

Kenai Peninsula Borough  
Planning Department

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**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Melanie Aeschliman, Planning Director *MA*

**DATE:** September 14, 2021

**RE:** Right-of-way Vacation: Shane Rae Circle Right of Way, S & S Sub KN 86-112  
E1/2 W1/2 SW1/4 SW1/4, Section 22 Township 5 North Range 10 West Kenai  
Recording District

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In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of September 13, 2021 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation of the above right-of-way by unanimous vote based on the means of evaluating public necessity established by KPB 20.70 (7-Yes, 3-Absent, 1-Vacant) This petition is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

September 13, 2021 Planning Commission Draft Meeting Minutes  
September 13, 2021 Agenda Item Meeting Packet

*align plans for future expansion of services to serve future residential development and manage growth.*

**END OF STAFF REPORT**

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

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

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 2 - RIGHT OF WAY VACATION**

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

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

Staff report given by Scott Huff.

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

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

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

*As we operate a business with valuable equipment and machinery parked outside, we placed a gate*

*and fence on our driveway for security reasons. We own all of the surrounding lots, so there is not a reason for anyone to travel down Shane Rae Circle. Vacating Shane Rae Circle will not have a negative impact on future owners or require amendments to the plat because all the properties have accessible entry points.*

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

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

- Library of Soldotna
- Post Office of Sterling

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

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

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

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| State of Alaska Dept. of Fish & Game | ENSTAR Natural Gas                 |
| State of Alaska DNR                  | General Communication Inc. (GCI)   |
| State of Alaska DOT                  | Homer Electric Association (HEA)   |
| State of Alaska DNR Forestry         | Alaska Communication Systems (ACS) |
| Central Emergency Services           |                                    |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. The planning commission shall consider the merits of each vacation request and in all cases, the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;  
**Staff comments:** The owners are currently using it as access to their property. All surrounding parcels are under common ownership. If the vacation of right of way is approved, a plat will be

required to alter the property boundaries so that all lots in S and S Subdivision front on a dedicated right of way.

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

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

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

**KPB department / agency review:**

Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat.  There are not any material site issues with this proposed plat.
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Code Compliance – Eric Ogren	Code Compliance review not available.
Addressing – Derek Haws	<p>Affected Addresses:                  42924 SHANE RAE CIR                  42960 SHANE RAE CIR</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names:                  SHANE RAE CIR</p> <p>Existing Street Name Corrections Needed:                  SPRUCE AVE should be RIGGS AVE</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:                  42924 RIGGS AVE will remain with new combined lot.                  42960 RIGGS AVE will be deleted.</p>
Assessing – Matt Bruns	No concerns from Assessing Dept.

**Utility provider review:**

HEA	
ENSTAR	<p>ENSTAR has reviewed the proposed vacation of Shane Rae Circle under KPB 2021-112V S&amp;S Subdivision and advises that natural gas facilities are installed within the existing right of way as shown on the attached sketch labeled Exhibit B. ENSTAR objects to approval unless one of the following conditions are met.</p> <ul style="list-style-type: none"> <li>- Owner grant ENSTAR document easement for a fifteen feet (15 FT) wide natural gas easement centered on the existing natural gas pipeline facilities.</li> <li>- Add a note to the plat that says, "There is a fifteen feet (15 FT) wide natural gas easement centered on the existing main.", draw in the approximate location of the main on the plat map and add "Approximate location of natural gas main and centerline of fifteen feet (15 FT) wide natural gas easement."</li> </ul>
ACS	No objections.
GCI	Approved as shown.

**RECOMMENDATION:**

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

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

**KPB 20.65.050 – Action on vacation application**

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

city council unless city code specifically provides otherwise.

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

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

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

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

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

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

## END OF STAFF REPORT

Chair Martin opened the meeting for public comment.

Cole Young, Petitioner; POB 723, Soldotna, AK 99669: Mr. Young noted that he operates a business with valuable equipment and machinery parked outside. They have placed a gate and a fence on their driveway for security reasons. They own all of the lots surrounding Shane Rae Circle, so he does not believe there

is a reason for anyone to travel down this road. He then made himself available for any questions from the commission.

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

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

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E.      NEW BUSINESS

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

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

Staff report given by Scott Huff.

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

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

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

- Library of Nikiski
- Post Office of Nikiski

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

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





## Planning Department

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

# Planning Commission

## Meeting Packet

**September 13, 2021**

**7:30 p.m.**

**E2 – Right of Way Vacation**

**Shane Rae Circle**

ITEM 2 - RIGHT OF WAY VACATION

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

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

STAFF REPORT

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

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

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

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

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

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

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Anadromous Waters Habitat Protection District Review	Not affected by a Habitat Protection District.
State Parks Review	No comments.

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

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

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

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

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

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

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

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

**KPB department / agency review:**

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

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

**Utility provider review:**

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

**RECOMMENDATION:**

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

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

**KPB 20.65.050 – Action on vacation application**

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

the original petition was filed.

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

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

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

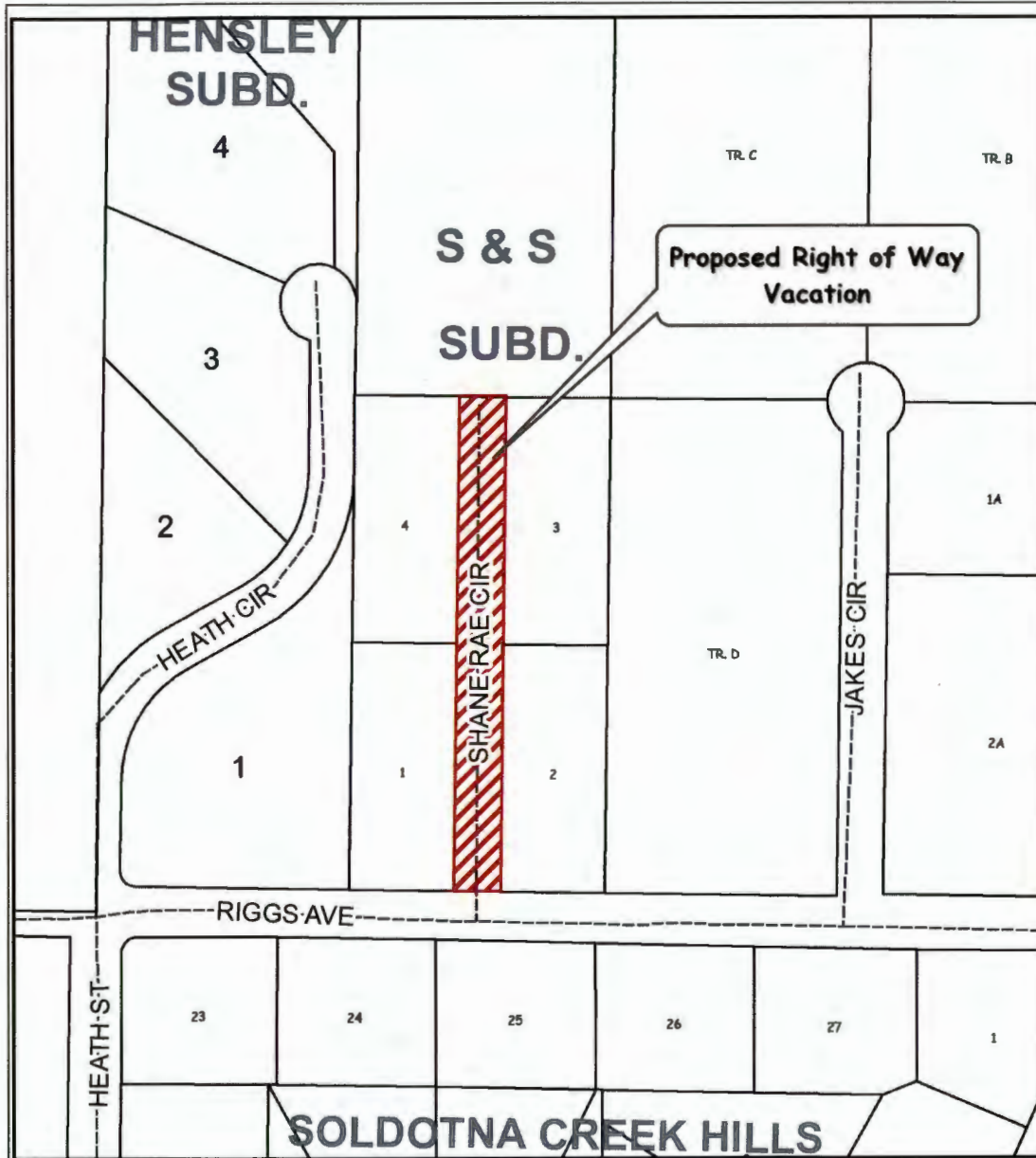
- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to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

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

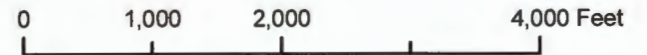
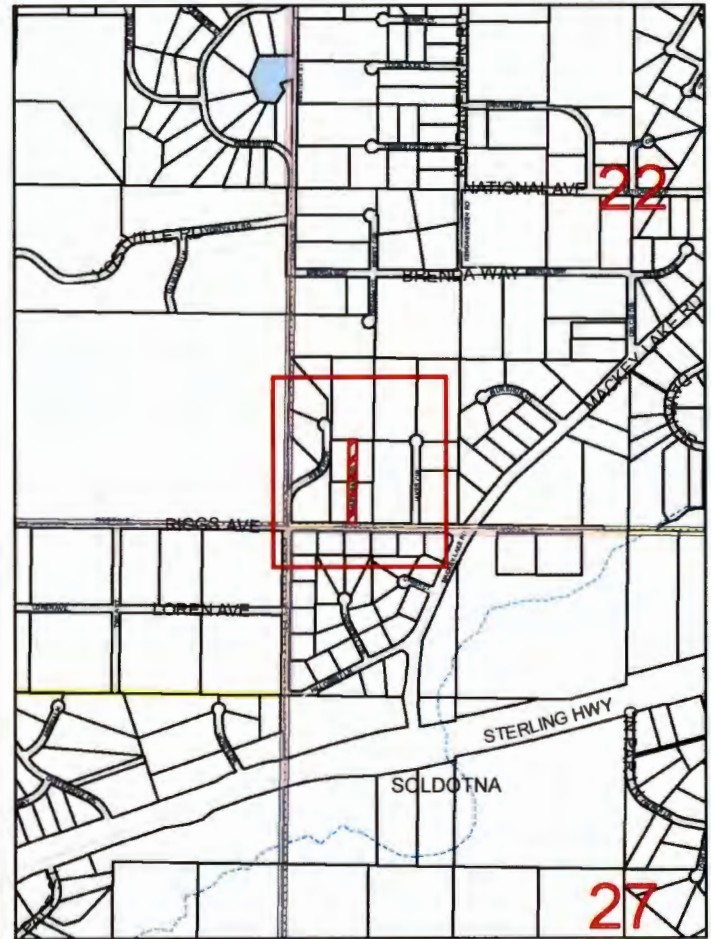
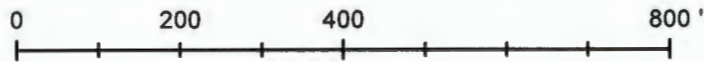
- *Focus Area: Transportation*
  - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
    - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public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

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**END OF STAFF REPORT**



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

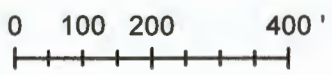


**KPB 2021-112V  
S22 T05N R10W  
RIDGEWAY**





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Aerial View

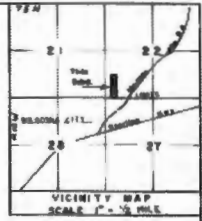
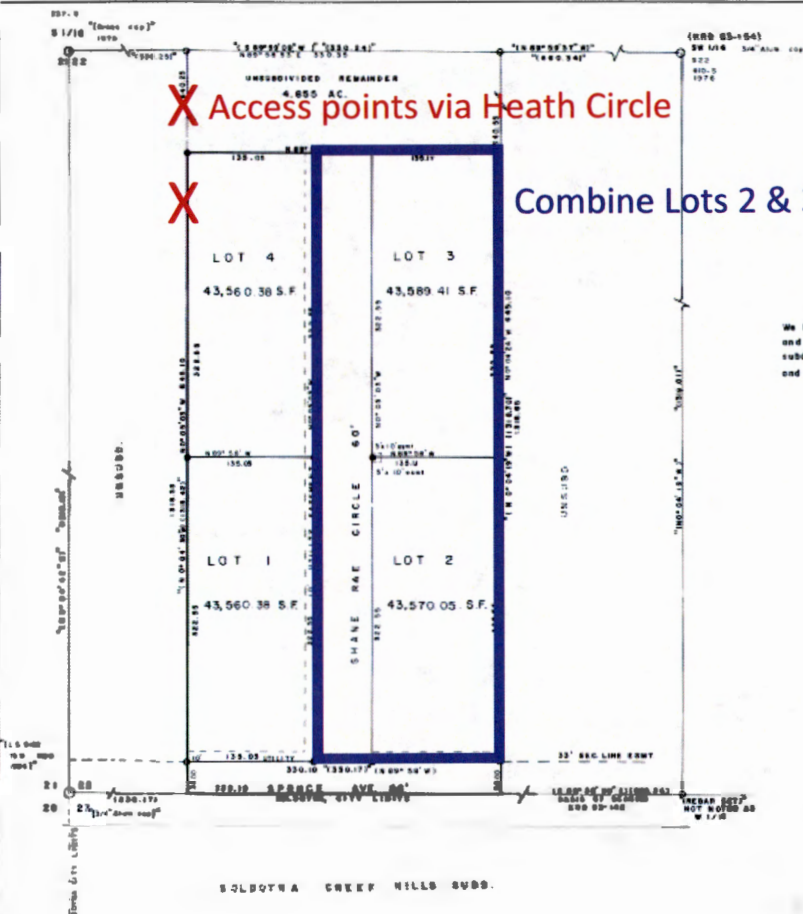


 Right of Way Vacation

PClements, KPB 2021-112V  
Imagery Soldotna 2018

X Access points via Heath Circle

X Combine Lots 2 & 3.



**OWNER'S CERTIFICATE AND DEDICATION**

We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt the plan of subdivision and dedicate all rights of way to public use and grant all easements to the use shown.

*Steven E. Tashiro*      *Sally E. Tashiro*  
STEVEN E. TASHIRO      SALLY E. TASHIRO  
R.O. BOX 370  
SOLDOTRA, AL. 99688

- LEGEND**
- 1) - Record Date
  - o - 3/8" Baber fence
  - e - 3/8" x 30" Baber for this survey
  - - Record monument
  - 1" - Data from previous, unrecorded private boundary survey.

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn to before me this 17th day of June, 1988.

*Sally E. Tashiro*  
Notary Public for the State of ALASKA  
and Steven E. Tashiro.  
My commission expires: 12-17

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

**PLAT APPROVAL**

This plat was approved by the Rural Roadside Borough Planning Commission at the meeting of March 30, 1988.

By *Richard P. Torgue*  
Authorized Official



KPB 2021-112V

COPIES OF PLATS TO BE MADE:  
Minimum of 10 copies shall be made.  
The submitter for this plat is liable for  
correctness and approved status to any and all other  
parties.

**R & S SUBDIVISION**  
LOCATED IN THE 4th DISTRICT  
OF THE STATE OF ALASKA  
AND IN THE REGULAR PLYMOUTH BOROUGH  
CONTAINING 4.85 ACRES AND SUBDIVISION  
OF 4 LOTS.

REGISTERED: DAVID L. BEAR  
R.O. BOX 2020A  
SOLDOTRA, AL. 99688

**Legend**

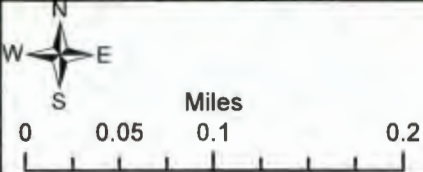
**SECTION LINE EASEMENTS**

**SLE\_STATUS**

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



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



AERIAL IMAGERY 2018  
WETLAND MAPPING

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

**Legend**

**HEA Primary Conductor Placement**

- overhead
- underground
- <all other values>

**ENSTAR Distribution Main Material**

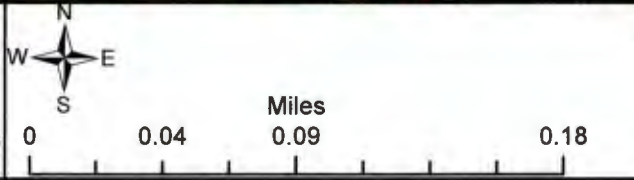
- Plastic

**ENSTAR Service SubtypeCD**

- Service Line
- <all other values>



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AERIAL IMAGERY 2018

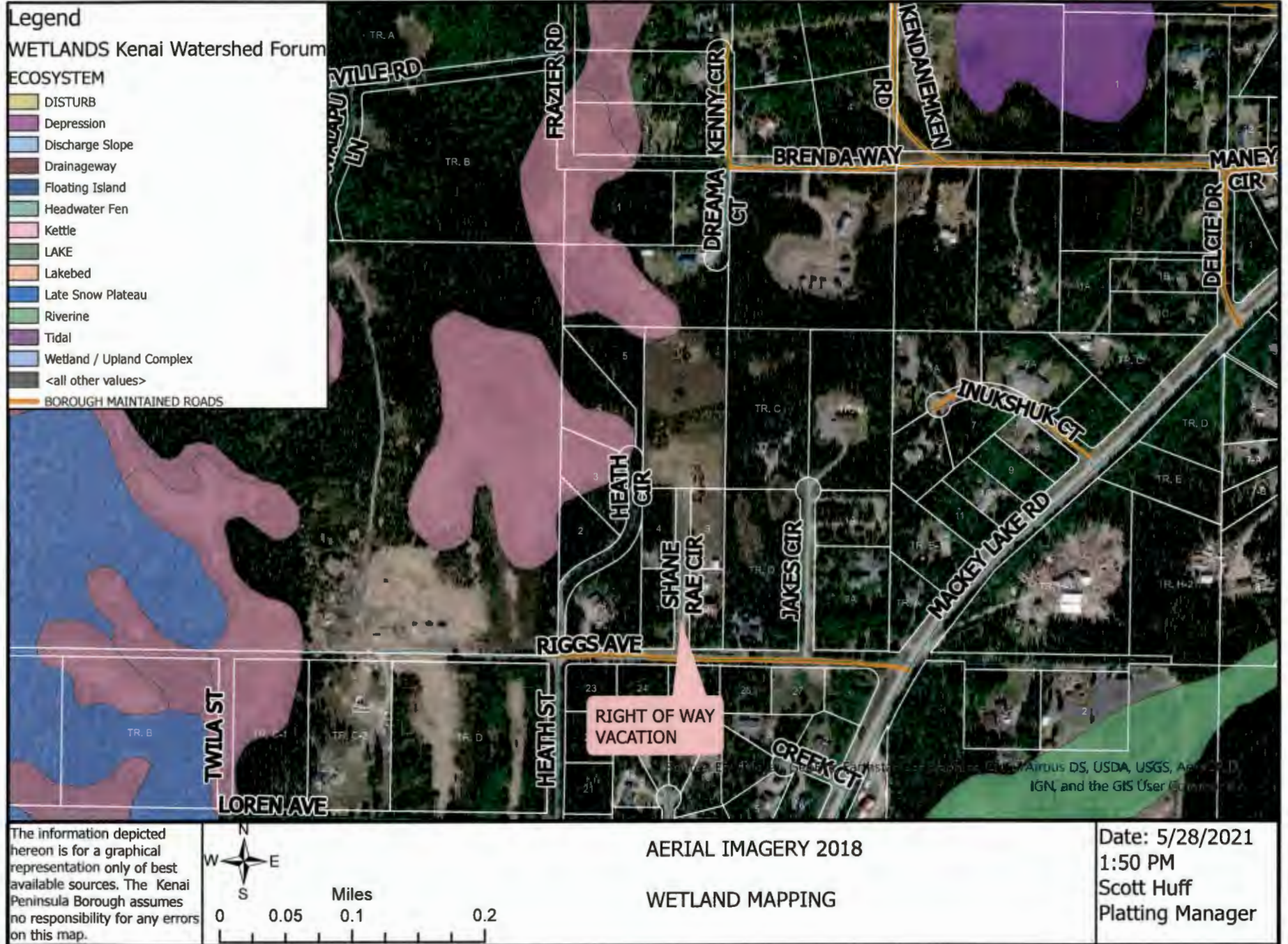
UTILITY

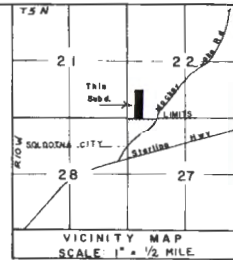
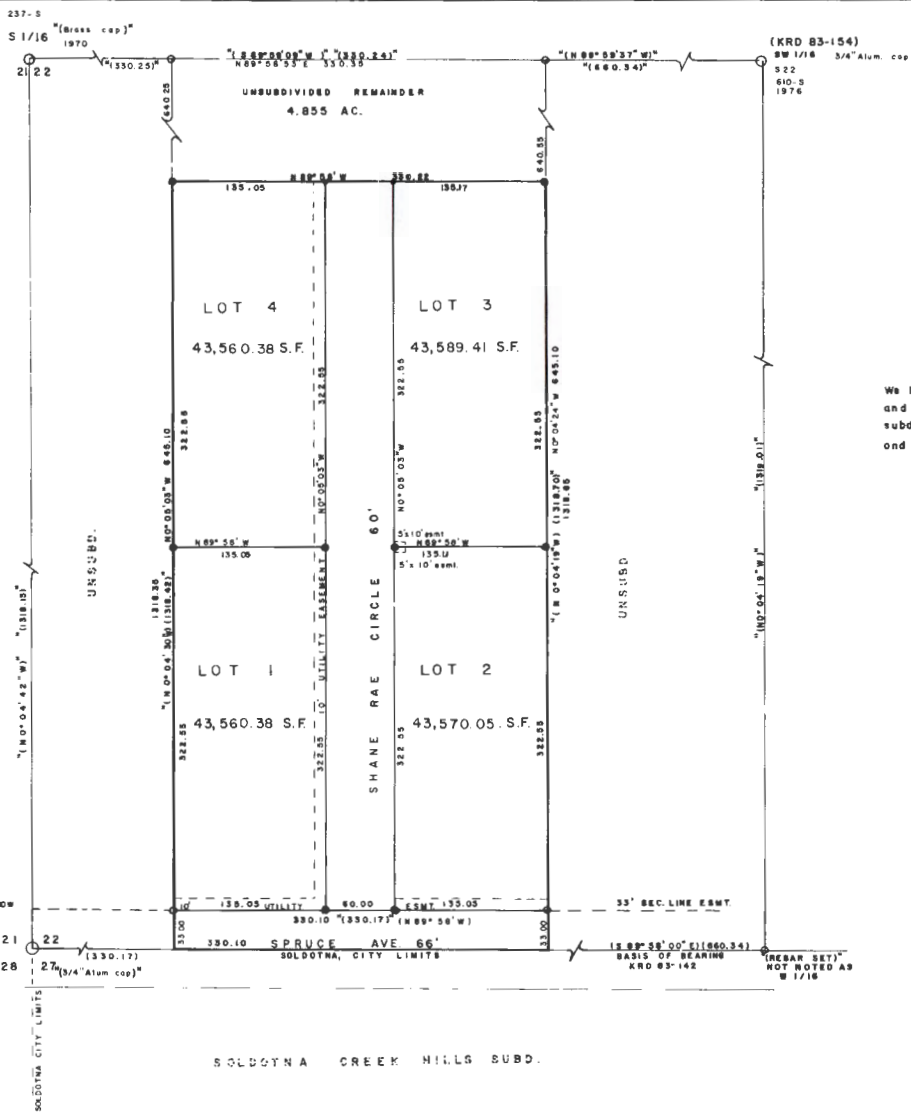
Date: 5/28/2021  
 1:50 PM  
 Scott Huff  
 Platting Manager

# KPB 2021-112V



05/23/2021





**OWNERS CERTIFICATE AND DEDICATION**

We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision and dedicate all rights of way to public use and grant all easements to the use shown.

*Steven R. Tachick*      *Sally E. Tachick*  
 STEVEN R. TACHICK      SALLY E. TACHICK

P.O. BOX 275  
 SOLDOTNA, AK. 99589

**LEGEND**

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

**NOTES**

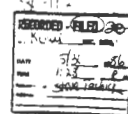
- 1) There is a 20' building setback along all rights of way, unless a lesser standard is approved by resolution of the appropriate planning commission.
- 2) All wastewater disposal systems shall comply with existing laws at time of construction.

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn to before me this 11th day of April 1985.  
*Richard P. Toney*  
 Notary Public for the State of ALASKA  
 and Steven R. B. Sally E. Tachick.  
 My commission expires: 8-2-87

**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of MARCH 24 1985  
 By: *Richard P. Toney*  
 Authorized Official



**CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
 This subdivision has been reviewed to conform with the requirements of the Alaska Subdivision Act.  
 This subdivision is not to be approved subject to any other restrictions.

**S & S SUBDIVISION**  
 LOCATED IN THE E 1/4 NW 1/4 SW 1/4 NW 1/4 SEC. 22 T. 21 N. R. 27 W. ALASKA  
 AND IN THE KENAI PENINSULA BOROUGH CONTAINING 4.89 ACRES AND CONSISTING OF 4 LOTS.

SURVEYOR: DAVID L. BEAR  
 P.O. BOX 59283  
 NIMILCHIK, AK 99839



**NOTES:**

- 1) BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSEER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 2) FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- 3) THESE PARCELS MAY BE AFFECTED BY LOW WET AREAS. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- 4) AN EXCEPTION TO KPB 20.30.170 (BLOCK LENGTH) AND KPB 20.30.100 (CUL-DE-SAC LENGTH) WAS GRANTED ON THE AUGUST 10, 2015 PLAT COMMITTEE MEETING.
- 5) NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF LOT 5.
- 6) THESE PARCELS MAY BE AFFECTED BY THE FOLLOWING EASEMENTS:
  - RIGHT OF WAY EASEMENT GRANTED TO ALASKA PIPELINE COMPANY ON JUNE 13, 1960 IN BK 5 PG 185 KR0. EASEMENT IS 80 FEET IN WIDTH WITH NO EXACT LOCATION DISCLOSED.
  - RIGHT OF WAY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. ON JULY 10, 1961 IN BK 7 PG 7 KR0. EASEMENT IS A BLANKET EASEMENT WITH NO DEFINED LOCATION.
- 7) WASTEWATER DISPOSAL. SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

*H. J. Munkkiamen* 3380-E 5/16/15  
 ENGINEER LICENSE # DATE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	200.00	210.78	201.16	S30°04'27"W	80°23'05"
C2	200.00	210.87	201.20	N30°04'04"E	80°23'50"
C3	20.00	31.36	28.25	S45°02'53"E	89°50°54"
C4	170.00	179.16	170.99	S30°04'27"W	80°23'05"
C5	230.00	123.61	122.13	S44°52'12"W	30°47'54"
C6	230.00	242.48	231.38	N30°04'04"E	80°23'50"
C7	170.00	179.20	171.02	N30°04'04"E	80°23'50"
C8	170.00	83.70	82.86	N48°09'50"E	28°12'39"
C9	170.00	95.50	94.25	N15°57'44"E	32°11'11"
C10	50.00	225.60	77.43	S50°39'58"W	258°31'09"
C11	50.00	94.42	81.00	S24°28'41"E	108°11'55"
C12	50.00	73.17	66.81	S71°31'53"W	83°50'34"
C13	50.00	58.01	54.81	N33°18'50"W	66°28'40"

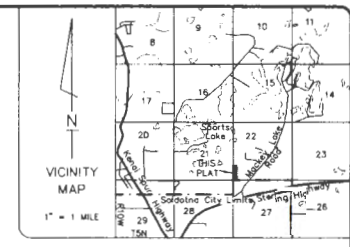
LINE	BEARING	DISTANCE
L1	N89°52'09"E	20.00'

**LEGEND**

- ⊕ PRIMARY MONUMENT RECOVERED AS NOTED
- SECONDARY MONUMENT RECOVERED
- 5/8" X 30' REBAR W/ PLASTIC CAP
- SECONDARY MONUMENT SET THIS SURVEY
- ⊙ YELLOW PLASTIC CAP
- ( ) RECORD PER S & S SUBDIVISION PLAT NO. 86-112



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



**CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT LITTLEKNIFE INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF LITTLEKNIFE INC., WE HEREBY ADOP THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

*Steve Bowen* STEVE BOWEN  
*Haley Bowen* HALEY BOWEN

**NOTARY'S ACKNOWLEDGMENT**

FOR HALEY BOWEN AND STEVE BOWEN ACKNOWLEDGED BEFORE ME THIS 2nd DAY OF July 2015

*Michelle Smith*  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 11/1/19



**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF August 12, 2015.

KENAI PENINSULA BOROUGH  
*Max J. Best*  
 AUTHORIZED OFFICIAL

KPB FILE NO. 2015-075

**HENSLEY SUBDIVISION**

A SUBDIVISION OF W/2 W/2 SW/4 SW/4 SECTION 22, T5N, R10W, SEWARD MERIDIAN.

OWNER: STEVE BOWEN  
 PRESIDENT OF LITTLEKNIFE INC.  
 36498 HALEY'S WAY  
 SOLDOTNA, AK 99669

LOCATED WITHIN THE W/2 W/2 SW/4 SW/4 SECTION 22, T5N, R10W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 9.993 ACRES

**INTEGRITY SURVEYS INC.**

820 SET NET DRIVE KENAI, AK 99611  
 SURVEYORS PLANNERS  
 PHONE - (907) 283-8047  
 FAX - (907) 283-8077  
 info@integritysurveys.com

JOB NO: 215062	DRAWN: SEPT. 9, 2015, JY/SH
SURVEYED: JULY - SEPT. 2015	SCALE: 1" = 80'
FIELD BK: 2015-2 PG 37-40	FILE: 215062 FP.dwg

Page 1 of 1



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

**Standard 2.** That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title.

*Findings*

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

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

*Findings*

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

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

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

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

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

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

Supporting Information:

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

Notice of the proposed plat was mailed to the beneficial interest holder on July 22, 2015. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

The property is not within an advisory planning commission.

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

Exception Requested: Block length (KPB 20.30.170)

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

**Findings**

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

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

of the intersection with Riggs Ave. **Staff recommends** the intersection be aligned with Heath Street to the south and follow the section line north for a minimum distance of 60 feet from the right-of-way dedication line to provide ample landing (straight and reasonably flat) area for large vehicles. This redesign will remove the need for an exception to KPB 20.30.030. The roadway can then be routed easterly to the proposed alignment. **Staff recommends** the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-10 support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-10 support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 7, 9, and 10 support this standard.**

**STAFF RECOMMENDATIONS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE RECOMMENDATIONS, AND**
- **REQUIRE COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), SUBJECT TO EXCEPTION(S) GRANTED.**

**20.25.070 - Form and contents required.**

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

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;  
*Platting Staff Comments: **Staff recommends** the city limits be shown and labeled.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
*Platting Staff Comments: **Staff recommends** the location of the city limits be adjusted. Per KPB GIS mapping the centerline of Riggs Avenue is the city's boundary line.*
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;

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

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

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

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

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

### **KPB 20.30 Design Requirements**

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

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

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

*Platting Staff Comments: Per the submittal the proposed street lies 200 feet west of an existing intersection (Shane Rae Cir / Riggs Ave.) and 300 feet east of an existing intersection (Heath St / Riggs Ave). KPB Code limits block lengths to a 330-foot minimum and offset intersections are not allowed per KPB 20.30.150 (B). **Staff recommends** the proposed intersection be initially aligned with Heath Street and continue north along the section line a minimum of 60 feet from the right-of-way dedication line to provide a suitable landing (straight and reasonably flat) area for large vehicles.*

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

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

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

#### 20.30.280. Floodplain requirements.

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

#### 20.30.290. Anadromous habitat protection district.

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

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

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

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

20.60.020. Filing-Form and number of copies required.

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

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

20.60.110. Dimensional data required.

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

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

20.60.120. Accuracy of measurements.

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

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

20.60.160. Easements.

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

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

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

20.60.190. Certificates, statements, and signatures required.

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

20.60.200. Survey and monumentation.

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

**NOTE: A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

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

END OF STAFF REPORT

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

Chairman Martin opened the meeting for public comment.

1. Scott Huff, Integrity Surveys

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

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

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

2. Jessica Young

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

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

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

3. Cole Young, 42924 Riggs Ave.

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

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

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

4. Steve Bowen, 36496 Haleys Way, Soldotna

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

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

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

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

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

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

5. Febra Hensley, 36963 Beau Circle, Soldotna

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

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

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

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

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

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

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

have a big influence on his recommendations.

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

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

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

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

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

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

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

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

#### Scott Huff, Integrity Surveys

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

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



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

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

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

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

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

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

*Findings*

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

Standard 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title.

*Findings*

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

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

*Findings*

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

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

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

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

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

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

*Findings:*

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

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

*Findings*

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

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

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

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

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

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

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

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

Staff Report given by Patti Hartley

Plat Committee Meeting: 8/10/15

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

Supporting Information:

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

Notice of the proposed plat was mailed to two beneficial interest holders on July 28, 2015. The beneficial interest holders will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

Kachemak Bay Advisory Planning Commission is inactive at this time.



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

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

Submitted via email to: [pclements@kpb.us](mailto:pclements@kpb.us)

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

Dear Mrs. Clements:

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

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

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

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

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



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

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

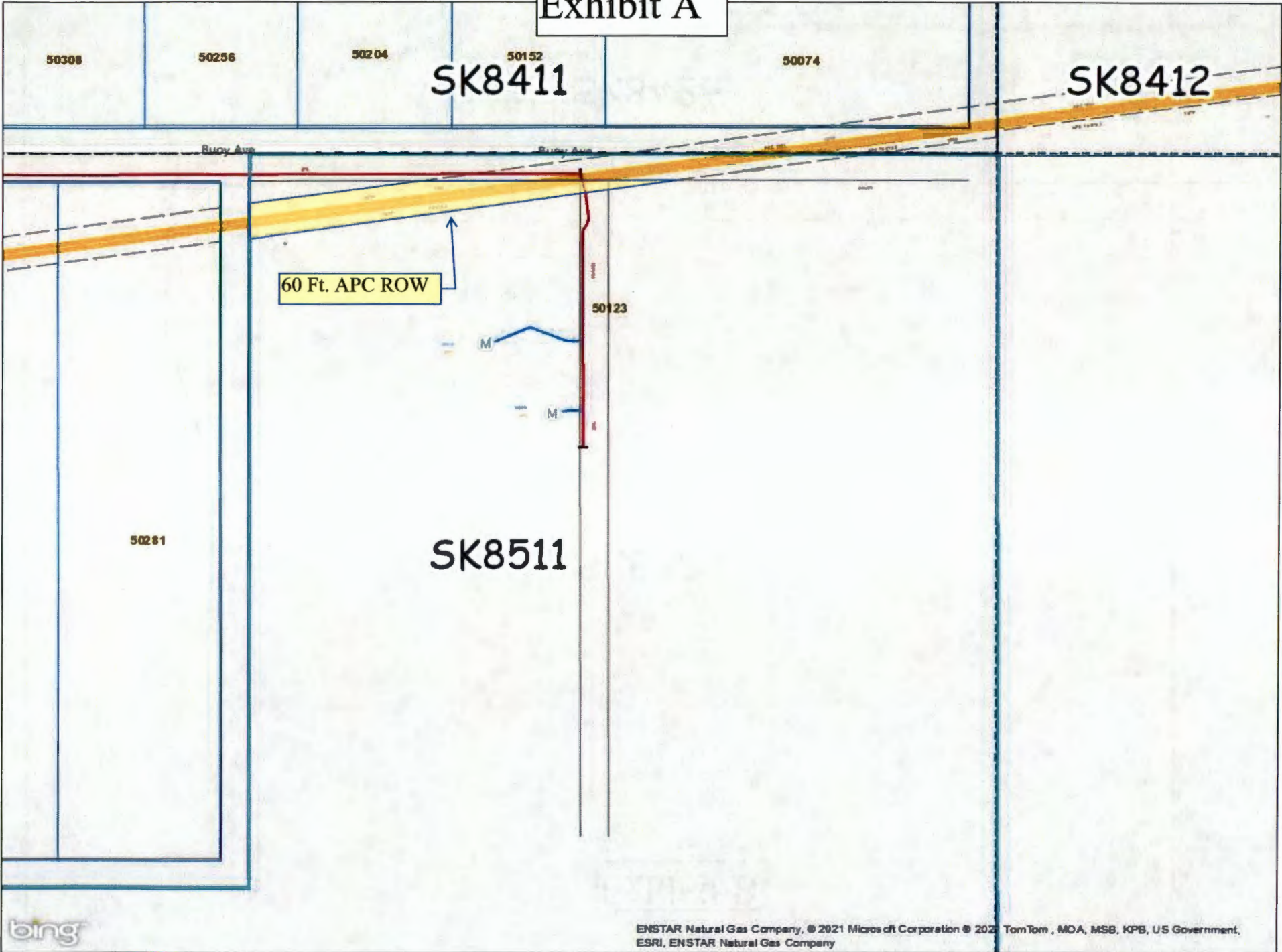
If you have any questions, please feel free to contact me at (907) 334-7911 or by email at [sterling.lopez@enstarnaturalgas.com](mailto:sterling.lopez@enstarnaturalgas.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Sterling Lopez", written over a light blue rectangular background.

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

Exhibit A



60 Ft. APC ROW

SK8511

Exhibit B

