

*4. Plats Granted Final Approval – None

AGENDA ITEM C. CONSENT AGENDA

*5. Plat Amendment Request - None

AGENDA ITEM C. CONSENT AGENDA

6. Utility Easement Vacations - None

AGENDA ITEM C. CONSENT AGENDA

*7. Commissioner Excused Absences

- a. JoAnne Collins, Anchor Point / Ninilchik
- b. James Glendening, City of Kenai
- c. James Isham, Sterling
- d. Franco Venuti, City of Homer

AGENDA ITEM C. CONSENT AGENDA

*8. Minutes

- a. November 9, 2015 Plat Committee Minutes
- b. November 9, 2015 Planning Commission Minutes

MOTION: Commissioner Carluccio moved, seconded by Commissioner Ecklund to approve the consent, regular agenda and the November 9, 2015 Plat Committee & Planning Commission minutes. Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM D. PUBLIC COMMENT / PRESENTATIONS / COMMISSIONERS

Chairman Martin asked if there were members of the public who would like to address the commission for items not listed on the agenda. Hearing none, the meeting continued.

AGENDA ITEM E. UNFINISHED BUSINESS - None

AGENDA ITEM F. PUBLIC HEARINGS

- 1. Vacate the 60-foot wide Goracke Circle cul-de-sac right-of-way and all associated utility easements as dedicated/granted by Soldotna – East Subdivision No. 7, Plat KN 85-10. The right-of-way being vacated is unconstructed and located within the NW ¼, NW ¼, NW ¼ of Section 25 T5N R10W, S.M., AK and within the KPB; KPB File 2015-134.

Staff Report given by Max Best

PC Meeting: 11/23/15

Purpose as stated in petition: Cul-de-sac is no longer necessary. All lots have alternative access.

Petitioners: Robert A. Green & Colleen M. Smagge of Soldotna, AK, Dean D. & Mary E. Talley of Soldotna, AK, and Teresa E. & Robert L. Baker Jr. of Soldotna, AK.

Notification:

Public notice appeared in the November 12, 2015 issue of the Peninsula Clarion. The public hearing notice was published in the November 19 issues of the Peninsula Clarion, Seward Journal, and Homer News as part of the Planning Commission's tentative agenda.

Seven certified mailings were sent to owners of property within 300 feet of the parcels. All return receipts have been received.

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

Two notices went sent by regular mail to agencies. Public hearing notices were mailed to the Sterling Post Office and the Soldotna Community Library with a request to post in public places. Nine notices were emailed to KPB Departments. Fifteen notices were emailed to agencies and interested parties.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Homer Electric Association: Reviewed/no comments.

KPB Addressing Officer: No objection.

KPB River Center: The proposed vacation is not within a mapped flood hazard area or the Anadromous Habitat Protection District.

Staff Discussion:

A packet for preliminary plat review has not yet been received. A public hearing will be scheduled for the plat when a complete submittal packet per KPB 20.25 is provided. Platting staff may be recommending a 10-foot dedication be provided for Janota Circle per KPB 20.30.120 as part of the preliminary plat review.

Public hearing notices were emailed to the affected utility providers.

Findings:

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. Homer Electric Association provided a letter of non-objection.
6. No Goracke Circle addresses have been assigned.
7. Goracke Circle provides access to Lots 4-A, 4-B, 4-C, and 4-D Soldotna East Subdivision No. 7 only.
8. Lot 4-A fronts Bowman Road West and Janota Circle; Lot 4-B fronts Bowman Road West and Isbell Street; Lot 4C fronts Isbelle Street;, and Lot 4-D fronts Janota Circle.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Submittal of a preliminary plat for review by the Plat Committee in accordance with Chapter 20 of the KPB Code.
2. Compliance with Plat Committee conditions of approval per KPB Chapter 20.
2. Submittal of a final plat such that it can be recorded within one year of vacation consent.

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall

have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, 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.

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Holsten moved, seconded by Commissioner Ecklund to approve the vacation of the 60-foot wide Goracke Circle cul-de-sac right-of-way and all associated utility easements subject to staff findings and recommendations based on the following findings of fact.

Findings:

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. Homer Electric Association provided a letter of non-objection.
6. No Goracke Circle addresses have been assigned.
7. Goracke Circle provides access to Lots 4-A, 4-B, 4-C, and 4-D Soldotna East Subdivision No. 7 only.
8. Lot 4-A fronts Bowman Road West and Janota Circle; Lot 4-B fronts Bowman Road West and Isbell Street; Lot 4C fronts Isbelle Street;, and Lot 4-D fronts Janota Circle.

Commissioner Foster asked if this would need to go to the City of Soldotna. Mr. Best verified that this is not within the City of Soldotna limits so this will go before the KPB Assembly for final approval.

MOTION: The motion passed by unanimous consent.

CARLUCCIO YES	COLLINS ABSENT	ECKLUND YES	ERNST YES	FOSTER YES	GLENDENING ABSENT	HOLSTEN YES
ISHAM ABSENT	LOCKWOOD YES	MARTIN YES	RUFFNER YES	VENUTI ABSENT	WHITNEY YES	9 YES 4 ABSENT

~~AGENDA ITEM G. ANADROMOUS WATERS HABITAT PROTECTION (KPB 21.18) - None~~

~~AGENDA ITEM H. VACATIONS NOT REQUIRING A PUBLIC HEARING - None~~

~~AGENDA ITEM I. SPECIAL CONSIDERATIONS - None~~

~~AGENDA ITEM J. SUBDIVISION PLAT PUBLIC HEARINGS~~

Chairman Martin reported that the Plat Committee reviewed and conditionally approved 3 preliminary plats.