

Broyles, Randi

From: Blankenship, Johni
Sent: Tuesday, February 2, 2021 9:28 AM
To: Broyles, Randi
Subject: FW: <EXTERNAL-SENDER>KPB Planning Commission Decision to Vacate Essick Remote ROW
Attachments: Caribou Island ROW 2.1.2921.odt; 2021 Notice of Public Hearing.pdf; Kenai Borough Planning Commission Notice of Decision !2521.pdf

From: Ernie Alvarez <easkilak@gmail.com>
Sent: Monday, February 1, 2021 3:26 PM
To: Hibbert, Brent <bhibbert@kpb.us>; Derkevorkian, Richard <rderkevorkian@kpb.us>; Bjorkman, Jesse <JBjorkman@kpb.us>; ysoncox@kpb.us; Elam, Bill <belam@kpb.us>; Carpenter, Kenn <KCarpenter@kpb.us>; Johnson, Brent <bjohnson@kpb.us>; ichesley@kpb.us; Dunne, Willy <WDunne@kpb.us>; Blankenship, Johni <JBlankenship@kpb.us>
Subject: <EXTERNAL-SENDER>KPB Planning Commission Decision to Vacate Essick Remote ROW

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TO KPB Assembly Members,
Attached is my letter opposing the KPB Planning Commissions decision to vacate Essick Remote 100 ft ROW on Caribou Island in Skilak Lake. Also find the KPB Notice of Public Hearing of 1/25/2021 and the KPB Notice of Decision regarding that hearing.
Thank You
Ernie Alvarez

To The Kenai Borough Assembly Members (KBA),

February 1, 2021

As a property owner on the South East side of Caribou Island, I respectfully request that Assembly Members reject KPB Planning Commission's decision to vacate the Essick Remote NW 100 ft. Right of Way (ROW).

This Right of Way (ROW) has been used by Caribou Island property owners for over 60 years. The two most used and accessible ROW's on Caribou Island is the Essick South East 100 ROW and the opposite 100 ft. ROW on the NW side of Caribou. Other ROW's referred to in the Petition are seldom, if ever used and inaccessible due to terrain (marshland, rocks , boulders) and cannot be approached by boats in moderate to high winds. Additional reasons I oppose this decision to vacate Essick 100 ft. ROW are as follows:

1. I believe the Petitioner's request can be addressed **without** requiring the 100 ft ROW be vacated. Erosion of the lake shoreline is due to wave action that all lake shore owners experience. A small portion of Petitioner's particular problem on Lot 1 Block 6 is due to an interior property owner parking their barge (10' x 20') on and off for the past ten years on the east end of the Petitioner's lot. This could have been terminated at the petitioners request. In addition I believe the barge owner would gladly assist as would I and other property owners to repair any damage that may have occurred due to the barge or any other reason. Lot 1 Block 6 is a **uniquely** pie shaped lot with the east side adjacent to the present 100 ft. easement and is where the barge has been parked , impacting a small area of the Petitioner's lot . Vacating an established 60+ year 100 ft of ROW in exchange for an **undeveloped** 30 ft. ROW(resulting in a loss of 70 ft. of lake shore access) on the **Petitioner's** furthest east side of their other Lot 7 Block 3 is an excessively unreasonable remedy and **inequitable** to other property owners.
2. The proposed 30 ft. ROW on Lot 7 Block 3 is undeveloped, difficult to access due to its shallowness, rocks, boulders, and moderate to high winds make it impossible to beach a boat in that area. In addition, this proposed ROW goes up a steep hill making it difficult to drive an ATV with building materials or supplies on a trailer.
3. The decision to vacate the 100 ft. ROW in exchange for a 30 ft. ROW effects ALL Caribou Island property owners directly or indirectly . Only 5 to 6 property owners were notified of the Public Hearing held on January 25, 2021. I believe all Caribou Island property owners should have been notified and given a chance to give their approval or disapproval before resorting to such a drastic decision that affects present and future access to island properties. This decision to vacate the current ROW may have an impact on future building sites and ownership due to the difficulty of access and may affect land values.

I respectfully request that this decision to vacate Essick Remote NW ROW be denied by KPB Assembly Members. I also request to be notified of any other opportunities to address this matter with ASSEMBLY MEMBERS in the future. I may be contacted at 907-830-8507 or email: easkilak@gmail.com

Ernie Alvarez



Planning Department

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

Charlie Pierce
Borough Mayor

SEWARD JOURNAL

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 12/18/2020 to vacate a public right-of-way in the Seward Recording District, Remote area. Area under consideration is described as follows:

- A. Location and request: Vacate Essick Remote NW right of way south of intersection with Gene Smart Remote NW as dedicated on Caribou Island Amended, Plat SW-37. The right-of-way being vacated is 100 feet in width, unconstructed, and located within the North 1/2 of Section 25, Township 4 North, Range 7 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-154V.
- B. Purpose as stated in petition: Our reason for requesting to vacate a portion of the 100' wide access right of way is to reclaim back and repair the damaged eroding lake bank of that portion (50' or more) of our property that is mistakenly used as the "assumed location" of the 100' right of way by past and present property owners. We would like to vacate the remaining area and offer an alternate 30' right of way on the east boundary of our lot 7 block 3 Caribou Island, plat SW-37. There are no 60' right of ways that have been platted or dedicated so we would like to match the 2 other 30' right of ways to the east. Mostly though, we hope to leave enough square footage to build a cabin for family and friends. (if a 60' right way is dedicated, then add 2-20' building setbacks as per code 20.30.240(A), then add a 50' anadromous habitat protection as per code 20.30.290, this would not leave much left. We however, will have to do the same when we have the final plat, but would have more footage by just dedicating a 30'. And the final reason we want to dedicate only a 30' width rather than a 60' width, is that no vehicles other than four-wheelers will ever be used on the right of ways and on our south side of the island, there are 2-30' right of ways and 2-100' right of ways, the latter being an air strip reservation that amongst the property owners, will never be constructed as the popular travel method is by airplane and boat. The right of ways on the south half of the island have 5 access points than the north side of the island which there is only 1 access point. The foot traffic, boats, barge parking and the loading/unloading of materials has deteriorated the bank and forest floor of our property, mostly on the south boundary of lot 1 block 6, which we would like to repair and regrow as part of our combining the lots with the final plat. Current "real" widths throughout the rights of way vary from a hiking trail to a four-wheeler size width. Amongst most of the property owners on the island agree, there is no real need to develop the right of ways any wider, everyone enjoys hiking and on occasion 4-wheel. We have owned property here since 2004 and have acquired adjoining lots throughout the years, we plan to retire and have the property for our family to enjoy for generations. As of today, we have a total of 5 lots with 3 lots adjoining the 100' and 30' right of ways. We have a good personal relationship with many of the property owners within the entire island and with our nearby neighbors. We have spoken to a few of them about our vacation idea.



Planning Department

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Charlie Pierce
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Planning Department

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Charlie Pierce
Borough Mayor

We have prepared (and traversed it easily by four-wheeler)
the area for the new 30' right of way for land owners to use instead if approved.

C. Petitioner(s): Michael R. Clements and Peggy Clements of Sterling, AK.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, January 25, 2021**, commencing at **7:30 p.m.**, or as soon thereafter as business permits.

Please be aware that due to the recent COVID-19 pandemic and based on CDC guidelines, the meeting will not be physically open to the public. Instructions are as follows:

The meeting will remain open to the public. The Planning Commissioners, along with staff members, will be attending via teleconferencing. The public will be able to listen or participate with the same methods. The meeting will be held through Zoom. To join the meeting from a computer visit <https://zoom.us/j/2084259541>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247. When calling in you will need the Meeting ID of 208 425 9541. If you connect by computer and do not have speakers or a microphone, if wishing to comment, connect online and then select phone for audio. A box will come up with toll free numbers, requesting the Meeting ID, and your participant number. Detailed instructions will be posted on the Planning Commission's webpage prior to the meeting: <https://www.kpb.us/planning-dept/planning-commission>.

If you have questions or experience technical difficulties, please contact the Planning Department at (907) 714-2200.

Meeting materials may be found at <https://www.kpb.us/planning-dept/planning-commission> as well as any updates to meeting procedures.

Anyone wishing to testify, but cannot attend the zoom meeting, may come to the above meeting to give testimony or may submit a written statement to the attention of Julie Hindman, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. The Planning Department recommends that written comments be received by **1:00 PM, Friday, January 22, 2021**. [Written comments may also be sent by email to the addresses below or by Fax to 907-714-2378].

If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

For additional information contact Julie Hindman (jhindman@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email planning@kpb.us.

SKILAK LAKE



1. Lots will be restricted to residential use.
 2. No further subdivision of lots is allowed without majority agreement of the property owners.
 3. All garbage will be removed by the owner.
 4. Structures will be of a permanent nature and shall be built in accordance with the rules and regulations of the State of Alaska.
 5. Buildings will be maintained in a good state of repair and appearance.
 6. Distances will be shown to the nearest 1/100th of an acre from beginning to end of the survey.
 7. The installation and maintenance of the air strip and other facilities shall be the obligation of the property owners.

SURVEY NOTES

- The greater and lesser areas of the island were surveyed separately. The road, however, was surveyed as a strip of right-of-way 100' wide.
- There was no tie between the two surveys.
- The road is 100' wide.

CERTIFICATE OF SURVEY

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT A SURVEY HAS BEEN COMPLETED AND THAT MARKERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT THE DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.

DATE

SURVEYOR



CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE AUTHORIZED TO SIGN THIS PLAT AS OFFICERS OF THE CARIBOU ISLAND, INC., AND THAT UNDER THIS AUTHORITY, WE ACCEPT AND APPROVE THIS AMENDED PLAT.

DATE

Carl Hays
 Robert A. Strand

KPB 2020-154V

100' ROWW

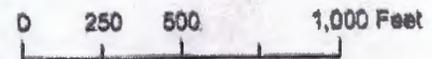
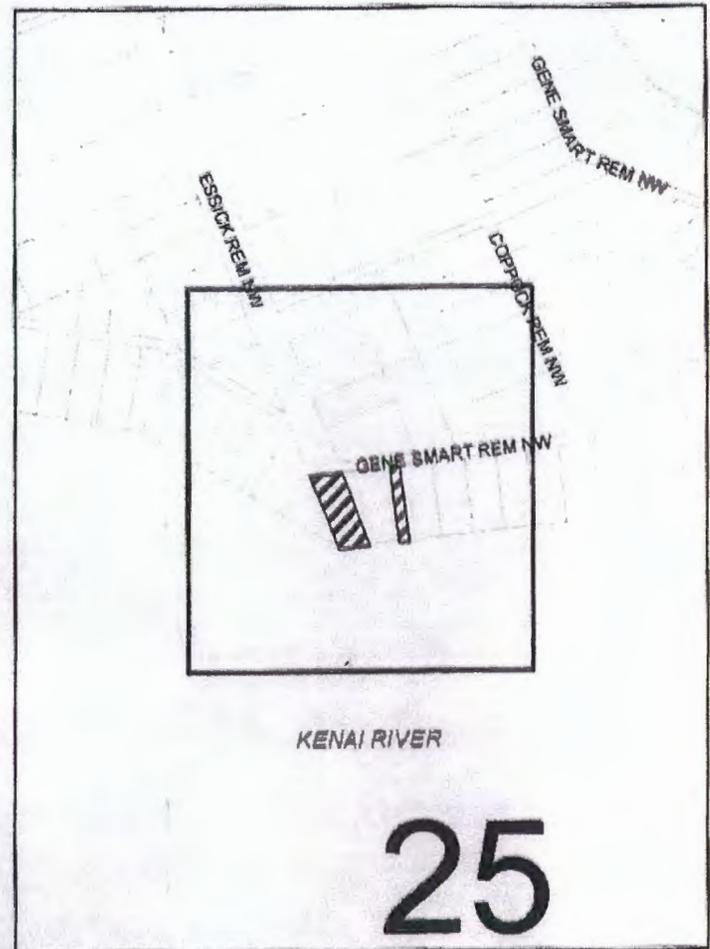
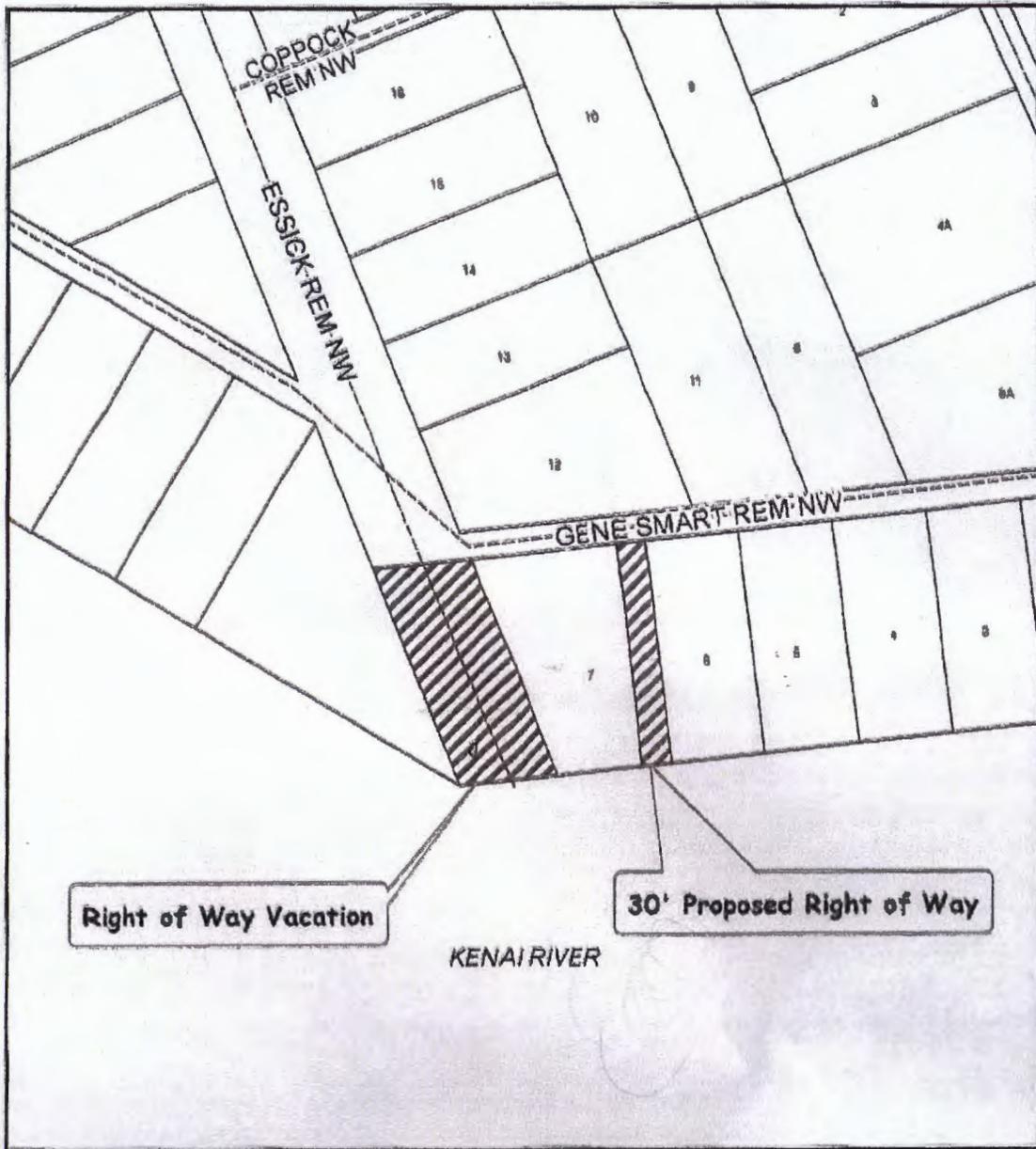
SEWARD

RECORDED & FILED
 AUG 11 1980
 ALASKA DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS

30' ROWW Deducting

AMENDED PLAT OF	
CARIBOU ISLAND	SUBDIVISION
LOCATED IN SKILAK LAKE, ALASKA	
U.S. G.L.O. SURVEY NUMBER 2020	
SURVEYED FOR	
CARIBOU ISLAND	COINTEGRATION
120 E. 5TH AVENUE ANCHORAGE, ALASKA	
ACRES 159.24	SURVEYED BY
DATE 1 AUG. 1980	F.M. LINLEY
SCALE 1" = 100'	REGISTERED
SHEET 1 OF 1	NO. 500'S
	FOR THIS
	SPRING 1980
	PH. FA 1124

Plot 2020-154V



Right of Way Vacation

30' Proposed Right of Way

KENAI RIVER



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



Caribou
S25 T04N R07W
SEWARD

Date: 12/16/2020
Caribou Island



Planning Department

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

Charlie Pierce
Borough Mayor

January 26, 2021

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF JANUARY 25, 2021

RE: Vacate Essick Remote NW right of way south of intersection with Gene Smart Remote NW as dedicated on Caribou Island Amended, Plat SW-37. The right-of-way being vacated is 100 feet in width, unconstructed, and located within the North 1/2 of Section 25, Township 4 North, Range 7 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-154V. Petitioner: Michael R. Clements and Peggy Clements of Sterling, AK.

During their regularly scheduled meeting of January 25, 2021, the Kenai Peninsula Borough Planning Commission granted approval of the referenced right of way vacation based on the means of evaluating public necessity established by KPB 20.70.

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. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval January 25, 2021 in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

The approval is subject to:

1. Providing a 30 foot wide right of way dedication on the east side of Lot 7 to provide a lake access to Gene Smart right of way and continuing to Essick right of way.
2. Consent by KPB Assembly.
3. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
4. Grant utility easements requested by the utility providers.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

Please contact the Kenai Peninsula Borough's Planning Department at (907) 714-2200 if you have any questions.

Broyles, Randi

From: Blankenship, Johni
Sent: Monday, February 1, 2021 8:34 AM
To: Broyles, Randi
Subject: Fwd: <EXTERNAL-SENDER>KPB 20-70-130, Planning Board - Caribou Island Subd
Attachments: image001.png; image0.jpeg

Is this vacation on tomorrow's agenda?

Johni

Sent from my iPhone

Begin forwarded message:

From: "Hindman, Julie" <jhindman@kpb.us>
Date: February 1, 2021 at 8:32:29 AM AKST
To: "Blankenship, Johni" <JBlankenship@kpb.us>
Subject: FW: <EXTERNAL-SENDER>KPB 20-70-130, Planning Board - Caribou Island Subd

I received this today along with Assembly members.

Julie Hindman

Platting Specialist
Ph: (907) 714-2210
Fx: (907) 714-2378



From: Nancy DiNapoli [mailto:nan3d@yahoo.com]
Sent: Monday, February 1, 2021 8:30 AM
To: Hindman, Julie <jhindman@kpb.us>
Cc: Derkevorkian, Richard <rderkevorkian@kpb.us>; Bjorkman, Jesse <JBjorkman@kpb.us>; ysoncox@kpb.us; Elam, Bill <belam@kpb.us>; Carpenter, Kenn <KCarpenter@kpb.us>; Johnson, Brent <bjohnson@kpb.us>; Chesley, Lane <lchesley@kpb.us>; Dunne, Willy <WDunne@kpb.us>
Subject: <EXTERNAL-SENDER>KPB 20-70-130, Planning Board - Caribou Island Subd

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To the Kenai Peninsula Borough Assembly and the Kenai Borough Mayor,

Regarding KPB Planning Board recommendation on Caribou Island - Skilak Lake, the exchange of platted 100'

ROW for new 30' ROW.

Skilak lake is subject to strong storm winds. The original Caribou Island plat reserved only two wind-sheltered boat landings for use by all the island's owners. This existing 100' ROW is the only wind sheltered public beach on the south shore. Additionally, the existing 100' ROW is improved in that an eight foot wide tractor trail with a packed gravel surface has been in place for about ten years.

On Google Maps the existing protected beach is clearly shown with boats up on the gravel and scuffed gravel from human use. Also visible is the tractor trail. My graphic illustrates the proposed 30' wind exposed beach with a long shallow approach. I have needed to haul my boat up on the existing ROW and walk back to my cabin.

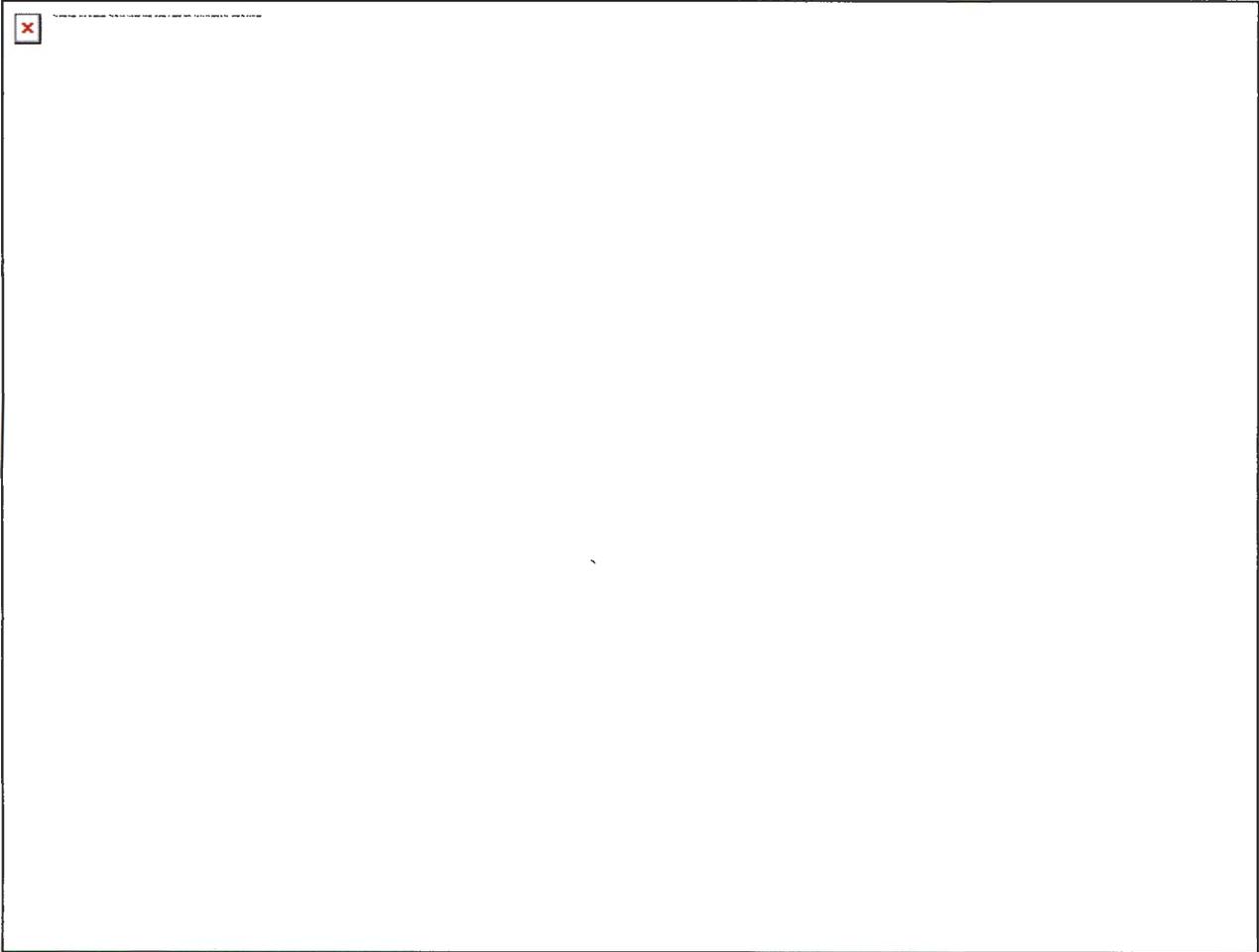
If the petitioners need more land, the other property owners could agree to give up a portion of the existing ROW, but the wind sheltered beach landing should be preserved for public use. It's a matter of public safety.

I thank you for this belated consideration,

Nancy DiNapoli

Owner, Caribou Island Subdivision

Bk 2, L1 and Bk 1, L12,13,14





Broyles, Randi

From: Blankenship, Johni
Sent: Friday, February 5, 2021 10:35 AM
To: Broyles, Randi
Subject: FW: <EXTERNAL-SENDER>Vacation for Essick REM Caribou Island

From: Dean Denlinger <dnrdenlinger2@gmail.com>
Sent: Thursday, February 4, 2021 7:20 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>Vacation for Essick REM Caribou Island

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

To whom it may concern,

This email is in regards to the proposed right-of-way vacation for Essick REM Caribou Island. I believe it will be of great benefit for the integrity of the island. The current 100 foot easement goes across an environmentally sensitive area. With that wide of an easement for anyone to use, it could cause damage and riparian concerns. On the other hand, a 30 foot easement with a well marked out trail would greatly help to reduce those issues.

As the island becomes more popular and more people will need access to their properties, I believe the 30 foot right of way will be crucial.

Thank you for considering my thoughts,

Dean Denlinger
Property owner on the island

Greetings Assembly Members

My name is Daniel Moose. My family is (and has been) building a cabin on Section 3 Lot 2 on Caribou Island, 500' from the existing ROW. I was one of the few cabin owners notified (there are 18 active cabin owners on the island) regarding the Planning Commission's hearing to consider vacating the 100' foot right-of way. This ROW I use and rely on for the ongoing construction of my cabin and as a safe harbor for myself and family when the Skilak Lake winds pick up (Winds, as the assembly knows, that without safe harbor can have tragic consequences).

I am requesting that the Assembly step in and reject the Planning Commission's vote to approve vacating a crucial 100' publicly owned Right-of-Way and re-locating it to a useless and reduced (now 30') ROW and giving the newly created premium lot and 70' of shoreline to the petitioners, one of whom is a Planning Commission employee.

I attended the meeting and was given one brief opportunity to express my opposition to the proposal. My comments echoed those of the 2 other neighbors (who were not contacted by the Planning Commission) but were fortunate to have found out about the meeting and were able to comment. All were in unanimity in opposition to the proposal and none were in support and all made these same factual points:

1. Safety: The existing location provides safe harbor for landing when the wind comes up off the glacier. Which it can do rapidly. The 100' right-of-way allows for several boats to land and maneuver at all seasonal lake levels. The proposed 30' offers no cover from the winds, nor space to land or anchor more than a single boat, nor adequate depth of water for any loaded boat. It is a gravel bed leading to a steep incline.
2. Logistics: The existing location provides a safe landing for dropping off necessary supplies while offering an adequate staging area for multiple uses including transferring needed construction materials. The combination of: protection from the wind, adequate water depth, wide and flat area for staging, mitigates the chance of capsizing while loading and unloading. The proposed 30' area does not provide any of these advantages. For us on the southeast shore of the island, the 30' provides what we already have: a shallow, rocky wind-swept shoreline leading to a hill.
3. The existing location offers a perfect gradual slope for transferring loads to either Gene Smart or Essick Rights-of-way. The proposed 30' right-of-way is nothing more than a steep rocky trail leading down to a gravel bar and a spit. The Planning Commissions flat plot does not reveal these things.

A review of any topological map with the necessary resolution would clearly demonstrate that the gravel bed off lot 7 makes the 30' ROW useless for landing...the fact of the existence of the gravel bed is a contributing factor that helps make the existing ROW the safe landing and loading area that it is.

A review of the topography would also point out the gradual slope from waterline to the Essick and Gene Smart ROWs intersection. This contrasts greatly to the proposed 30'ROW which is steep and impractical. Yes, a 4-wheeler can transverse it but not a LOADED one, or one trying to tow materials.

A review of the topography would also show that the island is divided by terrain. Marsh land to the west, ridge and valley to the east. The Southern shoreline paralleling the Gene Smart ROW is low and exposed. Materials coming into the Southeast shoreline have only the 100' ROW that can be used

safely and reliably. No other alternative works. There is a 30' ROW 100' from my property that is useless...used by no-one...exposed to the winds and dangerously shoal for landing.

The Assembly need also consider other aspects of any Planning Commissions vote:

Fairness and Precedence

The Planning Commission has voted to take away from every taxpayer on the island, every person in the Borough, an access that has always provided a safe alternate landing spot and a useful and much needed utility area and have voted to give it to a single petitioner for their private use... this over the unanimous objection of all who were fortunate enough to speak. The Commission voted to take mutually owned, prime waterfront property, equal in area to 70% of the average lot size owned on the island, and has given it away for free to a petitioner. This clearly is wrong. When I purchased my lot, I also purchased my right to use this ROW.

The ROW I am using to build my cabin is in the process of being given away to a single petitioner right in the middle of my construction. This is wrong. Mine and all others' property rights have been abridged not for the public good but for the sole benefit of one family.

The ROW that I and my family, and all other's use for safe harbor and landing when the Skilak Lake wind rises is being given to a single petitioner. That is wrong. Mine and all others' safety is compromised, not for the public good but for the sole benefit of one family.

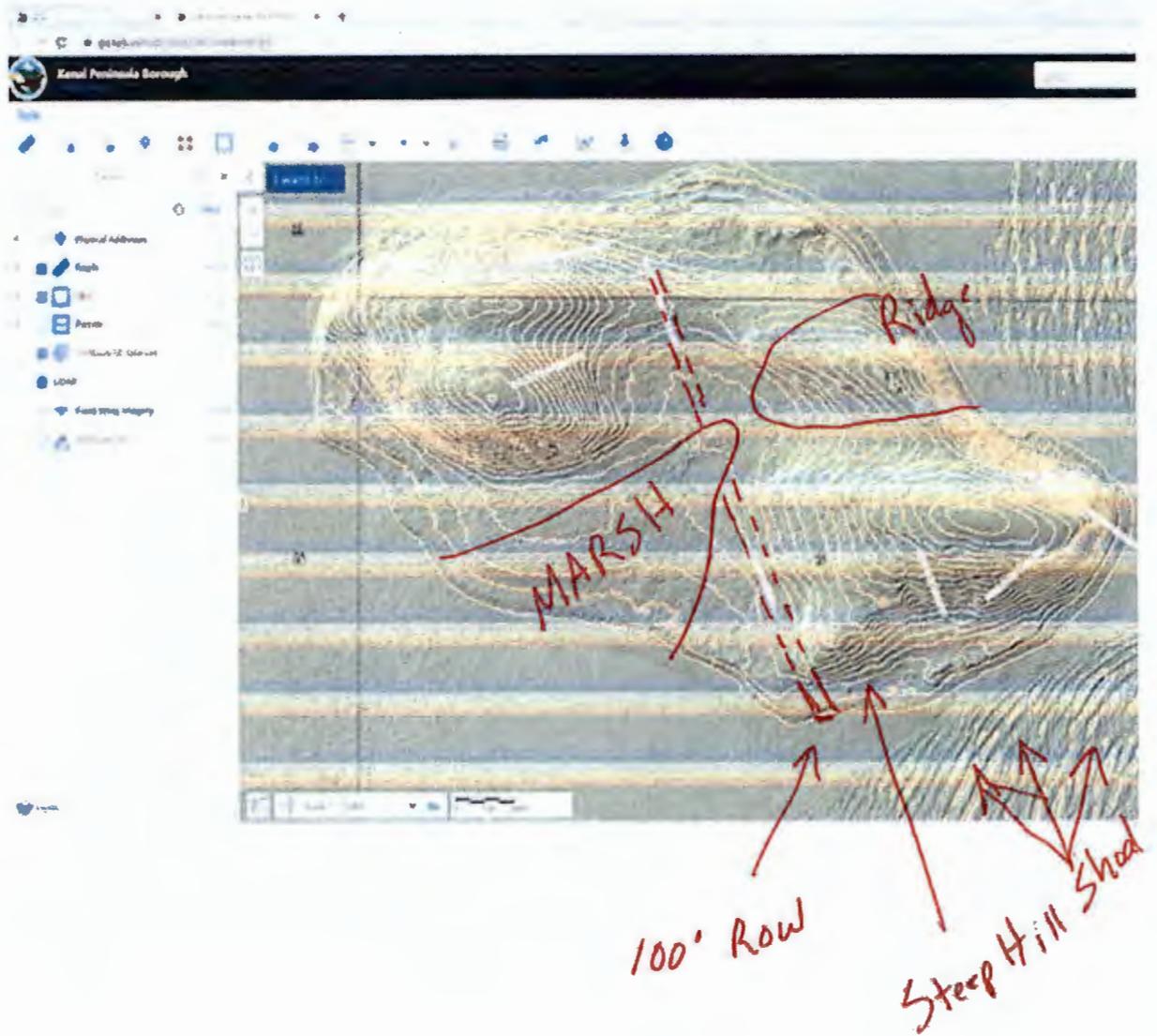
Not notifying everyone on the Island was wrong...it may have been within the Planning Commissions' guidelines but that does not make it in anyway right, it is an ISLAND after all...the whole community deserved notification, not just 6 lot holders.

It was also wrong after testifying, that I was not sent the Letter of Decision as at least one other attendee did. The Letter of Decision was important since it included appeal information. Strange not to have received one.

During the Planning Commission hearing in which I was permitted to listen but make no further comment, several of the Commission members seemed to be fishing for a justification to approve. Trespassing seemed to be the foundation for their common cause to vote approval. Transcripts of the hearing will make that clear.

Instead of recommending the petitioner's put up a sign and properly demark their boundary, the Commission decided to deprive all Property Owners on the island access to property they already mutually owned...it was hard to listen to how even the people who built the road and landing of the ROW did not know where the ROW is...insulting...as an excuse to take it away from them. The Planning Commission seemed to take the view that we on the island were to ignorant to find a 100' ROW we've been using for years...but are smart enough to find a new 30' one. Strange logic.

When I bought my property I, like all others on the island, purchased not only my lot but also the right to access and use this and all ROWs on the island. I now ask the assembly to restore my own and every Borough citizens' right of access to the existing 100' ROW. Please do not lock up the Southeast shore of the island. Thanks.



* Note that the island is divided in half by terrain.



Planning Department

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

*Only 6 Islanders
were notified!*
Charlie Pierce
Borough Mayor

SEWARD JOURNAL

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 12/18/2020 to vacate a public right-of-way in the Seward Recording District, Remote area. Area under consideration is described as follows:

- A. Location and request: Vacate Essick Remote NW right of way south of intersection with Gene Smart Remote NW as dedicated on Caribou Island Amended, Plat SW-37. The right-of-way being vacated is 100 feet in width, unconstructed, and located within the North 1/2 of Section 25, Township 4 North, Range 7 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-154V.
- B. Purpose as stated in petition: Our reason for requesting to vacate a portion of the 100' wide access right of way is to reclaim back and repair the damaged eroding lake bank of that portion (50' or more) of our property that is mistakenly used as the "assumed location" of the 100' right of way by past and present property owners. We would like to vacate the remaining area and offer an alternate 30' right of way on the east boundary of our lot 7 block 3 Caribou Island, plat SW-37. There are no 60' right of ways that have been platted or dedicated so we would like to match the 2 other 30' right of ways to the east. Mostly though, we hope to leave enough square footage to build a cabin for family and friends. If a 60' right way is dedicated, then add 2-20' building setbacks as per code 20.30.240(A), then add a 50' anadromous habitat protection as per code 20.30.290, this would not leave much left. We however, will have to do the same when we have the final plat, but would have more footage by just dedicating a 30'. And the final reason we want to dedicate only a 30' width rather than a 60' width, is that no vehicles other than four-wheelers will ever be used on the right of ways and on our south side of the island, there are 2-30' right of ways and 2-100' right of ways, the latter being an air strip reservation that amongst the property owners, will never be constructed as the popular travel method is by airplane and boat. The right of ways on the south half of the island have 5 access points than the north side of the island which there is only 1 access point. The foot traffic, boats, barge parking and the loading/unloading of materials has deteriorated the bank and forest floor of our property, mostly on the south boundary of lot 1 block 6, which we would like to repair and regrow as part of our combining the lots with the final plat. Current "real" widths throughout the rights of way vary from a hiking trail to a four-wheeler size width. Amongst most of the property owners on the island agree, there is no real need to develop the right of ways any wider, everyone enjoys hiking and on occasion 4-wheel. We have owned property here since 2004 and have acquired adjoining lots throughout the years, we plan to retire and have the property for our family to enjoy for generations. As of today, we have a total of 5 lots with 3 lots adjoining the 100' and 30' right of ways. We have a good personal relationship with many of the property owners within the entire island and with our nearby neighbors. We have spoken to a few of them about our vacation idea.



Planning Department

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

Charlie Pierce
Borough Mayor

We have prepared (and traversed it easily by four-wheeler)
the area for the new 30' right of way for land owners to use instead if approved.

C. Petitioner(s): Michael R. Clements and Peggy Clements of Sterling , AK.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, January 25, 2021**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. .

Please be aware that due to the recent COVID-19 pandemic and based on CDC guidelines, the meeting will not be physically open to the public. Instructions are as follows:

The meeting will remain open to the public. The Planning Commissioners, along with staff members, will be attending via teleconferencing. The public will be able to listen or participate with the same methods. The meeting will be held through Zoom. To join the meeting from a computer visit <https://zoom.us/j/2084259541>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247. When calling in you will need the Meeting ID of 208 425 9541. If you connect by computer and do not have speakers or a microphone, if wishing to comment, connect online and then select phone for audio. A box will come up with toll free numbers, requesting the Meeting ID, and your participant number. Detailed instructions will be posted on the Planning Commission's webpage prior to the meeting: <https://www.kpb.us/planning-dept/planning-commission>.

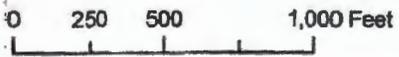
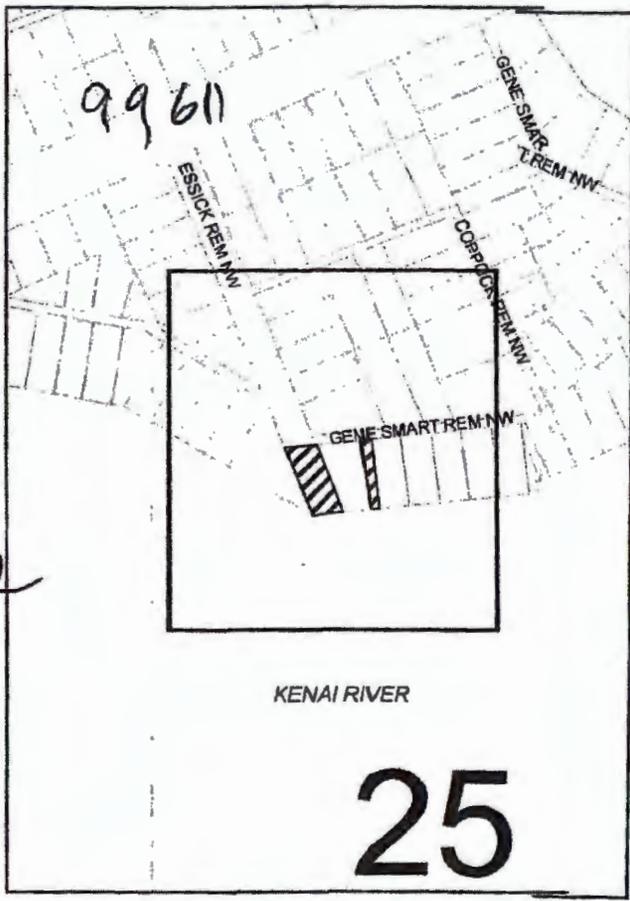
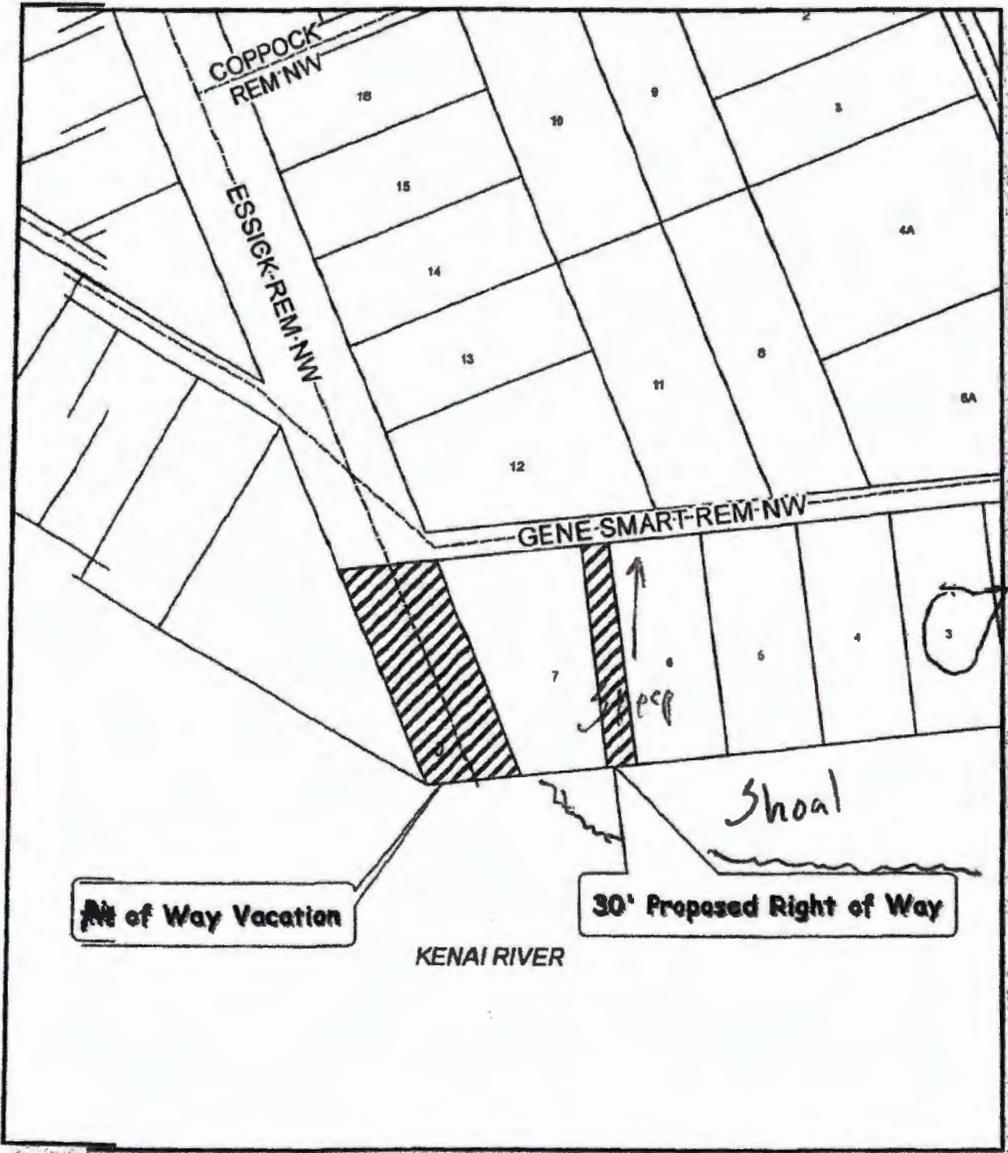
If you have questions or experience technical difficulties, please contact the Planning Department at (907) 714-2200.

Meeting materials may be found at <https://www.kpb.us/planning-dept/planning-commission> as well as any updates to meeting procedures.

Anyone wishing to testify, but cannot attend the zoom meeting, may come to the above meeting to give testimony or may submit a written statement to the attention of Julie Hindman, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. The Planning Department recommends that written comments be received by **1:00 PM, Friday, January 22, 2021**. [Written comments may also be sent by email to the addresses below or by Fax to 907-714-2378].

If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

For additional information contact Julie Hindman (jhindman@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email planning@kpb.us.

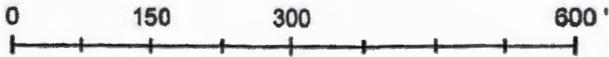


Right of Way Vacation

30' Proposed Right of Way



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.



Caribou
S25 T04N R07W
SEWARD

Date: 12/16/2020
Caribou Island



- RESTRICTIONS & COVENANTS**
1. Lots will be restricted to residential use.
 2. No further subdivision of lots without majority agreement of the property owners.
 3. All garbage will be disposed of by owner.
 4. Buildings will be of a permanent, substantial and of rustic appearance to blend with the surrounding area.
 5. Buildings will be maintained in a good state of repair and appearance.
 6. Outfalls will be so located as to prevent stream from becoming a public nuisance.
 7. The installation and maintenance of a road, air strip and other facilities shall be the obligation of the property owners.

- SURVEY NOTES**
1. The broken line shows around the subdivision a meander line only. The true property line is the shore or high water mark as conveyed in the original patent.
 2. Parcel 10' x in rock (G.L.O. Survey)
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 100. Parcel 10' x in rock (G.L.O. Survey)

CERTIFICATE OF SURVEY
 I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT A SURVEY HAS BEEN COMPLETED AND THAT MARKERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT THE DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.

DATE: 10/10/1960
 SURVEYOR: [Signature]



CERTIFICATE OF OWNERSHIP
 WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE AUTHORIZED TO SIGN THIS PLAT AS OFFICERS OF THE CARIBOU ISLAND, INC., AND THAT UNDER THIS AUTHORITY, WE ACCEPT AND APPROVE THIS AMENDED PLAT.

DATE: _____
 [Signature]
 [Signature]

KPB 2020-154V

100' ROWV
 30' ROWV

SEWARD and No. 15-61

RECORDED - FILED
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 1960
 1960
 1960

AMENDED PLAT OF	
CARIBOU ISLAND	
SUBDIVISION LOCATED IN SKILAK LAKE, ALASKA U.S. G.L.O. SURVEY NUMBER 2215	
SURVEYED FOR CARIBOU ISLAND CORPORATION 129 E. 5TH AVENUE ANCHORAGE, ALASKA	
ACRES 159.24	SURVEYED BY F. M. LINDSEY
DATE 1 AUG. 1960	REGISTERED 10/10/60
SCALE 1" = 100'	NO. 680'S BOX 408 SPENARD, ALASKA
SHEET 1 OF 1	PH. PA. 212-22



Planning Department

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

Charlie Pierce
Borough Mayor

January 26, 2021

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF JANUARY 25, 2021

RE: Vacate Essick Remote NW right of way south of intersection with Gene Smart Remote NW as dedicated on Caribou Island Amended, Plat SW-37. The right-of-way being vacated is 100 feet in width, unconstructed, and located within the North 1/2 of Section 25, Township 4 North, Range 7 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-154V. Petitioner: Michael R. Clements and Peggy Clements of Sterling, AK.

During their regularly scheduled meeting of January 25, 2021, the Kenai Peninsula Borough Planning Commission granted approval of the referenced right of way vacation based on the means of evaluating public necessity established by KPB 20.70.

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. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval January 25, 2021 in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

The approval is subject to:

1. Providing a 30 foot wide right of way dedication on the east side of Lot 7 to provide a lake access to Gene Smart right of way and continuing to Essick right of way.
2. Consent by KPB Assembly.
3. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
4. Grant utility easements requested by the utility providers.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

Please contact the Kenai Peninsula Borough's Planning Department at (907) 714-2200 if you have any questions.

Broyles, Randi

From: Blankenship, Johni
Sent: Thursday, February 4, 2021 7:02 AM
To: Broyles, Randi
Subject: Fwd: <EXTERNAL-SENDER>Caribou Island Easement Vacation request by Michael R. Clements and Peggy Clements

Sent from my iPhone

Begin forwarded message:

From: kmsb@gci.net
Date: February 3, 2021 at 11:30:46 PM AKST
To: "Blankenship, Johni" <JBlankenship@kpb.us>
Cc: "Bjorkman, Jesse" <JBjorkman@kpb.us>, "Cox, Tyson" <tysoncox@kpb.us>, "Elam, Bill" <belam@kpb.us>, "Carpenter, Kenn" <KCarpenter@kpb.us>, "Hibbert, Brent" <bhibbert@kpb.us>, "Derkevorkian, Richard" <rderkevorkian@kpb.us>, "Johnson, Brent" <bjohnson@kpb.us>, "Chesley, Lane" <lchesley@kpb.us>, "Dunne, Willy" <WDunne@kpb.us>
Subject: <EXTERNAL-SENDER>Caribou Island Easement Vacation request by Michael R. Clements and Peggy Clements

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Please enter the following into Public Comments

To: Kenai Peninsula Borough Assembly Members

This letter is written to voice my objection to the Caribou Island Easement Vacation approved by the Planning Commission on January 25, 2021. This decision appears to have been made by the Planning Commission with very limited notification and input from the majority of landowners who will be impacted. Many of us learned about this action only by word of mouth after the commission approved it; if all Caribou Island landowners had been notified, there would have certainly been more response and objections voiced. The Assembly should reverse this decision.

The 100' easement on either side of Caribou Island is the main approach to interior lots. There are special considerations that require larger easements and this is one. Easement access is imperative for everyday access and personal use, including boat mooring, transporting materials, food & water--all necessities for living must travel through these easements. If you review the plat and look at the number of interior lots, a 100' easement on both sides of the island along with the additional 30' easements is both realistic and reasonable. Boats require significant space to moor— easements represent the only space for interior lot owners to moor. This easement vacation benefits only the petitioners; it will make reaching interior lots difficult for many. Can you

imagine moving beams and other building materials over a rocky, steep and undeveloped access, then being required to make two 90 degree turns before reconnecting to the 100 foot easement up the hill? Property owners hiking in and carrying their belongings would also find this change difficult. It should be noted that the petitioners have only asked for the access point to be vacated, not the entire easement; again, this appears to be a way to add to and connect their personal property rather than a benefit to islanders as a whole. If encroachment onto their property at the access point is an issue, simply marking their corners and asking people to use the actual easement is an easy solution. Islanders are respectful of one another's property.

I have owned property on Caribou Island since 1978--to my knowledge the plat has not changed during this time. We all knew when we purchased our lots where our property lines were and where the easements were--the lines have been there for decades. My family has also purchased additional lots over the years and ours will be passed to future generations. We built an addition to our cabin, but we planned and kept it within our lot lines respecting the required setbacks. High water, waves and erosion have taken land from all of us on the waterfront; this does not mean we should be able to claim easements as our own. We do not have the right to make decisions this important and impactful for present and future interior lot owners. All of us use easements on the island at some point. This approval sets a dangerous precedence and must be reversed.

Caribou Island is a unique property and decisions regarding easements cannot be treated as they would be in the city or even most rural areas. Easements are vital access and connection points. The desires of the petitioners should not outweigh the needs of many present and future property owners. As Assembly Members, you can and should correct this action by not allowing the Planning Commission's decision to stand.

Sincerely,
Sandra K. Bowen

Broyles, Randi

From: Blankenship, Johni
Sent: Sunday, February 7, 2021 3:07 PM
To: Broyles, Randi
Subject: Fwd: <EXTERNAL-SENDER>Caribou Island easement change

Sent from my iPhone

Begin forwarded message:

From: Nile Ersland <nileersland@gmail.com>
Date: February 7, 2021 at 12:13:49 PM AKST
To: "Blankenship, Johni" <JBlankenship@kpb.us>
Subject: <EXTERNAL-SENDER>**Caribou Island easement change**

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear assembly members.

My name is Nile Erslsand. My wife Chris and I have been property owners on Caribou Island for 40 years.

We are both very opposed to any easement change on the island.

This particular change would be very harmful to any land owner of the interior lots.

The proposed easement would make boat landing and moorage dangerous for both boats and especially people. Anyone who has actually seen this location will know that it is very shallow and rocky. Access from there to the interior of the island would be up a very steep grade. Likely unusable by 4 wheelers. Transporting material inland would be extremely difficult, and again dangerous.

It is definitely in the best interest and safety of island property owners to dismiss this easement change.

Regards, Nile Erslsand

--

Nile Erslsand, DDS

----- Forwarded message -----

From: **Curt Smith** <arncas@gmail.com>

Date: Tue, Feb 2, 2021 at 1:54 PM

Subject: Vacated Easement on Caribou Island, Skilak Lake

To: <assembly@kpb.us>

I am forwarding this to the above address so it can be a part of the public record..

Curt Smith

Distinguished Planning Board members;

I hesitate to stick my nose into this affair given that the Clements are great folks and have been kind to me but unfortunately I do not agree with the proposed change as it will adversely affect many landowners on Caribou Island.

At first glance the proposal to relocate the existing 100' easement and reduce it to 30' wide seems somewhat reasonable other than trading 30' of beach front for 100' of beach front. I understand the owners desire to unite their two lots and add 70' of contiguous shoreline in exchange for 30' of shoreline to their property BUT the proposal is missing a key piece of information not apparent from the idealized platt map submitted.

Over 1/2 of the shoreline on Caribou Island Skilak Lake is too rocky for boats or float planes to safely come and go. The proposed new location besides being very narrow is in a place where a boat or float plane cannot safely land. Given that it is not allowed by the Kenai River authority to dredge the lake bottom or remove any rocks there is no way to make the proposed site suitable even if it were 100' wide like the current easement.



A shallow boulder strewn shelf extends over 100' out from the mean high water line (see photo and map). It is unsafe to land a boat or float plane along this shore which is why the current easement was placed where it is now located.

The shoreline cabin owners in this area seldom land a boat in front of their lots...they cannot. Only at very high water is it possible. Even then there are many large boulders under the water and many unsuspecting boaters have their lower units to these boulders.

At best high water is from July 15 to September 1st. Some years less. Most of the season the beachfront owners also use the easement not to mention all of the interior lot owners who have no other way to access their cabins except through the 100' easement. Moving the easement from its current location to the proposed unusable location and reducing its width will cut off access to their property for a great number of people and benefit only the owners requesting the change.

I wish I could offer an alternative suggestion. I know the shoreline quite well. I walk it daily when the water is low. There just is not a better place for it than where it is already located.

With respect,

Curt Smith
Caribou Island LLC
22974 Andy Anderson Way
Caribou Island, Skilak Lake

Broyles, Randi

From: Blankenship, Johni
Sent: Saturday, February 6, 2021 6:19 PM
To: Broyles, Randi
Subject: Fwd: <EXTERNAL-SENDER>FW: Protest to vacation of 100 foot easement on Caribou Island, Skilak Lake

Sent from my iPhone

Begin forwarded message:

From: Russell Nogg <rnogg@gci.net>
Date: February 6, 2021 at 12:33:49 PM AKST
To: "Blankenship, Johni" <JBlankenship@kpb.us>
Subject: <EXTERNAL-SENDER>FW: Protest to vacation of 100 foot easement on Caribou Island, Skilak Lake

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

From: Russell Nogg [mailto:rnogg@gci.net]
Sent: Monday, February 1, 2021 7:55 PM
To: 'tysoncox@kpb.us'
Subject: FW: Protest to vacation of 100 foot easement on Caribou Island, Skilak Lake

From: Russell Nogg [<mailto:rnogg@gci.net>]
Sent: Monday, February 1, 2021 5:49 PM
To: 'bhibbert@kpb.us'; 'rderkevorkian@kpb.us'; 'jbjorkman@kpb.us'; 'ysoncox@kpb.us'; 'belam@kpb.us'; 'kcarpenter@kpb.us'; 'bjohnson@kpb.us'; 'lchesley@kpb.us'; 'wdunne@kpb.us'
Subject: Protest to vacation of 100 foot easement on Caribou Island, Skilak Lake

Dear Assembly:

My wife, Jean Nogg, and I are over 41 year owners of land and cabins on Caribou Island, Skilak Lake.

We are respectfully requesting you veto the Borough Planning Commission's 1/25/21 decision granting the vacation of a portion of a 100 foot easement abutting the Lake's shore and replacing it with a 30' easement at the far east side of a lot situated east of the current right of way.

The current right of way historically has been used by Islanders like me and my wife as 1 of the 2 -100' easements in order to safely land a boat in rough weather, to tie up a boat in order to visit neighbors, to start a recreational hike or walk, or to use an ATV and/ or trailer for hauling items.

The proposed 30' easement is 70' narrower than the current 100' easement and provides space for only 3 boats at most, with a beach that can't be safely accessed unlike the current easement.

The proposed 30' easement is steep and dangerous to ATV riding, unlike the current easement. In the event of the need to evacuate someone from that part of the Island, it would in my opinion, put the evacuee and responders in greater peril.

A number of we Islanders are senior citizens and rely on safe access and egress.

I would like to suggest that this matter could be revisited after many of us are able to travel to the Island this period of Covid (and which is currently not possible because the Lake is not passable). We are unable to take pictures for the Planning Commission of the current easement and proposed easement until spring or when access by snow machine is safely possible. In any event it is unjust and inequitable to replace a 100' easement with a 30' easement that has inferior landing area and safe access.

The value of various lots because of marginal accessibility could adversely affect land values and Borough tax revenue and set a dangerous precedence.

A number of us just found out about the petition and hearing and therefore were not able to meaningfully participate to voice our concerns and objections.

Again we are respectfully requesting your veto of the Planning Commission's decision of 1/25/21.

Russell A. Nogg

Broyles, Randi

From: Blankenship, Johni
Sent: Saturday, February 6, 2021 6:18 PM
To: Broyles, Randi
Subject: Fwd: <EXTERNAL-SENDER>Caribou Island Vacate of ROW

Sent from my iPhone

Begin forwarded message:

From: Robert Klotz <taterskilak@gmail.com>
Date: February 6, 2021 at 12:13:57 PM AKST
To: "Blankenship, Johni" <JBlankenship@kpb.us>
Subject: <EXTERNAL-SENDER>Caribou Island Vacate of ROW

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Assembly Members,

I am a property owner on Caribou Island. I strongly object to the Planning Commission's decision to vacate a 100' easement and replace it with a 30' easement in a much less desirable place. My first reason is the new 30' easement is not large enough to accommodate the amount of boat parking. 3 boats maximum could be parked at one time. The easement provides access to dozens of lots. Secondly the quality of the beach is horrible for parking a boat unless the Kenai River is at almost flood stage. Thirdly the 30' easement goes up a very steep hill impossible for an ATV to navigate. Finally trading 100' of easement for 30' at face value seems unfair to the other property owners. How about giving us the original 100'?

Robert "Tater" Klotz Jr.

I own Lot 1, Block 12.

Additional information about this vacation. A new trail will have to be built on the new easement. I am not sure you can build a trail there. I know the lot well I sold Lot 7 Blk 3 to the current owners. The current trail was built by myself and one other person. We have put hundreds of man hours in developing this easement to assure there is plenty of room for people to park their 4-wheelers and have a turn around trail so that hauling supplies is easier.

Broyles, Randi

From: Blankenship, Johni
Sent: Monday, February 8, 2021 7:31 AM
To: Broyles, Randi
Subject: Fwd: <EXTERNAL-SENDER>Proposed Easement Changes Caribou Island-Skilak Lake

Sent from my iPhone

Begin forwarded message:

From: jimbo@alaska.net
Date: February 8, 2021 at 6:31:14 AM AKST
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>Proposed Easement Changes Caribou Island-Skilak Lake

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Morning,

We, James and Lorraine Jones, own property immediately adjacent to easement changes proposed on Caribou Island by property owners Mike and Peggy Clements. We purchased our property five years ago and spent the majority of the 2019 and 2020 summer seasons on the island using boat moorings established by the previous owner along with moorings we personally installed. In that timeframe, we have not witnessed other property owners using said moorings nor observed freight and gear hauling activities along the existing easement. The scenic view frequently brings individuals walking the existing trails and shoreline (beach) during periods of low water. This area is situated on the windward side of the island affording no protection from heavy winds therefore, we do not feel easement location changes will bring increased traffic to the immediate area. We feel we would experience no negative impact should the KPB approve easement changes. Thank you.

James and Lorraine Jones

Dear Borough Assembly,

We have been residents of Caribou Island since 2004.

We are asking that you veto the Planning Commission decision made on January 25 regarding the below petition from Michael R. Clements and Peggy Clements:

RE: Vacate Essick Remote NW right of way south of intersection with Gertie Smart Remote NW as dedicated on Caribou Island Amended, Plat SW-37. The right-of-way being vacated is 100 feet in width, unconstructed, and located within the North 1/2 of Section 25, Township 4 North, Range 7 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-154V. Petitioner: Michael R. Clements and Peggy Clements of Sterling, AK.

The Planning commission made the following decision:

During their regularly scheduled meeting of January 25, 2021, the Kenai Peninsula Borough Planning Commission granted approval of the referenced right of way vacation based on the means of evaluating public necessity established by KPB 20.70.

Our reasons for asking you to veto are the following:

1. The Clements state in their petition they want to move the right-of-way because residents of the island 'mistakenly use' part of their property when they use the right-of-way. This is something that happens all over the island, and other property owners have simply erected barriers that keep it from happening, rather than asking for property lines to change.
2. The Clements own several lots on the island. It appears they want to move the right-of-way so all their lots are together; this isn't a legitimate reason to do something that will affect everyone who accesses that right-of-way.
3. If the right-of-way is moved, who is going to be responsible to cut down trees and lessen the steep grade of the new trail to make it accessible?
4. The area of the beach of the proposed right-of-way is very shallow and rocky, making it impossible to anchor boats.
5. The Clements claim they have talked to other people on the island regarding their petition, but no one I've talked to had heard anything about this petition. We were not sent any notice of this before the Planning Commission met on 1/25.
6. The Clements want to vacate a 100-foot right-of-way between two of their lots, and move it to the other side of one of their lots, but only make it a 30-foot right-of-way, which means they gain 70 feet of lake front property and pay nothing for it. They even say in their petition that they want to leave enough room to build another cabin for family and friends.
7. The Clements claim there are five right-of-ways on the south side of the island. There are actually only 3 on the south side, and the one they want to move is the only right-of-way with established trails. There are a total of six right-of-ways on the island, but only two with

established trails, one on the north and the one in question on the south. Without established trails, island residents cannot move their gear from their boats to their cabins by four-wheeler.

8. The lots we own are in the middle of the island and we access our lots from the right-of-way on the north side, so this doesn't really affect us, but if the Planning Commission's decision stands, they have now set a precedent that says island residents can petition to change right-of-ways to benefit only themselves, and more residents will start petitioning to do so.

Again, we would ask you to veto the Planning Commission's decision to grant the Clements' petition.

I think it's also important that you know that the residents of the island are aware that Peggy Clement actually works FOR the Planning Department as Platting Technician, which seems to us a drastic conflict of interest. I called the Planning Commission office and was transferred TO Peggy. I'm not going to talk to her about her own petition. That's very bad public relations on the part of the Planning Department.

If you would like to further discuss this, you can reach us at 805-801-8055.

Respectfully submitted,

Gary and Jill Leiter

Mike Clements
38260 Panoramic Drive
Sterling, AK 99672

Owner/Petitioner Essick REM Right of Way Vacation
Lots 1,2,3 Block 6, Lot 7 Block 3 and Lot 12 Block 4, Caribou Island Sub Amended
SW-37.

Dear Assembly;

I'd like to start by thanking the assembly for listening to my concerns and proposals for the vacation.

I have attached our record of survey, please look at the record of survey that we have provided for you. Notice on our west line between lots one and two we have lost 92.25 feet, due to natural and man-made erosion.

On the East End of our property we have lost 89.65 feet of length do mainly to the misconception of where the easement actually is, plus if you add the 50 foot habitat protection zone that starts at the open high water (OHW) that even decreases the allowable area for building to almost a point where we can't.

If you look at the picture that we supplied, you'll see that the easement which it's hard to see the orange surveyors tape that I have placed on the easement boundaries, and that the shoreline is inaccessible due to a vertical step up of 2 feet. So that makes the people using the easement want to come around to the area that has been destroyed on my property and utilize that due to convenience.

I've had many instances where people are trespassing on the entire length of my property and two instances stand out Mr. Moose who has recently purchased lake front property to the east of us and is five parcels down the lake from me. Dan Moose had instructed some of his guests to moor their boat on my moorings and trespass through my property on multiple occasions without my notification or permission.

My neighbor next to me confronted them and told them that they were on private property and private moorings.

They said they were instructed to do so by Mr. Moose. I contacted Mr. Moose and told him, I didn't appreciate people that I don't know parking their boat and moving through my property.

His response too that was, "he considered them trustworthy".

So the next thing I asked Mr. Moose was, what if I come in on my boat and they're on my moorings preventing me from a safe landing?

His response to me was, "well just walk on down to my property get someone and we'll move our boat".

That was not the answer I was looking for, I think what he should've said was, I'm sorry and it won't happen again.

Another instance that happened a realtor came and installed a for sale sign in the center of our lot three on the west end, that sign was screwed to one of our manicured trees and they could clearly see that the area has been cleaned up, grass mowed and visible to be private property.

The Donald E. Gillman River Center prohibits the use of permanent private property signage in the habitat protection zone to establish where our property corners are. When you look at that picture of the barge, you'll see that it's pulled up to our back property line and our property boundaries encompass the entire barge which I do not own.

The barge sits there all year long and sometimes cannot be moved until late in July when the water is high enough for it to float again, people have a misconception of where the easement is.

I'd also like to add that I am an Alaska State Certified Erosion and Sediment Control Lead for nine years and I see what kind of damage can happen when we have erosion and sediment discharges into United States Waters.

It is my duty to try and install the best management practices to stop this from happening, this is why we payed particular attention to where our proposed area would be and the best solution for access, so not to cause additional erosion and sediment discharges.

I discussed it extensively with our neighbor, Jim and Lori Jones, were the proposed 30 foot easement was going to be located adjacent to their property and they both agreed that was the best possible solution.

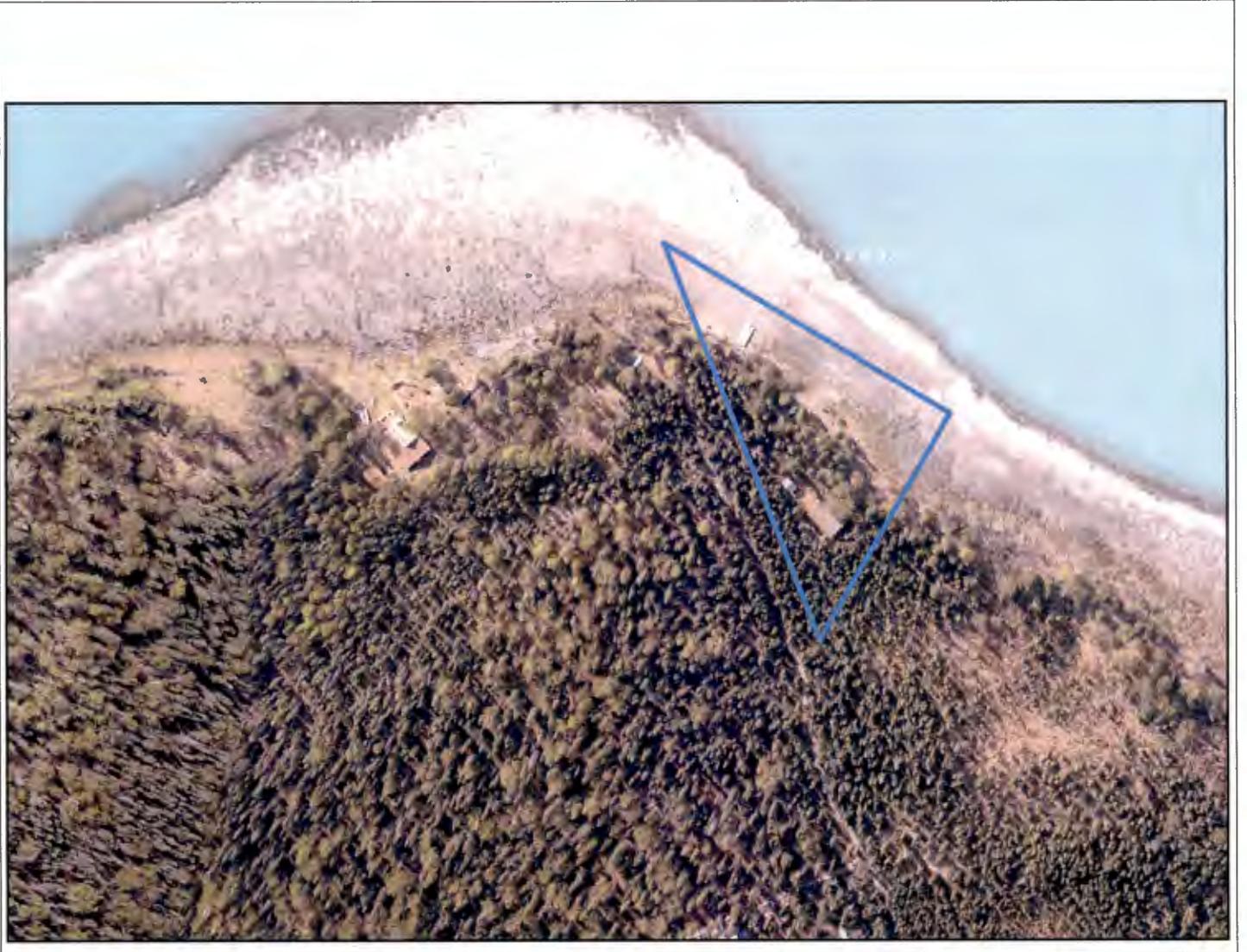
There is no step up in the embankment, it has a smooth gravel transition into the vegetative area and a trail is already established there.

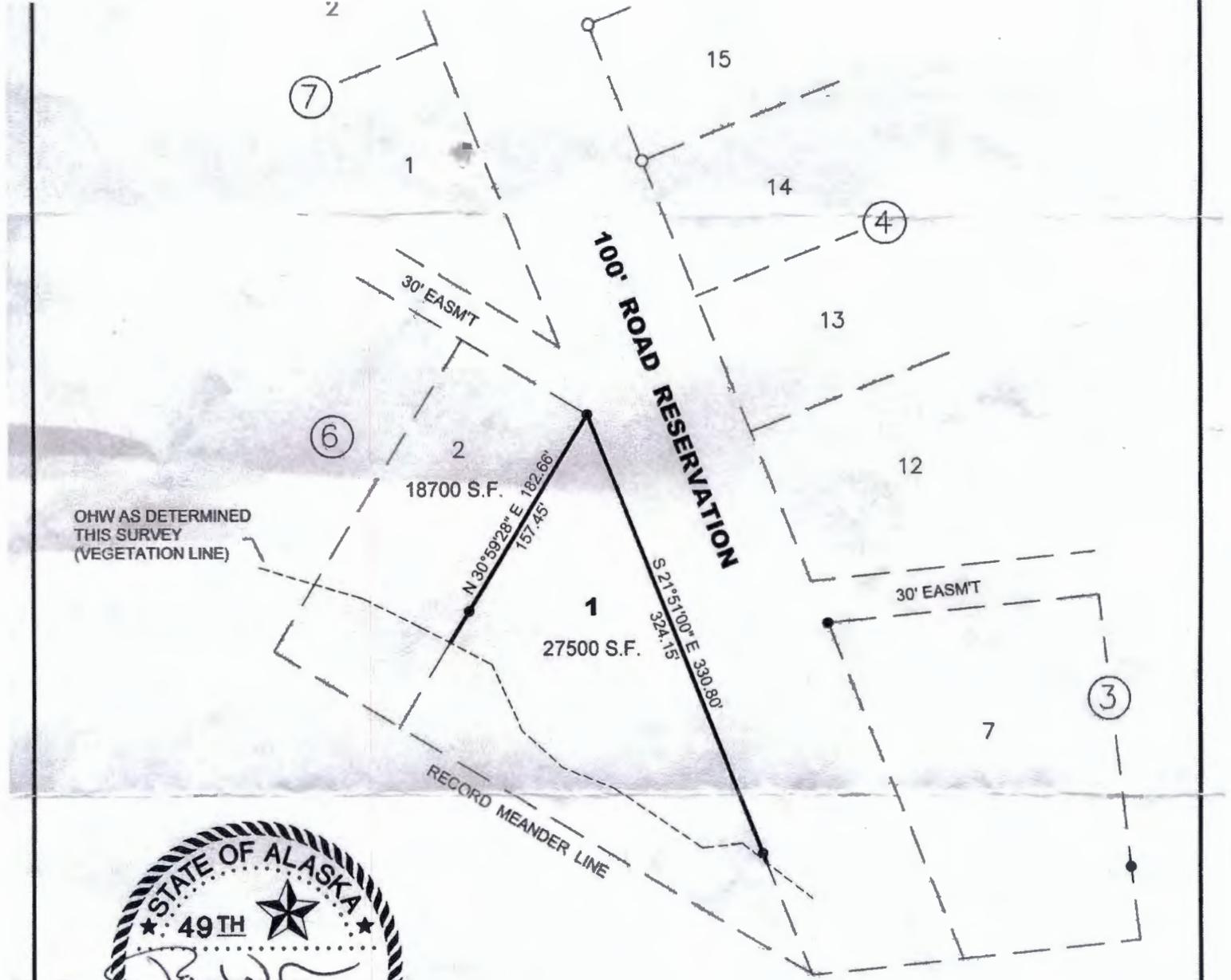
In conclusion I would like to say that I wish the people of the island if they were concerned about what was going on, they should've contacted me, and I would've been happy to produce my record of survey and show them exactly where those property lines are so it becomes clear that everybody is trespassing.

And causing extensive damage to my property that will surely cost a lot in labor to rebuild.

Respectfully submitted,

Mike Clements





OHW AS DETERMINED THIS SURVEY (VEGETATION LINE)



This is a survey of Lot 1, Block 6 - Caribou Island Subdivision. This does not constitute a subdivision as defined by A.S. 40.15.190(2).

RECORD OF SURVEY

LOT 1, BLOCK 6 - CARIBOU ISLAND SUBDIVISION. (SW 0000037)

SECTION 25, T4N, R7W, SM, AK

- FD 1/2" REBAR/CAP
- FD 1/2" REBAR
- ⊙ FD 5/8" REBAR/CAP



Scale: 1" = 100'

Job No.: 16Caribo

Date: 11/14/2014

Revised:

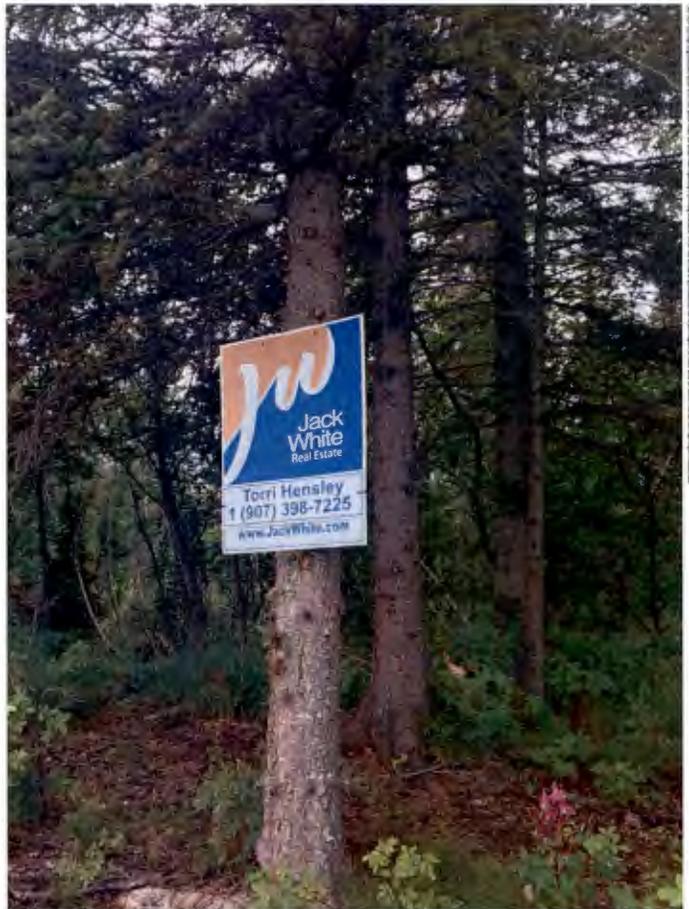
WHITFORD SURVEYING

PO Box 4032
Soldotna, AK 99669
(907) 268 6705



West Boundary 100' Essick REM

East Boundary 100' Essick REM



SKILAK LAKE



- RESTRICTIONS & COVENANTS**
1. Lots will be restricted to residential use.
 2. No further subdivision of lots without the majority agreement of the property owners.
 3. All garbage will be disposed of by burial.
 4. Buildings will be of a permanent nature and of rustic appearance to blend with the surroundings.
 5. Buildings will be maintained in a good state of repair and appearance.
 6. Outhouses will be so located as to prevent them from becoming a public nuisance.
 7. The installation and maintenance of the air strip and other facilities shall be the obligation of the property owners.

- SURVEY NOTES**
1. The broken line shown around the subdivision is a meander line only. The true property line is the 1/2" shore or high water mark as conveyed in the original plat.
 2. Plat by 2 in 1960 (C.L.S. Survey)
 3. Plat by 4 in 1960 (C.L.S. Survey)
 4. 7' to 8' N 5° 36' E G.L.S. Survey
 5. 7' to 8' N 5° 30' W This Survey

CERTIFICATE OF SURVEY
 I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT A SURVEY HAS BEEN COMPLETED AND THAT MARKERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT THE DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.

16 Nov 1960 DATE
 [Signature] SURVEYOR



CERTIFICATE OF OWNERSHIP
 WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE AUTHORIZED TO SIGN THIS PLAT AS OFFICERS OF THE CARIBOU ISLAND, INC., AND THAT UNDER THIS AUTHORITY, WE ACCEPT AND APPROVE THIS AMENDED PLAT.

DATE _____
 [Signature] President
 [Signature] Secretary

SEWARD
 Court No. 65-86

RECORDED - FILED
 [Signature]
 2-3-65
 9:20
 [Signature]

AMENDED PLAT OF	
CARIBOU ISLAND	SUBDIVISION
LOCATED IN SKILAK LAKE, ALASKA	
U.S. G.L.O. SURVEY NUMBER 2093	
SURVEYED FOR	
CARIBOU ISLAND CORPORATION	
129 E. 9TH AVENUE ANCHORAGE, ALASKA	
ACRES 150.24	SURVEYED BY
DATE 1 AUG. 1960	F. M. LINDOZ
SCALE 1" = 100'	REGISTERED SURVEYOR
SHEET 1 OF 1	NO. 604-3
	BOX 4-68
	SPEARHEAD, ALASKA
	PL. 24 212-44

2093

Peggy Clements
38260 Panoramic Drive
Sterling, AK 99672

Owner/Petitioner Essick REM Right of Way Vacation
Lots 1,2,3 Block 6, Lot 7 Block 3 and Lot 12 Block 4, Caribou Island Sub Amended
SW-37.

Dear Assembly;

Thank you for your time and opportunity to comment in regards to our vacation request.

We had received approval from the Planning Commission on their January 25, 2021 meeting, 8 yaks and 3 nays.

The commission asked questions of us as well as the two land owners that were present (both owners of lakefront lots and next to a 30' right of way). I feel the commissioners were very thorough in the 45 minutes the meeting lasted.

Our comment to you for approving the Planning Commissions decision as follows;

Before we decided to petition for this right of way vacation, we discussed it for months as well as walking our property for the best location for a better dedicated right of way area for public to use.

We contacted our nearest neighbors and discussed with them what we have planned. We are not wanting to disrupt their normal ways of accessing their lots (and it was understood that this will prevent future interior property owners from trampling our private property shoreline and creating further erosion). We requested The Donald E. Gilman River Center to prepare a letter (attached hereto) so we know of the restoration process and if anyone wants to develop the newly dedicated 30' right of way any further, that we could inform them of this information so not to destroy the habitat protection area, as well for our own knowledge as we do want to develop the right of way more at the north boundary (not within the habitat protection area, but more to widen the sloping area there.

We did not contact the entire island as we felt the majority lot owners have access to their lakefront lots as well as 3 100' right of ways and 2 30' right of ways and would not be concerned with our reroute plans.

We determined our lot 7 block 3 was perfect. We cleaned up the area and see that the whole 30' we want to dedicate is cleared and easily accessible for others wanting to use it. We have rode our ATV all the way to connect with Gene Smart REM NW. We plan on this spring (if not veto'd) to develop the right of way more at the north boundary of our lot 7 so that if hauling a trailer, a turn onto Gene Smart REM NW would be an easy maneuver.

We have been made aware from other lot owners that they have been called and asked to go against our plans as we only want to obtain the remaining vacated right away so we can build on this and sell it for financial gain.

This was surprising to us, why would lakefront lot owners that have access to their lots and that have never used the Essick REM NW right away have negative comments? They never called us to ask for our thoughts before making a rash decision assuming we are greedy individuals.

To point out to the assembly, we have not heard from anyone making negative comments that live in the interior of the island.

We have owned here since 2004 and to hear untrue comments from lakefront owners is truly disheartening and ask, how would the vacation affect them?

We feel they have no concern of the habitat protection area or our private property being destroyed and the need to restore and prevent further erosion and misuse.

We love our property and never plan to sell it, in fact we enjoy seeing the moose swim over to the island every May to birth calves, watch the rock nesting birds as well as waterfowl, we have seen seals in the lake chasing the salmon that come up the Kenai River to spawn here. We want these properties to stay with our family for generations to inherit and enjoy.

To answer the question for safe haven, we will never deny anyone safe haven but with that said, Skilak Lake and the glacier there creates its own weather pattern and storms can kick up at any moment and the winds can blow from any direction. We have had to seek safe haven and moved our boat to the west side of the island for safety from the shallow area creating waves in front of our property when the wind blows.

Respectfully submitted,

Peggy Clements



Donald E. Gilman River Center

514 Funny River Road, Soldotna, Alaska 99669 • (907) 714-2460 • (907) 260-5992 Fax

A Division of the Planning Department

Charlie Pierce
Borough Mayor

February 4, 2021

Michael and Peggy Clements
PO Box 4133
Soldotna, AK 99669

RE: Lots 1 & 2 Block 6, and Lot 7 Block 3 Caribou Island Subdivision Amended

Dear Mr. and Mrs. Clements:

The River Center was asked to provide comment regarding permitting requirements for proposed bank restoration projects on the above-referenced parcels, located on Caribou Island. Caribou Island is located in Skilak Lake, which lies within the flowing waters of the Kenai River. These waters are managed and permitted through several agencies at the River Center: Kenai Peninsula Borough (KPB), Alaska Division of Natural Resources (DNR), and the Alaska Department of Fish and Game (ADFG).

KPB Chapter 21.18 regulates certain activities on all lands within 50 feet of Ordinary High Water (OHW), which is determined by measuring landward from the existing vegetation line. This area is referred to as the Habitat Protection District (HPD), and this letter outlines requirements within the HPD.

General Requirements:

KPB 21.18.065(A): Natural vegetation on land abutting lakes and streams protects scenic beauty, controls erosion, provides fish and wildlife habitat, moderates temperature, stabilizes the banks, and reduces the flow of effluents and nutrients from the shoreland into the water. Vegetation removal and land disturbing activities within the HPD are prohibited.

- Activities within the HPD not requiring a permit include: routine maintenance of prior existing ornamental landscape features, pruning, weeding, planting of native vegetation, removal of **downed** trees, pruning up to 25% of the living grown of trees and woody shrub.
- A Minor Vegetation Permit (MVP) is required for the removal of any tree within the HPD. Property owners are required to plant two (2) native trees/shrubs within the HPD for every one (1) tree removed.
- A Multi-Agency Permit (MAP) is required for the placement of any material (gravel) and or structures (platforms) within the HPD.

Proposed Development Requirements:

Lot 1 Block 6 - KPB Parcel #135-042-14

- No permit would be required to restore a prior-existing access pathway that has eroded along the shoreline.

Lot 7, Block 3 – KPB Parcel #135-055-01

- A MAP would be required to widen the existing access path or install a new access path along the proposed easement, and an MVP would be required for the removal of any trees.

Existing 100-foot platted easement (Essick Rem.)

- A MAP would be required to create an access path through the existing easement between Lots 1 and 7, and an MVP would be required for the removal of any trees.

Please contact the River Center if you have any questions regarding these requirements. I can be reached at (907) 714-2468 or slopez@kpb.us.

Sincerely,

A handwritten signature in black ink that reads "Samantha Lopez". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Samantha Lopez, CFM
Acting River Center Manager
Donald E. Gilman River Center
Kenai Peninsula Borough
907-714-2468

Broyles, Randi

From: Blankenship, Johni
Sent: Monday, February 8, 2021 1:22 PM
To: Broyles, Randi
Subject: FW: <EXTERNAL-SENDER>2-8-21 KPB Public Record and Assembly Members"Vacated Easement on Caribou Island, Skilak Lake 2521" - VETO

-----Original Message-----

From: bigwavedave@alaska.net <bigwavedave@alaska.net>
Sent: Monday, February 8, 2021 1:01 PM
To: Blankenship, Johni <JBlankenship@kpb.us>; G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Cc: David Merrigan <bigwavedave@alaska.net>
Subject: <EXTERNAL-SENDER>2-8-21 KPB Public Record and Assembly Members"Vacated Easement on Caribou Island, Skilak Lake 2521" - VETO

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

To be submitted to the KPB Public Record and each and all KPB Assembly Members.

Please read the two updated documents below as they both contain separate and important details and information pertaining to KPB Planning Commission's Decision to "Vacated Easement on Caribou Island, Skilak Lake 2521 "

1st note !

Dear Assembly Member

VETO "Vacated Easement on Caribou Island, Skilak Lake 2521"

>

> I am a 20 year plus property owner on Caribou Island on Skilak Lake.

> I am very disappointed to here of the Planning Commission's decision to vacate a The Traditional 100' easement and replace it with a 30' easement in a questionable location.

> I also question the fairness of having 100 ft of easement land taken away from all land owners and only 30 ft replaced as fair compensation for the interests of one land owner.

> I am very familiar with the areas in question.

> The new Proposed 30 ft site, simply put, is not safely approachable by boat. It is shallow and has many large rocks making access near impossible. The proposed new 30 ft easement will traverse thru a muddy low lying area terminating at the base of a steep embankment leading abruptly up 10-15 ft in elevation to the required easement currently carved precariously into the hillside above. The hillside then continues sharply up and into private property above the project's easements intersection. This may make for an extremely difficult transition to transport goods and materials, especially to those with lower physical capabilities and the elderly.

> While the proposed 30 ft site may seem in close proximity to the existing Traditional 100 ft Easement on Caribou Island, given the potential severity of weather and varying lake bottom terrain, even a mere 20 ft of distance on the waterfront can make a drastic difference in the ability and safety of land owners to navigate a boat to the shoreline on much of Caribou Island.

- > All Caribou Island land owners share in the ownership of all the island easements, this is extremely important when you consider that these easements are vital to all landowners and their FUTURE GENERATIONS capability to safely access the island and easily transport goods, materials, families and friends to their properties safely.
- > The existing Traditional 100 ft Easement assures us as landowners that we and our future generations will have these same capabilities.
- > As all easements are communal properties of all Caribou Island property owners we all own an interest this easement property, putting all island property owners inside the boroughs required contact boundary regions for this action, however I am aware of only six attempts to contact all of the easement property owners.
- > This may explain why islands property owners I have been contacted by have expressed the feeling of being blindsided.
- > The reality of our situation is that back in the day (1960) this undeveloped island was plated out with paper and pencil on some remote desktop without the benefit of being onsite or the knowledge of the true lay of the land.
- > Of all their platted easements leading to the lake for intended boat access, only both ends of this Traditional 100 ft Easement in question would in reality prove to provide the safe access for all land owners and emergency services which may be required to safely access the island with a boat.
- > Unfortunately the lay of the land and lake bottom prohibit the other dedicated lake access easements from from functioning as intended.

I am sure this was not their intention, but it is the result we must live with on Caribou Island.

- >
- This proposal has come to our attention only after the planning committee had already approved it and with less than the 30 day time limit remaining, for the possibility of a veto.
- > Given the severe restrictions that Covid has put on all of us (especially the elderly owners) along with the the fact that the Skilak Lake is not passable this time of year, prohibits prudent on site inspection of the situation.
- > For the health and safety of the land owners of Caribou Islands young, old and future generations, I am forced to ask you to VETO this action.
- >
- > We should revisit this situation in the early summer with Mike and Peggy Clements of Sterling AK, giving them an opportunity to voice their concerns, when we can truly see the ground in question in advance of any action taken, an opportunity which was not afforded the countless families which will be impacted by this action if not vetoed by you in a timely fashion.

Please contact me if I can help you in any way.

- >
- > I truly believe there is a better solution, VETO this action and give
- > all impacted the chance to walk our ground to review this situation.
- >
- > Thank you
- > David Merrigan
- > 907 382 0007
- > bigwavedave@alaska.net

2nd note, new information !

Dear Assemble Member

- > VETO - Vacated Easement on Caribou Island, Skilak Lake 2521
- >
- > I took it upon myself to initiate contact with Mike and Peggy Clements.
- > I felt compelled to try and end the unhealthy lack of communication surrounding this proposal process.
- >
- > I reached out to Mike and he did phone me back.
- > I ask him to explain what the proposal to vacate the 100 ft easement was all about.

> I listened to him carefully for over 40 minutes and I ask many questions.

> In the end I felt we had a friendly conversation which is exactly what I expected from the Mike Clements I have come to know and like over the years.

Mike told me that the 100 ft easement was on his property and that he has lost land.

I could not grasp were Mike was trying to explain this 100 ft easement encroachment on his property has taken place.

> Mike spoke of a high water marker he has installed and about vegetation growing up through the lake in front of his properties. Mike also made referenced to some spot on the back of one of the lots.

He said he was unhappy about a new open moose hunting season bringing boats and hunters to the far shore of the lake across from his properties and the increased lake traffic in general.

Mike also told me of an incident in which a crew, working on a cabin east of him tied up to his boat mooring in the lake in front of his cabin, a lot or two west of the 100 ft easement with out his consent then used his property to access to the island.

Mike also told me he has already given verbal consent to (Mike Kerr) the the owner of an 8 ft. Wide barge, presently parked partially in front of the 100 ft easement, and partially in front of Lot 1 Block 6 owned by Mike and Peggy Clements, permission to remain parked in perpetuity, after Mike and Peggy acquire the 100 ft easement.

Mike told me he is prepared to put this agreement in a written document for Mr. Kerr after their Vacate Proposal passes approval and they acquire the area.

Mike also told me that he has offered a similar proposal of continued usage to (Jim Jones) the owner of the property (Lot 6 Block 3) adjoining the east side of the proposed new 30 ft easement.

I must admit that I came away from our conversation with no true understanding of where the easement could actually be on his property or just how it has caused land loss.

>

> I had knowledge of a land survey which was done by the previous owner and Mike and Peggy Clements when the Clements purchased the parcel of land (Lot 7 Block 3) containing the proposed 30 ft section and I believe the survey included the Traditional 100 ft Easement at the location in question.

> I phoned the previous land owner. He said he was on site at the time the actual survey took place and the easement was fine.

> I phoned him after talking to Mike and made sure my reckoning was correct.

>

> I know the area very well having used the 100 ft easement at this location many times (hundreds and more through out the years before and during my 20 years of ownership) to visit the previous owner at his cabin on one of his three waterfront lots, one abutting the east boundary of the 100 ft easement and two continuing east along the waterfront (all 3 lots are low, wet and muddy through out the year).

> Many times I walked gingerly through the exact lot containing the proposed 30 ft area to access his cabin, because boat access to the beaches in front of this area east of the 100 ft easement was not a viable option.

> With all this experience in mind I racked my brain into a restless sleep in an attempt to decipher what may have been happening to Mike and Peggy's land.

>

>The next day after more contemplation, it hit me like a ton of bricks.

I believe Mike was referring to some land (now under water) shown on the original plat map (1 Aug 1960) of Caribou Island in front of his properties and in front of the 100 ft easement, which the Lake and Mother Nature have reclaimed over these many years. Leaving only rocks and sparse vegetation remaining, partially under water along the shoreline of the lake.

The date on the original plat map is difficult to read and a lot of time has pasted since then.-1 Aug 1960 -.

>

I also own shoreline on the lake which varies from that shown on the original plat map, as does every other waterfront landowner on the Island that I have ever talked to.

If this is the issue with Mike and Peggy, all Caribou Island waterfront owners share their frustration of this naturally accruing situation.

> While it may not be a positive part of waterfront ownership, it should be accepted with grace and humility, as it is the potential price we all must pay for living on Alaska's Amazing Wild Waters.

>

> Traditionally this location on the 100 ft easement has provided Island owners with abilities to safely bring their families, goods and the building materials necessary to sustain life and safety to their island.

> It is certainly is not fair to expect All Landowners to sacrifice their interests in this Traditional 100 ft Easement, in exchange for a much narrower 30 ft of unproven ground and shoreline, for the expressed interests of only one land owner, because they may be unable to accept what Mother Nature has been doing, and will continue to do, since the beginning of time.

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> This is not the first time I have witnessed this frustration lead to unreasonable expectations.

> Usually when given time and understanding, acceptance of this reality is achieved.

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> Please VETO Vacated Easement on Caribou Island, Skilak Lake 2521

>

> Thank you

> David Merrigan

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> 907 382 0007

> Please feel free to contact me if I can provide any further clarity or information.