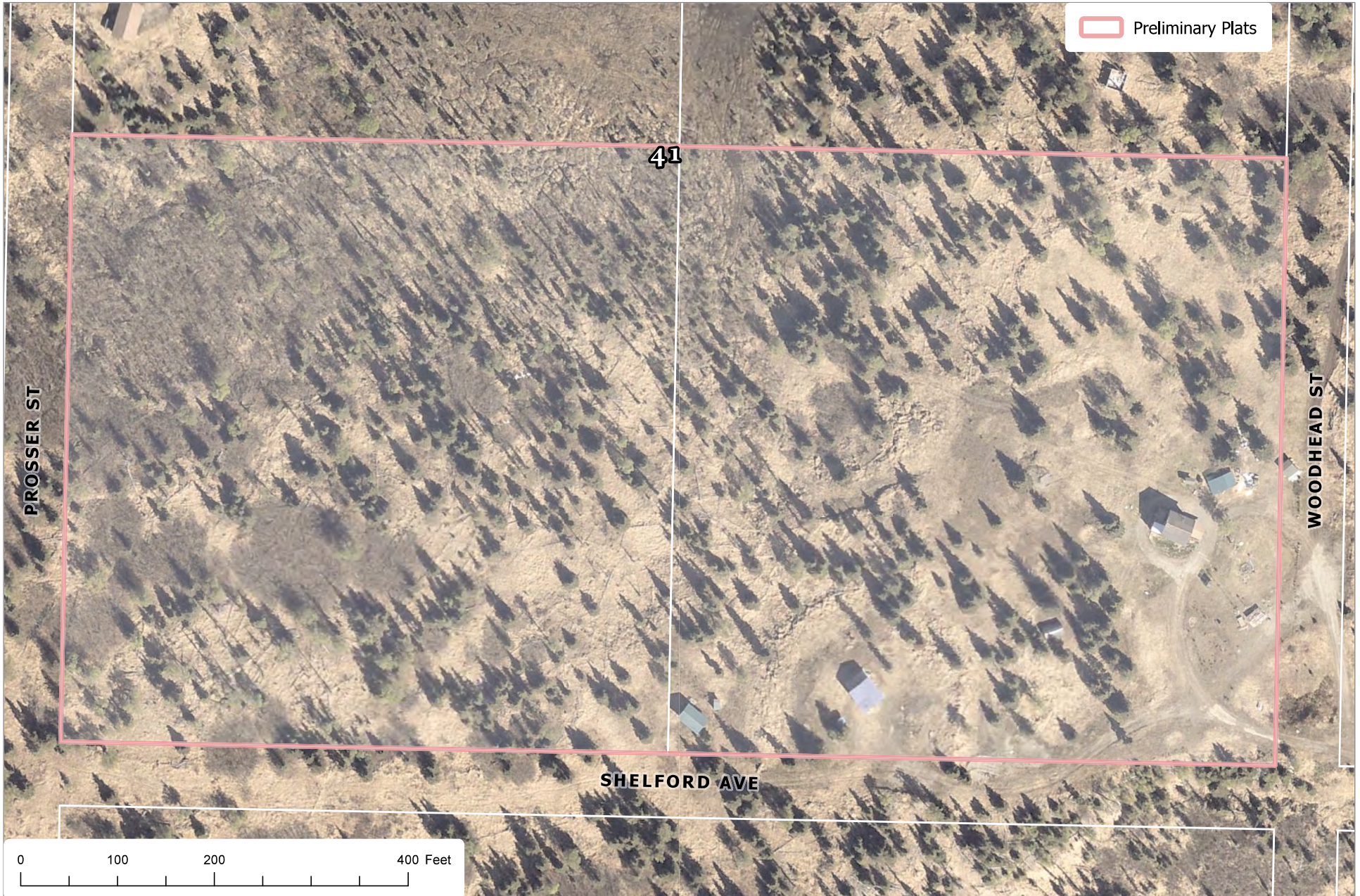


E. NEW BUSINESS

- 2. Breakfield-McCaughey Subdivision; KPB File 2022-054
Edge Survey & Design LLC / Andrade & Breakfield
Location: Prosser St., Shelford Ave. & Woodhead St.
Ninilchik Area**



KPB File # 2022-054
S26 T01S R12W
Ninilchik



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

LINE TABLE

LINE	BEARING	DISTANCE
L1	S88°41'31"E	60.59'
L2	S01°14'15"W	60.00'
L3	S88°42'47"E	33.00'
L4	S01°14'15"W	33.00'
L5	S88°42'47"E	33.00'

PARCEL 4
PLAT WAIVER RESOLUTION
2002-41

TRACT 32
PLAT 84-115

TRACT 33
PLAT 84-115

PARCEL 1
PLAT WAIVER
RESOLUTION 94-14

PARCEL 2
PLAT WAIVER
RESOLUTION 94-14

LOT 2
BLOCK 1
PLAT 98-70

TRACT 3A
9.031 ACRES

TRACT 4A
9.034 ACRES

LOT 3
BLOCK 1
PLAT 98-70

TRACT 56
PLAT 84-115

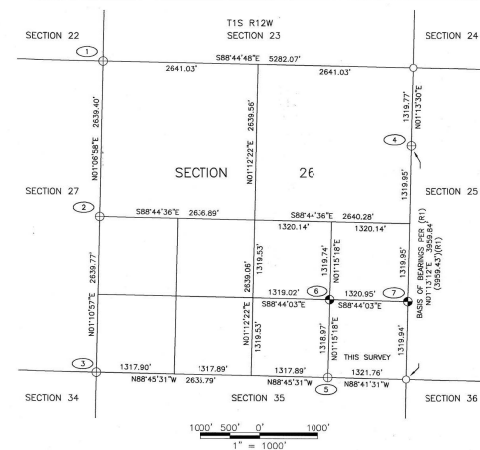
LOT 2
BLOCK 2
PLAT 98-70

100' 50' 0' 100'
1" = 100'

PRELIMINARY PLAT

KPB 2022-054

SECTION 26 BREAKDOWN



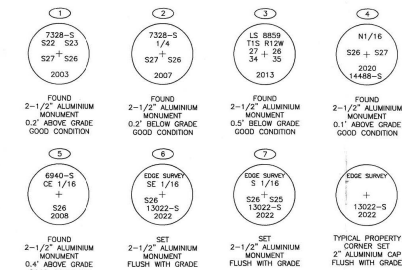
LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS REFERENCED
- FOUND 5/8" REBAR
- ⬤ SET PRIMARY MONUMENT AS REFERENCED
- ⬤ SET PROPERTY CORNER
5/8" x 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13022 2022
- ① MONUMENT REFERENCE NUMBER
- (R1) RECORD DATA, SEE REFERENCE
- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- ADJACENT PROPERTY LINE
- CENTERLINE
- 20 FOOT BUILDING SETBACK
- 10 FOOT UTILITY EASEMENT
- LOW WET AREA

REFERENCES

- (R1) PLAT NO. 2020-20, TEAM SHEDDER SUBDIVISION, HOMER RECORDING DISTRICT
- (R2) PLAT NO. 98-70, BRONCO CREEK SUBDIVISION, HOMER RECORDING DISTRICT
- (R3) RECORD OF SURVEY 2008-39, PARCEL 3 PLAT WAIVER RESOLUTION 2002-41, HOMER RECORDING DISTRICT
- (R4) PLAT 2007-111, SLIM GRADY SUBDIVISION FIRST ADDITION, HOMER RECORDING DISTRICT
- (R5) KENAI WATERSHED FORUM WETLANDS INVENTORY DATA

MONUMENT SUMMARY



KPB FILE No. 2022-000

BREAKFIELD-MCCAUGHEY SUBDIVISION

A SUBDIVISION OF
PARCEL 3 AND 4
PLAT WAIVER RESOLUTION 94-14
HOMER RECORDING DISTRICT

OWNERS:
ROBERT AND KAREN ANDRADE
PO BOX 39566
NINILCHIK, ALASKA 99639
JEFFREY A. AND PAMELA E. BREAKFIELD
35335 HAGER BLVD.
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SE 1/4 SECTION 26,
T.15S, R.12W, S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
HOMER RECORDING DISTRICT

CONTAINING 18.064 ACRES



12501 OLD SEWARD, 2 ANCHORAGE, AK 99515
Phone (907) 344-5950 Fax (907) 344-7754
AECL# 1392

DRAWN BY: DATE: 4/12/2022 PROJECT: 22-507
CHECKED BY: SCALE: AS SHOWN SHEET: 1 OF 2
MA

NOTES

1. THERE MAY BE FEDERAL, STATE, OR LOCAL REQUIREMENTS GOVERNING LAND USE. ANY PERSONS DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED FEDERAL, STATE, OR LOCAL PERMITS INCLUDING THE U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
2. 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.
3. THE FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT, PER (R1). 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. THIS SUBDIVISION IS SUBJECT TO TERMS, COVENANTS, CONDITIONS AND PROVISIONS, INCLUDING RIGHT OF WAYS AND EASEMENTS AS CONTAINED IN THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, DATED DECEMBER 18, 1971, U.S. PUBLIC LAW 92-203, 85 STAT. 688, U.S.C. 1601 ET SEQ.
5. THIS SUBDIVISION SUBJECT TO RESERVATIONS OF THE SUBSURFACE ESTATE IN SAID LAND INCLUDING, BUT NOT LIMITED TO, RIGHTS OF ENTRY TO EXPLORE, DEVELOP OR REMOVE MINERALS FROM SAID SUBSURFACE ESTATE, AS SET FORTH IN SECTION 14(F) AND 14(G) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.
6. THIS SUBDIVISION IS SUBJECT TO RESERVATIONS, RESTRICTIONS, CONDITIONS AND EASEMENTS AS CONTAINED IN INTERIM CONVEYANCE, RECORDED JUNE 19, 1978, VOLUME 100 PAGE 226, AND AS CONTAINED IN DEED RECORDED FEBRUARY 10, 1986, VOLUME 135 PAGE 447, HOMER RECORDING DISTRICT.
7. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 21.44.080.
8. WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MAY 9, 2022.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

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



CERTIFICATE OF OWNERSHIP AND DEDICATION

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 OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

PAMELA E. BREAKFIELD
35335 HAGER BLVD
SOLDOTNA, ALASKA 99669 - FORMER PARCEL 3

JEFFREY A. BREAKFIELD
35335 HAGER BLVD
SOLDOTNA, ALASKA 99669 - FORMER PARCEL 3

NOTARY ACKNOWLEDGEMENT

FOR: PAMELA E. BREAKFIELD
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

MY COMMISSION EXPIRES _____

NOTARY ACKNOWLEDGEMENT

FOR: JEFFREY A. BREAKFIELD
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

MY COMMISSION EXPIRES _____

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 OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KAREN ANDRADE
PO BOX 39566
NINILCHIK, ALASKA 99639 - FORMER PARCEL 4

ROBERT ANDRADE
PO BOX 39566
NINILCHIK, ALASKA 99639 - FORMER PARCEL 4

NOTARY ACKNOWLEDGEMENT

FOR: KAREN ANDRADE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

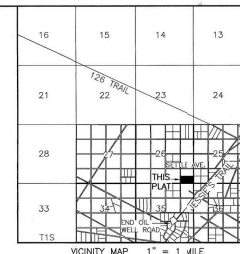
MY COMMISSION EXPIRES _____

NOTARY ACKNOWLEDGEMENT

FOR: ROBERT ANDRADE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

MY COMMISSION EXPIRES _____



KPB FILE No. 2022-000

BREAKFIELD-McCAUGHEY SUBDIVISION

A SUBDIVISION OF
PARCEL 3 AND 4
PLAT WAIVER RESOLUTION 94-14
HOMER RECORDING DISTRICT

OWNERS:
ROBERT AND KAREN ANDRADE
PO BOX 39566
NINILCHIK, ALASKA 99639
JEFFREY A. AND PAMELA E. BREAKFIELD
35335 HAGER BLVD
SOLDOTNA, ALASKA 99669

LOCATED WITHIN SE 1/4 SECTION 25,
T.1S., R.12W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
HOMER RECORDING DISTRICT
CONTAINING 18.064 ACRES



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

DRAWN BY: JY	DATE: 4/12/2022	PROJECT: 22-507
CHECKED BY: MA	SCALE: AS SHOWN	SHEET: 2 OF 2

PRELIMINARY PLAT

KPB 2022-054

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - BREAKFIELD-MCCAUGHEY SUBDIVISION

KPB File No.	2022-054
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Robert and Karen Andrade of Ninilchik, AK Jeffrey and Pamela Breakfield of Soldotna, AK
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey & Design
General Location:	Shelford Avenue, Woodhead Street, Prosser Street, Ninilchik

Parent Parcel No.:	185-505-16 & 185-505-17
Legal Description:	Parcel 3 and 4 of Plat Waiver Resolution 94-14
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will be adjusting a lot line to resolve an encroachment issue.

Location and Legal Access (existing and proposed): The proposed subdivision is in the area known as Caribou Hills. The Ninilchik Right of Way Map that was done for the Ninilchik Native Association, Inc. (NNAI) dedicated 66 foot wide rights-of-way centered on all 1/16 and 1/4 aliquot lines, section lines, and seismograph lines. Oilwell Road is the main access to the area with various rights-of-way, mostly developed as trails, connecting to provide access. The subdivision has multiple dedicated access routes. The route that appears to be in use is by Jesses Trail located at the end of Oilwell Road. From Jesses Trail, a trail appears to be present within the Shelford Avenue dedication that is being used by the multiple structures located within this subdivision.

Proposed Tract 4A will continue having the same current access, Shelford Avenue and Woodhead Street. Proposed Tract 3A will continue having the same current access, Shelford Avenue and Prosser Street.

Shelford Avenue, Prosser Street, Woodhead Street, and Settle Avenue define the closed and compliant block.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: The RSA has no comment at this time.
SOA DOT comments	No comment

Site Investigation: There are some wet areas present in the northern portions of the subdivision. The boundary of the wet areas is depicted.

There does appear to be some steep slopes present, mostly around the wet areas. **Staff recommends any areas with slopes greater than 20 percent be reviewed and if possible show the top or toe of any steep areas and label.**

Structures that were to be on Tract 3 are across the property line and are located on Tract 4. The preliminary plat will be adjusting the lot line around the structures to have them be part of proposed Tract 3A.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area
-------------------------	---

	Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis The proposed plat is in the Caribou Hills area. Right of Way Map, Plat HM 84-115, referred to as the Ninilchik ROW Map, subdivided thirteen sections. The plat dedicated 66 foot wide rights-of-way centered on seismograph lines as well as 66 foot rights-of-way on all 1/16 and 1/4 aliquot line and section lines. The Right of Way Map, HM 84-115, is a paper plat with no field survey. Terrain was not considered with the right-of-way dedications and steep terrain or low wet areas affect many rights-of-way. Local trails, that may cross private lands, are used for physical access. Subsequent subdivisions have divided lands and provided right-of-way dedications in practical areas or where trails were already being used for access.

The property within the proposed plat was considered Lot 41, located on sheet 2 of Plat HM 84-115. Kenai Peninsula Borough Planning Commission adopted Resolution 94-14 on May 9, 1994. The Resolution approved a plat waiver of Lot 41 into four equal lots that were described by their aliquot descriptions. The preliminary plat will be adjusting the lot line between two of the plat waiver parcels.

The Right of Way Map, Plat HM 84-115, did grant utility easements along rights-of-way but did not put a building setback into place. The cabin that will be within Tract 3A will be within the building setback being created by this plat. **Staff recommends any buildings within the setback be depicted on the final plat and a plat note be added that the building predates the setback.**

The lots are larger than 200,000 square feet and a soils analysis report will not be required.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

Utility Easements The parent plat, HM 84-115, granted 10 foot utility easements along all dedicated rights-of-way. The plat is carrying over the utility easement and it is depicted on the plat. It does not appear that the structures are within the utility easement. If it is discovered during the field survey that it does indeed encroach into the utility easement, a utility easement alteration will be required to be resolved. **Staff recommends the label for the utility easements included "granted by HM 84-115".**

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

Utility provider review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 14981 JESSES TRL 14985 JESSES TRL</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SHELFORD AVE WOODHEAD ST SETTLE AVE PROSSER ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 14981 JESSES TRL and 14985 JESSES TRL will remain with tract 4A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: Structure in building setback</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation: Verify the spelling on Jeffery Breakfield. Different spellings throughout document and on deed.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation: *There appears to be steep slopes in various areas with the steepest areas near the wetland areas.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: *Multiple structures are located across the lot line. This platting action will correct the issue.*

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: The lots are over 200,000 square feet. This is a lot line adjustment for encroachment in a recreational area. Correct plat note is present.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: *Please add the following plat notes*

- *'Improvements on Tract 3A predate the 20' building setback created by this plat and are not subject to the 20' building setback. Any replacement, or improvement, to the building must comply with the 20 foot building setback as shown on this plat.'*

Plat note revisions

- *Plat note 6 needs a space added between "226" and "And".*
- *For plat note 7, update the code reference to KPB 20.60.170.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Verify the spelling for Mr. Breakfield's name. If the spelling differs from the title report add an "AKA" or "took title as". Comply with 20.60.190.*

RECOMMENDATION:

STAFF RECOMMENDS:

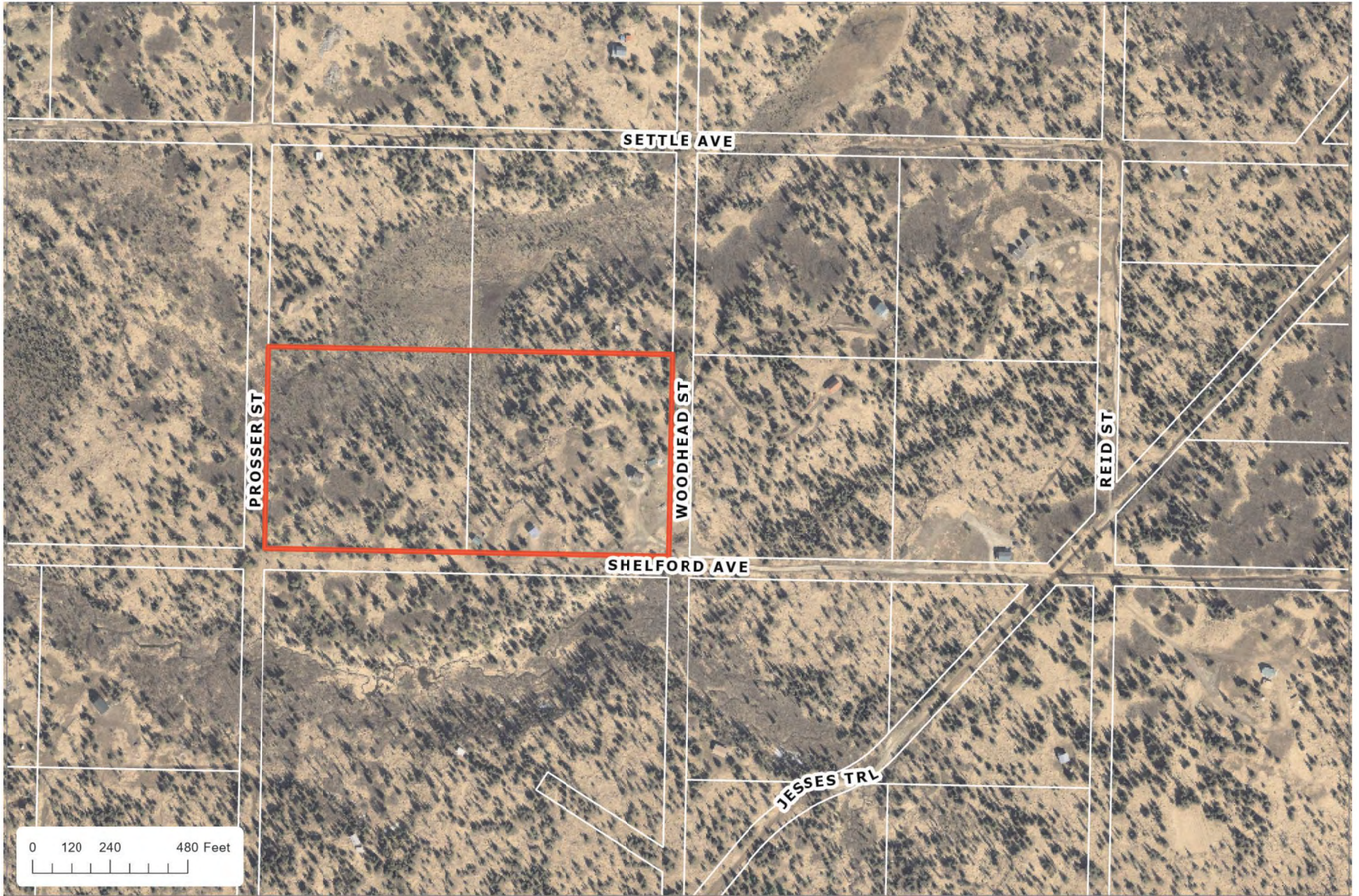
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



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

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

PLAT WAIVER RESOLUTION 94-14

HOMER RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 26, TOWNSHIP 1 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA

WHEREAS, Bruce A. and Randi L. Rogers have petitioned for a waiver of platting requirements for the following described parcel:

The SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Homer Recording District, Alaska; excepting therefrom 33 foot rights-of-way within north, east, south and west boundaries; cntg 40 acres less rights-of-way.

WHEREAS, 29.04.090 of the Alaska Statutes provides that the platting authority shall waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that certain conditions exist.

WHEREAS, it has been determined that all requirements have been met.

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

Section 1: That a waiver of platting requirements is hereby granted for the above described parcel.

Section 2: That the plat waiver is being granted for the purpose of creating four parcels described as follows:

Parcel 1: NW1/4 SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Alaska; excepting therefrom 33 foot right-of-way within north and west boundary; cntg 9 acres m/l.

Parcel 2: NE1/4 SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Alaska; excepting therefrom 33 foot right-of-way within north and east boundary; cntg 9 acres m/l.

Parcel 3: SW1/4 SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Alaska; excepting therefrom 33 foot right-of-way within south and west boundary; cntg 9 acres m/l.

Parcel 4: SE1/4 SE1/4 SE1/4 Section 26, Township 1 South, Range 12 West, Seward Meridian, Alaska; excepting therefrom 33 foot right-of-way within south and east boundary; cntg 9 acres m/l.

Section 3: That this Resolution is void if not recorded in the appropriate Recording District within ten days of adoption.


Section 4: That this Resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 9
DAY OF May 1994.


Philip Bryson, Vice Chairperson
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 9 day of May 1994.


Notary Public for State of Alaska
My Commission Expires: 1-16-95

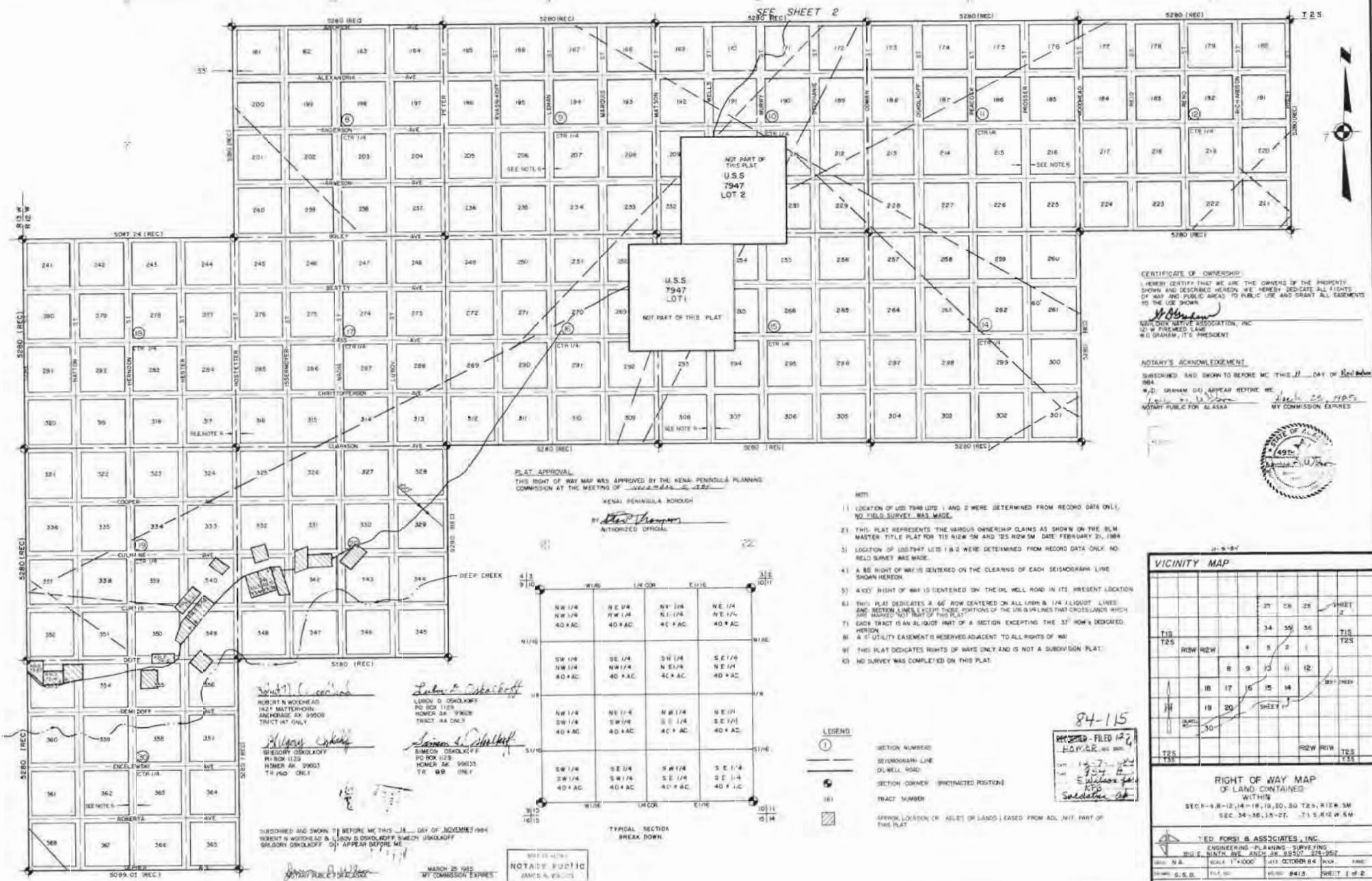
Return to:
Planning Department
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, Alaska 99669



94-1713

HOMER REC 15th
DISTRICT
REQUESTED BY n/m Rogers

'94 MAY 16 PM 2 45



AM 84-115

NINILCHIK R.G.W. MAP

E. NEW BUSINESS

- 3. CL Hatton Subdivision Eagles Crest Addition Byler Replat
KPB File 2022-027
Peninsula Surveying, LLC / No More FYI LLC, Noonan & Byler
Location: Symphony Lane
Ninilchik Area**



Vicinity Map

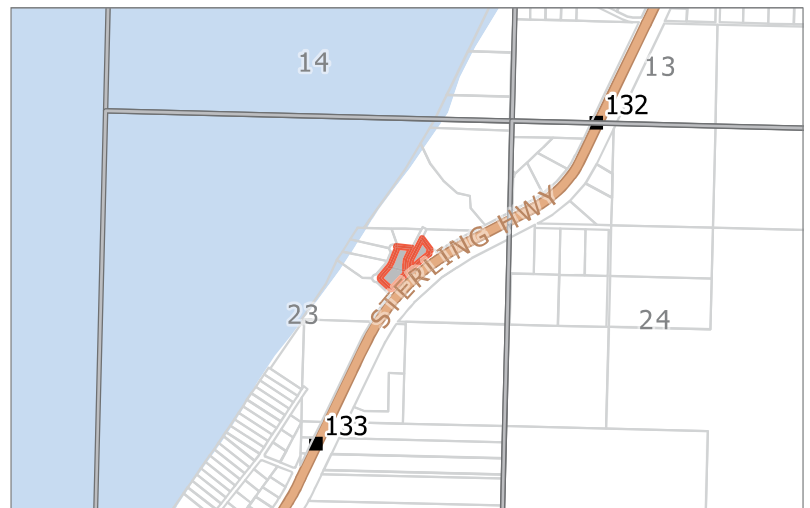
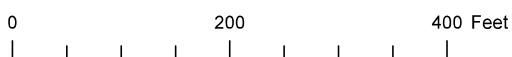


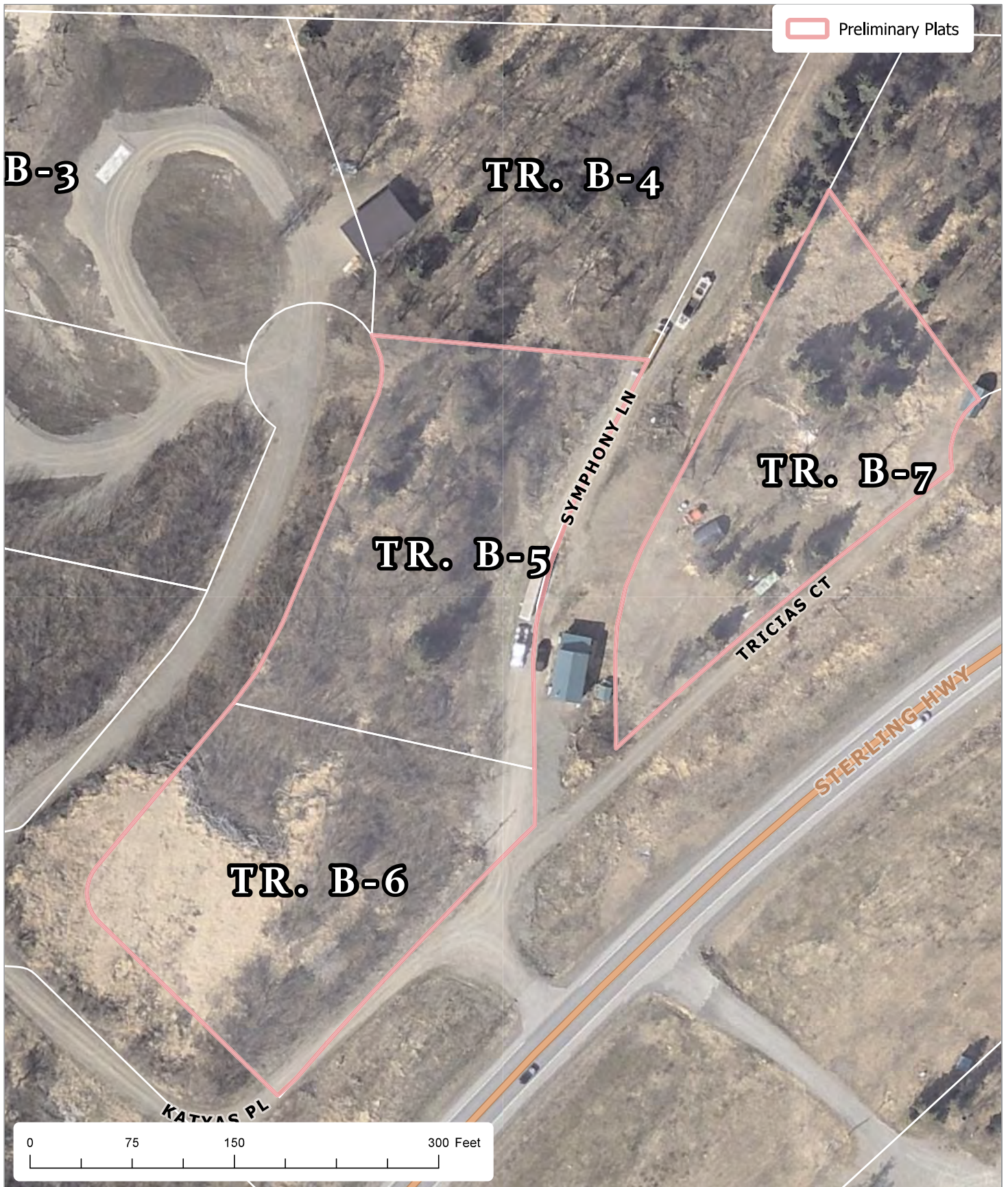
KPB File # 2022-027

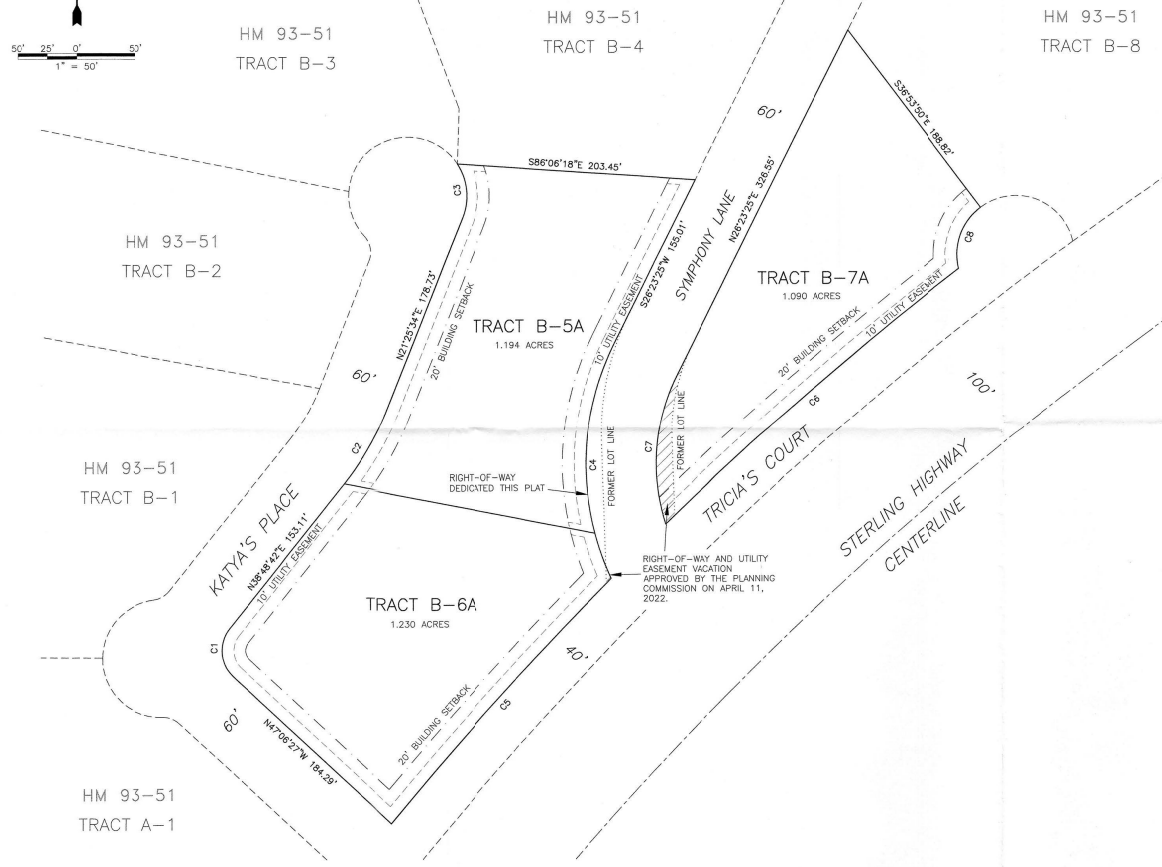
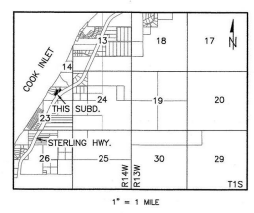
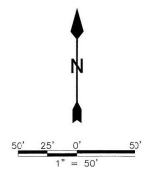
S23-T01S-R14W

Ninilchik

4/12/2022







- NOTES**
1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF THE SIDE LOTS LINES IS ALSO UTILITY EASEMENT.
 2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 3. SUBJECT TO A GENERAL EASEMENT WITH NO DEFINITE LOCATION DISCLOSED, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC AS FOUND IN BOOK 18 PAGE 30, HOMER RECORDING DISTRICT, RECORDED OCTOBER 24, 1999.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	44.99	30.00	85°55'19"	27.94	40.89	S04°08'53"E
C2	69.79	230.00	17°23'06"	35.16	99.52	N30°07'08"E
C3	47.50	50.00	54°25'56"	25.71	45.73	N05°47'05"W
C4	206.33	230.00	51°23'56"	110.69	199.48	S00°41'27"W
C5	279.68	3005.00	05°19'57"	139.94	279.58	S42°00'40"W
C6	330.71	3005.00	06°18'20"	165.52	330.54	S49°04'25"W
C7	130.46	170.00	43°58'05"	68.63	127.28	S04°24'22"W
C8	58.35	50.00	66°51'46"	33.01	55.09	S19°40'04"W

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 GRANT ALL EASEMENTS TO THE USE SHOWN.

BRENDA M NOONAN (TRACT B-6) KENNETH E NOONAN (TRACT B-8)
1 KOLLAR RD, WILINGTON, CT 06279 1 KOLLAR RD, WILINGTON, CT 06279

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

SHARI WULF (TRACT B-5)
PRESIDENT, NO MORE FYI LLC
10672 KENAI SPUR HWY, STE 112, KENAI, AK 99611

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

MATHEW BYLER (TRACT B-7)
PO BOX 39308, NINILCHIK, AK 99639

NOTARY ACKNOWLEDGMENT

FOR: BRENDA M NOONAN AND KENNETH E NOONAN
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT

FOR: SHARI WULF
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT

FOR: MATHEW BYLER
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

WASTEWATER DISPOSAL

WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL



KPB 2022-027

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

PLAT OF
C.L. HATTON SUBDIVISION EAGLE'S CREST ADDITION BYLER REPLAT

A SUBDIVISION OF
TRACTS B-5, B-6, AND B-7 C.L. HATTON SUBDIVISION EAGLE'S CREST ADDITION. THIS PLAT IS ALSO FINALIZING THE VACATION OF A PORTION OF SYMPHONY LANE.

LOCATED WITHIN
S 1/2 NE 1/4 SEC. 23, T.1S., R.14W., S.M.
HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH
CONTAINING 3.514 ACRES

OWNERS: BRENDA M NOONAN AND KENNETH E NOONAN
1 KOLLAR RD, WILINGTON, CT 06279
NO MORE FYI LLC
10672 KENAI SPUR HWY, STE 112, KENAI, AK 99611
MATHEW BYLER
PO BOX 39308, NINILCHIK, AK 99639

SCALE: 1" = 50' DATE: APRIL 6, 2022
DRAWN: JLS SHEET: 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - C L HATTON SUBDIVISION EAGLES CREST ADDITION BYLER REPLAT

KPB File No.	2022-027
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Brenda and Kenneth Noonan of Willington, CT No More FYI LLC of Kenai, AK Mathew Byler of Ninilchik, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying LLC
General Location:	Tricia's Court, Symphony Lane, Ninilchik

Parent Parcel No.:	157-032-07, 157-032-08, and 157-032-09
Legal Description:	Tracts B-5, B-6, and B-7 CL Hatton Subdivision Eagles Crest Addition (Plat HM 93-51)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will be finalizing a right-of-way vacation and associated utility easements and adjusting lot lines to dedicate a new portion of right-of-way for realignment.

Location and Legal Access (existing and proposed): The proposed plat is located on Tricia's Court, Symphony Lane, and Katya's Place. Symphony Lane is a 60 foot wide dedicated right-of-way located near mile 132.5 of the Sterling Highway in the Ninilchik area. Tricia's Court is a 40 foot wide frontage road to provide a single point access to the Sterling Highway from Symphony Lane and Katya's Place, a 60 foot wide dedicated right-of-way that ends with a cul-de-sac. The roads all appear to be partially constructed or cleared but are not maintained.

The proposed plat will finalize a vacation of a portion of Symphony Lane and associated utility easements due to an encroachment and dedicate new right-of-way to realign the right-of-way. The proposal is to vacate a portion of Symphony Lane was heard by the Kenai Peninsula Borough (KPB) Planning Commission on April 11, 2022. The petition to vacate was approved. The vacation is scheduled to be heard by the KPB Assembly on May 3, 2022. The Assembly, per KPB Code and Alaska State Statutes, has the right to consent or veto the Planning Commission decision within 30 days of the approval.

Symphony Lane will have a section on each side vacated and a new dedication to allow the right-of-way to remain as a 60 foot wide right-of-way and avoid the recently constructed structure. A narrow portion of the existing Symphony Lane will be added into Tract B-7A and a small portion to Tract B-6A. The new Symphony Lane dedication are will come from Tract B-6A and Tract B-5A. Tract B-4 and Tract E-1, both located north of the proposed subdivision, will continue to have access from Symphony Lane. Tract B-8 will have access from Symphony Lane and Tricia's Court.

Tract B-7A will remain having access from Tricia's Court and Symphony Lane. Symphony Lane is the access currently being used. Tract B-6A has access from Tricia's Court, Symphony Lane, and Katya's Place. Tract B-5A will have access from Symphony Lane and Katya's Place.

The block is not compliant or closed. Due to the location along the Cook Inlet, Katya's Place is a cul-de-sac, and a 20 acre lot to the north, dedications have not occurred to provide a closed block or bring the block closer to length requirements. Staff would note that the realignment would not affect the block. It will neither improve nor worsen the existing block. ***Staff recommends the plat committee concur that an exception is not required as this plat cannot improve the block requirements.***

Tract B-5A is not a corner lot but does have double frontage. Per KPB 20.30.230, “double frontage lots with depth less than 250 feet will not be approved except where necessitated by topographic or other physical conditions, or to provide reverse frontage along arterial streets.” The parent Tract B-5 did not comply with this requirement when it was created by CL Hatton Subdivision Eagle’s Crest Addition, Plat HM 93-51. The plat did contain the following plat note “Double frontage lots are restricted to one access only.” **Staff recommends the plat committee concur that the change to the tract is minimal and there is not a way to improve the code requirement with this preliminary plat and that the note present on the parent plat be carried over.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: The RSA has no comment at this time.
SOA DOT comments	The ROW for Sterling Hwy is as shown on Sheet 34 of 35 Department of Highways Right of Way Plat F-021-1(3) and appears to be shown correctly.

Site Investigation: The area is between the Cook Inlet and the Sterling Highway. There do not appear to be any low wet areas within the subdivision or the proposed dedication. The area proposed for vacation and dedication is relatively flat. Some steeper slopes appear present within the northeastern portion of the dedication. There are some steep slopes present in the northeast corner of proposed Tract B-5A. **Staff recommends any top or toe of bluffs be depicted on the final plat.**

A house was constructed within the right of way. The house was to be within the boundaries of Tract B-7. There are other structures located on the property that do not appear to cause any issues. Tract B-5 and Tract B-6, per KPB GIS Imagery and Assessing Data, are currently vacant.

Symphony Lane appears to be partially constructed but is not maintained by the borough. The construction of the right-of-way appears to have been done within the western portion of the dedication and the realignment will allow for the roadway to remain within the dedication.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No comments

Staff Analysis The property included within this preliminary plat was originally Government Lot 2. CL Hatton Property Tract A, Plat HM 78-75, was the first plat to subdivide a portion of the government lot. CL Hatton Property Tract B, Plat HM 82-59, subdivided an additional 20 acres north of Tract A. CL Hatton Subdivision Eagle’s Crest Addition, Plat HM 93-51, created the current configuration by replatting Tract A and Tract B. It also dedicated Tricia’s Court, Symphony Lane, and Katya’s Place and established 20 foot building setbacks along those dedications.

The encroachment was brought to the attention of the KPB Roads Department and the KPB Code Compliance

Officer. An as-built was performed that verified the structure was within the right-of-way. The KPB began working with the owners for a resolution. The right-of-way vacation and realignment will provide a resolution for the encroachment.

The improvement will still be within the setback after the road realignment. The plat currently shows not setback in place along Symphony Lane within Tract B-7A. The lot will still be subject to the setback but the existing structure will be allowed. This will be considered a new setback creation due to the change in the right-of-way. The petition included the associated utility easements. That will mean the easements only along the portion to be vacated and all other easements are to be left. **Staff recommends the building be included on the final plat, depict the 20 foot building setback within Tract B-7A, and provide a plat note that explains the structure predates the building setback.**

The parent plat, CL Hatton Subdivision Eagle's Crest Addition (Plat SW 93-51), was signed by Department of Environmental Conservation. The changes to Tract B-6A and Tract B-5A is minimal. A soils report is not required. **Staff recommends the wastewater disposal note be changed to comply with KPB Code 20.40.**

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

Utility Easements An easement has been granted by recorded document and mentioned in plat note 3. CL Hatton Property Tract A, Plat HM 78-75, did not grant any platted easements that affect this preliminary plat. CL Hatton Property Tract B, Plat HM 82-59, created a 10 foot wide utility easement along a portion of the southern property line of Tract B. That easement was carried over by CL Hatton Subdivision Eagle's Crest Addition, Plat HM 93-51. The easement is located within proposed Tract B-6A. **Staff recommends the easement within Tract B-6A be depicted and labeled noting it was granted by Plat HM 82-59.**

CL Hatton Subdivision Eagle's Crest Addition, Plat HM 93-51, also granted 10 foot utility easements along the dedicated rights-of-way. Per plat note 1, this plat will be granting 10 feet along the new right-of-way dedications and will increase to 20 feet within 5 feet of the side lot lines. In regards to Tract B-7A, the only easements being vacated are along the vacation area. New easements will be granted along the new right-of-way dedication. If the building is within the new utility easement area, the plat note for the building within the setback may include wording for the utility easement. Due to the information needing to be shown, specifically in the vacation area of Tract B-7A, a separate detail view may be needed to clarify the location of setbacks and utility easements. **Staff recommends new utility easements be depicted and granted along the realignment within Tract B-7A, a separate hatching be used to show the utility easements being vacated, the utility easement along Tricia's Court continue to the new right-of-way line, and the 10 foot utility easement previously granted per HM 93-51 be depicted along the northern portion of Tract B-7A.**

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

Utility provider review:

HEA	Depict and label the 10 foot utility easement, per HM 93-51. Depict the 10 foot utility easement that is being vacated where adjoining the vacated right-of-way. Depict and label the 10 foot utility easement being granted by this plat.
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 13338 KATYAS PL 13330 TRICIAS CT 13378 TRICIAS CT</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KATYAS PL TRICIAS CT SYMPHONY LN</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 13338 KATYAS PL will remain with tract B-5A. 13330 TRICIAS CT will remain with tract B-7A. 13378 TRICIAS CT will remain with tract B-7A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

Staff would like to notify the surveyor that due to the number of names required for indexing the recording fees will increase by \$2.00.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: Update the spelling of Subdivision in the name. Add the plat number for the parent plat, HM 93-51.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: This is finalizing a vacation. The movement of the lot line for Tract B-5A is along a curve with the widest portion being removed is 15 feet. The parent plat was signed by DEC on 12/8/88.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: An acceptance for the new dedication of Symphony Lane will be required.

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

Staff recommendation: The boundary of the subdivision should include the portions of Symphony Lane. The boundary needs to be a wider border than the lot lines.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: Place the following notes on the plat.

- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- Double frontage lots are restricted to one access only.
- WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on December 8, 1988.

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

- Improvements on Tract B-7A predate the 20' building setback (and 10' utility easement if applicable) created by this plat and are not subject to the 20' building setback (and utility easement if applicable). Any replacement, or improvement, to the building must comply with the 20 foot building setback and utility easement as shown on this plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the certificate of ownership for No More FYI LLC to reflect the LLC owns the property and Shari Wulf is signing on behalf. "I hereby certify that No More FYI LLC is the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision on behalf of No More FYI LLC by my free consent dedicate all rights-of-way and grant all easements to the use shown." Paperwork signed by Mathew Byler contained the additional spelling of Matthew within the documents. Next to his name under his signature line include "Also appearing of record as Matthew Byler." Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. Must be recorded within one year of Assembly consent or a new petition will be required.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

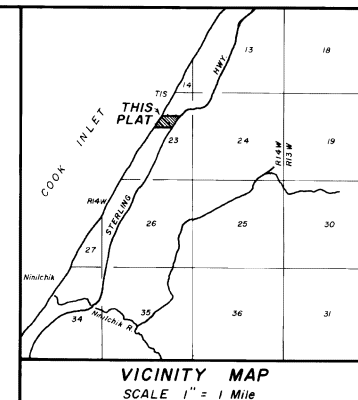
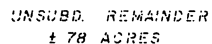
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



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





Kenai Peninsula Borough
By... [Signature]
Authorized Official

Clara L. Hatton
CLARA L. HATTON

My commission expires: September 3, 1985

Notary Public for [illegible]
[illegible]

82-59
RECORDED - FILED 10
HOMER
8-31-88
9:57 A
MCLANE
KPB
Salvatore

Surveyed by: **McLANE AND ASSOCIATES, INC.**
Soldotna, Ak. 99669

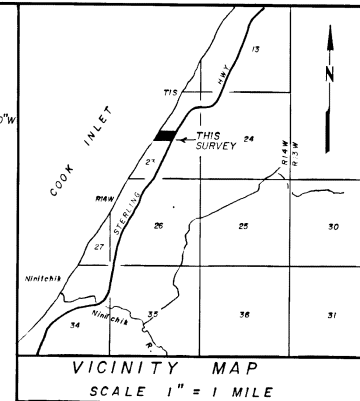
DATE 6/26/82	SCALE 1" = 200'	BK. NO. 76-17
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UNSUBD REMAINDER 98 AC.

TRACT A
10.001 AC.

① CURVE DATA
Δ = 11° 18' 20"
R = 2965.00
L = 585.07
T = 293.49
Ch = 584.12



LEGEND AND NOTES

- Found USGLO B.C. monument
- Found official survey B.C.
- Set 1/2" x 24" steel rebar at all prop. corners
- Found P.K. nail in center line of pavement

All bearings refer to the North line of Section 24 as being S 89° 51' 00" W.

This tract is subject to a 20' bldg setback from the Sterling Hwy. R/W.

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

The meander line as shown is for survey computation only the property line follows the M.H.T.M. of Cook Inlet.

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.

Clara Louise Hatton
Clara Louise Hatton, c/o B.R. Edwards 310 K. St., Anch. AK owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this
19th day of June, 1978
My commission expires 10/29/79.

Donna V. Hall
notary public for Colorado

Thomas R. Culhane and Sharon L. Culhane
Thomas R. Culhane and Sharon L. Culhane owners
3609 Boniface Pkwy. Anch. AK.

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this
23 day of June, 1978
My commission expires 10/4/80.

Michael P. McLepe
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 July 11, 1977, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH
By: Philip Waring

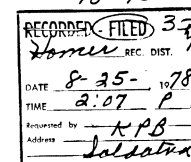
TRACT A C.L. HATTON PROPERTY

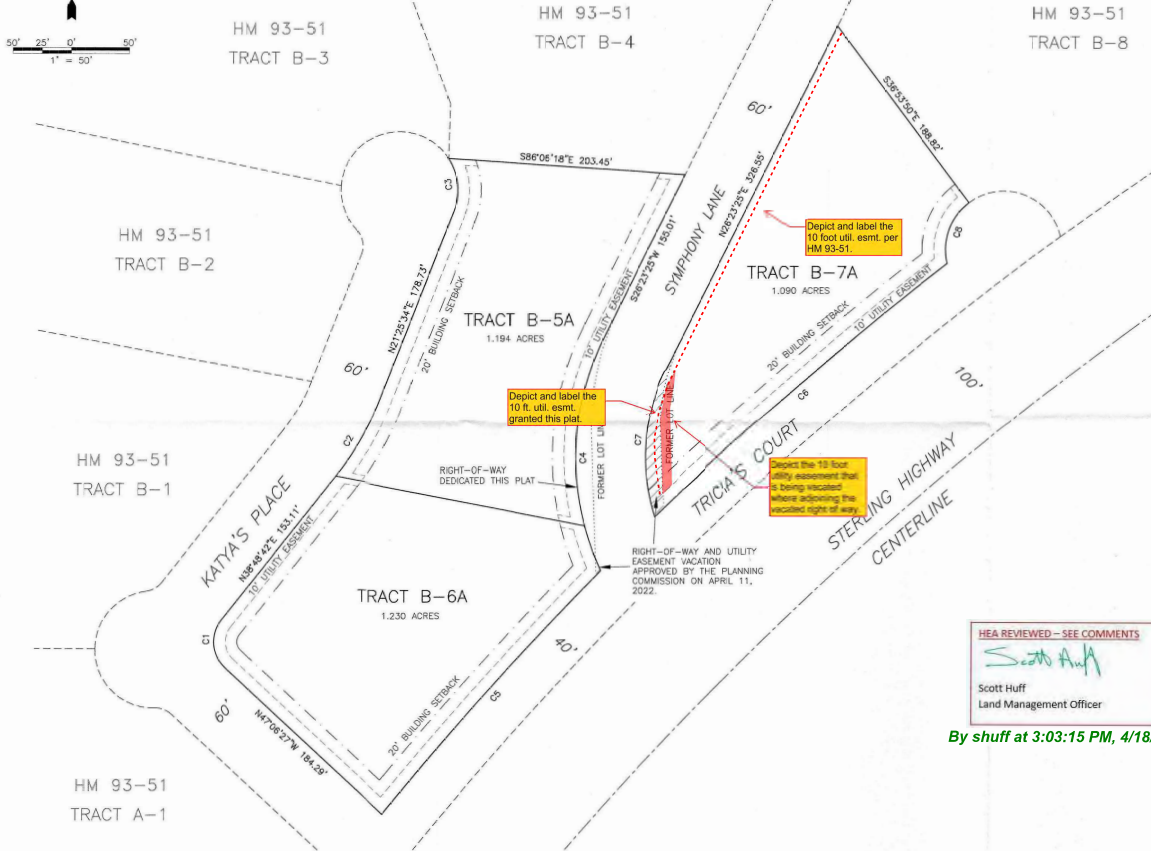
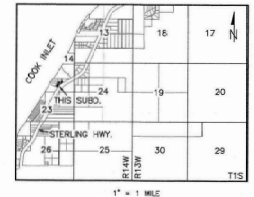
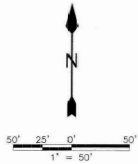
Thomas Culhane—owner
3609 Boniface Pkwy., Anchorage, AK.

DESCRIPTION
10.001 ACRES SITUATED IN GOV'T. LOT 2
SEC. 23, T1S, R14W S.M. AK. AND THE KENAI
PENINSULA BOROUGH.

Surveyed by: McLane & Associates
Soldotna, Alaska

Date of survey 5/12/77	Scale 1" = 100'	Bk. No. 76-17
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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 GRANT ALL EASEMENTS TO THE USE SHOWN.

BRENDA M NOONAN (TRACT B-6) KENNETH E NOONAN (TRACT B-6)
1 KOLLAR RD, WILLINGTON, CT 06279 1 KOLLAR RD, WILLINGTON, CT 06279

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

SHARI WULF (TRACT B-5)
PRESIDENT, NO MORE FYI LLC
10672 KENAI SPUR HWY, STE 112, KENAI, AK 99611

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

MATHEW BYLER (TRACT B-7)
PO BOX 39308, NINILCHIK, AK 99639

NOTARY ACKNOWLEDGMENT

FOR: BRENDA M. NOONAN AND KENNETH E. NOONAN
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT

FOR: SHARI WULF
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT

FOR: MATHEW BYLER
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

WASTEWATER DISPOSAL

WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

HEA REVIEWED - SEE COMMENTS

Scott Huff
Land Management Officer

By Huff at 3:03:15 PM, 4/18/2022

NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF THE SIDE LOTS LINES IS ALSO UTILITY EASEMENT.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. SUBJECT TO A GENERAL EASEMENT WITH NO DEFINITE LOCATION DISCLOSED, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC AS FOUND IN BOOK 18 PAGE 30, HOMER RECORDING DISTRICT, RECORDED OCTOBER 24, 1959.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD
C1	44.99	30.00	85°55'19"	27.84	40.89
C2	69.79	230.00	17°23'06"	35.16	69.52
C3	47.50	50.00	54°25'56"	25.71	45.73
C4	206.33	230.00	51°23'56"	110.69	199.48
C5	279.68	3005.00	05°19'57"	139.94	279.58
C6	330.71	3005.00	06°18'20"	165.52	330.54
C7	130.45	170.00	43°58'05"	66.63	127.28
C8	58.35	50.00	66°51'46"	33.01	55.09

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: _____
AUTHORIZED OFFICIAL



KPB 2022-027

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC
10535 KATINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

PLAT OF
C.L. HATTON SUBDIVISION EAGLE'S CREST ADDITION BYLER REPLAT

A SUBDIVISION OF
TRACTS B-5, B-6, AND B-7 C.L. HATTON SUBDIVISION EAGLE'S CREST ADDITION. THIS PLAT IS ALSO FINALIZING THE VACATION OF A PORTION OF SYMPHONY LANE

LOCATED WITHIN
S 1/2 NE 1/4 SEC. 23, T.1S., R.14W., S.M.
HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH
CONTAINING 3.514 ACRES

OWNERS: BRENDA M NOONAN AND KENNETH E NOONAN
1 KOLLAR RD, WILLINGTON, CT 06279
NO MORE FYI LLC
10672 KENAI SPUR HWY, STE 112, KENAI, AK 99611
MATHEW BYLER
PO BOX 39308, NINILCHIK, AK 99639

SCALE: 1" = 50'
DRAWN: JLS

DATE: APRIL 6, 2022
SHEET: 1 OF 1

E. NEW BUSINESS

- 4. Coles Corner No. 3; KPB File 2022-052
Johnson Surveying / Knapp Estate
Location: Kalifornsky Beach Road & Capstan Street
Kasilof Area**



Vicinity Map

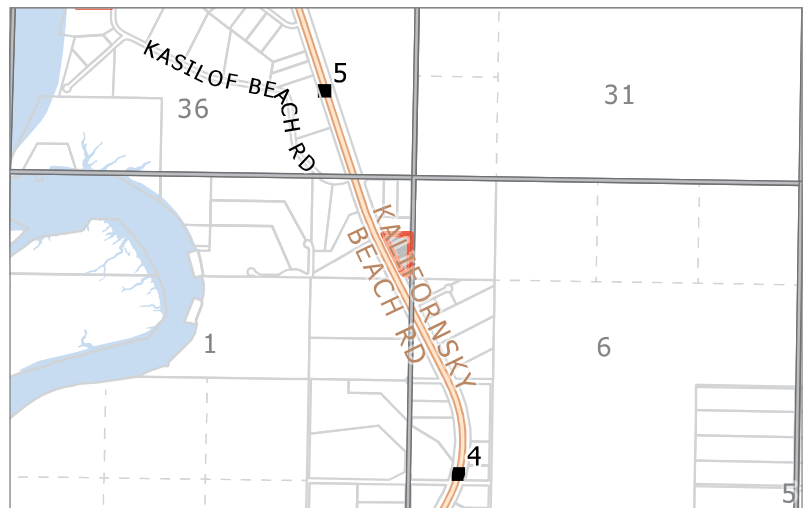
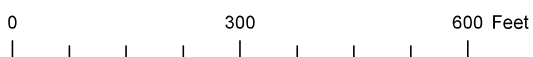


KPB File # 2022-052

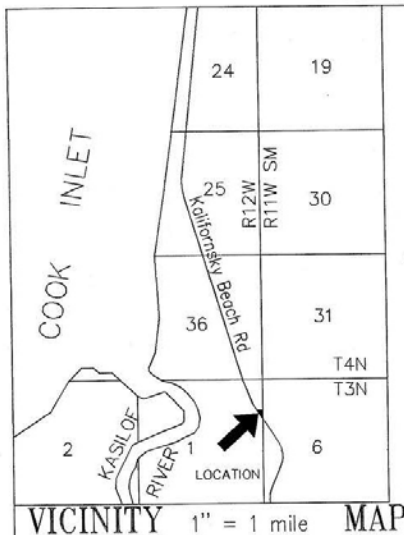
S01-T03N-R12W

Kalifornsky

4/14/2022







Coles Corner #2

Preliminary Plat

A subdivision of Lot 5 Cole's Corner, KRD 85-31, including a utility vacation.
 Located in the NE1/4 Section 1, T3N R12W, SM, Kasilof, Alaska.
 Kenai Recording District Kenai Peninsula Borough

Prepared for
 Estate of Josephine S Knapp
 P.O. Box 389
 Kasilof, AK 99610

Prepared by
 Johnson Surveying
 P.O. Box 27
 Clam Gulch, Ak 99568

SCALE 1" = 100' AREA = 2.56 acres 23 March, 2022

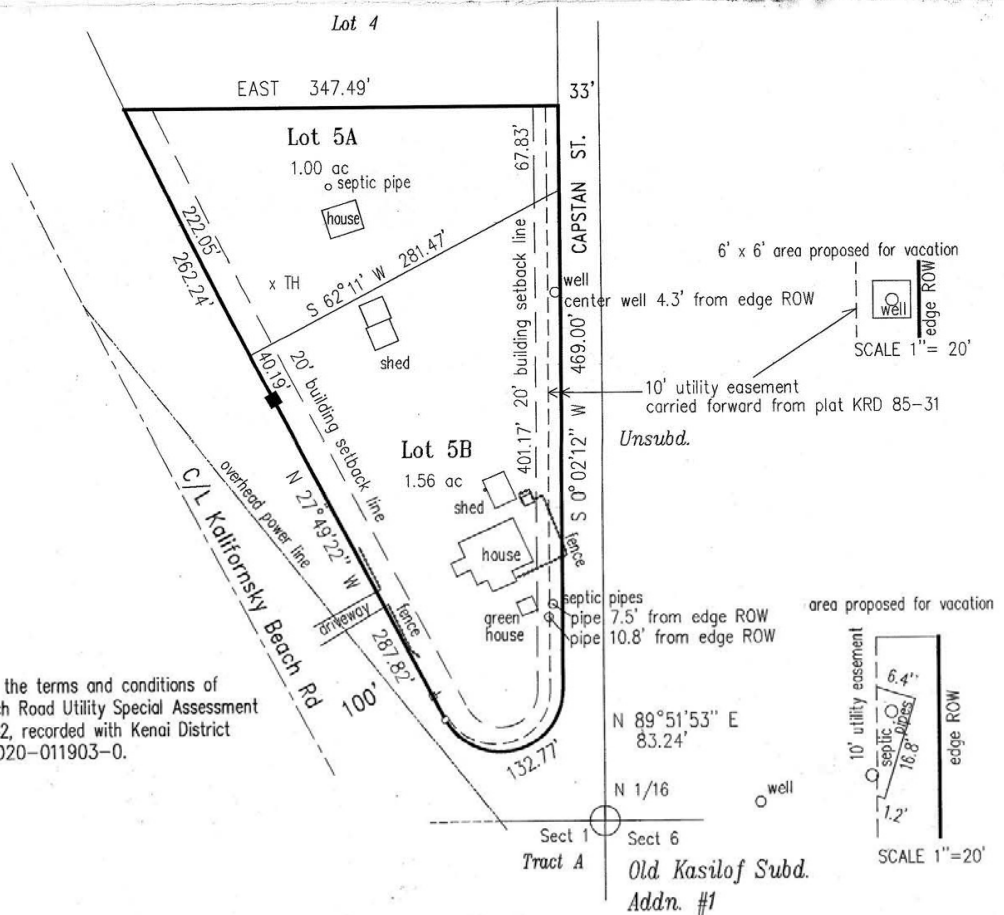
NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. 10' of setback adjoining ROWs is also a utility easement, extending to 20' setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained ROWs permitted unless approved by the State of Alaska Dept. of Transportation.
4. This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Dept. of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
5. Kalifornsky Beach Road ROW is as shown on State DOT plans S-0463(4) sheet 17 and S-0463(8) sheet 5.
6. This property is subject to an electrical easement granted to Homer Electric Association filed with the Kenai District Recorder in Misc. Book 31 Page 159. This is a general easement, no specific location given.
7. This property is subject to private covenants filed with the Kenai District Recorder in Book 266 Page 139. The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
8. Topography of the subdivision is flat. There are no wet areas on the property.

KPB 2022-052

NOTE

This property is subject to the terms and conditions of the South Kalifornsky Beach Road Utility Special Assessment per KPB Ordinance 2020-42, recorded with Kenai District by instrument serial #2020-011903-0.



AGENDA ITEM E. NEW BUSINESS

ITEM 4 - COLES CORNER NO 3

KPB File No.	2022-052
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Estate of Josephine S. Knapp of Anchorage, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky Beach Road, Capstan Street, Kasilof / Kalifornsky APC

Parent Parcel No.:	133-471-05
Legal Description:	Lot 5 Coles Corner Plat No KN 85-31
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

The plat being reviewed states the name is Coles Corner No. 2. The surveyor notified us that it should be Coles Corner No. 3.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.56 acre parcel into two lots that will be 1 acre and 1.56 acres.

Location and Legal Access (existing and proposed): The proposed plat is located near mile 4.5 of Kalifornsky Beach Road. Kalifornsky Beach Road is a state maintained right-of-way with a 200 foot width along the portion the proposed subdivision fronts along. Capstan Street is a dedicated right-of-way that intersects Kalifornsky Beach Road south of this subdivision. The dedication then continues north along the eastern boundary of the subdivision. The dedication coincides with a 33 foot section line easement. A 33 foot section line easement appears to be present to the east of the dedication within a 32 acre lot that has not been subdivided. ***Staff recommends a width for Capstan Street be added for the southern portion or a width varies label and the section line easement adjacent to Capstan Street be depicted and labeled.***

Kalifornsky Beach Road, Capstan Street, and Leslies Way define the closed block. The southern length does not comply due to the angle of Kalifornsky Beach Road resulting in a short block length. There is nothing this subdivision plat may do to improve the distance along that area.

The proposed lots will have access from Kalifornsky Beach Road and Capstan Street. Capstan Street is not currently built. A driveway is currently present from Kalifornsky Beach Road that will provide access to proposed Lot 5B. The structures proposed to be on Lot 5A appear to be accessed through the same driveway and through proposed Lot 5B. If this is to be the main access, staff suggests an access or driveway easement be issued if ownership of either lot changes. A driveway permit for direct access from Kalifornsky Beach Road would need to be approved by the State of Alaska DOT.

Multiple fences are present on the property. The fence by the house appears to encroach into the section line easement and right-of-way for Capstan Street. Based on the Roads Department comment, staff will not sign the final plat until the Roads Department provides a written notice that any issues have been resolved to comply with KPB Code. ***Staff recommends the owner/surveyor work with the KPB Roads Department for resolution to the encroachment.***

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil

	Comments: The property owner has a fence in the ROW. We object to approving this subdivision until the fence is removed from the Section line easement.
SOA DOT comments	The 200' ROW for Kalifornsky Beach Road is as shown on Sheet 2 of 10 Kasilof Road S-0463(8) ROW Map and Sheet 17 of 17 S-0463(4) and appears to be shown correctly.

Site Investigation: The area is relatively flat. Per KPB GIS data, there are wetlands present within the eastern portion of the proposed plat. **Staff recommends** any low wet areas be depicted on the final plat and a plat note regarding wetland determinations be added.

The proposed plat will result in an existing house within Lot 5A. The septic pipe is depicted on the lot as well. Lot 5B will have multiple existing structures including a house, green house, and multiple sheds. The septic pipes near the house are within the building setback and the 10 foot utility easement along Capstan Street. A well is shown to the north and is within the setback and utility easement along Capstan Street.

A petition for a utility easement alternation is being worked on for the well and septic pipes within the 10 foot utility easement along Capstan Street. Comments regarding the fence from utility providers will be reviewed. Once a complete petition with all required items is submitted it will be scheduled for the first available KPB Planning Commission meeting in accordance with KPB Code 20.65.070.

Within the setback along Kalifornsky Beach Road is a fence on either side of the driveway. Along Capstan Street the well, septic pipes, and a fence are within the setback. Per KPB Code 20.90.010, definitions, a "building setback is there area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance." Per the definitions for permanent structures the well casing and vent pipes are allowed. Transparent fencing is also allowed within the setback. It appears the fencing used on this property is wood planks and is not transparent. The Roads Department has already noted that the fence along Capstan Street is within the right-of-way and will require resolution. As the fence is not a permanent structure, Capstan Street is not constructed, and there is adequate distance from the constructed roadway for Kalifornsky Beach Road, staff will not request the removal of the fence from the setbacks to finalize the plat. Staff would like the owners to be aware, that they are still in violation of the setback and the ability to sell or finance the property may require resolution. **Staff recommends** a plat note be added that the borough is not accepting any encroachments and strongly urges the owners to work on moving the fence location or replace with transparent fencing that is acceptable per KPB Code.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in Zone D non-regulatory</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections

Staff Analysis The proposed plat is a subdivision of Lot 5 Coles Corner, Plat KN 85-31. Coles Corner was a subdivision of a Government Lot into five lots and the dedication of Leslie's Way and Cole's Corner, later changed to Capstan Street. The parent plat created 20 foot building setbacks along all street rights-of-way.

The proposed plat will be creating two lots from Lot 5. This will place a house on each of the lots. Lot 5B will also have sheds and a green house. There are multiple encroachment issues. The owners/surveyor is working on resolving the utility easement encroachments. Staff is recommending any fencing within the setbacks be removed or replaced with code compliant fencing. Platting staff will require notification from the Roads Department that the fence encroachment into the right-of-way has been resolved prior to signing the final plat.

The structure located on proposed Lot 5A appears to be getting access through proposed Lot 5B. Access to the lot from Kalifornsky Beach Road will be reviewed by Alaska DOT. There is a driveway from Kalifornsky Beach Road for access to proposed Lot 5B. There is also a driveway for the lot north of this subdivision. The driveways are about 550 feet apart. If Alaska DOT denies a driveway permit, Lot 5A has dedicated access from Capstan Street, which is currently not constructed. The owners of Lot 5A may also try to get an access or shared driveway easement from Lot 5B.

The subdivision is within the South Kalifornsky Beach Road Utility Special Assessment District per KPB Ordinance 2020-42. The plat currently has a note present regarding the Special Assessment District. Per KPB Code 20.60.030, all taxes and special assessments levied on the property within the subdivision must be paid prior to recording the final plat. Staff requests the owners contact the KPB Finance Department to discuss payoff amounts. Once the current year taxes and the Special Assessment have been paid, the owner or surveyor may contact the KPB Platting Department to order the Tax Certificate. The note will be removed from the final.

A soils report will be required and an engineer will sign the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on April 14, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The proposed plat is within the Kalifornsky Advisory Planning Commission area. The APC is currently inactive.

Utility Easements Coles Corner, Plat KN 85-31, created a 10 foot utility easement along the dedication of Cole's Street, which is now Capstan Street. This easement is along the curved southern boundary and the eastern boundary of the lot. The plat did not create a utility easement along Kalifornsky Beach Road. The easement granted by the parent plat is depicted and labeled correctly. Per plat note 1, this plat will be increasing that easement to 20 feet within 5 feet of the side lot lines and granting an easement along Kalifornsky Beach Road. **Staff recommends the depiction be revised to show the full 20 feet within side lot lines and along Kalifornsky Beach Road. The plat note can be revised, "Plat KRD 85-31 granted 10 foot utility easements adjacent to the dedication of Capstan Street. This plat will be granting additional 10 foot utility easement along Kalifornsky Beach Road and increasing the utility easements to 20 feet within 5 feet of the side lot lines."**

A petition is being worked on for the encroachments into the utility easements. Once a completed petition is received it will be scheduled for hearing at a Kenai Peninsula Borough Planning Commission meeting.

The fences are not considered permanent structures. It should be noted that the utility providers may remove or request fences be removed or relocated if they hinder their ability to use the utility easements.

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

Utility provider review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections

GCI	Approved as shown.
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KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 28200 KALIFORNSKY BEACH RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KALIFORNSKY BEACH RD CAPSTAN ST</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: Yes List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 28200 KALIFORNSKY BEACH RD will remain on lot 5B.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: Improvements on parcel 5B located in setback. Access to parcel 5A would be considered platted if access to K-Beach Road is denied by SOA</p>
Advisory Planning Commission	Inactive

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

On Lot 5A there is an "x" with "TH" next to the mark. It is unclear what the mark is representing. If it is required or pertinent information it should be included in the legend or plat notes should be added to explain the mark. If it is not required information or pertinent, it should be removed from the final.

Structures may be removed from the final but any encroachments should remain with labels.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to

mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: Email from Surveyor stating this will be Coles Corner No 3. Verify the owner's address. KPB records have an Anchorage address instead of Kasilof PO Box.

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

Staff recommendation: *Note the 33 foot side section line easement adjacent to the Capstan Street dedication.*

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation: *The lot located in Section 6 should have the lot designation of Lot 1-A added. The lot in Section 1 is labeled Tract A, staff found this to be an unsubdivided lot. The lot to the east of Capstan Street should be updated from "Unsubd" to "Government Lot 4".*

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

Staff recommendation: *Per the Kenai Watershed forum information, some wet areas are present along and within Capstan Street. They are classified as drainage way.*

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

Staff recommendation: *The owner/surveyor is working on a utility easement vacation for the encroaching well and septic pipes. A fence is depicted within the setback. The fence is also within the utility easement and appears to possibly be within the right-of-way.*

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: *A soils report will be required and an engineer will need to sign the plat.*

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: *All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be*

on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: The Utility Special Assessment will be required to be paid in addition to current year taxes prior to recording. Comply with 20.60.030.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: Place the following notes on the plat.

- 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.
- Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Both of the co-personal representatives for the estate will need to sign. The certificate of ownership will need to be in the plural and on behalf of the estate. Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. A utility easement vacation is proposed. The vacation, if to be finalized by the plat as proposed, will require the plat to be recorded within one year of the vacation approval.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



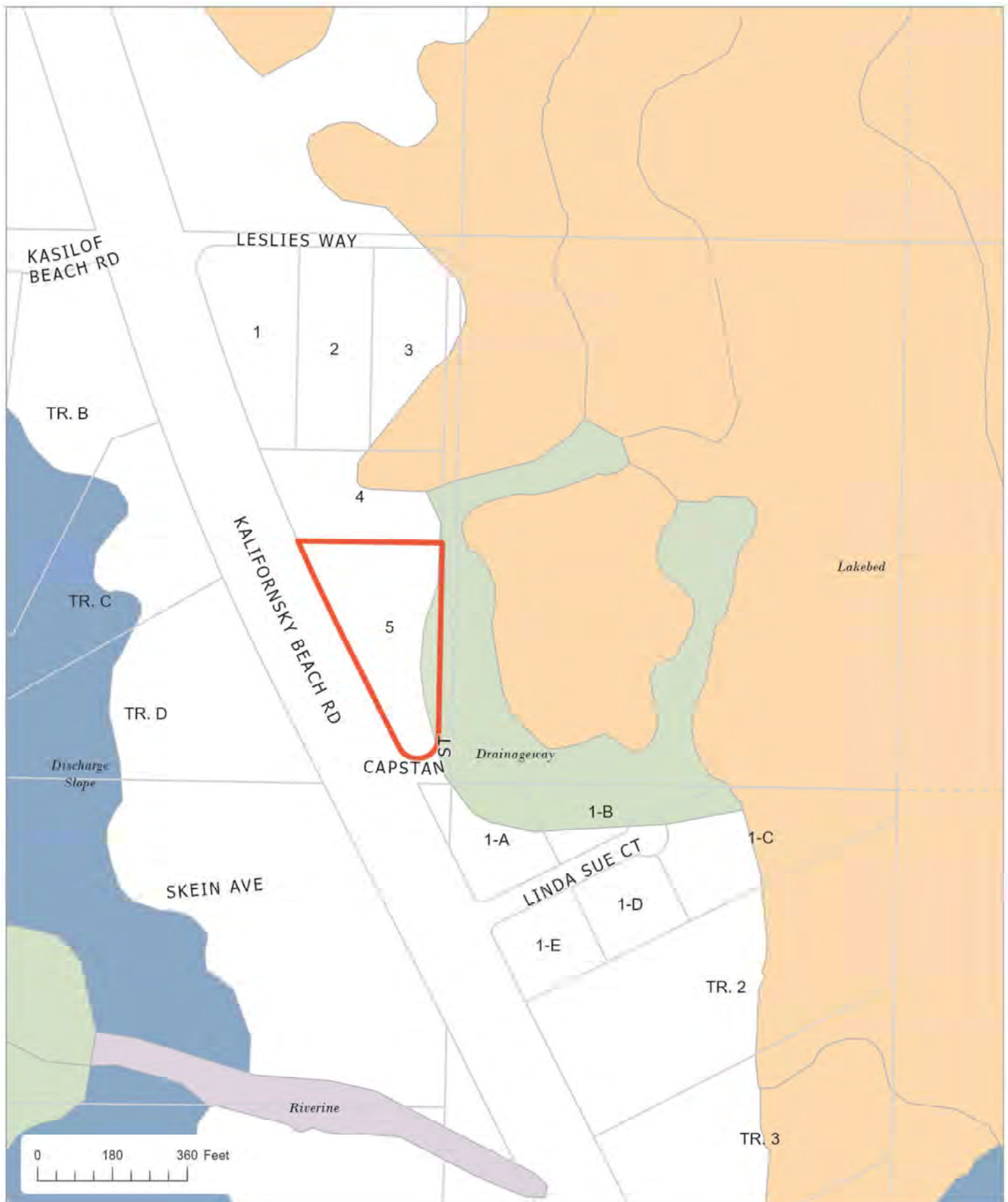
KPB File 2022-052

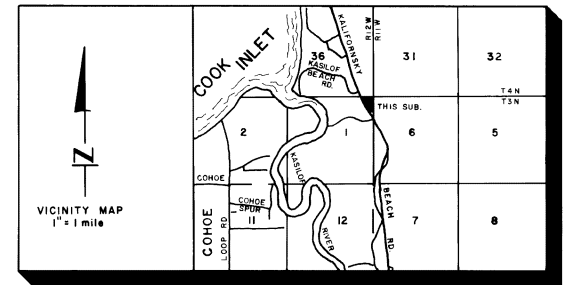
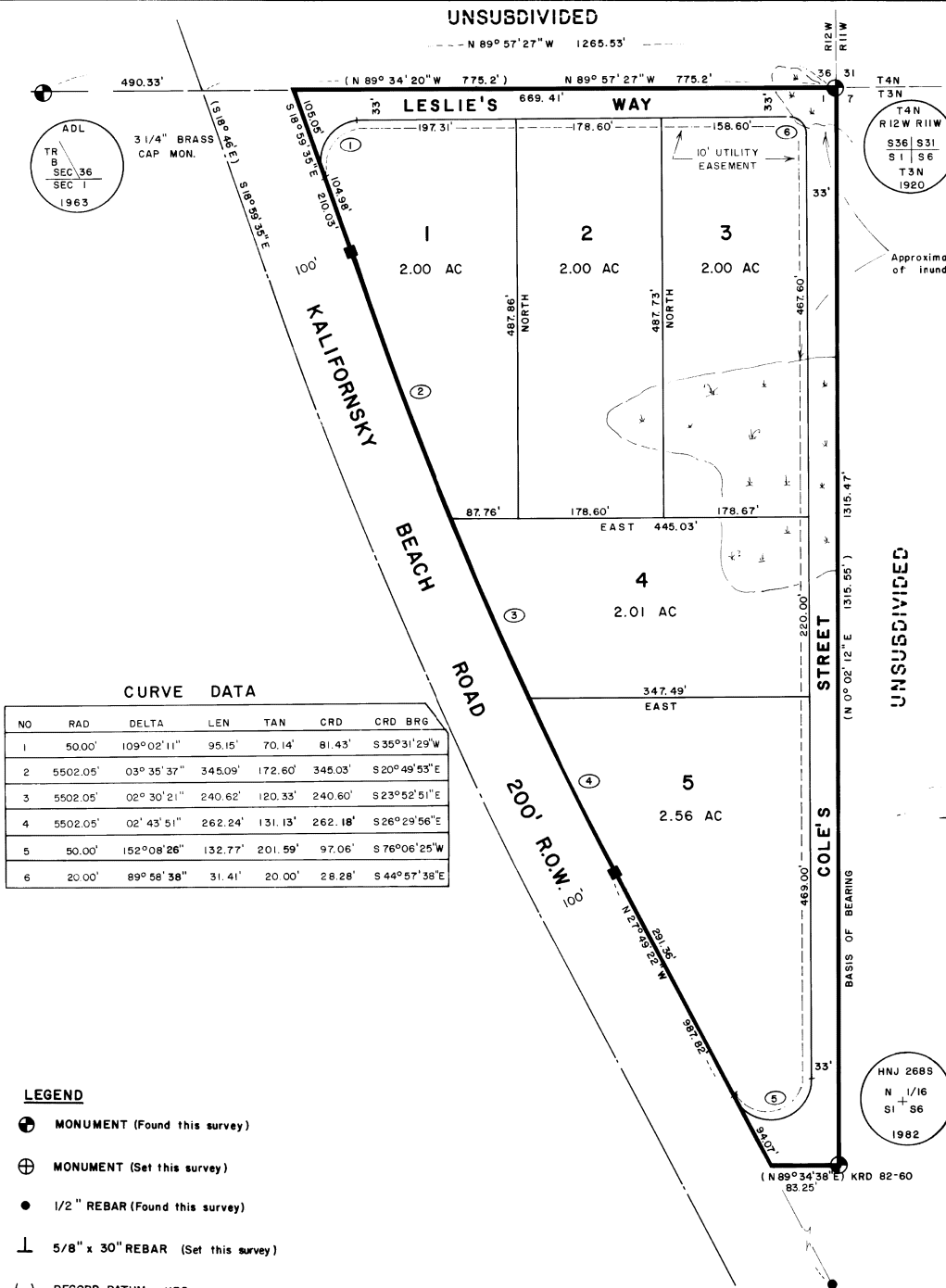


05/13/2021

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E4-12





CERTIFICATE of OWNERSHIP and DEDICATION

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

Annette R. Cole *Ronald L. Cole*
 ANNETTE R. COLE RONALD L. COLE
 1221 W 11th SAME ADDRESS
 ANCHORAGE, AK 99501

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 14 DAY OF February, 1985 FOR *Annette R. Cole* - *Ronald L. Cole*
Ank 2057402 *Ank 2084141*

Burtan Burtan
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 10-4-87

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF January 8, 1985.

KENAI PENINSULA BOROUGH
Steve Thompson
 AUTHORIZED OFFICIAL



Clifford E. Baker
 CLIFFORD E. BAKER, R.L.S.
 REGISTRATION NO. LS-5152

NOTES:

- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- 2) A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 4) NO DIRECT ACCESS TO STATE MAINTAINED R.O.W.s PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

COLE'S CORNER

A SUBDIVISION OF THE PORTION OF GOV'T LOT 1 EAST OF KALIFORNKY BEACH ROAD WITHIN THE NE 1/4 SEC 1 T3N R12W S.M., AK.

Containing 11.74 acres into 5 lots

DOWLING-RICE and ASSOCIATES
 155 SMITH WAY SOLDOTNA, ALASKA 99669
 ENGINEERS 262-9011 SURVEYORS

SURVEYED: Jan. 1985	PLATTED: Jan. 1985
DRAFTED: dw	SCALE: 1"=100'
CHECKED: cb	SHEET:

E. NEW BUSINESS

- 5. East Oyster Cove Subdivision; KPB File 2022-047
Fixed Height LLC / Alaska Mental Health Trust Authority
Location: Northeast of Jakolof Bay Road
Remote Area**



Vicinity Map

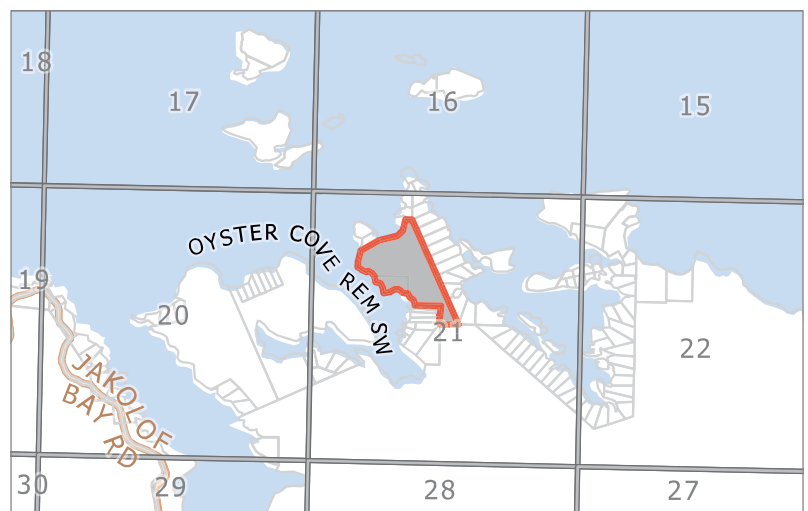
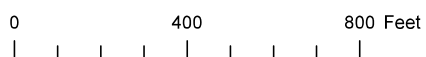


KPB File # 2022-047

S21-T08S-R13W

Remote

4/7/2022





Aerial View



AGENDA ITEM E. NEW BUSINESS

ITEM 5 - EAST OYSTER COVE SUBDIVISION

KPB File No.	2022-047
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Alaska Mental Health Trust of Anchorage, AK
Surveyor:	Andre Kaeppele, Buku Saliz / Fixed Height LLC
General Location:	Remote, Oyster Cove, Kasitsna Bay

Parent Parcel No.:	191-170-70 and 191-170-87
Legal Description:	A Portion of the North ½ of Section 21 and Lot 4 of US Survey No 4700
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two parcels that are approximately 38 acres into sixteen lots. The lots will range in size from 1.508 acres to 4.631 acres.

Location and Legal Access (existing and proposed): This is considered a remote location. It is located along Oyster Cove in the Kasitsna Bay. This is along the eastern side of Oster Cove. On the western side of the cove is the Oyster Cove Airport. These lots will be water access only. Lots 15 and 16 will have their access from Little Tutka Bay and will use a public access easement located on Lots 15 and 16 of South Kachemak Alaska Subdivision, Plat SL 67-85.

A large acreage parcel is present to the south. Adjacent to the south, east, and southeast of that parcel is more large acreage parcels. They are all owned by Alaska Mental Health Trust. The closest right-of-way is Jakolof Bay Road, about 2 miles south of the subdivision. If the large acreage parcels are ever subdivided they may be able to provide dedicated access to the various lots located along the coast of the bays in the area. KPB information has found that the status of section line easements through the large acreage tracts is not clear. Any attempt to use section lines for access will require a determination by the State of Alaska.

South Kachemak Alaska Subdivision, Plat SL 67-85, indicated a 40 foot wide access easement, centered on the share lot line of Lot 15 and Lot 16 that would provide future access to lands to the west from Little Tutka Bay. This plat is proposing to grant a 50 foot radius access easement at the end of that access easement. An additional 50 foot public access easement is being granted along the shore of Oyster Cove within Lots 10, 11, and 12.

Due to the location, large acreage tracts, and no dedications within the area, the block length is not compliant.

KPB Code 20.30.050, Legal Access, requires that legal access exists to the boundary of the subdivision. It is currently only accessed by water. Staff believes the requirements of 20.30.050(B) have been met as there is permanent public access by water. **Staff recommends the plat committee concur to waive the legal access requirements of KPB 20.30.050(A) and require a plat note that states the mode of access.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

Site Investigation: KPB GIS does not have any wetland or contour information for the area. Per older imagery the

land appears to not contain any low wet areas except around the cove and bay. Within proposed Lot 15 and Lot 16 there appears there could be some low wet areas within the access easement area from Little Tutka Bay. The appropriate note regarding wetland determinations is present. **Staff recommends** any low wet areas or steep terrain discovered during the field survey be depicted and labeled on the final plat.

This appears to be property with lots of vegetation. No improvements appear on the older imagery that is available. KPB Assessing notes that the property is vacant.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No comments

Staff Analysis This is a 38 acre subdivision to create sixteen lots that will be accessed by water only. The two lots that do not front on any waterbody will have access via a public access easement.

The land within this survey is from U.S. Survey 4700 that was done in 1965. The remainder of the property is the remaining portion of the north half of Section 21 excluding numerous U.S. Surveys and several subdivision plats.

A soils report will be required and an engineer will sign the final plat.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

Utility Easements The property within this subdivision has not been part of a subdivision that would have granted platted utility easements. Per South Kachemak Alaska Subdivision, Plat SL 67-85, 20 foot utility easements were granted centered on the lot lines shared with the large remainder parcel of this subdivision. That plat was a state plat but we generally do not allow easements to be granted on property not included within the boundary of the subdivision plat. This plat is depicting the easement along the eastern boundary. **Staff recommends** the label include "granted by this plat".

Several easements are depicted on neighboring properties. **Staff recommends** those depictions and labels be removed from the final plat.

Homer Electric Association has requested some internal utility easements be granted to provide access to all lots within the subdivision. **Staff recommends** the requested easements be depicted and labeled as being "granted by this plat."

The required plat note regarding improvements within a utility easement will need to be added.

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

Utility provider review:

HEA	Multiple 30 foot wide utility easements centered on lot lines is being requested.
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: No addresses affected by this subdivision.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation:

- Owner name should include Alaska Mental Health Trust.
- The KPB Assessing information has a different address for Alaska Mental Health. Verify the address they wish to have present on the plat.
- The recording district is required within the title block. It can be added to the location description.
- Bootlegger's Cove Subdivisions do not need to be included as they are considered within the southern half of the section. Please remove and this will match the Certificate to Plat.
- For Jesse Cove Subdivision and Quiet Cove Subdivision, include their plat recording numbers.
- Update the acreage.

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

Staff recommendation: *Provide a depiction of the boundary and label the Kachemak State Park.*

G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation: *The subdivision for Lot 4B to the south is Bootleggers Cove No. 2. Update the labels to differ it from the other lots from the original Bootleggers Cove Subdivision.*

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

Staff recommendation: *Although from separate subdivisions, adjacent lot numbers that match should be avoided. Lot 15 abuts the entire length to another Lot 15 as does Lot 16. Review the lot numbers and adjust to avoid the same numbering if possible.*

KPB 20.30 – Subdivision Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

Staff recommendation: *An exception has been requested.*

20.30.050. Legal access.

A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:

1. Ingress and egress will be provided over section line easements located within a surveyed section;
2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
3. That access is a State of Alaska maintained road or municipal maintained road;
4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.

B. The following situations may qualify for a waiver of the legal access requirement:

1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat. .
2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.
3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

Staff recommendation: *Staff is asking the plat committee to concur that the legal access requirements should be waived and a plat note should be added to note the mode of access.*

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Staff recommendation: *The plat does not comply. Grouped and discussed with the exception to KPB 20.30.030.*

20.30.210. Lots-Access to street. Each lot shall abut on a fee simple dedicated street except as provided by KPB 20.30.030(B).

Staff recommendation: *Grouped and discussed with the exception to KPB 20.30.030.*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils report will be required and an engineer will need to sign the plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

Staff recommendation: *Adjust so adjacent lots from neighboring subdivisions do not share the same lot number if possible.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: *Place the following notes on the plat.*

- *Provide notes for any exceptions granted.*
- *The natural meanders of mean high water line is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*
- *Rights of the public and or governmental agencies in and to that portion of said premises lying below the mean high water mark of Kasitsna Bay and any questions of right of access to Kasitsna Bay in the event said lands do not in fact abut the Kasitsna Bay.*
- *Reservations and exceptions as contained in State of Alaska Mental Health Trust Land Deed and/or in Acts authorizing the issuance thereof as recorded on September 25, 1996 in Book 35, Page 415, Seldovia Recording District.*
- *Reservations and exceptions as contained in the Approval from Bureau of Land Management as recorded on August 20, 1984 in Book 27 Page 62, Seldovia Recording District.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *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.*
- *The only access available to this subdivision at the time of recording is by water.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation:

- *The certificate of ownership should be revised to read on behalf of the Alaska Mental Health Trust. "I certify that the Alaska Mental Health Trust is the owner of the real property shown and described hereon, and that on behalf of the Alaska Mental Health Trust 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 easement to the use shown."*
- *The title of the signer on behalf of the Kenai Peninsula Borough should be changed to "Authorized Official"*
- *On the certificate of ownership signature line, we request the authorized person's name and title be added or provide an area where they can neatly print the information.*
- *Correct the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.*

Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed Street Layout

Surveyor's Discussion: Based on the ocean frontage contained by all but two of the lots within the proposed subdivision, we expect the primary access for development of these lots to be by watercraft. Additionally, none of the adjoining subdivisions have dedicated ROWs due to the similar ocean front layout of the lots. Dedicating a ROW would encourage development along the landward boundaries of the proposed lots and detract from the rural nature that makes them desirable. If an exception is granted to KPB 20.30.030, 20.30.170 and 20.30.210 would no longer be applicable due to the absence of streets within the proposed subdivision.

Staff Discussion: Per KPB Code 20.30.030, dedications must be provided for continuation or appropriate projections

Page 6 of 8

and provide reasonable means of ingress to surrounding acreage tracts. While the exception request is for KPB Code 20.30.030, staff finds that the approval of this acceptance should also take into consideration KPB 20.30.170, Block Length Requirements, and 20.30.210, Lots-Access to streets. If this exception is granted it will not be possible to meet those requirements.

This subdivision is to be remote recreational property. There are other lots in the area that are similar. The Oyster Cove airport is across the bay to provide additional access but watercraft will still be required to get to the lots. The owner of the large acreage parcels in the area are the same of this subdivision. If they needed right-of-way access for their property they could require it at this time.

If the exception is granted, staff recommends the plat note for the exception granted include all three portions of code.

Findings:

1. KPB Code requires right-of-way dedications to provide adequate access to all lots within the subdivision and neighboring.
2. KPB Code requires right-of-way dedications to create compliant block lengths.
3. KPB Code requires lots to abut a fee simple dedicated street.
4. This is a remote area.
5. Only access at this time is by water.
6. Large acreage lots are in the area that are all owned by Alaska Mental Health Trust.
7. The owner of this subdivision is Alaska Mental Health Trust.
8. Utility easements are being requested and will need to be granted.

Denial of the exception will require rights-of-way dedications that will create compliant blocks and that all lots will abut.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 4-8 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 4-8 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 4-8 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

U. S. SURVEY
No. 4700, ALASKA

EMBRACING
LOTS 1 THROUGH 5

NONCONTIGUOUS LOTS
SITUATED
NEAR THE MOUTH, AND
ON THE SOUTHWESTERLY SIDE
OF TUTKA BAY
ON THE SOUTHEASTERLY SIDE
OF KACHEMAK BAY
NEAR HOMER, ALASKA

GEOGRAPHIC POSITION
OF WITNESS MEANDER CORNER NO. 1, LOT 1
LATITUDE $59^{\circ} 28' 25''$ N., LONGITUDE $151^{\circ} 29' 00''$ W.

AREA: 35.07 ACRES

SURVEYED BY:
ROBERT Q. PICKERING, SUPERVISORY CADASTRAL SURVEYOR
JUNE 24, 1964 TO JULY 21, 1964

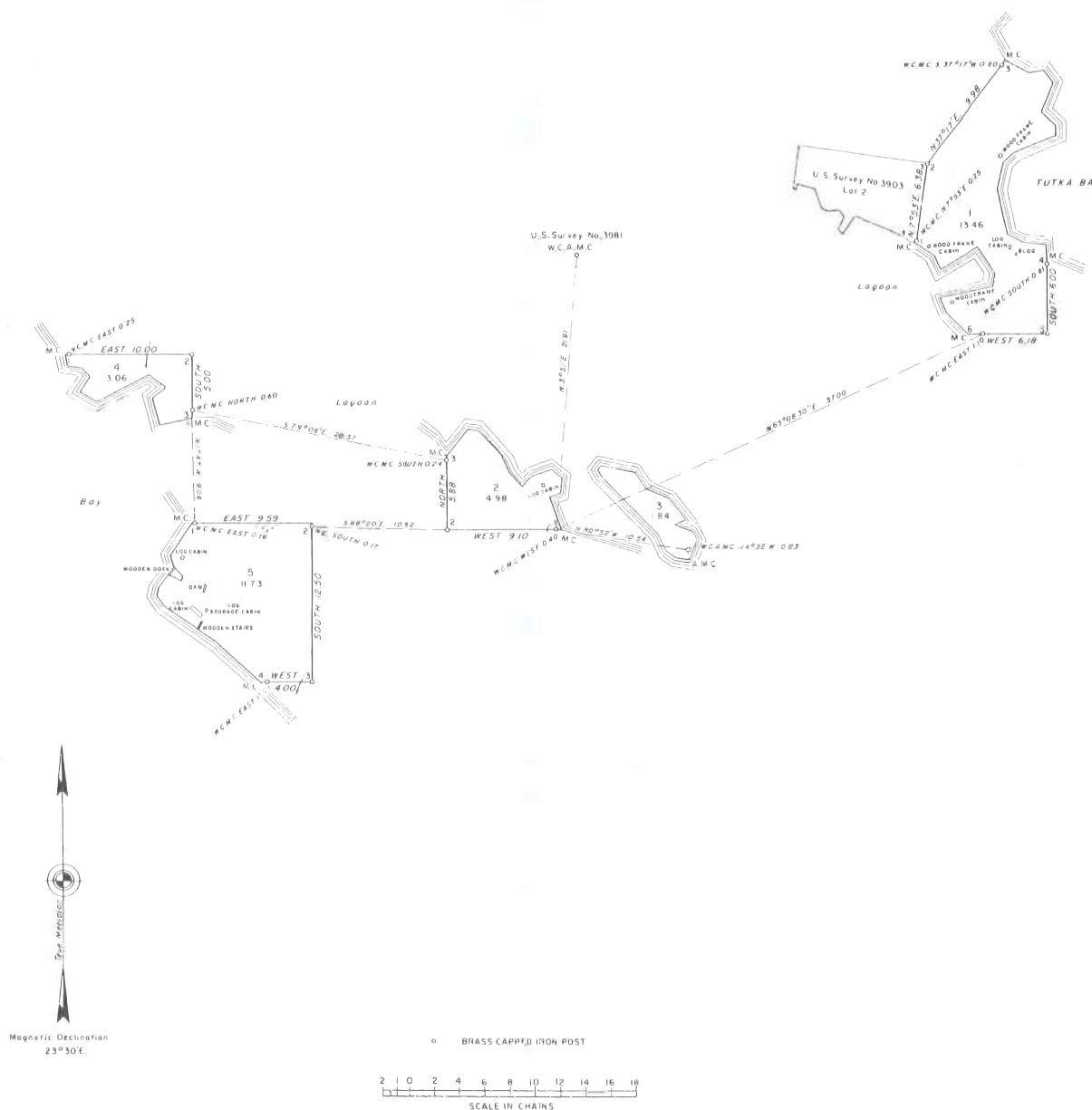
Under Special Instructions
Dated March 16, 1964, and
Approved March 19, 1964

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. September 16, 1965

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

For the Director

E. E. Livingston
Chief, Division of Engineering



Dear Members of the Planning Committee:

My name is Philip Brudie and I own lot 2 of Quiet Cove subdivision (OSS 3980) which is directly adjacent to lot 1 of the proposed East Opster Cove subdivision. I request that the conditions of plat include a requirement that my DNR approved water source on the land be delineated by an easement for the reasons I outline below. Also the plat should reflect my third party rights to draw water from the water source.

I have owned my lot for fifty years. During that time I have drawn fresh water from a source on the platted property in the approximate location of the proposed lots 1 and 2 (and probably lot 3) through a plastic pipe feeding from a collection point in a small drainage on the east side of lots 1, 2, and three. The piping follows the small stream to tidewater on lot 1. There it splits and provides water to three of the existing owners of Quiet Cove. This is the only known source of available water for our small community. The actual location of the water source and delivery pipe should be fixed by survey.

In 1987 I applied for and eventually received my water right appropriation to draw water from the "unnamed stream" in Water Rights Certificate LAS 11231, dated 2-22-1988 with priority effective as of 1-23-1987. This was recorded at book 30, page 223, Seldovia Recording District. This affects 2.33 acres of

the Quiet Cove Subdivision (lots 1 and 2)
My legal rights to use this water have
been perfected.

At a minimum, the plat needs to disclose
these prior existing rights on the plat for
the affected lots, which will require the
location to be surveyed.

I should note that the historical use
over the last thirty five plus years has
extended into the uplands where the
impoundment facility is located. The
impoundment area should be memor-
ialized by an easement allowing the
users to access, maintain and draw
from it. My use has been notorious
and without consent all of these years.

My hope is that the petitioner will
agree to this request so their entry
into our neighborhood does not start
off with a major war on water rights,
the preservation of which is critical
to those of us who reside and/or
recreate here year round.

If the petitioner, despite its public
status, does not agree, then you, the
planning commission, should impose
these requirements for health and
safety questions. The location of the
drinking water source needs to be
delineated so that the ADEC approved
septic or marine outfall designs
preserve our access to safe drinking

water, which at a minimum, is legally undisputed at the mean high tide line. Plus, we do urge, for the quality of the Cove itself, as well as our drinking water, that all lots must have an approved ADEC septic design with appropriate legal setbacks from all streams and water sources.

To summarize, my request is that the following conditions to plat be required:

- ① Petitioner is to survey the existing stream, water impound area and drainage and locate it on the map.
- ② The affected lots have a plat note advising of the prior rights to appropriate water provided by LAS 11231.
- ③ The petitioner work with me to delineate an easement preserving my and my neighbors access to the impoundment area and the water supply pipe.
- ④ The plat must disclose the ADEC septic sites on all lots with sufficient distance to preserve the integrity of the surface water for drinking purposes.

Thank you,

Sincerely,

Philip L. Brodie
April 30, 2022

Philip Brodie
PO Box 111
Homer, AK 99603
907 399 6257

RECEIVED

MAY 04 2022

State of Alaska



BOOK 30 PAGE 223

Water Rights

RECEIVED

MAY 04 2022

KPB PLANNING DEPT.

CERTIFICATE OF APPROPRIATION

LAS

11231

THE STATE OF ALASKA UNDER AS 46.15, THE ALASKA WATER USE ACT,
AND THE REGULATIONS ADOPTED UNDER IT, GRANTS TO:

PHILIP L BRUDIE
P.O. BOX 859
HOMER, AK. 99603

THE RIGHT TO USE WATER FROM THE FOLLOWING SOURCE:

A) UNNAMED STREAM WITH A PRIORITY DATE OF 01/23/1987

150.0 GAL/DAY	
FOR SINGLE DWELLING	JAN 01 THRU DEC 31
20.0 GAL/DAY	
FOR POULTRY AND EGG	JAN 01 THRU DEC 31

THE LOCATION TO WHICH THIS WATER RIGHT APPERTAINS IS:

THE LAND EMBRACED IN SOLDIER'S ADDITIONAL HOMESTEAD ENTRY, U.S. SURVEY 3980, SITUATED ON THE SOUTHEASTERLY SHORE OF KASITSNA BAY AREA, ALASKA CONTAINING 2.33 ACRES, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE SAID LAND, ON FILE IN THE BUREAU OF LAND MANAGEMENT, SAID PARCEL LOCATED WITHIN W1/2NE1/4NW1/4 PROTRACTED SECTION 21, TOWNSHIP 8 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ~~HOMER~~ RECORDING DISTRICT, STATE OF ALASKA.

SELDovia

THE LOCATION OF THE WATER SOURCE IS THAT PORTION OF AN UNNAMED STREAM LOCATED AT OR BELOW MEAN HIGH TIDE WITHIN NW1/4NE1/4NW1/4 PROTRACTED SECTION 21, TOWNSHIP 8 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA.

THE CONDITIONS THAT APPLY TO THIS APPROPRIATION ARE FOUND IN ATTACHMENT A, ATTACHED HERETO AND MADE A PART HEREOF.

PAGE 1

State of Alaska



BOOK 30 PAGE 224

Water Rights

CERTIFICATE OF APPROPRIATION

LAS

11231

THE WATER RIGHT IS GRANTED SUBJECT TO THE PERTINENT STATUTORY PROVISIONS IN AS 46.15, AND ADMINISTRATIVE REGULATIONS IN 11 AAC 93.

THIS CERTIFICATE OF APPROPRIATION IS ISSUED BY AUTHORITY OF AS 46.15.120 AND 11 AAC 93.130 ON February 18, 1988.

APPROVED: _____

TITLE: _____

Chief Water Section
DIVISION OF LAND AND WATER MANAGEMENT

STATE OF ALASKA)

) SS

3rd

JUDICIAL DISTRICT)

THIS IS TO CERTIFY THAT ON FEBRUARY 18, 1988
BEFORE ME APPEARED EDWARD G. BARBER, Jr., KNOWN BY
ME TO BE THE DIRECTOR OR AUTHORIZED REPRESENTATIVE OF THE DIVISION OF
LAND AND WATER MANAGEMENT, DEPARTMENT OF NATURAL RESOURCES, AND
ACKNOWLEDGED TO ME THAT THIS CERTIFICATE OF APPROPRIATION WAS VOLUN-
TARILY EXECUTED ON BEHALF OF THE STATE OF ALASKA.

Bill Edgely
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: 12-1-89

PURSUANT TO AS 46.15.160 AND APPLICABLE REGULATIONS THE CERTIFICATE
HOLDER SHALL NOTIFY THE ALASKA DIVISION OF LAND AND WATER MANAGEMENT
UPON CHANGE OF ADDRESS OR TRANSFER OF ANY REAL PROPERTY RELATED
THERE TO.

State of Alaska



BOOK 30 PAGE 224F

Water Rights

CERTIFICATE OF APPROPRIATION

LAS

11231

ATTACHMENT A - CONDITIONS:

THE HOLDER OF THIS CERTIFICATE SHALL:

FOLLOW ACCEPTABLE ENGINEERING STANDARDS IN EXERCISING THE WATER RIGHT GRANTED BY THIS CERTIFICATE.

DEFEND AND INDEMNIFY THE STATE AGAINST AND HOLD IT HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, LEGAL ACTIONS, LOSS, LIABILITY AND EXPENSE FOR INJURY TO OR DEATH OF PERSONS AND DAMAGES TO OR LOSS OF PROPERTY ARISING OUT OF OR CONNECTED WITH THE EXERCISE OF THE WATER RIGHT GRANTED BY THIS CERTIFICATE.

COMPLY WITH ALL APPLICABLE LAWS, REGULATIONS AND CONDITIONS.

150 GAL/DAY FOR SINGLE DWELLING IS FOR TWO UNPLUMBED CABINS.

88-284

RECORDED - FILED 16-
Seldovia REC. DIST.
DATE 11-21- 19 88
TIME 340 P. M.
Requested by P. BRUDIE
Address HOMER AK

Quainton, Madeleine

From: Planning Dept,
Sent: Friday, May 6, 2022 11:56 AM
To: Quainton, Madeleine
Cc: Hindman, Julie
Subject: FW: <EXTERNAL-SENDER>proposed Jakolof subdivision

Madeleine

From: shannyn moore <shannynmoore@gmail.com>
Sent: Friday, May 6, 2022 11:36 AM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>proposed Jakolof subdivision

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From Shannyn Moore
PO Box RDO
Homer, Alaska 99603-8999

To The Kenai Borough Assembly

Re: Mental Health Trust Subdivision Proposal in Little Jakolof

Dear Assembly Members,

We appreciate the opportunity to weigh in with you about the Mental Health Trust proposal to add sixteen lots to our community. There are so many different types of people who own homes in our area, but we have yet to meet one who thinks this proposal is a good idea. Thank you for taking the time to hear our different perspectives.

The Mental Health Trust has one job. Their job is to make money for the trust by selling land. They don't have to consider any factors other than making money. With \$400 million in assets, we'd say they are doing their job. You, the assembly, have quite another task at hand. Your job is to make the communities on the Kenai Peninsula better places to live for our residents.

We have one home. We live in Little Tutka Bay. We live here all year. Not everyone with property here is so lucky to get to see the winters. The Mental Health Trust has missed something we want you to understand. These tiny bays and the islands close by are a community. We have a post office, a tiny library, potlucks, wood cutting parties and businesses that employ locals when they can. There are children home schooled here. We respond to local disasters like fires, boats sinking and plane crashes. We aren't just a vacation destination. Owning a home here isn't a National Guard agreement to two weeks a year and one weekend a month for dentists from Anchorage.

The recent proposal for sixteen lots between Little Tutka Bay and Jakolof Bay has zero consideration or provision for public land use. There is no future school site, land for a community cemetery, park or post office. Why is that? Where are new residents going to park their boats? There is zero planning to expand the community with the offering. The reason is simple. It's not the job of Mental Health to make us a community with amenities. It's the job of the borough to help us through this time of proposed growth to do it right.

It's hard to build a life here. At least 70% of the work to construct is just moving supplies across the bay and up to your perch. The land proposed isn't impossible to build on, but you could see impossible from your porch if you could ever get one built.

Please postpone the approval of the subdivision until the issues brought by our community can be addressed. We thank you for your consideration.

Sincerely,

Gregor Welpton and Shannyn Moore

Quainton, Madeleine

From: Planning Dept,
Sent: Friday, May 6, 2022 9:15 AM
To: Quainton, Madeleine
Subject: FW: <EXTERNAL-SENDER>written testimony regarding KPB File 2022-047 proposed Little Jakolof Bay subdivision

Madeleine

From: Daniel Coyle <djcoyle1@gmail.com>
Sent: Friday, May 6, 2022 9:06 AM
To: Planning Dept, <planning@kpb.us>
Cc: Doug Kossler <anchoragerunner@yahoo.com>; tanomoshii@yahoo.com; Maurice Coyle <mauricecoyle3@gmail.com>; jonathan coyle <jpcoyleak@gmail.com>; keetnasimon@yahoo.com; walanier@gmail.com; jenny coyle <jen79coyle@gmail.com>; John Giuggio <giovanpietro3@gmail.com>
Subject: <EXTERNAL-SENDER>written testimony regarding KPB File 2022-047 proposed Little Jakolof Bay subdivision

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**To: Kenai Peninsula Borough Planning Department
144 N Binkley Street
Soldotna, AK 99669**

(submitted via email)
MAY 6, 2022

To: Kenai Peninsula Borough Planning Department

As a unified group of seven local residents and landowners, we'd like to express our urgent concerns about the proposed subdivision in Little Jakolof Bay and Little Tutka Bay, KPB File 2022-047, for the following reasons:

- 1) The proposed subdivision will destroy an existing archaeological site of significant cultural and historical value. The site is located near proposed lots 8, 9, and 10. Further investigation could uncover additional sites, which would be protected by state and federal law. In addition, the development of new lots may destroy wildlife habitat, including eagle-nesting areas
- 2) The proposed subdivision does not provide adequate water access or supply. Many of the proposed lots are located on bedrock, with no water source.

3) The proposed subdivision — 16 lots, many of them extremely narrow, located in a relatively small, confined area — creates multiple problems of density and access, and will generate navigational hazards. The entrance and the western (weather-exposed) side of the bay is narrow for running lines, and not suitable for moorings.

4) A significant number of the lots are unusable because of steepness or access problems. Some lots have steep rocks on the shore and are inaccessible from the beach. In addition, two lots have access only through Little Tutka Bay, creating additional congestion for residents of Tutka Bay.

We hope that these comments will provide the planning commission with guidance and clarity as it makes its decisions. We are ready and willing to answer any questions or provide any additional information the planning commission requires. We hope that the commission will delay any imminent decisions in order to give appropriate time, research, and attention to these sincere and valid concerns.

SIGNED,

Daniel Coyle
Maurice Coyle
Jonathan Coyle
Co-owners of Bootleggers Cove Lots 1, 3 4, and 5

Doug Kossler
Margaret Kossler
Kimberly Lanier
William A. Lanier
Co-owners of Jesse Cove Tract 3 and 4

RE: KPB File No. 2022-047

Greetings

I am writing to express concerns about the proposed re-plat of a parcel that fronts on Little Jakolof Bay and a portion of Kasitsna Bay locally referred to as Quiet Cove.

While I respect the owners rights (Alaska Mental HealthTrust Authority, 'AMHTA') to monetize its land holdings this proposed subdivision is not, in my opinion, the way to do it. (Skip to the conclusion for a proposed methodology).

The proposed creation of these lots will add additional pressure to the local communities of Little Jakolof, Quiet Cove and Little Tutka Bay. Today these communities are self sufficient, where the land owners take care of issue themselves instead of relying partially or entirely on the services of the Borough or City of Homer, despite being taxed for services not necessarily received.

For instance, currently my property and other properties in these communities, pay borough collected taxes but receive little in return. Borough taxation for services, which include fire services are, in particular, an excellent example.

On October 19, 2019 my house burned to the ground after a 5 year construction effort. It was a heartbreaking event and an uninsured loss of over \$1.2m. Fortunately no one was injured and thanks to the immediate help of my neighbors rushing in, the event did not consume more than just my improvements and a portion of old growth forest.

What I received from the borough was a "yeah we could see it happening from Homer" and "we'll inform the State of Alaska fire officials that you may have ongoing liability should any of the smoldering roots or remains cause additional damage." In other words, absolutely nothing but a notice of potential liability. No assistance with investigation, no assistance with mitigation of potential post fire issues, no coordination with the State or City of Homer.

To add insult to injury, I then paid over \$100,000 in Landfill expenses associated with hauling the debris to Homer for disposal.

In other words if the Borough wishes to support subdivision and the receive the resulting tax revenue then the borough should be prepared to provide the services. However, despite that, as mentioned above we are a self sufficient community of homes and we are used to taking care of each other. For my part I forgo the services despite paying the taxes because of the tranquility of the area and the support of my neighbors.

Quiet Cove Specific Issues

Quiet cove is a very calm and small cove. So small that its name is only a locally named cove without an official body of water designation. At low tide the cove and the properties fronting on it are inaccessible, either by land or water or air. **In particular the proposed lots 1-4 will have NO ACESSS at low tide.**

The cove is home to Land Otters, Sea Otters, Starfish, Mussels, Clams and innumerable fish and bird species all supported by a diverse eco-system of marine plants that existing due to the tidal action that fills and empties the cove twice each day.

In addition the proposed Lot 2 has no accessibility at high tide due to the cliff face at the beach level. The only way to solve this would be a substantial dock system again impacting the sensitive Quiet Cove marine life and even then such a dock would not be accessible at low tide.

Development of the proposed lots 1-4 would A) seriously impact this bio-diversity and B) create serious impacts related to inaccessibility issues.

Little Jakolof Issues

Little Jakolof Bay is a larger and a more robust marine environment. There are several concerns that I assume my neighbors in Little Jakolof will address since I am less directly impacted. Non-the-less, I reached out to Janet Klein a preeminent scholar on the subject of the archeology of Kachemak Bay

<https://worldcat.org/identities/lccn-n82050143/>

Ms.Klein believes there could be anecdotal evidence of archeological significance (house pits)¹, on portions of the property proposed to be subdivided, on the south facing shore of the property facing little Jakolof. This evidence may or may not prove to be accurate but at a minimum it should be investigated and considered, and if true considered as part of the proposed future use of the property.

Little Tutka issues

Again these issues impact others more than myself. Two of the proposed lots 15 and 16 are only accessible by a narrow easement across others properties from Little Tutka Bay. They are in essence landlocked parcels, at the end of an easement at the end of a cove at the end of a bay. Was consideration given to potential acquisition by the owners of the properties with easements? Or extended to the other adjacent parcels adjacent to these lots?

Conclusion

As expressed in my opening paragraph I believe the AMHTA should be allowed to seek to accomplish monetization of the value of their holdings with regard to the proposed property, for the benefit of their constituents, the citizens of Alaska accessing the mental health network of the State of Alaska. However, I feel strongly that the method of that monetization could come in many ways, the least of which is a simple commercial blanket subdivision into numerous parcels, each with unique challenges.

One example would be to pursue a conservation easement on the entire parcel wherein the AMHTA would be compensated for the value of the parcel based on a fair market value appraisal. Said appraisal could be based on an as-is valuation or even an "if improved" Valuation (subdivided). That is just one

¹ Numerous examples of house pits evidenced in the Kbay area Include those found and preserved on private lands on Yukon Island by the Abbott family. Significantly examined and researched by William Workman <https://www.researchgate.net/scientific-contributions/William-B-Workman-2027733563> over numerous years.

example. In other words what are the monetization goals (dollar amount) of the AMHTA. Make that clear and give the community an opportunity to step and meet the goal.

I would encourage the Kenai Peninsula Platting Board, to postpone this action until a thoughtful process has run its course with regard to the monetization effort that explores alternatives. I believe that myself and my Little Tutka Bay, Little Jakolof Bay and Quiet Cove neighbors are willing to engage in such a process. I also believe that there are some obvious first choice alternatives that would be supported by all.

I am willing to commit to such a process with a defined schedule and without prejudice to the outcome, as I believe are other members in the community. If that ends up in a renewed application to sub-divide the property so be it. But without the engagement of the community in a process, moving forward at this time will be problematic.

Thank you for your consideration, let's engage in a process to accomplish the community goals, the borough goals and the AMHTA goals.

Mark Pfeffer
(907) 317-5030

May 6th, 2022

RE: Proposed plat under consideration KPB File NO. 2022-047

We strongly oppose the plat as proposed with regards to the 20 foot easement from Little Tutka Bay to proposed lots 15 and 16 of East Oyster Bay Subdivision.

We own lot 15 of South Kachemak Alaska Subdivision. We have owned this property for 20 years. I am very familiar with the easement topography at every tide stage. It will be a poor easement. Depending on the exact survey line it may be impassable much of the time, leading to the trespass of adjoining property.

The easement is in a low wetland estuary with a narrow deep creek and a 40–60-foot pond nearer the natural shoreline bench that does not drain. At low tide the pond is thigh deep with muddy bottom. The survey line bisects this pond. To go around it users will trespass on the South Kachemak Alaska subdivision lot 15 or lot 16. Depending on the exact line users will then need to cross the creek, perhaps more than once.

The diagram provided by Mental Health Lands Trust (MHLT) does not depict this area accurately. Little Tutka Bay is not as near to the east line of the 2 lots as depicted. At most tide stages it will be a 300 foot slog through the estuary. At very high tides (23-25 feet) the water does get to the east boundary of the new subdivision. However, it is too shallow for any boat other than a kayak for approximately the last 200 feet. Due to undulating topography of the wetland estuary and the creek it is also impassible with hip boots or chest waders.

This week I went to the MHLT offices in Anchorage to attempt to get a good map with survey lines to better review and make my case. They had terrible mapping available with detail no better than your enclosed diagram.

In the past I have seen a plat map/as built map that showed the southwest corner of our lot 15 SOUTH of the southern edge of the estuary. I was surprised and pleased because it meant we own a fabulous berry patch. If that map is correct the northern 20 foot easement is in the worst possible area of the wetland estuary, directly on the creek. Please provide detailed, accurate mapping for the public to review prior to making any decisions on this.

In summary, this is a bad easement functionally and environmentally. The new East Oyster Bay Subdivision lots 15 & 16 should be changed. Lot 15 could easily be connected to the new lot 14 and sold as a single 3.6-acre parcel, like the new lots 10 and 11. Lot 16 is a bad idea all around. It is land locked and has no view of water or mountains from its north line most of the time. It will have a wet estuary view only at extreme high tides. The amount of damage to the wetlands estuary to develop this land is likely to be large. If lot 16 must be developed then it should be combined with 14 & 15 to provide ocean access.

We urge the Kenai Borough to reject the proposed plat outright until the MHLT addresses and corrects these problems.

Submitted by Dennis & Lisa Poirier

Quainton, Madeleine

From: Planning Dept,
Sent: Friday, May 6, 2022 8:32 AM
To: Hindman, Julie; Quainton, Madeleine
Subject: FW: <EXTERNAL-SENDER>KPB File No. 2022-047

FYI

From: GEORGE RHYNEER <valiant@mtaonline.net>
Sent: Friday, May 6, 2022 8:03 AM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>KPB File No. 2022-047

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.

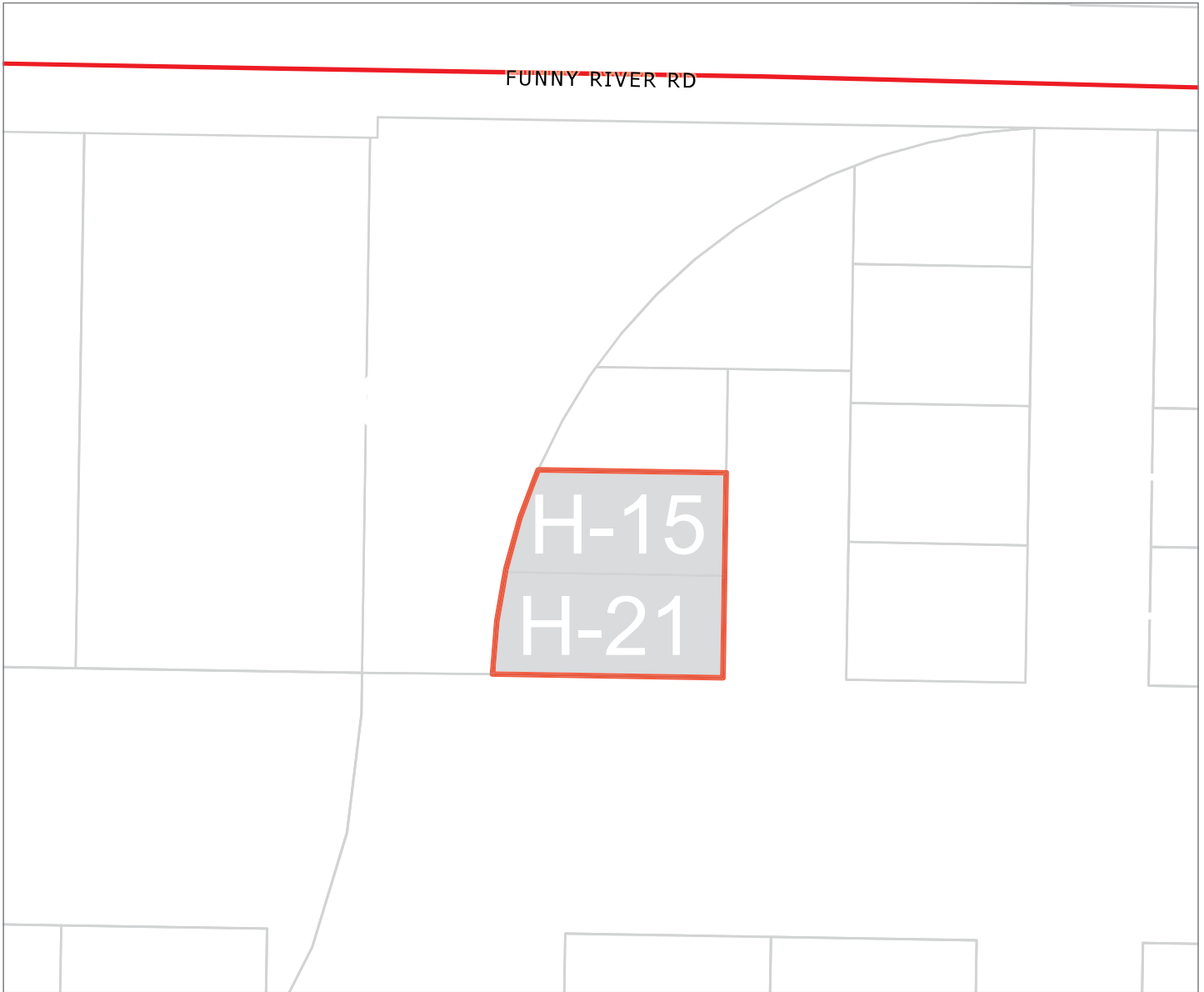
Planners: I am a land owner in Little Jakalof Bay (tract 1 and 2, Jesse Cove Subdivision) When you consider approval of the plat referenced above please be aware that that there may be native middens and other archeological sites along the shoreline of Little Jakalof Bay which should be identified and protected before this land is subdivided and sold. Sincerely, George Rhyneer

E. NEW BUSINESS

- 6. Soldotna Airport Leased Lot 2021 Replat
KPB File 2022-048
Wince-Corthel-Bryson / City of Soldotna
Location: Funny River Road
City of Soldotna**



Vicinity Map

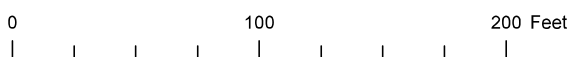


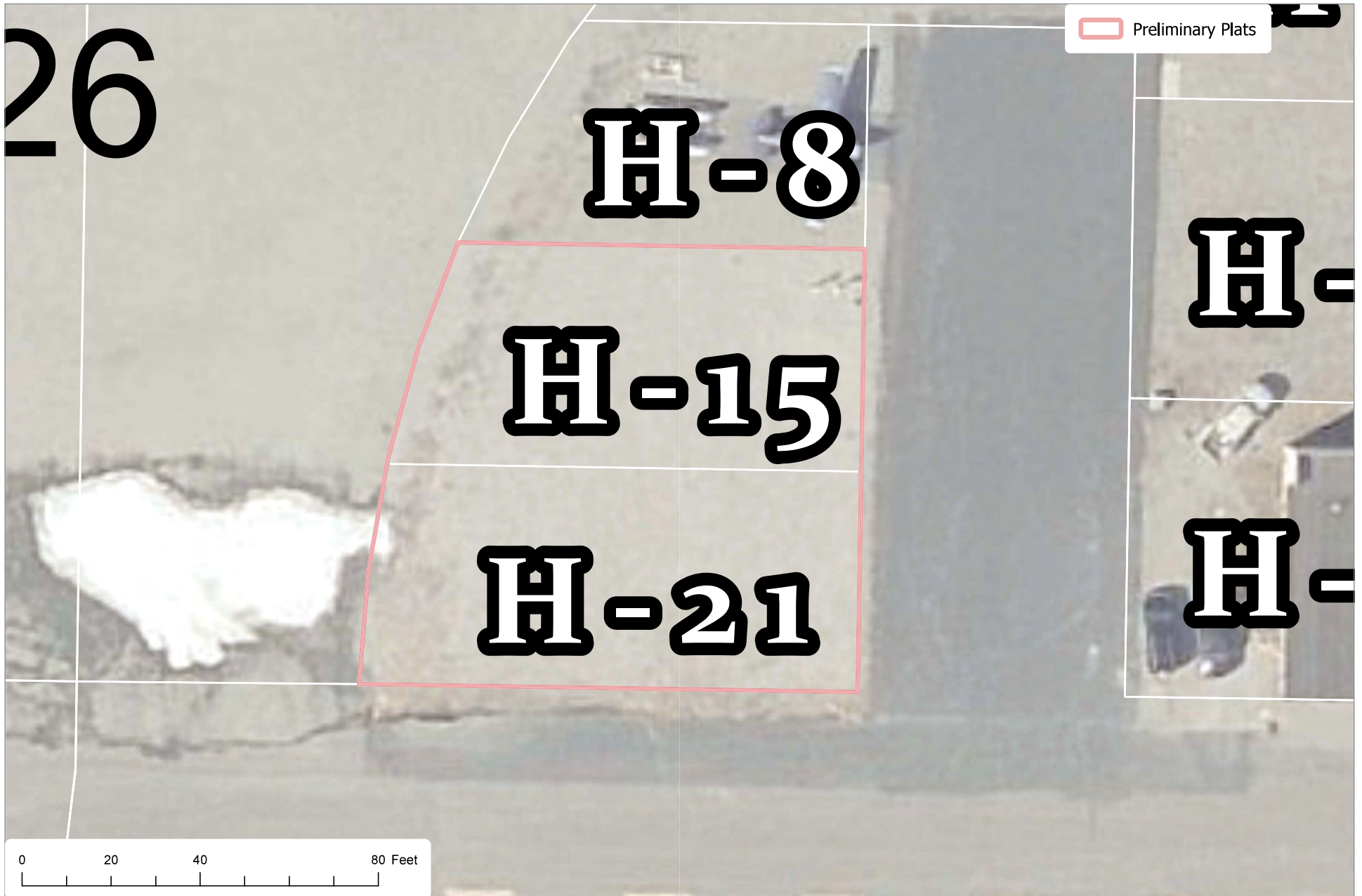
KPB File # 2022-048

S33-T05N-R10W

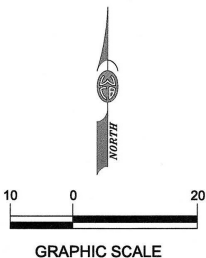
Soldotna

4/7/2022





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.



I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE CITY OF SOLDOTNA IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF THE CITY OF SOLDOTNA, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHT-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

STEPHANIE QUEEN, CITY MANAGER
CITY OF SOLDOTNA
177 N. BIRCH ST.
SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

____ DAY OF _____ 2021

MY COMMISSION EXPIRES:

NOTARY PUBLIC FOR THE STATE OF ALASKA

PLAT APPROVAL

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

AUTHORIZED OFFICIAL

CURVE NO.	DELTA	RADIUS	TANGENT	ARC
①	21°24'16"	275.00'	51.97'	102.73'

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. THIS PARCEL IS SERVED BY CITY OF SOLDOTNA WATER.
2. ON-SITE DOMESTIC WASTEWATER DISPOSAL IS NOT PERMITTED ON THIS PARCEL...
3. 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. THIS PLAT WAS PREPARED FROM DATA OF RECORD (KN87-88). NO ADDITIONAL FIELD SURVEY WAS PERFORMED THIS DATE.
5. THIS PLAT IS SUBJECT TO CITY OF SOLDOTNA ZONING CODE.
6. THE CITY OF SOLDOTNA ENFORCES AND REGULATES THE TAXILANES.
7. ALL BEARING AND DISTANCES ARE OF RECORD FROM SOLDOTNA AIRPORT LEASE LOT SUBDIVISION, KN 87-8E.



DATE:

SOLDOTNA AIRPORT LEASE LOT 2021 REPLAT
A REPLAT OF LOTS H-15 & H-21
SOLDOTNA AIRPORT LEASE LOT SUBDIVISION
(KN 87-88)

CITY OF SOLDOTNA, OWNER
177 N. BIRCH ST. SOLDOTNA, AK. 99669

LOCATION:
0.24 AC. M/L SITUATED IN THE SE 1/4 OF SECTION 33,
TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD
MERIDIAN, KENAI PENINSULA BOROUGH, AND THE
KENAI RECORDING DISTRICT, ALASKA.,

ENGINEERING CONSULTANTS OF ALASKA
dba WINCE-CORTHELL-BRYSON
CONSULTING ENGINEERS
BOX 1041 KENAI, ALASKA
PHONE #: (907) 283-4672
LICENSE #: AECC941

KPB File No.

Project No. 2021.022

Scale: 1"=20'

Date: 3/23/22

Drawn by: V.C.

KPB 2022-048

AGENDA ITEM E. NEW BUSINESS

ITEM 6 - SOLDOTNA AIRPORT LEASE LOT 2021 REPLAT

KPB File No.	2022-048
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	City of Soldotna of Soldotna, AK
Surveyor:	Max Best / Wince-Corthell-Bryson
General Location:	Soldotna Airport Property, Funny River Road, City of Soldotna

Parent Parcel No.:	060-341-44 & 060-341-45
Legal Description:	Lots H-15 and H-21 Soldotna Airport Lease Lot Subdivision Plat No. KN 87-88
Assessing Use:	Leased Vacant Land
Zoning:	Industrial District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots into one lot.

Location and Legal Access (existing and proposed): The lots proposed to be combined are lease lots within the Soldotna Municipal Airport. The Airport is along Funny River Road starting at mile 1. The lots within the airport property are accessed by Funny River Road through select access points onto the property. Travel ways are constructed on the airport property that provides access to lease lots such as the ones within this subdivision. A 60 foot wide portion of Tract C4 provides access along the eastern boundary of the proposed lot.

The legal access for this subdivision is via Tract C4. Tract C4 provides a connection to state maintained Funny River Road and to the Soldotna Municipal Airport. The access to the airstrip and to Funny River Road are controlled by the Soldotna Municipal Airport. Due to the provided access and the importance of controlling access on the airport property, staff feels the requirements for KPB 20.30.050 – Legal access, has been satisfied. **Staff recommends the plat committee concur that the proposed subdivision has adequate legal access.**

The block is not compliant. The Soldotna Municipal Airport has Funny River Road along the northern and eastern boundary. The Kenai National Wildlife Refuge is along the southern boundary of the airport. Section line easements are located along the western boundary. **Staff recommends the plat committee concur that an exception to block length is not required as this plat will not be able to improve the block length.**

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Funny River Road is shown on Soldotna Airport Property Funny River Realignment Addn., Part Two (Plat 2013-23 KRD) and appears to be shown correctly.

Site Investigation: There are no low wet areas located on the subject property. The area is flat with no steep slopes present.

The property is fronting along a portion of Tract C4 that is used as a taxiway. The property is currently vacant. Per the City of Soldotna staff report, the replat is consistent with the Soldotna Airport Master Plan and is consistent with hangar development.

KPB River Center review	A. Floodplain
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	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 Soldotna Airport Property Plat, KN 87-74, created Tract C that contains the Soldotna Municipal Airport. That plat was a redesign from the original Airport Property Plan recorded as K-1390 that was created in 1963. A note on Plat KN 87-74 stated the rights-of-way shown on K-1390 were vacated on July 7, 1986. Soldotna Airport Lease Lot Subdivision, Plat KN 87-88, created several small lots to be used as lease lots. Numerous replats have occurred during the years to allow changes to the evolving needs of the Airport. Tract C4, which provides the access to the proposed subdivision, was last part of Soldotna Airport Property Lease Lot Subdivision No. 6 Phase One, Plat KN 2015-41.

The replat will be combining Lot H-15 and Lot H-21 into one lot that will be .24 acres in size (10,454 square feet). The lots are currently vacant. The lots do not currently front along a fee simple right-of-way and exceptions have been requested.

A soils report will not be required as this platting action is increasing the useable area and city water and wastewater are available. Plat note one states the parcel is served by City of Soldotna water. Plat note 2 states that no on-site wastewater disposal is permitted. The City of Soldotna staff report and resolution state that municipal water and sewer services are available to the properties. Per Soldotna Airport Lease Lot Subdivision, Plat KN 87-88, on-site sewage disposal is not permitted on the lots within this preliminary plat. **Staff recommends** adding "sewer" to the end of plat note 1 as the services are available but connection will be determined by the City of Soldotna.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The City of Soldotna Airport Commission reviewed the preliminary plat at their September 16, 2021 meeting. They recommend approval by a vote of 3 yes and 1 abstention.

The City of Soldotna Planning and Zoning Commission reviewed the preliminary plat at their November 3, 2021 meeting. They adopted Resolution PZ 2021-007 by unanimous vote that recommends approval with no conditions listed.

Utility Easements A 10 foot utility easement was granted by Soldotna Airport Lease Lot Subdivision, Plat KN 87-88. The easement is located along the western boundary of the preliminary plat and is labeled and depicted. **Staff recommends** the label included "granted by KN 87-88".

The certificate to plat notes an easement was granted to Homer Electric Association, Inc. by recorded documents. The document depicts and describes the location of the easement as the north 25 feet of the east 10 feet of Lot H-15. **Staff recommends** the easement be depicted and labeled including the recording information or a reference to plat note with the document information.

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

Utility provider review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 507 FUNNY RIVER RD</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: The city of Soldotna will advise on affected address.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Staff would like to note that there are currently overstrikes on symbols located on the plat. Please correct for the final.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

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

Staff recommendation: *Include in the location "City of Soldotna". Verify the scale.*

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: *Section 29 and 22 labels are cutoff. Provide a boundary and label for the Kenai National Wildlife Refuge.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: *The depictions of adjacent lands does not extend to 100 feet. The labels for the lots to the east of Tract C4 need to be added. The width of the lot to the north is less than 100 feet, increase the depiction and label the lot to the north. To the west the depiction should be extended slightly to allow the depiction of the Soldotna City Limits.*

KPB 20.30 – Subdivision Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.
Staff recommendation: *An exception has been requested. The request lists this code reference but states "lots fronting on a dedicated right-of-way". Staff recommends the plat committee concur an exception is not required as this plat cannot improve the street-layout requirements and the request will be reviewed for KPB Code 20.30.210.*

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

Staff recommendation: *The City of Soldotna does not meet the specified requirements for the application and consideration of different standards.*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: The combining of lots to make a larger lot will not require a soils report. Per the City of Soldotna resolution, water and sewer services are available. Plat notes limit the ability to install on-site wastewater disposal systems.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: *The City of Soldotna Planning Resolution states an installation document is not required.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: *Plat note 2 has two periods at the end. Add "sewer" to the end of plat note 1. Add a reference to KPB Code 20.60.200(A) in plat note 4.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *There is a typo within the Certificate of Ownership. Please update "Consent". Update the year for the notary's acknowledgement or leave the year blank. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *Two GLO/BLM monuments should be depicted and a tie to the boundary of this subdivision provided. If any of the information is computed, note as such. Provide a basis of bearing. Comply with 20.60.200*

EXCEPTIONS REQUESTED:

KPB 20.30.210 – Lots-Access to street

Surveyor's Discussion: I am requesting an exception to KPB platting code 20.30.030, lots fronting on a dedicated right-of-way.

Staff Discussion: The exception request lists a different section of code but describes 20.30.210. KPB Code, 20.30.210, states that each lot shall abut on a fee simple dedicated street except as provided by KPB 20.30.030(B). KPB 20.30.030(B), refers to agricultural lands.

These are lots that were created to be lease lots to provide locations for hangers and airplane storage. The lots have a controlled access to Funny River Road and the airstrip.

Surveyor's Findings:

1. The subdivision is within the City of Soldotna.
2. The lot is being created as hanger lot within the Soldotna Airport management area.
3. The subdivision is consistent with the 2017 Soldotna Airport Master plan.
4. Development in the subdivision must adhere to the requirements of the zoning district.
5. Access will be through taxiways via the main public gate on Funny River Road.
6. The KPB Plat Committee approved an exception to KPB code for a similar airport subdivision, KN 20003-80 that created small interior lease lots with access from the taxiways on September 8, 2003.
7. The subdivision is designed to allow for limited controlled access to the hangars, thereby increasing security for the airplanes using the hangars.
8. The plat was approved by the City of Soldotna Airport Commission on September 16, 2021.
9. The plat was approved by the City of Soldotna Planning and Zoning Commission on November 3, 2021.

Denial of the exception will result in the proposed plat not being able to be finalized.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-9 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-9 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECOMMENDATION:**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

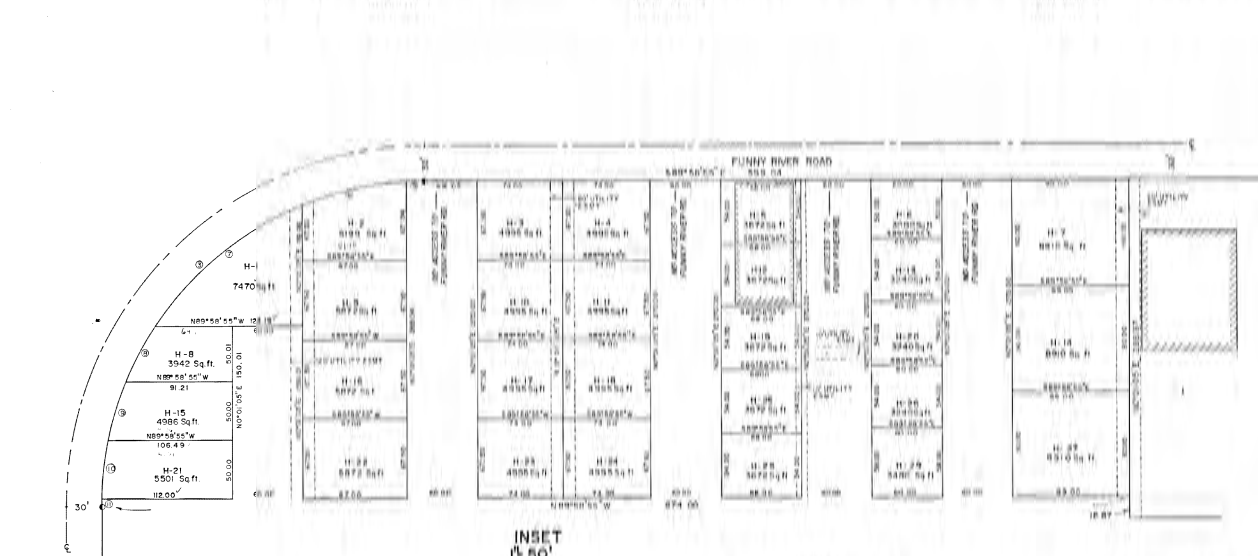
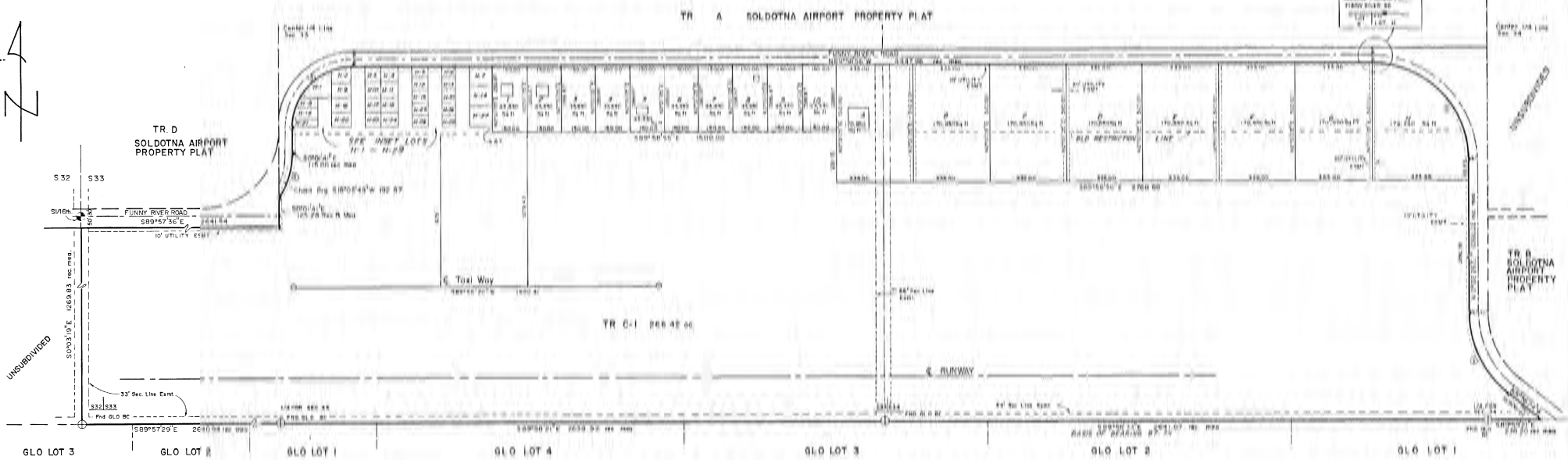
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



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.

4
Z



LEGEND

(1) OLD BRASS EAT MONUMENT
 (2) PRO ALLEG MON STAKES
 (3) PRO 11/2" ALLEG OR MARK
 (4) SET 1/2" ALLEG OR 1/2" 1/2" BRASS

CURVE DATA

STATION	RADIUS	CHORD	ARC
1 5250.00'	440.00'	214.67'	509.84'
2 5050.00'	440.00'	214.67'	509.84'
3 5050.00'	440.00'	214.67'	509.84'
4 5050.00'	440.00'	214.67'	509.84'
5 5050.00'	440.00'	214.67'	509.84'
6 5050.00'	440.00'	214.67'	509.84'
7 5050.00'	440.00'	214.67'	509.84'
8 5050.00'	440.00'	214.67'	509.84'
9 5050.00'	440.00'	214.67'	509.84'
10 5050.00'	440.00'	214.67'	509.84'
11 5050.00'	440.00'	214.67'	509.84'

1. Letter of approval by Alaska Dept. of Environmental Conservation for this subdivision has been received in accordance with AS 10A.60 and a copy is attached to this plat recording.
2. City water is located to the north of this plat.
3. No other known easements or rights exist on this plat.
4. All lots are shown as being within the boundaries of the City of Soldotna.
5. No other known easements or rights exist on this plat.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE SELLER'S ATTORNEY, A PROFESSIONAL PLANNING COMMISSION AT THE MEETING OF 6.9.87.

[Signature]
 AUTHORIZED ATTORNEY GENERAL RECORDING DISTRICT

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR HEREBY CERTIFY THAT A LAND SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY CLOSE SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.

[Signature]
 DATE 6-15-87

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY AGREE TO THIS PLAT FOR SUBDIVISION OF THE LAND AND ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND ALL PAYMENTS TO THE USED SURVEY.

[Signature]
 DOLLY M. TADGOWITZ, MAYOR
 CITY OF SOLDOTNA
 501 DOTNA AV.
 SOLDOTNA, ALASKA 99585

NOTARY'S ACKNOWLEDGEMENT

NOTARY PUBLIC, STATE OF ALASKA
 My commission expires 12-31-87

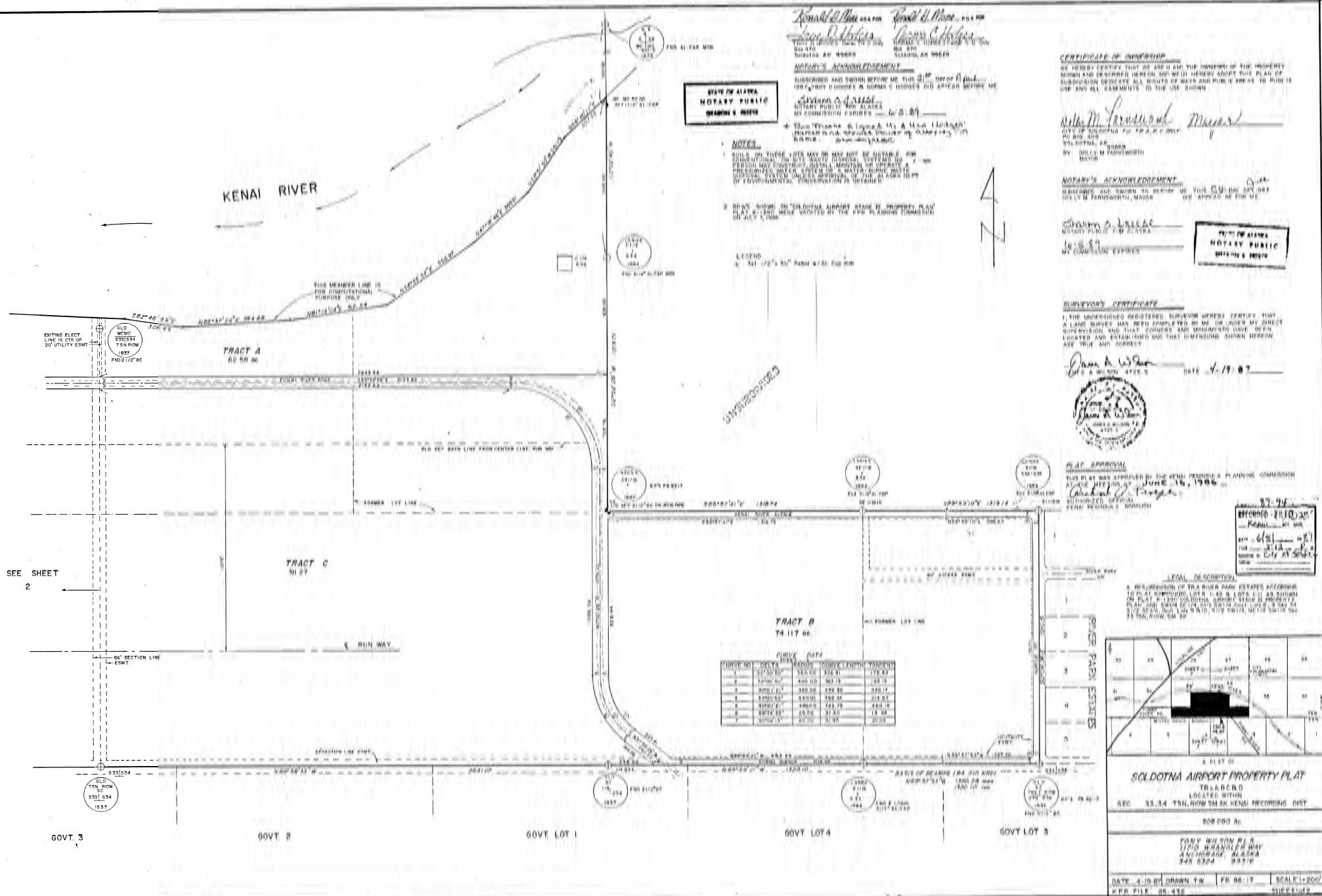
STATE OF ALASKA
NOTARY PUBLIC
EMILY A. PETER

SOLDOTNA AIRPORT LEASE LOT SUBDIVISION
 A SUBDIVISION OF
 TR C SOLDOTNA AIRPORT PROPERTY PLAT
 Sec 35 S 34 T5N, ROW 50 AC, KENAI RECORDING DIST.

BY: A.C.
 TONY WILSON R.S.
 1720 WHANGLER HWY
 ANCHORAGE, ALASKA 99501

DATE: 6-15-87 DRAWN BY: FR. 607.864 SCALE: 1"=200'
 P.B. FILE: 67-107

28-1817



CITY OF SOLDOTNA

AIRPORT COMMISSION MINUTES

SEPTEMBER 16, 2021 5:30 P.M.

CITY COUNCIL CHAMBER, SOLDOTNA, ALASKA

REGULAR MEETING

JAMES STENGA, CHAIR
NANCY EOFF, COMMISSIONER

ALEXANDER BIAS, VICE CHAIR
KYLE KORNELIS, AIRPORT MANAGER

CHARLENE TAUTFEST, COMMISSIONER
KURT OLSON, COMMISSIONER

CALL TO ORDER

The September 16, 2021 Regular Meeting of the Soldotna Airport Commission was called to order at 5:30 p.m. by James Stenga, Chair

There were present:

Nancy Eoff

James Stenga

Charlene Tautfest

Kurt Olson

Comprising a quorum of the Commission.

Absent:

Alexander Bias

Also in attendance:

Kyle Kornelis, Airport Manager

APPROVAL OF AGENDA

The agenda was approved without objection.

APPROVAL OF MINUTES

The June 17, 2021 minutes were approved without objection.

ACTION ITEMS

- A. Recommending that the Planning Commissions of the City of Soldotna and the Kenai Peninsula Borough approve the combination of the lease lots H-15 and H-21 into one lease lot.**

MOTION: Commissioner Eoff moved to recommend that the Planning Commissions of the City of Soldotna and the Kenai Peninsula Borough approve the combination of the lease lots H-15 and H-21 into one lease lot.

VOTE ON MOTION:

Yes: Olsen, Eoff, Tautfest

No: None

Absent: Bias

Abstain: Stenga

MOTION TO RECOMMEND PASSED: 3 Yes, 0 No, 1 Absent, 1 Abstention

REPORTS

1. Kornelis provided a status report on the runway project. Electrical work continues to be the big push to completion. He noted that the gravel strip improvements, upgraded to accommodate extra traffic during the runway closure, were well received by pilots.
2. Kornelis reported the City received a request to construct a fabric covered hangar on a lease lot. Kornelis noted that the engineered drawings are in the plan review phase to confirm code compliance.

3. Kornelis reported two aircraft incidents, both non-injury. One incident caused damage to airport property and Kornelis is working with the aircraft owner's insurance to pay for repairs.
4. Kornelis provided an update on leases, sub-leases, and transfers.
5. Kornelis informed the commission that the Airport is eligible for \$32,000 through the American Rescue Plan Act 2021. The FAA will distribute funds under the new Airport Rescue Grant Program. Kornelis applied for the grant in July and the grant is expected to be approved in October. Funding eligibility is broad and the City will apply it to operations.
6. Kornelis provided an update on delinquent accounts. There are currently five aircraft on the airport that have unpaid dues. Kornelis is working on a policy to address late/nonpayment of fees. The City Attorney has researched state and federal code to assist with policy making.

COMMISSIONER COMMENTS

Commissioner Eoff noted that a nice job was done on construction this summer.

Commissioner Stenga stated that the gravel strip turned out great.

ADJOURNMENT

There being no other business to come before the Commission, Chairperson Stenga adjourned the September 16, 2021, Soldotna Airport Commission Meeting at 6:35 p.m. The next regular meeting is scheduled for December 16, 2021 at 5:30p.m.

APPROVED BY THE COMMISSION ON: _____

ATTEST:

Kyle Kornelis, Public Works Director, Airport Manager



177 North Birch Street
Soldotna, AK 99669
Phone: 907.262.9107
Fax: 907.262.1245
planning@soldotna.org
www.soldotna.org

TO: Planning and Zoning Commission
THROUGH: John Czarnecki, Director of Economic Development & Planning
FROM: Jennifer Hester, Associate Planner
DATE: Wednesday, October 27, 2021
SUBJ: Resolution PZ 2020-007; A Resolution of the Planning and Zoning Commission
Recommending Approval of the Preliminary Plat for the Soldotna Airport Lease
Lot 2021 Replat.

GENERAL INFORMATION

Applicants: City of Soldotna (Owner) Wince-Corthel-Bryson
177 N. Birch Street P.O. Box 1041
Soldotna, Alaska 99669 Kenai, AK 99611
907-283-4672

Legal descriptions: T 5N R 10W SEC 33 Seward Meridian KN 0870088 Soldotna
Airport Lease Lot Sub Lot H-15
T 5N R 10W SEC 33 Seward Meridian KN 0870088 Soldotna
Airport Lease Lot Sub Lot H-21

Parcel IDs: 060-341-44 (Lot H-15)
060-341-45 (Lot H-21)

Location: Soldotna Municipal Airport

Size of Existing Lots: Lot H-15 (4,792 ft²; .11 acres)
Lot H-21 (5,663 ft²; .13 acres)

Size of Proposed Lot: Lot H-15A (10.454 ft²; .24 acres)

Zoning: Industrial

Existing Land Use: Aircraft Storage and Parking

**Surrounding Land Use
and (Zoning):**

North:	Industrial	Aircraft Storage and Parking
South:	Industrial	Airport Runway
East:	Industrial	Aircraft Hangar
West:	Industrial	Airport Road

Kenai River Overlay District (KROD):	The proposed subdivision is not subject to the Kenai River Overlay District requirements.
Utilities:	Municipal water and sewer are available.

BACKGROUND INFORMATION

The preliminary plat for Soldotna Airport Lease Lot 2021 Replat intends to combine two lots into one lot. The lots are currently used as aircraft tiedowns. A single lot would simplify the lease arrangement and provide greater flexibility on the site, with the intention to build an aircraft hangar. Both of the lots are owned by the City of Soldotna, and both lots are under a lease agreement with a private party. The intended use and purpose of the subdivision is to construct a hangar.

The replat is located at the Soldotna Airport between Funny River Road and the tarmac. Legal access is off Funny River Road via taxiway lanes.

The City of Soldotna Airport Commission reviewed and recommended approval of the replat at their September 16, 2021 meeting. A copy of the Airport Commission unapproved minutes are attached.

ANALYSIS

The preliminary plat for lots H-15 and H-21 of the Soldotna Airport Lease Lot Subdivision was submitted by the City of Soldotna. The subdivision is located at the northwestern corner of the lease lots at the Soldotna Airport and is located within the Industrial Zoning District. Water and sewer utilities are provided by the City of Soldotna. The property is accessed by taxiway lanes via Soldotna Airport's main entrance, the public gate off of Funny River Road.

The proposed subdivision is consistent with the 2017 Soldotna Airport Master Plan. Section 1.2.5 recommends that the airport will "provide up to 115 hangar spaces (T-hangars, shelters. Executive or conventional hangars) by 2035." Chapter 8.5.2 states, "at present there is an excess of year round aircraft tiedowns." Additionally, the plan recommends, "that hangars be consolidated in a few general areas on the Airport in the long term. One is the present area north of the central apron.... Additional hangar space (T-hangars, shelters, executive or conventional) could also be developed within individual lease lot areas." The proposed lot combination is adjacent to the current hangar facilities and will be consistent with hangar development and the Airport Master Plan.

An exception to the Kenai Peninsula Borough (KPB) platting code 20.30.030 will be required as the preliminary plat does not front on a dedicated right-of-way and no additional right-of-way is proposed for dedication. The following findings of fact are provided in support of the request for an exception:

1. The subdivision is within the City of Soldotna.
2. The lot is being created as a hangar lot within the Soldotna Airport management area zoned Industrial.
3. The subdivision is consistent with the 2017 Soldotna Airport Master Plan.
4. Development in the subdivision must adhere to the requirements of the zoning district.

5. Access will be through taxiways via the main public gate on Funny River Road.
6. The KPB Plat Committee approved an exception to KPB code for a similar airport subdivision, KN 2003-80 that created small interior lease lots with access from taxiway ways on September 8, 2003.
7. The subdivision is designed to allow for limited controlled access to the hangars, thereby increasing security for the airplanes using the hangars.

STAFF COMMENTS

This plat is a simple combination of two lots into one. The combination will facilitate the lease's desire to continue development at the site with an intention to construct a hangar.

The city owns all land within 300 ft. with the exception of the land where the Gilman Kenai River Center is located, which is owned by the KPB. One public notice was mailed to the KPB. The staff report was circulated internally.

STAFF RECOMMENDATION

The preliminary plat for Soldotna Airport Lease Lot 2021 Replat meets the standards of the Soldotna Municipal code. Resolution PZ 2020-007 has been provided for your use.

Attachments:

- A. Location Map
- B. Parent Plat, Soldotna Airport Lease Lot 2021 Replat
- C. Airport Commission Minutes of September 16, 2021

CITY OF SOLDOTNA

PLANNING & ZONING COMMISSION MINUTES

NOVEMBER 3, 2021, 5:30 P.M.

CITY COUNCIL CHAMBERS, SOLDOTNA, ALASKA

REGULAR MEETING

CALL TO ORDER & PLEDGE OF ALLEGIANCE

A Regular Meeting of the Soldotna Planning and Zoning Commission was held on November 3, 2021. Vice Chair Tautfest called the meeting to order at 5:30 p.m.

There were present:

Kaitlin Vadla, Chair

Jenny Smithwick-Aley

Thomas Anderson

David Blossom

Charlene Tautfest

Comprising a quorum of the Commission.

There were absent:

Mark Burton

Also in attendance were:

Lisa Parker, City Council Ex-Officio

John Czarnecki, Director of Economic Development and Planning Department

Jennifer Hester, Associate Planner

APPROVAL OF THE AGENDA

The agenda was approved without objection.

APPROVAL OF THE MINUTES

The August 4, 2021 meeting minutes were approved without objection.

NEW BUSINESS

Resolution PZ 2021-007 – Recommending Approval of the Preliminary Plat for the Soldotna Airport Lease Lot 2021 Replat

MOTION: Commission Member Smithwick-Aley moved to approve Resolution PZ 2021-007.

Associate Planner Hester summarized the written staff report.

Vice Chair Tautfest asked for public comment.

The following person spoke in support of Resolution PZ 2021-007:

Max Best, Kenai made himself available for questions as the surveyor representing Wince Corthel Bryson.

With no one else wishing to speak, the item was back before the Commission.

Chair Vadla supports the expansion of the airport and more hangars.

VOTE ON MOTION:

Yes: Anderson, Blossom, Tautfest, Smithwick-Aley, Vadla

No: None

Absent: Burton

MOTION PASSED: 5 Yes, 0 No, 1 Absent

TO: SOLDOTNA AIRPORT COMMISSION
FROM: KYLE KORNELIS, P.E., AIRPORT MANAGER
DATE: 9/9/21
SUBJECT: RECOMMENDING THAT THE PLANNING COMMISSIONS OF THE CITY OF SOLDOTNA AND KENAI PENINSULA BOROUGH APPROVE THE COMBINATION OF LEASE LOTS H-15 AND H-21 INTO ONE LEASE LOT.

Soldotna Municipal Airport lease lots H-15 and H-21 are currently under lease by private party. The lessee has requested approval to combine both lots to facilitate construction of an aircraft hangar.

The preliminary plat submittal is attached.

The construction of aircraft hangars is an identified priority in the 2017 master plan. All surveying and platting fees will be the responsibility of the lessee. Airport revenues will remain unchanged, regardless if the project moves forward or not, until the lease is terminated. Both leases are scheduled to be renewed in July 2025. If the lessee does not renew, the larger lease lot may be attractive for development by others, and would provide additional variety of available size lots.

We respectfully request the following motion:

Motion to recommend that the Planning Commissions of the City of Soldotna and Kenai Peninsula Borough approve the combination of Lease Lots H-15 and H-21 into one lease lot."

WINCE-CORTHELL-BRYSON
Box 1041
Kenai, AK 99611
(907) 283-4672

August 17, 2021

RE: Soldotna Airport Lease Lot Plat Submittal

TO: City of Soldotna Planning and Zoning Commission

Attached is a preliminary plat submittal for Lots H-15 and H-21 of the Soldotna Airport Lease Lot Subdivision, KN-87-88, T5N, R10W, Section 33, Seward Meridian, Kenai Peninsula Borough, City of Soldotna, Alaska. The applicant is the City of Soldotna. The Kenai Peninsula Borough (KPB) parcel numbers are, 06034145 (Lot H-21; 5,5501 sq.ft.) and 06034144 (Lot H-15; 4,986 sq.ft.). The subdivision is located at the Soldotna Airport. The property does not contain land in the Kenai River Overlay District. Water and sewer utilities are provided by the City of Soldotna. Power, gas, and phone are available. The property is accessed by taxiway lanes via the main public entrance of the Soldotna Airport on Funny River Road. Zoning of the lots and the surrounding lots is Industrial.

The intended use and purpose of the subdivision is to combine two lots into one and construct a hangar. Both lots are owned by the City of Soldotna and are under a lease agreement with a private party. The proposed subdivision is consistent with the 2017 Soldotna Airport Master Plan. There is currently an excess of open tiedowns available for lease and the plan anticipates additional t-hangar, shelters, and executive or conventional hangars to be built. The proposed subdivision is adjacent to the current hangar facilities and will be consistent with development of a hangar.

The lots are clear of vegetation with a level gravel surface and contain no areas subject to inundation. The west 10' of the lot boundary is a utility easement.

An exception to the KPB platting code 20.30.030 will be required. The lots do not front on a dedicated right-of-way. Based on the following findings of fact we are requesting an exception.

1. The subdivision is within the City of Soldotna.
2. The lot is being created as a hangar lot within the Soldotna Airport management area zoned Industrial.
3. The subdivision is consistent with the 2017 Soldotna Airport Master Plan.
4. Development in the subdivision must adhere to the requirements of the zoning district.
5. Access will be through taxiways via the main public gate on Funny River Road.
6. The KPB Plat Committee approved an exception to KPB code for a similar airport subdivision, KN 2003-80 that created small interior lease lots with access from taxiway ways on September 8, 2003.
7. The subdivision is designed to allow for limited controlled access to the hangars, thereby increasing security for the airplanes using the hangars.

In accordance with KBP 20.60.200 the plat was prepared from data of record (KN 87-88) and no field survey will be performed.

Date:
Action:
Vote:

November 3, 2021
Approved
5 Yes, 0 No

CITY OF SOLDOTNA
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2021-007

A RESOLUTION RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT
FOR THE SOLDOTNA AIRPORT LEASE LOT 2021 REPLAT

WHEREAS, The Soldotna Airport Lease Lot 2021 Replat preliminary plat was referred to the City of Soldotna Planning and Zoning Commission, and received on October 14, 2021; and

WHEREAS, The petitioner is the City of Soldotna; and

WHEREAS, the plat will require an exception from the Kenai Peninsula Borough's platting code 20.30.030 because the proposed lots are not adjacent to a platted right-of-way and no dedication is proposed; and

WHEREAS, The City of Soldotna Planning and Zoning Commission find:

1. The plat reconfigures two lots into one lot;
2. The preliminary plat combines Lot H-15 (.11 acres) and Lot H-21 (.13 acres);
3. Neither lot contains a principle structure;
4. The properties are zoned Industrial;
5. The surrounding zoning is Industrial;
6. Municipal water and sewer services are available to the properties from Funny River Road;
7. Access will be through taxiways via the main public gate on Funny River Road;
8. The subdivision is designed to allow for limited controlled access to the hangars, thereby increasing security for the airplanes using the hangars;
9. The plat does not subdivide property within a public improvement district subject to special assessments. There is not a delinquency amount owed to the City of Soldotna for the referenced property;
10. Installation agreement or construction of improvements are not required;
11. Utility easements, if required, shall be shown on the final plat;
12. Plat shall verify that no encroachments exist;
13. Street names designated on the plat are correct;
14. The Airport Commission reviewed and recommended approval of the preliminary plat on September 16, 2021;
15. The subdivision is consistent with the 2017 Soldotna Airport Master Plan;
16. The plat meets all other general standards of the Municipal Code;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF
THE CITY OF SOLDOTNA, ALASKA:

Section 1. The Commission recommends the Kenai Peninsula Borough Planning Commission approve the preliminary plat for the Soldotna Airport Lease Lot 2021 Replat subject to the findings as stated above.


Section 2. This resolution becomes effective immediately.

Section 3. A copy of this resolution shall be forwarded to the Kenai Peninsula Borough Planning Department for their consideration.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 3RD DAY OF NOVEMBER, 2021.


Kaitlin Vadla, Chair

ATTEST:


Jennifer Hester, Associate Planner

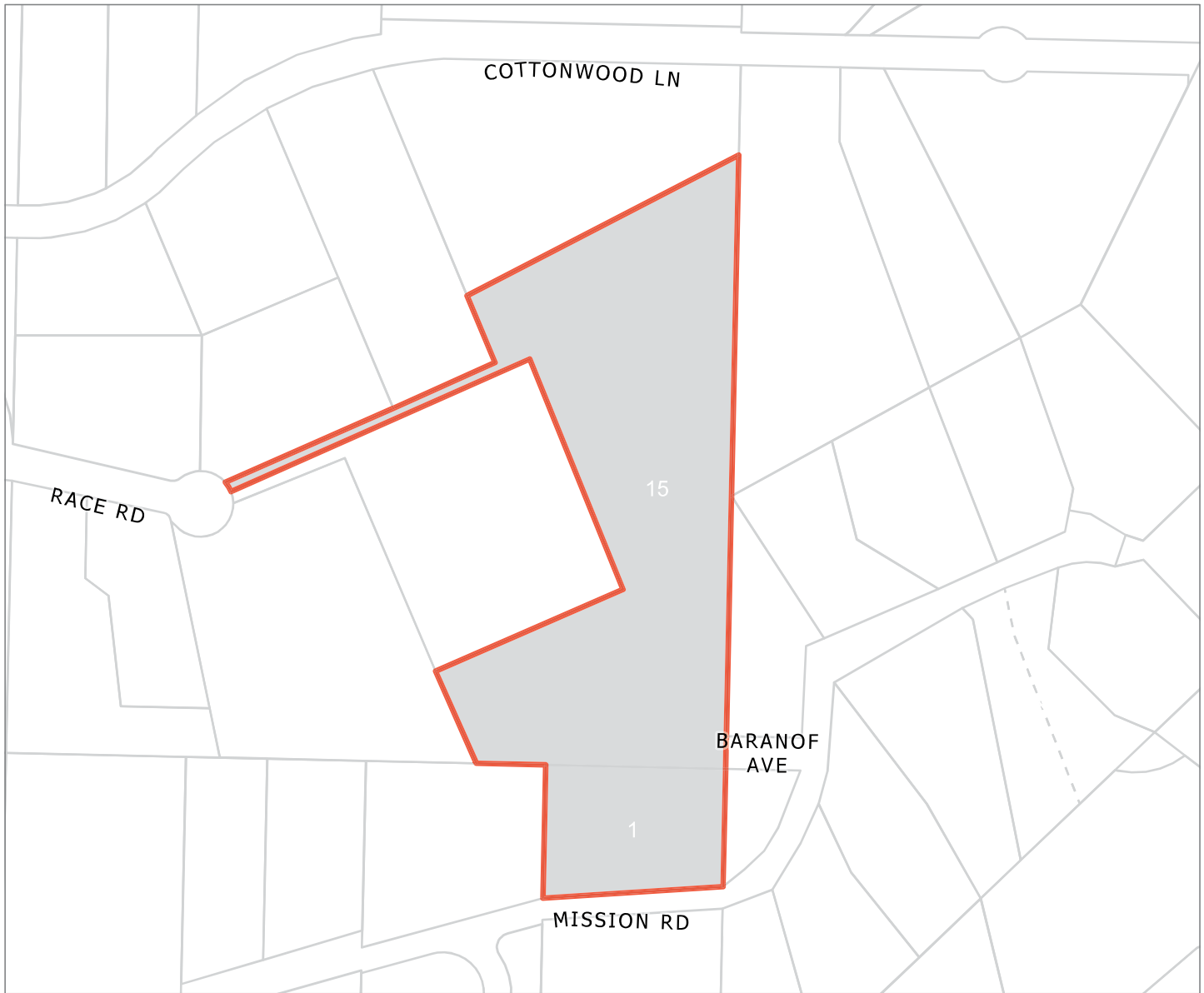
Yes: Anderson, Blossom, Tautfest, Smithwick-Aley, Vadla
No: None
Absent: Blossom

E. NEW BUSINESS

- 7. Lloyd Race & Eker Estates Lufan 2022 Replat
KPB File 2022-045
Seabright Surveying / Lujan
Location: Mission Road, Baranof Avenue & Race Road
City of Homer**



Vicinity Map

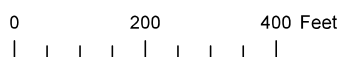


KPB File # 2022-045

S09-T06S-R13W

Homer

4/6/2022





NOTES

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. THESE LOTS ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
4. PROPERTY OWNER(S) SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
5. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT(S).
6. THERE ARE POSSIBLE LIMITATIONS ON FURTHER SUBDIVISION BASED ON ACCESS ISSUES, DEVELOPMENT TRENDS IN THE AREA, OR TOPOGRAPHY.
7. THERE IS A 20' WIDE RIGHT OF WAY ACCESS EASEMENT FOR INGRESS AND EGRESS TO LOT 30 (HM 99-43) THAT AFFECTS THIS SUBDIVISION, RECORDED BK 226 PG 672 HRD.
8. THERE IS AN EASEMENT GRANTED TO ESTAN NATURAL GAS COMPANY THAT AFFECTS THIS SUBDIVISION, RECORDED BY DOCUMENT SERIAL NO. 2014-00050-0 HRD.

GPS CONTROL DATA

1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS OBSERVATIONS TAKEN ON THE MONUMENT POSITIONS AS SHOWN ON THIS PLAN. NAD83 ALASKA STATE PLANE GRID (ZONE 4) COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR USC&S TRISATION "NOMAD".
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING USC&S TRISATION "NOMAD" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS $-117^{\circ}13.4'$. TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986694.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON USC&S TRISATION "NOMAD" $N=100,000$ $E=100,000$. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

WASTEWATER DISPOSAL

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

PLAT APPROVAL

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

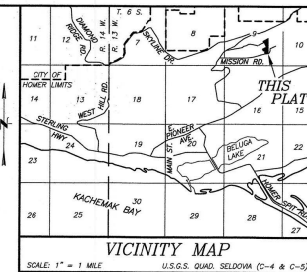
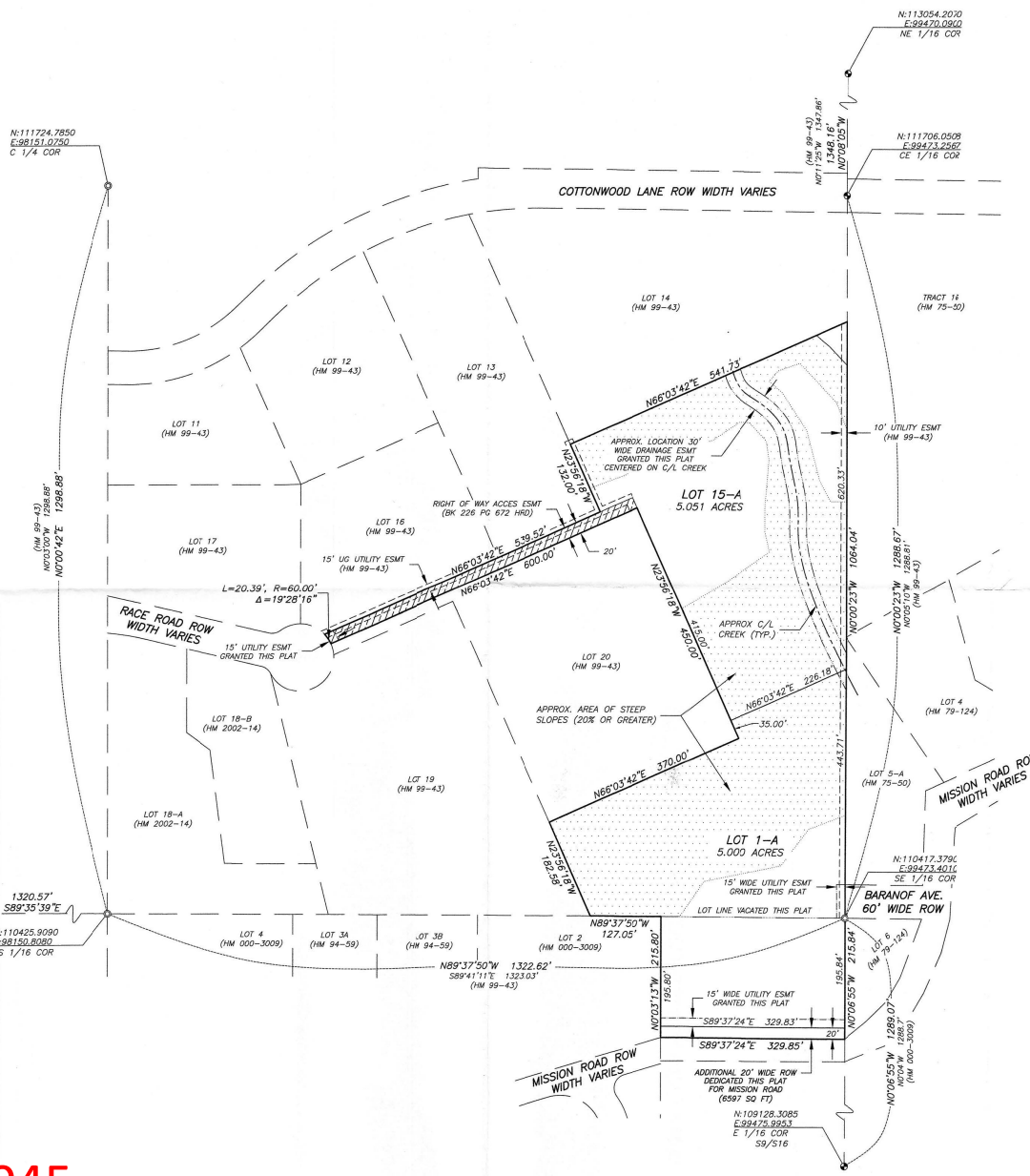
BY: _____ AUTHORIZED OFFICIAL _____ DATE _____
KENAI PENINSULA BOROUGH



LEGEND

- 2.5" AC 301-S 1990
- 2.5" AC 301-S 1974
- 3/4" IRON PIPE

KPB 2022-045



CERTIFICATE OF OWNERSHIP

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

RUBEN H LUJAN JR.
8228 E CANDELARIA DR
SCOTTSDALE, AZ 85255

JENNIFER M LUJAN
8228 E CANDELARIA DR
SCOTTSDALE, AZ 85255

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2022
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2022
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____



HOMER RECORDING DISTRICT KPB FILE NO. 2022-045

LLOYD RACE & EKER ESTATES LUJAN 2022 REPLAT

A REPLAT OF LOT 15 EKER ESTATES (HM 99-43) & LOT 1 LLOYD RACE ADDITION (HM 000-3009) LOCATED WITHIN THE W 1/2 SE 1/4, SEC 9, T 6 S, R 13 W, SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 10.202 ACRES

SEABRIGHT SURVEY + DESIGN

KENTON T. BLOOM, P.L.S.
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1091

CLIENTS: RUBEN H LUJAN JR.
JENNIFER M LUJAN
8228 E CANDELARIA DR
SCOTTSDALE, AZ 85255

DRAWN BY: KK CHKD BY: KB JOB #2022-05
DATE: 3/2022 SCALE: 1"=100' SHEET #1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - LLOYD RACE AND EKER ESTATES LUJAN 2022 REPLAT

KPB File No.	2022-045
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Ruben and Jennifer Lujan of Scottsdale, AZ
Surveyor:	Kenton Bloom / Seabright Surveying
General Location:	Mission Road and Race Road, City of Homer

Parent Parcel No.:	174-030-01 and 174-051-15
Legal Description:	Lot 15 Eker Estates Plat No HM 90-43 Lot 1 Lloyd Race Addition Plat No. HM 56-3009
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure two parcels. One lot will be reduced from 8.58 acres to 5.05 acres and the other will increase from 1.64 acres to 5 acres. A 20 foot width will be dedicated to bring the adjacent portion of Mission Road into compliance for right-of-way width.

Location and Legal Access (existing and proposed): The subdivision is located within the City of Homer. The southern access is located off Mission Road, a varying width right-of-way within the City of Homer's jurisdiction that is constructed. An unconstructed access from Mission Road is available for access to the east. It is a 60 foot wide right-of-way that is approximately 136 feet in length. It is named Baranof Avenue and is within the City of Homer's jurisdiction. Race Road provides access from the west. This is a right-of-way with varying widths that is constructed and ends with a cul-de-sac. This is also under the City of Homer's jurisdiction.

Proposed Lot 15-A has a 539 foot panhandle that has access from Race Road. The panhandle is only 20 feet wide. This is not acceptable by current code but the restraints of the area and the varying ownership makes it difficult to improve the panhandle situation. An access easement has been granted along the panhandle for the benefit of Lot 20 that is south of the panhandle.

Proposed Lot 1-A will be having the lot increase in size by moving the northern boundary further north. This will provide a new access to this lot via Baranof Avenue. Along the southern boundary a 20 foot wide portion will be dedicated as right-of-way to increase the width of Mission Road. Lot 1-A will continue to have access from Mission Road.

Currently there does not appear to be any development on either lot. A driveway is constructed within the panhandle to provide access to the improvements within adjacent Lot 20.

Staff reviewed the requirements for KPB 20.30.030(A), providing the continuation or appropriate projection of all streets. There has been no discussion regarding the extension of Baranof Avenue which is currently not constructed. All the lots in the area have access via dedicated rights-of-way or access easements. Steep slopes are present in the western portion of Lot 1-A that could hinder the continuation of Baranof Avenue. Due to terrain and existing structures future continuation will be restricted. The intent of this plat is to increase the acreage of Lot 1. To require a dedication will not allow this to happen and the lot will have to remain as is. The City of Homer did not request any additional right-of-way. For these reasons, **staff recommends the plat committee concur that a dedication for Baranof Avenue is not required at this time.**

The block is not compliant. Mission Road dead ends at a residence east of the proposed plat. Race Road is a right of way that ends with a cul-de-sac. To find a closed block will be well beyond the compliant lengths. **Staff recommends the plat committee concur that an exception is not required as any dedication will not improve the block requirements.**

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

Site Investigation: There are no low wet areas present except for the creek located on the property. The steep slopes are depicted. The creek is found within some of the steep areas. The City of Homer requested drainage easements centered on the creek and the plat is depicting the granting of the easement. **Staff recommends the steep slopes be depicted on the final plat but the depiction will need to stand out more to be visible on black and white copies. The pattern may be changed or the boundary of the steep slopes darkened and labeled.**

The property is currently vacant except for the driveway within the panhandle that is used by Lot 20.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: Located in Zone D non-regulatory 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 comment

Staff Analysis Lloyd Race Addition, Plat HM 3009, was done in 1950. It surveyed Lot 1 and shows the lots within that subdivision split by Mission Road. There were no easements or setbacks put into place. This replat includes Lot 1 but only the portion north of Mission Road.

Eker Estates, Plat HM 90-43, created Lot 15 that is within this replat. The plat shows steep areas that are consistent to what is being shown. The plat created the panhandle for Lot 15. The western portion of the panhandle abuts a 20 foot panhandle for Lot 20. The easement document should be reviewed to determine the actual location and length of the easement. There appears to be some contradiction in some of the wording for the length of the easement. **Staff recommends the easement as granted be depicted and if additional access is needed, a new document be recorded or the plat depict public access easements to be granted by the plat.**

Baranof Avenue was dedicated by High Cliff Subdivision 1974 Addition, Plat HM 75-50. When Eker Estates was approved there was not any discussion about possible extension of Baranof Avenue.

This replat will shift the shared lot line to the north to make Lot 15 slightly smaller and allow Lot 1 to increase in acreage. This plat will also improve the width of Mission Road.

A soils report will be required and an engineer will sign the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on April 6, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The City of Homer Planning Commission heard the proposed plat at their March 16, 2022 meeting. They adopted staff report 22-21 to recommend approval with the following recommendations.

1. Dedicate a 15 foot utility easement fronting Race Road.
2. Dedicate a 30 foot drainage easement centered on the creek.
3. Dedicate a 15 foot utility easement along Mission Road and Baranof Avenue.
4. Mission Road appears to be 40 feet wide along Lot 1A. Verify the width of Mission Road along Lot1-a and dedicate any additional right-of-way needed to create forty feet of right-of-way from current center of the right-of-way as shown on the map, not as constructed.

Utility Easements There were no platted easements granted within Lot 1. An easement was granted to ENSTAR by recorded document. The easement is noted within plat note 8. The location of the easement will now be within the new Mission Road dedication. Easements are allowed to be within the right-of-way but the provider may need to consult with the City of Homer to determine if any permits are required. **Staff recommends** since a defined location was stated in the easement, revise the note "...affects this subdivision as described in document record serial no. 2014-00505-0 HRD."

Lot 15 had platted easements along the panhandle and along the shared lot line with Lot 13 and also connecting to Lot 20. These are depicted on the plat. An additional 10 foot easement was granted along the eastern boundary. This easement only went to the shared corner with Lot 4 from High Cliff Subdivision. **Staff recommends** update the plat number reference in the labels to HM 90-43 and update the depiction of the eastern 10 foot easement.

The City of Homer requested additional easements. These include 15 foot along the bulb of Race Road, along the new right-of-way dedication for Mission Road, and along the end of Baranof Avenue. A 10 foot already existed at the end of Baranof Avenue but will be increasing. The plat correctly depicts this.

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

Utility provider review:

HEA	Within the depicted easements or record, correct the reference to the parent plat, HM 90-43. Locate the existing overhead electric line and provide a note stating the existing overhead power line is the centerline of a 30 foot wide electrical easement including guys and anchors, granted this plat. This section (northern) of the 10 foot easement does not appear to be granted per HM 90-43, verify and correct. HEA is not requesting this easement be granted with this platting action.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown.

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 1700 RACE RD 1690 MISSION RD Existing Street Names are Correct: Yes
------------	---

	List of Correct Street Names: BARANOF AVE RACE RD MISSION RD COTTONWOOD LN Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: City of Homer will advise on affected addresses.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Wilcox, Adeena Comments: No Comment

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

Staff recommends the right-of-way access depiction be shown differently. Generally we request hatching to be used for right-of-way vacations. The hatching may be used but it does make some of the underlying easements harder to depict.

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation:

- *The name of the subdivision may be shortened if desired by only including the name of one of the parent subdivisions.*
- *Correct the recording number for Eker Estates to HM 90-43.*
- *Update the description for Lot 1 to "Lot 1 lying north of Mission Road Lloyd..."*

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation: *The lots with recording number 99-43 should be updated to 90-43. The lot south of Mission Road should be labeled as "Lot 1 South of Mission Road"*

KPB 20.30 – Subdivision Design Requirements

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

- 20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

Staff recommendation: *The parent plat of Eker Estates, HM 90-43, contained a 20 foot building setback. Provide the required plat note to remove the setback requirement.*

- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

Staff recommendation: *The City of Homer does not meet the specified requirements for the application and consideration of different standards.*

KPB 20.40 – Wastewater Disposal

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

- 20.40.010 Wastewater disposal.

Platting Staff Comments: The lots are larger than 200,000 square feet. DEC signed the plat for Eker Estates, HM 90-43, and Lot 1 is increasing in size. A soils report is not required.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

- 20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: *An acceptance for the Mission Road dedication will need to be added and signed by the City of Homer.*

- 20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: City water and sewer is not available per the city staff report. An installation agreement or documentation from the City is required stating one is not required.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: Place the following notes on the plat.

- Subject to covenants, conditions, restrictions and/or easements recorded on September 24, 1990 within Book 201 Page 374, Homer Recording District.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the signature lines to show Mr. Lujan is signing as owner of former Lot 1 and 15 while Ms. Lujan is signing only on behalf of Lot 1. Verify which state they will be signing in and update the notary's acknowledgment or leave the state blank. Comply with 20.60.190.

RECOMMENDATION:

STAFF RECOMMENDS:

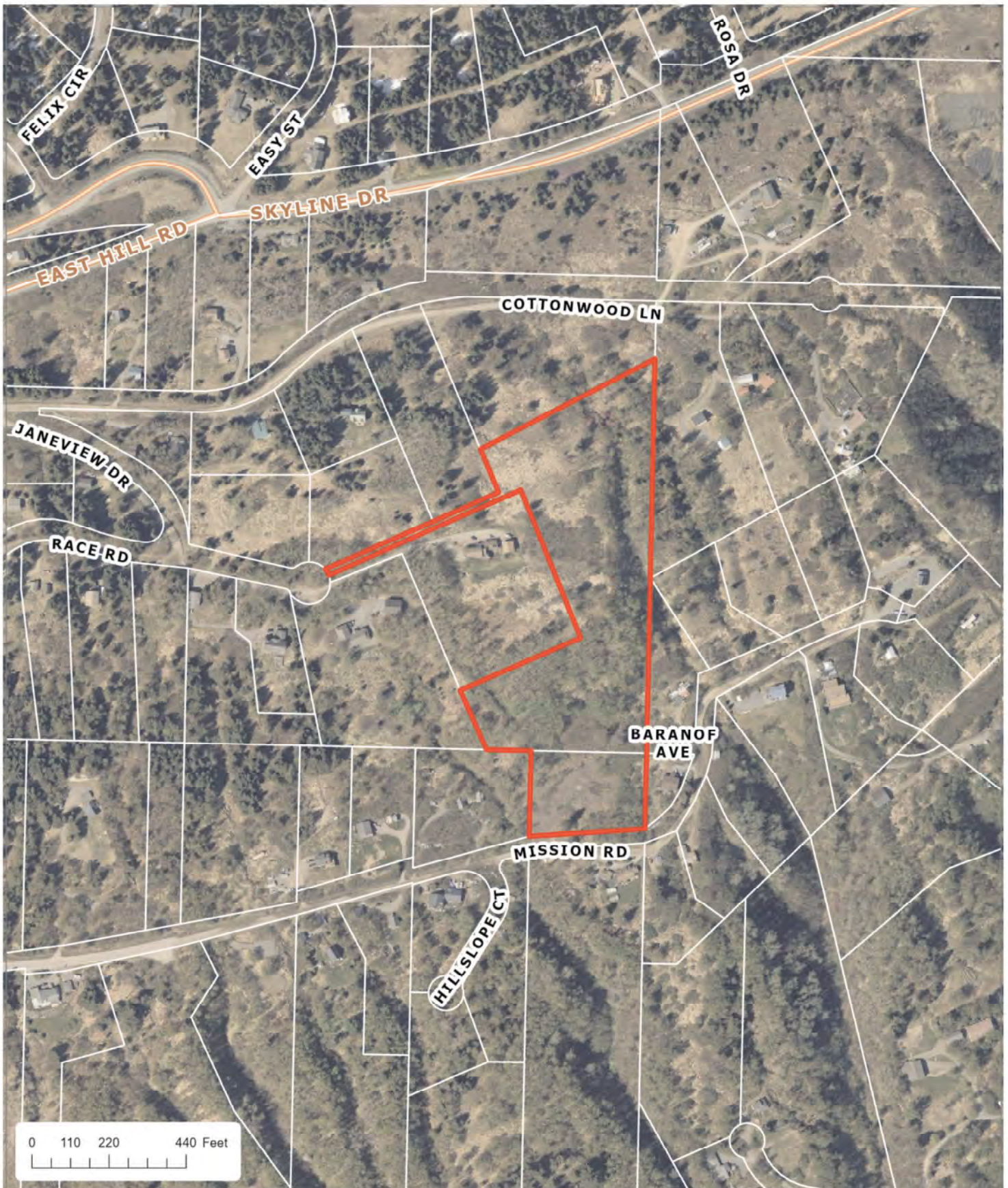
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

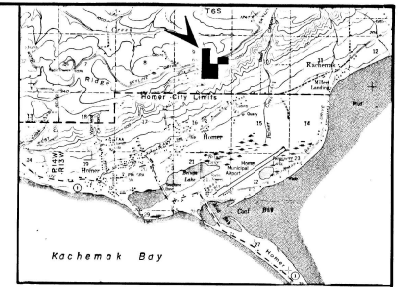
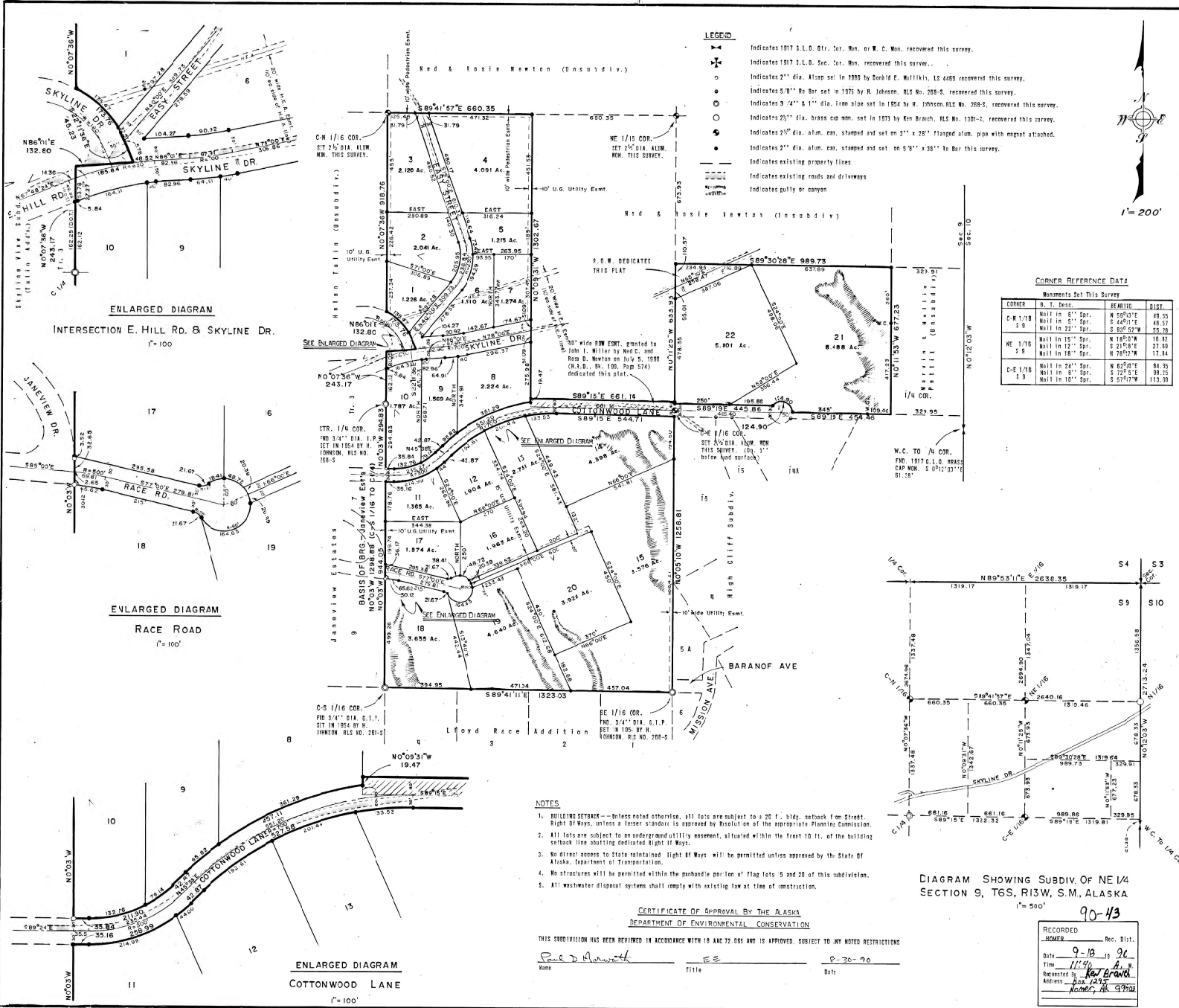
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT





CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOP THIS PLAN OF SUBDIVISION AND INDICATE ALL RIGHT OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DATE: 9/6/90
JOHN I. MILLER (Personal Representative of Estate of Lee Ann Eker)
2240 Kissee Court
Anchorage, Alaska 99517

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SHOWN TO BEFORE ME this 6th day of September, 1990.

For: John I. Miller
Notary Public for the State of Alaska
My Commission Expires: 6/30/93

SURVEYOR'S CERTIFICATE

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

DATE: 9/6/90
Ken Branch, RLS No. 1301-2
Box 1295
Homer, Alaska 99603

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA HERRING PLANNING COMMISSION AT THE MEETING OF June 12, 1990.

By: Keni Pedersen Borough
By: Ron A. Kinney Authorized Official

EKER ESTATES

SITUATED IN THE NW 1/4 SE 1/4; W 1/2 SW 1/4 NE 1/4 & THE W 3/4 OF THE S 1/2 SE 1/4 NE 1/4 OF SEC. 9, T6S, R13W, S.M., HOMER RECORDING DISTRICT, ALASKA

CONTAINING 72.734 ACRES

Prepared For: JOHN I. MILLER
2240 KISSEE COURT
ANCHORAGE, ALASKA 99517
Date: 06/01/90 Scale: 1" = 200'

Prepared By: KEN BRANCH, RLS
BOX 1295
HOMER, ALASKA 99603
KPB File No. 90-002

NOTES

1. BUILDING SETBACKS—Unless noted otherwise, all lots are subject to a 20' bldg. setback from Street Right of Way, unless a lesser standard is approved by Resolution of the appropriate Planning Commission.
2. All lots are subject to an underground utility easement, situated within the front 10 ft. of the building setback line abutting dedicated Right of Way.
3. No direct access to State maintained Right of Way will be permitted unless approved by the State Of Alaska, Department of Transportation.
4. No structures will be permitted within the purchase portion of flag lots 5 and 20 of this subdivision.
5. All wastewater disposal systems shall comply with existing law at time of construction.

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18 AAC 72.035 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS.

Paul D. Alaric
Name: Title: Date: 9-30-90

DIAGRAM SHOWING SUBDIV. OF NE 1/4 SECTION 9, T6S, R13W, S.M., ALASKA
1" = 500'

90-113

RECORDED
HOMER Rec. Dist.
Date: 9-13-90
Time: 11:40
Requested by: Ken Branch
Address: 2240 Kissee Court
Anchorage, Alaska 99517

LLOYD RACE ADDITION

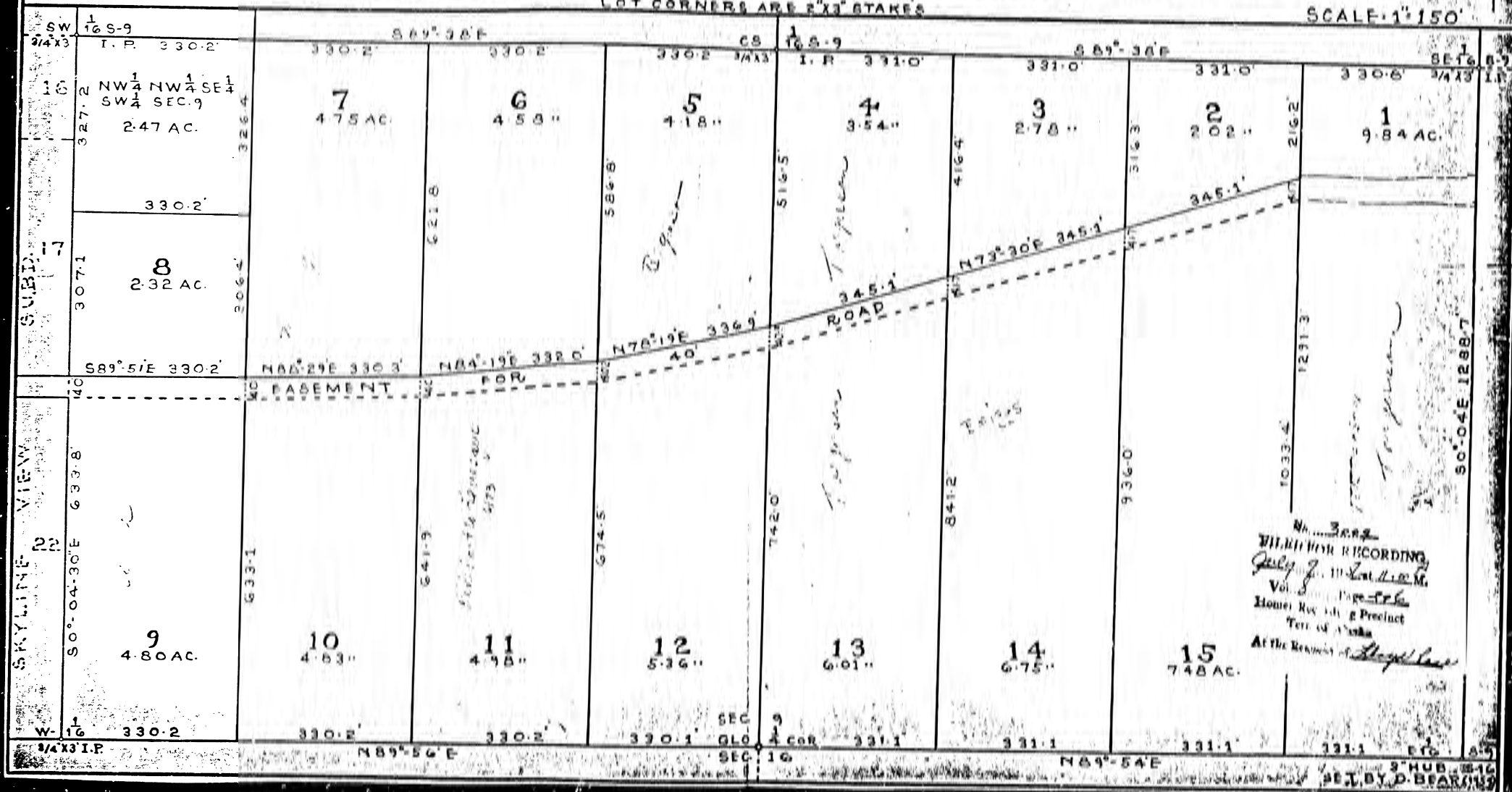
LOCATED IN SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 9, TOWNSHIP 6 S. RANGE 13 W.
SEWARD MERIDIAN, ALASKA JUNE 30, 1956

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE TERRITORY OF ALASKA, DOES HEREBY CERTIFY THE MONUMENTS SHOWN ON THIS PLAT HAVE BEEN SET IN ACCORDANCE WITH A TRUE SUBDIVISIONAL SURVEY OF SEC. 9; THAT BEARINGS, DISTANCES AND AREAS SHOWN ARE SUBSTANTIALLY CORRECT. *Henning N. Johnson* 268-8



LOT CORNERS ARE 2"x3" STAKES

SCALE 1"=150'



At the Request of *Henning N. Johnson*
 HENNING N. JOHNSON
 Registered Land Surveyor
 No. 268-8
 July 9, 1956
 Vol. 8, Page 16
 Homer Recording District
 Territory of Alaska

REPORTS

A. Staff Report 22-20, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-20 and highlighted the following:

- City Council on Monday passing the Charles Way Special Assessment District
- moving ahead with green infrastructure items
- discussion during the City Council Committee of the Whole regarding the large retail parking with Council being very receptive to changes
- Final stages of working out the permitting software
- Received a few inquiries on the rural residential rezone update
- City project to replace a water transmission line that comes down from the hill
- City Council visioning event – biggest item do far is the restructuring of city departments
 - Julie Engebretsen has been promoted to Economic Development Manager
 - Creating a Building Department
- Bringing forth item at the next meeting regarding tiny homes on chassis as he has received some inquiries and current code does not address them.
- Encouraged a Commissioner to report at the next Council meeting
 - Commissioner Bentz volunteered after brief clarification was provided on the next Council meeting date and time

PUBLIC HEARINGS

PLAT CONSIDERATION

A. Staff Report 22-21, Lloyd Race & Eker Estates Lujan 2022 Replat Preliminary Plat

Vice Chair Highland introduced the item by reading of the title.

City Planner Abboud provided a summary of Staff Report 22-21 for the Commission. He commented on the following points:

- Lot 15 A has a long narrow panhandle configuration and can be accessed from Mission Road and Baranof
- City requests for easements for drainage and utilities
- Additional right of way dedication to effect a 40 foot right of way to correct something that was not built to code prior to annexation.

After a brief delay it was determined that there was no applicant present and Vice Chair Highland opened the public comment period.

Mr. Jack Ginnever, neighboring property owner, expressed concerns on the easements referenced for Mission Road and asked about additional ordinances or limitations that may affect his property or others in this area.

City Planner Abboud responded to the concerns of Mr. Ginnever stating that the right of way would not affect any properties outside the proposed actions. He then clarified that the easements would not affect any private lands outside the subject area.

Vice Chair Highland closed the public comment period and opened the floor to questions from the Commission, hearing none, she requested a motion and second.

VENUTI/BENTZ MOVE TO ADOPT STAFF REPORT 22-21 AND RECOMMEND APPROVAL OF THE LLOYD RACE & EKER ESTATES LUJAN 2022 PRELIMINARY PLAT TO SHIFT A COMMON LOT LINE BETWEEN TWO PARCELS RESULTING IN TWO PARCELS OF ROUGHLY FIVE ACRES EACH.

City Planner Abboud provided clarification that staff recommendations should be included in the motion for the record in response to questions from Vice Chair Highland.

VENUTI/BENTZ MOVED TO AMEND THE MOTION TO INCLUDE STAFF RECOMMENDATIONS:

- 1.DEDICATE A 15 FOOT UTILITY EASEMENT FRONTING RACE ROAD.**
- 2. DEDICATE A 30 FOOT DRAINAGE EASEMENT CENTERED ON THE CREEK.**
- 3.DEDICATE A 15 FOOT UTILITY EASEMENT ALONG MISSION ROAD AND BARANOF AVENUE**
- 4. MISSION ROAD APPEARS TO BE 40 FEET WIDE ALONG LOT 1 A. VERIFY THE WIDTH OF MISSION ROAD ALONG LOT 1-A AND DEDICATE ANY ADDITIONAL RIGHT OF WAY NEEDED TO CREATE FORTY FEET OF RIGHT OF WAY FROM CURRENT CENTER OF THE RIGHT OF WAY AS SHOWN ON THE MAP, NOT AS CONSTRUCTED.)**

There was no discussion.

VOTE (Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion as amended.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

NEW BUSINESS

- A. Staff Report 22-22, 2022 Local Hazard Mitigation Plan**

Vice Chair Highland introduced the item and invited City Planner Abboud to provide his report for the Commission.

City Planner Abboud provided a summary of Staff Report 22-22 for the Commission noting the processes to date and next steps.

NOTES

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. THESE LOTS ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
4. PROPERTY OWNERS SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
5. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT(S).
6. THERE ARE POSSIBLE LIMITATIONS ON FURTHER SUBDIVISION BASED ON ACCESS ISSUES, DEVELOPMENT TRENDS IN THE AREA, OR TOPOGRAPHY.
7. THERE IS A 20' WIDE RIGHT OF WAY ACCESS EASEMENT FOR INGRESS AND EGRESS TO LOT 20 (HM 99-43) THAT AFFECTS THIS SUBDIVISION, RECORDED BK 226 PG 672 HRD.
8. THERE IS AN EASEMENT GRANTED TO ENSTAR NATURAL GAS COMPANY THAT AFFECTS THIS SUBDIVISION, RECORDED BY DOCUMENT SERIAL NO. 2014-00305-0 HRD.

GPS CONTROL DATA

1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS OBSERVATIONS TAKEN ON THE MONUMENT STATIONS AS SHOWN ON THIS PLAT. NAD83 ALASKA STATE PLANE GRID (ZONE 4) COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NWS PUBLISHED VALUES FOR USCGS TRISTAR "HOMER".
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING USCGS TRISTAR "HOMER" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -117°13.4'. TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.9999886636.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON USCGS TRISTAR "HOMER" N=102,000 E=106,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

WASTEWATER DISPOSAL

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

PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL _____ DATE _____
KENAI PENINSULA BOROUGH



LEGEND

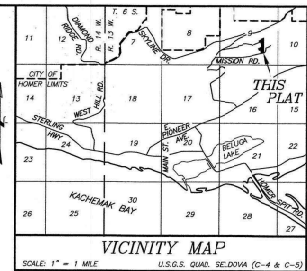
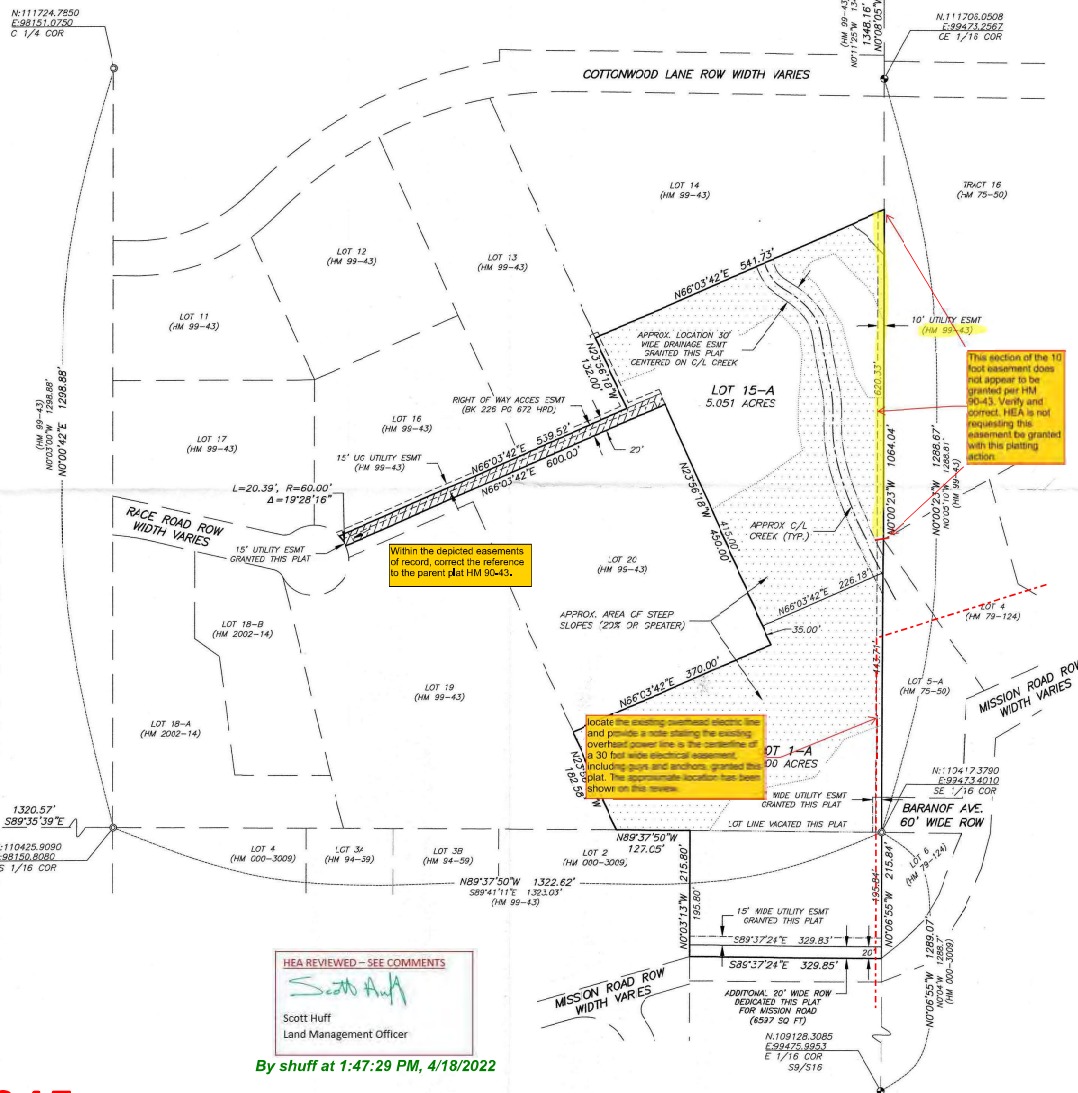
- 2.5" AC 13C1-S 1990
- 2.5" AC 13C1-S 1974
- 3/4" IRON PIPE

HEA REVIEWED - SEE COMMENTS

Scott Huff
Land Management Officer

By shuff at 1:47:29 PM, 4/18/2022

KPB 2022-045



CERTIFICATE OF OWNERSHIP

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

RUBEN H LUJAN JR.
8028 E CANDELARIA DR
SCOTTSDALE, AZ 85255

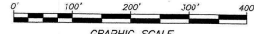
JENNIFER M LUJAN
8028 E CANDELARIA DR
SCOTTSDALE, AZ 85255

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____



HOMER RECORDING DISTRICT KPB FILE NO. 2022-045

LLOYD RACE & EKER ESTATES
LUJAN 2022 REPLAT
A REPLAT OF LOT 15 EKER ESTATES (HM 99-43) & LOT 1 LLOYD RACE ADDITION (HM 000-3009) LOCATED WITHIN THE W 1/2 SE 1/4, SEC 9, T. 6 S., R. 12 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 10.202 ACRES

SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99623
(907) 299-1081

CLIENTS: RUBEN H LUJAN JR.
JENNIFER M LUJAN
8028 E CANDELARIA DR
SCOTTSDALE, AZ 85255

DRAWN BY: KK CHKD BY: KB JOB #2022-05
DATE: 3/20/22 SCALE: 1"=100' SHEET #1 OF 1

E. NEW BUSINESS

- 8. Puffin Acres Bayweld 2022 Replat; KPB File 2022-046**
Seabright Surveying
ENT Properties LLC & East Road Services Inc.
Location: East End Road & Little Fireweed Lane
City of Homer



Vicinity Map

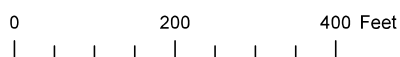


KPB File # 2022-046

S11-T06S-R13W

Homer

4/6/2022





Aerial View



AGENDA ITEM E. NEW BUSINESS

ITEM 8 - PUFFIN ACRES BAYWELD 2022 REPLAT

KPB File No.	2022-046
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	East Road Services Inc and ENT Properties LLC of Homer, AK
Surveyor:	Kenton Bloom / Seabright Surveying
General Location:	East End Road, Little Fireweed Lane, City of Homer

Parent Parcel No.:	174-191-05 and 174-192-87
Legal Description:	Lot 4-A Block 1 Puffin Acres SVH 2021 Replat Plat No HM 2021-33 Lot 5 Commerce Park Plat No HM 1985-14
Assessing Use:	General Commercial
Zoning:	East End Mixed Use
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure the lot line between two lots and dedicate a 30 foot wide right-of-way. Proposed Lot 4-A1 is reducing from the original size of 12.2 acres to 10.02 acres. Proposed Lot 5-A is increasing from the original size of 4.18 acres to 5.97 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located between East End Road and Little Fireweed Lane. The subdivision is located near mile 3 of East End Road, a 100 foot wide state maintained right-of-way. Proposed Lot 4-A1 has constructed access already in place from East End Road. Approximately at mile 2.75 of East End Road is Ternview Place, a varying width right-of-way that is constructed and provides a connection to Little Fireweed Lane. The dedications of Little Fireweed Lane vary but the right-of-way coincides with section line easements. Proposed Lot 5-A appears to have developed access from Little Fireweed Lane. Ternview Place and Little Fireweed Lane are under City of Homer jurisdiction.

The subdivision is proposing to dedicate a 30 foot wide right of way along the eastern boundary, Engebretsen Avenue, which should have a suffix of Street. This dedication will allow proposed Lot 4-A1 to have access from East End Road, Little Fireweed Lane, and Engebretsen Street. To the north is Lot 2-B-1 Block 1 of Puffin Acres SVH, Plat HM 2021-33, this lot does not have access via dedicated right-of-way. The current access is by an access easement through Lot 3 Block 1 Puffin Acres Sub, Plat HM 85-122. The dedication proposed on this plat will provide additional access to the lot.

Little Fireweed Lane does not appear to be constructed past Aksel Street. There is a travelway that crosses the right-of-way that allows lots to the north access to some lots to the south. Staff would like to note that there appears to be encroachments within Little Fireweed Lane and the section line easements to the east of this subdivision. Those issues would fall under state or the City of Homer jurisdiction.

This is a commercial area where there is multiple equipment moving between lots. The proposal will be changing Lot 5 into a flag lot with access from Engebretsen Street. While access is available along Little Fireweed Lane it appears there are many fences and gates being used and that this configuration may allow for internal routes to work better and provide a more controlled access point.

The dedication is proposed as 30 feet wide. This is a typical dedication requirement with the other 30 foot expected from neighboring lots in the future. Due to the use of the land in this area and the improvements already in place a full dedication in the future may be limited. The City of Homer reviewed the plat and did not request additional width. ***Staff recommends allowing a 30 foot width dedication as additional dedications could occur in the future***

but at this time this will provide access to the lot to the north and provide an intersection with Little Fireweed Lane that can be used by multiple commercial lots.

East End Road, Davis Street, Kachemak Drive, Little Fireweed Lane, and Ternview Place define the block. While the block is closed it is longer than allowed by code. This is an area with multiple larger lots with commercial usage. The proposed dedication, if ever dedicated through, will divide the long block to improve the distances although the western block will be slightly longer than allowed. **Staff recommends** an exception is not needed as the plat is proposing a dedication that will improve the block that best fits the included lots as well as the surrounding lots.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The 100' ROW for East End Road is as shown on Sheet 21 of 27 Homer East Road MP 0-3.75 Lake Street to Kachemak Bay Drive (Plat 2010-32 HRD) and appears to be shown correctly.

Site Investigation: Per the Kenai Watershed Forum data, there are discharge slopes within the southern portion of proposed Lot 4-A1 and the flag of proposed Lot 5-A. The correct notes are in place on the plat. **Staff recommends** the low wet areas be depicted on the final plat.

There are some slopes present within the subdivision and are shown on the plat. A portion of those slopes is located at the end for the proposed right-of-way. The City of Homer reviewed the plat and did not request any additional right-of-way width or easements for road construction.

The plat depicts multiple items such as overhead powerlines and structures. Unless the powerlines are to depict an easement within the boundary of the subdivision they may be removed. Buildings, gates, and travelways may be removed unless being used to denote encroachments. Fences are currently shown on the plat and it appears multiple portions are within utility easements. Fences are not a permanent feature and while staff does not recommend the placement within the utility easements they will not need to be shown on the plat. Staff does wish to advise that utility providers have the right to remove the fences at any time or request removal or relocation if needed. The plat note regarding encroachments is present and shall remain on the plat.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: Located in Zone D - non-regulatory 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 comments

Staff Analysis The lots within this subdivision were originally created with Commerce Park, Plat HM 85-14, and Puffin Acres, Plat HM 85-122. Lot 5 from Commerce Park has been unchanged and this will be reconfiguring it into a flag lot with a panhandle with access to the newly proposed dedication. Lot 4 of Puffin Acres has been replatted a few times with the most recent being on Plat HM 2021-33, Puffin Acres SVH 2021 Replat.

The lots are part of a large area that is used commercially with many internal paths between these lots as well as adjacent lots.

An exception was requested by the surveyor for KPB 20.30.190(B), Lots-Dimensions, flag lot length. The code does not allow flag lots to have an access portion less than 60 feet wide to exceed 150 feet in length. The proposed design of the flag lot indicates an access portion of 115 feet wide that is 599.56 feet in length. Staff would like to note that access portions with a 60 foot wide portion is subject to a building setback on the neighboring lot to ensure that are not issues if the access portion is later dedicated as right-of-way. **Staff recommends the plat committee concur the exception is not needed as it complies and the setback is not required as this is within the City of Homer and the setbacks should be determined by their code but a flag lot note should be added.**

The City of Homer Planning Commission heard the replat on March 3, 2022. They approved Staff Report 22-17 and recommended approval subject to displaying 15 foot utility easements adjacent to all rights-of-way. Minutes indicate a conversation was had regarding possible encroachments prior to their approval.

A soils report will not be required. The City of Homer staff report states the lots are already being served by city water and sewer. **Staff recommends an installation agreement will need to be submitted to the borough or documentation from the City of Homer that one is not required.**

Notice of the proposed plat was mailed to the beneficial interest holder on April 7, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Utility Easements The parent plats have granted various utility easements through the years. The easements appear to be depicted and labeled correctly. Per the City of Homer's request, additional 5 feet of utility easement is being dedicated in the area formerly within Lot 5 and along the new dedication. This will bring all the utility easements along rights-of-way into compliance with the City of Homer's request.

There are various utility easements granted by document noted within the plat notes. Those with known locations are depicted with reference to the plat note. The owner/surveyor may wish to look further into the easement noted within plat note 12 as a defined location was given. If the location can be determined it should be depicted. If it no longer applies to the property within the subdivision the surveyor may work with the title company to see if it may be removed. If the location cannot be determined, note as such in the plat note.

Plat note 11 refers to a joint use and maintenance agreement between lots for a septic system that may affect this subdivision. The lots listed are not within this subdivision but due to replats it may apply depending on the location. The note should remain in place.

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

Utility provider review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 3301 EAST END RD
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	<p>3385 EAST END RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: EAST END RD LITTLE FIREWEED LN</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names:</p> <p>List of Street Names Denied: ENGEBRETSEN AVE should be ENGEBRETSEN ST due to north/south direction per Homer City Code 11.12.040</p> <p>Comments: City of Homer will advise on affected addresses. ENGEBRETSEN AVE should be ENGEBRETSEN ST.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: Wilcox, Adeena</p> <p>Comments: No Comment</p>

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

KPB 20.25.070 – Form and contents required

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

A. Within the Title Block

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

Staff recommendation: Correct owner to ENT Properties LLC instead of Engebretsen. Verify the address for ENT Properties LLC.

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation: *Note that Little Fireweed Lane is 66 feet wide west of Aksel Street.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: *Need to include the status of the lots south of Little Fireweed Lane. Government Lots 8 and 9 should be labeled and depicted as well as Lots 6, 7, and 8 from Plat HM 2017-052.*
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
Staff recommendation: *Low wet areas are within the southern portion of Lot 4-A1. Wetland designation note is present.*

KPB 20.30 – Subdivision Design Requirements

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

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

Staff recommendation: *Correct suffix.*

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

Staff recommendation: *Commerce Park, Plat HM 85-14, contained the setback note. As lot 5 has not been replatted the note removing the setback is needed. It does not appear that the setback from Puffin Acres, Plat HM -122, had been officially removed from the parent plat, HM 2021-33.*

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

Staff recommendation: *The City of Homer does not meet the specified requirements for the application and consideration of different standards.*

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: *City sewer and water is present. Correct notes present and no soils analysis required.*

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: *City of Homer will sign and is present on the preliminary. Update "30' right-of-way" to include the name of the right-of-way. Also, update the street name to correct spelling and suffix when listing the utility easements.*

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: *Provide documentation from the City of Homer that it installation agreement is in place or one is not required.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation:

Within plat note 4, remove reference to parent plats. Any relevant requirements or restrictions on parent plats should be carried over to this plat. All other zoning is regulated by the City of Homer.

Add the following plat notes

- *"Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."*
- *No structures are permitted within the panhandle portion of the flag lot.*

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

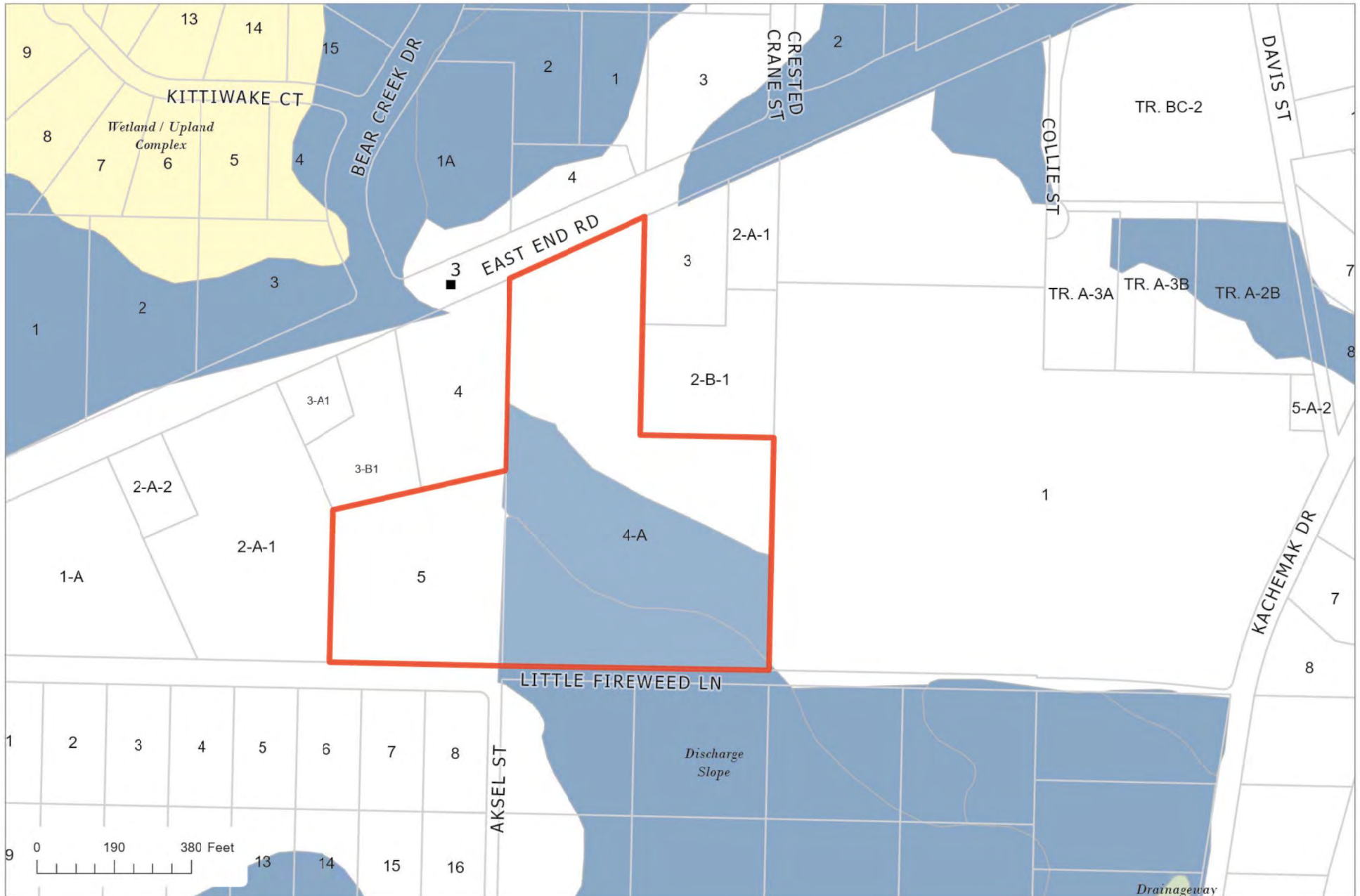
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

END OF STAFF REPORT



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



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NOTES

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.
4. THESE LOTS ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS REFER TO THE PLANNING PLAT AND THE HOMER CITY CODE FOR ALL CURRENT, EXISTING AND NEW DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.
5. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
6. PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT REGULATORY REQUIREMENTS (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS, STATE, AND FEDERAL REQUIREMENTS.
7. THERE IS A RIGHT-OF-WAY EASEMENT WITH NO DEFINED LOCATION THAT AFFECTS THIS SUBDIVISION GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED BK 30 90 38 1905.
8. THERE IS A RIGHT-OF-WAY EASEMENT THAT AFFECTS THIS SUBDIVISION GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED BK 118 90 914 1901.
9. EXCEPTIONS TO KRS 20.30.170 (DRIVE LENGTH REQUIREMENTS) AND KRS 20.30.170 (LOT ACCESS TO STREET) WERE GRANTED BY THE KENAI PENINSULA BOROUGH PLAT COMMITTEE AT THE MEETING OF MARCH 15, 2021.
10. ACCEPTANCE OF THIS PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT IMPLY ACCEPTANCE OF ANY ENCROACHMENTS.
11. FOR EAST END ROAD RIGHT OF WAY INFORMATION REFER TO SHEET 21 OF ALASKA OUT & IN HOME MAP STP-0414(9), RECORDED AS PLAT 2010-33 1905.
12. THIS SUBDIVISION MAY BE AFFECTED BY A RETAIL SYSTEM RIGHT USE AND MAINTENANCE AGREEMENT AS RECORDED ON DECEMBER 22, 1995 IN BK 248 PG 878 1905.

GPS CONTROL DATA

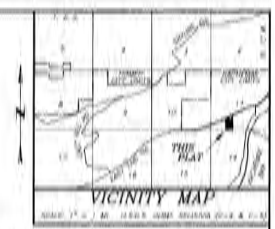
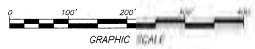
1. BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON THE MONUMENT POSITION AS SHOWN ON THIS PLAT. ALASKA STATE PLANE GRID COORDINATES OBTAINED FROM THE GPS INFORMATION WERE BASED ON THE NAD 83 PUBLISHED VALUES FOR THE KENAI PENINSULA BOROUGH.
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SHIFTING FROM GRID USING USCGS TRISTATION VARIATION AS A REFERENCE POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING FROM INVERSE CALCULATED $\pm 171.44'$ TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986666.
3. THE RESULTING SOLID COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON USCGS TRISTATION VARIATION AS A REFERENCE POINT. E=100,000. ALL COORDINATE VALUES REPRESENT ORIGINAL DISTANCES ORIENTED TO TRUE NORTH.

WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LEGEND

- 1. LOT 21-A: 7880-15 2021
- 2. LOT 21-B: 7880-15 2021
- 3. LOT 21-C: 7880-15 2021
- 4. LOT 21-D: 7880-15 2021
- 5. LOT 21-E: 7880-15 2021
- 6. LOT 21-F: 7880-15 2021
- 7. LOT 21-G: 7880-15 2021
- 8. LOT 21-H: 7880-15 2021
- 9. LOT 21-I: 7880-15 2021
- 10. LOT 21-J: 7880-15 2021
- 11. LOT 21-K: 7880-15 2021
- 12. LOT 21-L: 7880-15 2021
- 13. LOT 21-M: 7880-15 2021
- 14. LOT 21-N: 7880-15 2021
- 15. LOT 21-O: 7880-15 2021
- 16. LOT 21-P: 7880-15 2021
- 17. LOT 21-Q: 7880-15 2021
- 18. LOT 21-R: 7880-15 2021
- 19. LOT 21-S: 7880-15 2021
- 20. LOT 21-T: 7880-15 2021
- 21. LOT 21-U: 7880-15 2021
- 22. LOT 21-V: 7880-15 2021
- 23. LOT 21-W: 7880-15 2021
- 24. LOT 21-X: 7880-15 2021
- 25. LOT 21-Y: 7880-15 2021
- 26. LOT 21-Z: 7880-15 2021



NOTARY'S ACKNOWLEDGMENT

FOR Linda Engelbrecht
ACKNOWLEDGED BEFORE ME THIS 14th
DAY OF June, 2021.
HOMER PUBLIC, ALASKA

MY COMMISSION EXPIRES 8/21/22



NOTARY'S ACKNOWLEDGMENT

FOR Linda Engelbrecht
ACKNOWLEDGED BEFORE ME THIS 15th
DAY OF June, 2021.
HOMER PUBLIC, ALASKA

MY COMMISSION EXPIRES 8/21/22



NOTARY'S ACKNOWLEDGMENT

FOR Linda Engelbrecht
ACKNOWLEDGED BEFORE ME THIS 17th
DAY OF June, 2021.
HOMER PUBLIC, ALASKA

MY COMMISSION EXPIRES 8/21/22



NOTARY'S ACKNOWLEDGMENT

FOR Linda Engelbrecht
ACKNOWLEDGED BEFORE ME THIS 17th
DAY OF June, 2021.
HOMER PUBLIC, ALASKA

MY COMMISSION EXPIRES 8/21/22



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF March 15, 2021.

BY [Signature] DATE 7/13/21
KENAI PENINSULA BOROUGH

CERTIFICATE OF OWNERSHIP

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

[Signature]
Linda Engelbrecht
HOMER, ALASKA

CERTIFICATE OF OWNERSHIP

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

[Signature]
Linda Engelbrecht
HOMER, ALASKA

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

[Signature]
Linda Engelbrecht
HOMER, ALASKA

REPLAY

A REPLAY OF LOT 1 & 2 BLK 1 PUFFIN ACRE SUBD (BM 05 122), LOT 2-A & LOT 2-B BLK 1 PUFFIN ACRE NO. 2 (BM 05 122), LOCATED WITHIN THE SW 1/4 SEC 11, T. 8 N., R. 13 W., BEING MORE OR LESS THE ENTIRE LOT 1 & 2, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 15.386 ACRES

SEABRIGHT SURVEY & DESIGN

KENAI, ALASKA 99503

1011 EAST ROAD, SUITE 4

(907) 230-1001

OWNER: EAST ROAD SERVICES INC.

1700 SHELBY ST. TOWN, AK 99503

SW 111

1411 EAST END RD. DENALI, AK 99503

ALLEN ENGINEERING & LAND CONSTRUCTION

2101 BOY 134 ALASKA, AK 99503

DRAWN BY: AK

LYNDY BY: ED

JOB #2020-89

DATE: 06/20/21

SHEET #1 OF 1

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 14 March 1995

KENAI PENINSULA BOROUGH

BY: *[Signature]*
AUTHORIZED OFFICIAL

LINE TABLE

LINE	BEARING	DISTANCE	REMARKS
1	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1
2	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1
3	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1
4	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1
5	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1
6	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1
7	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1
8	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1
9	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1
10	N 89° 50' 00" E	11.10	TO CORNER OF LOT 1

LEGEND

- ✱ INDICATES BRASS CAP MONUMENT (W.D. 1817) RECOVERED THIS SURVEY
- INDICATES BRASS CAP MONUMENT (1807 & 1971) RECOVERED THIS SURVEY
- ⊕ INDICATES ALUMINUM CAP MONUMENT (4400-5, 1985) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALUMINUM CAP SET THIS SURVEY
- (REC) RECORD
- (MEAS) MEASURED

NOTES

1. BASIS OF BEARING FOR THIS SURVEY IS WITHIN A BRASS CAP MONUMENT AT THE W1/16 SECS. 11, 14 (1807 & 1971) AND AN ALUMINUM CAP MONUMENT AT THE W1/16 SEC. 11 (4400-5, 1985). A THOROUGH RETRACEMENT OF BOUNDARY WAS CONDUCTED AND IT WAS DETERMINED THAT ALL OF THE ORIGINAL 1/2" REBARS SET AT THE CORNERS OF LOTS 1, 4 WERE IDENTIFIED BY DIGGING AND DRIVEN BY CONSTRUCTION. THE CORNERS OF LOTS 2-A AND 2-B WERE SET AT THE RECORD POSITION, SHOWING ON THE PLAT OF PUFFIN ACRES (AND 85-122) BASED ON THE FIELD RECOVERED POSITION OF THE W1/16 SEC. 11, 14.
2. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER (MINIMUM) IS APPROVED BY A RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
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. NO DIRECT ACCESS TO STATE MAINTAINED RIGHT-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1) THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION HAS REVIEWED PLANS FOR THIS SUBDIVISION'S MAINTAINED EASEMENT, AND APPROVES THIS SUBDIVISION FOR PLATTING.

2) THE RESPONSIBILITY FOR THE OPERATION AND MAINTENANCE OF THE ON-SITE WASTEWATER DISPOSAL SYSTEM WITHIN THE LOTS IN THIS SUBDIVISION HAS BEEN ESTABLISHED IN A SEPTIC SYSTEM JUMP USE AND MAINTENANCE AGREEMENT WHICH IS RECORDED IN BOOK 248, PAGE 576, HOMER RECORDING DISTRICT.

Signature: *[Signature]* TITLE: EFA DATE: 12/21/95

SURVEYOR'S CERTIFICATE

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

DATE: 12/21/95 REGISTRATION NO.: 7518

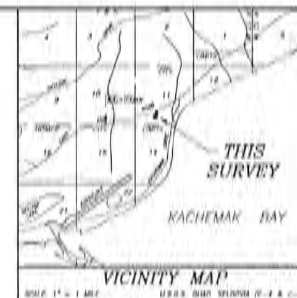
Signature: *[Signature]*
REGISTERED LAND SURVEYOR



SCALE 1" = 100'



95-52
FILED
HOMER RECORDING DISTRICT
DATE: 12/29/95
TIME: 12:57 P.M.
RECORDED TO PUBLIC & RETURNED TO
APPLICANT: STEVE RAY, 1000 1ST
HOMER, ALASKA 99603



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY APPROVE THIS PLAT OF SUBDIVISION AND BY MY SIGNATURE HEREBY ALL RIGHTS OF WAY AND PUBLIC ACCESS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE ONE SHOWN HEREON.

Signature: *[Signature]*
DAVIDSON L. BELLAMY
60000 NORTON DRIVE
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF December, 1995.

FOR: *[Signature]*
DAVIDSON L. BELLAMY
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: 12/31/96



LEASE HOLD INTEREST SIGNATURE

I HEREBY CERTIFY THAT I AM THE OWNER OF LOT 2-A AS SHOWN HEREON, AND THAT I HEREBY APPROVE THIS PLAT OF SUBDIVISION.

Signature: *[Signature]*
WILLIAMS & THOMPSON
41748 BEAR CREEK DRIVE
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF December, 1995.

FOR: *[Signature]*
WILLIAMS & THOMPSON
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: 12/31/96



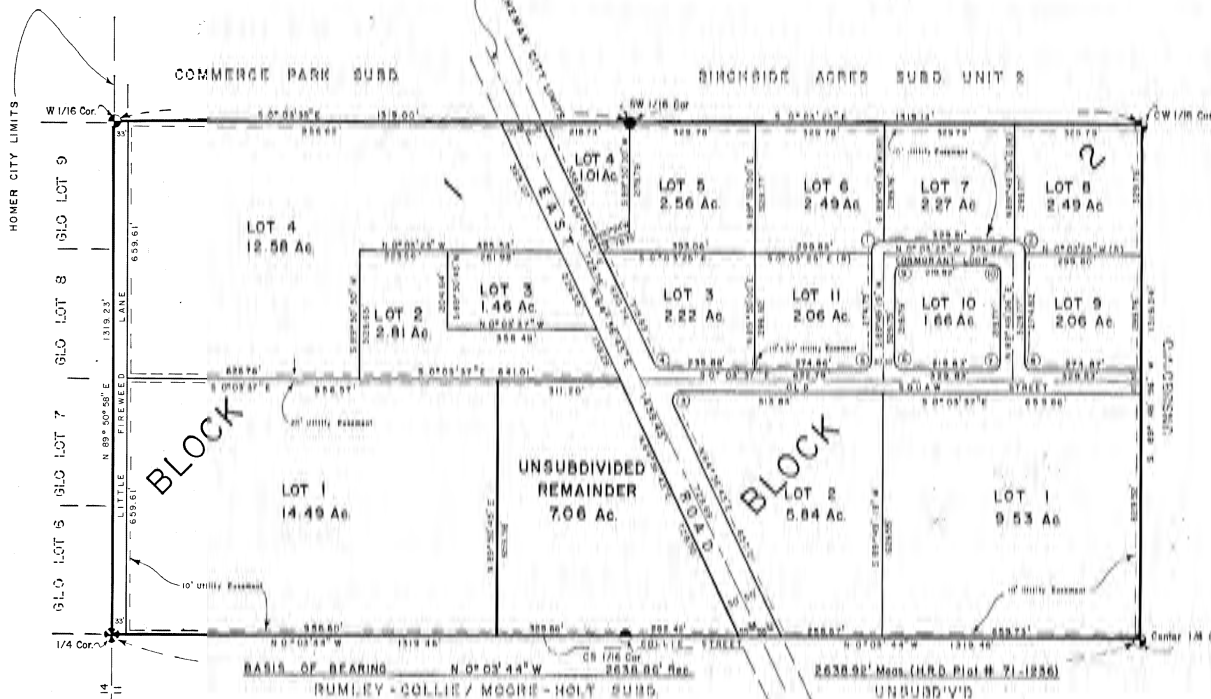
HOMER RECORDING DISTRICT

PUFFIN ACRES No. 2
A REPLAT OF LOT 2, BLOCK 1, PUFFIN ACRES ACCORDING TO PLAT #85-122 (HND) LOCATED WITHIN THE SE1/4 SW1/4 SEC. 11, T. 6 S., R. 13 W., S.M., AK. CONTAINING 2.805 ACRES

HERNDON & THOMPSON, INC.
STEPHEN C. SMITH, P.L.S.
41748 BEAR CREEK DRIVE
HOMER, ALASKA 99603
(907) 235-8741 FAX 235-6945

DRAWN BY: SCB COMP BY: SCB JOB #03-16
DATE: 3/25/94 SCALE: 1"=100' SHEET #1 OF 1

NPB FILE 94-029



NOTES

A building setback of 30 feet is required from all street rights of way unless a lesser standard is approved by a resolution of the appropriate planning commission.

No structures permitted within the subsurface portion of Lot 8/Block 2.

Lot 10/Block 2 restricted to one access only.

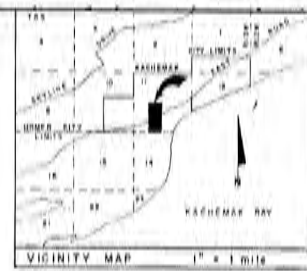
No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.

1/2" rubber seal at each lot corner.

The drainage pattern within this survey involves only normal runoff water.

Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 71, and 18 AAC 80.

The lots on Lot 4, Block 2 of this subdivision are unsuitable for construction on site water disposal systems. Wastewater may not be disposed of on this lot until public sewer is available.



CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the property shown and described herein, and that we hereby adopt this plan of subdivision, and dedicate all rights of ways in public use, and agree to easements to the use shown, as shown.

Date: 11/22/85 James L. Colkins, Notary Public, Alaska

NOTARY'S ACKNOWLEDGEMENT for James L. Colkins
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF November, 1985.

Notary in and for the State of Alaska, My Commission Expires 11/22/88



SURVEYOR'S CERTIFICATE

I hereby certify that I am a Registered Land Surveyor and that this plan represents a survey made by me or under my direct supervision, and the monuments shown herein actually exist as described and that dimensions and other details are correct.

Date: 11/24/1985 Carolee Fraumeni



CURVE DATA

① A = 88° 02' 44"	L = 470.0'
R = 30'	
② A = 88° 02' 44"	L = 470.0'
R = 30'	
③ A = 110° 16' 40"	T = 30.40'
R = 30'	L = 80.32'
④ A = 88° 40' 20"	T = 15.83'
R = 25'	L = 28.82'
⑤ A = 88° 02' 44"	T = 25.05'
R = 25'	L = 50.35'
⑥ A = 88° 02' 44"	T = 24.00'
R = 25'	L = 38.22'
⑦ A = 80° 07' 12"	T = 25.05'
R = 25'	L = 50.35'
⑧ A = 88° 02' 44"	T = 124.85'
R = 25'	L = 38.22'
⑨ A = 88° 02' 44"	T = 25.05'
R = 25'	L = 38.22'
⑩ A = 88° 02' 44"	T = 25.05'
R = 25'	L = 38.22'

LEGEND

• For 8.0 Min. Curve RHD 1977

• For 12 Min. Curve RHD 1977

• For 8.0 Min. 3000 ft. 1988

• For 12 Min. 4400 ft. 1988

— — — indicates 10 foot utility easement

PLAT APPROVAL

This plan was approved by the Homer Peninsula Planning Commission at its meeting of

December 19, 1984

KENAI PENINSULA BOROUGH
Richard R. Tugler
 Authorized Official

PUFFIN ACRES

SUBDIVISION OF EAST 1/2 SW 1/4 SECTION 11 T6S,
 R 13 W, 5M, ALASKA

CONTAINING 72.84 ACRES

Date: Jun 28, 1985 Scale: 1" = 150'

For: James L. Colkins
Box 1-08
Homer, Alaska

By: Carolee Fraumeni
53045 McNeil Canyon Rd
Homer, Alaska

85-122

FILED 11-24-85
 HOMER, ALASKA
 J. Colkins
 Notary Public

- SET 3 1/4" ALUMINUM MONUMENT ON 5/8" REBAR

BIRCH SIDE ACRES UNIT 5

REPLACED 1/2" REBAR WITH
2 1/2" ALUMINUM MONUMENT,
4469-S, 1985

SW 1/16

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 12/17/94.

KENAI PENINSULA BOROUGH

By: Mark D. Foy
Authorized Official

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision, and dedicate all right-of-ways to public use, and grant all easements to the use shown.

Patrick M. Hickey
341 E. Tudor Rd., Suite 101
Anchorage, Ak. 99503

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 16th day of January, 1985, for Patrick M. Hickey.

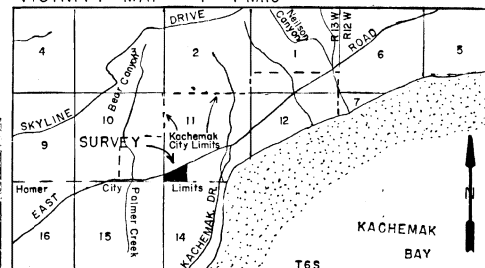
Judith Mullen
Notary Public for Alaska
My Commission Expires: 4-18-87

State of Alaska
NOTARY PUBLIC
JUDITH MULLIKIN
MY COMMISSION EXPIRES 4-18-87

PUFFIN ACRES NOTES:
(PRELIMINARY) 1. All w

1. All wastewater disposal systems shall comply with existing applicable laws at time of construction.
2. The State of Alaska requires that all wastewater disposal systems be a minimum of 100' from any water source.
3. Building Setback-- A setback of 20' is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.
4. No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.

VICINITY MAP 1" = 1 Mile



COMMERCE PARK

That portion of SW 1/4 SW 1/4 Sec. 11, T6S, R13W, S.M.,
lying south of East Road, Kenai Peninsula Borough, Ak.
Containing 21.312 Acres

Surveyed by:
Donald E. Mullikin, R.L.S.
MULLIKIN SURVEYS
Box 790, Homer, Ak.

Surveyed for:
Patrick M. Hickey
341 W. Tudor Rd., Suite 101
Anchorage, Ak. 99503

Date: DECEMBER 1984

Scale: 1" = 100'

Field Book No. 64

FND. 2 1/2" BRASS
CAP SET BY
1301-S IN 1971
(FROM DATA
SUPPLIED BY 268-S)

BASIS OF BEARING
BIRCH SIDE ACRES UNIT I
(PLAT NO. 71-1236, H.R.D.)

UNSUB.



**AFFIDAVIT FOR
ISOLATED SUBDIVISION
FILED WITH ADIC**

Deputy City Planner Engebretsen reviewed Staff Report 22-15 highlighting the following:

- opportunity for training virtually in conjunction with the Alaska Planners Conference
- April 23rd, 2022 deeper dive into specific and technical questions
- At the Planning Conference Week of April 22nd-24th presentations on Coastal Setback regulations and challenges to take the technical information and turn into land use regulations
- EDC has identified affordable workforce housing and balancing the quality of life as the community grows
- New plans for the property at the corner of Pioneer and Sterling Highway information available on the city website
- Notice to property owners regarding changes in zoning

Deputy City Planner Engebretsen provided information in response to Commissioner questions on the proposed community multi-use center and where the information was located on the city website, demolition schedule, and funding.

PUBLIC HEARINGS

A. Staff Report 22-16, Storage Container Dwellings

Chair Smith introduced the item by reading of the title.

Deputy City Planner Engebretsen reviewed Staff Report 22-16 for the Commission.

Chair Smith opened the public hearing and having no one present he closed the public hearing.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT 22-16 AND RECOMMEND FORWARDING TO CITY COUNCIL THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.03.040 DEFINITIONS USED IN ZONING CODE, "DWELLING" OR "DWELLING UNIT" TO EXCLUDE THE USE OF CONNEX BOXES OR OTHER SIMILAR INTERMODAL SHIPPING CONTAINERS.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

PLAT CONSIDERATION

A. Staff report 22-17, Puffin Acres Bayweld 2022 Replat

Chair Smith introduced the item by reading of the title.

Commissioner Conley declared he had a conflict of interest.

HIGHLAND/VENUTI MOVED THAT COMMISSIONER CONLEY HAS A CONFLICT OF INTEREST.

Commissioner Conley stated that he is employed by Bayweld but personally he would not financially benefit more than his employment.

VOTE. NO. VENUTI, SMITH, CHIAPPONE, BARNWELL.

VOTE. YES. HIGHLAND.

Motion failed.

Deputy City Planner Engebretsen declared that in accordance with city code she does not have a conflict as the parties involved relationship is not as defined in Homer City Code. She explained that the applicants were her husband's grandfather's brother.

Deputy City Planner Engebretsen reviewed and provided a summary of Staff Report 22-17 for the commission.

Chair Smith opened the public comment period and having no public present he closed the public comment period and requested a motion.

HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT 22-17 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO MOVE A LOT LINE SHARED BY TWO PARCELS WITH THE FOLLOWING COMMENT:

1. DISPLAY A 15 FOOT UTILITY EASEMENT ADJACENT TO ALL RIGHTS OF WAY.

There was a discussion on the lot line placement and the distance from the structure and any possible encroachments and the Borough does not allow the moving of lot lines if there will be an encroachment.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 22-18, Building Codes

Chair Smith Introduced the item by reading of the title and invited Deputy City Planner Engebretsen to speak to the staff report.

Deputy City Planner Engebretsen reported that a memorandum was provided for the commission review and requested a motion of approval and forward to City Council. She noted that a typographical error on second to last line on the first page should have the word "are" inserted after the word "Homer".

Commissioner Highland reported an additional typographical error on page two, second to last line, the word should be "versus" not "verses".