

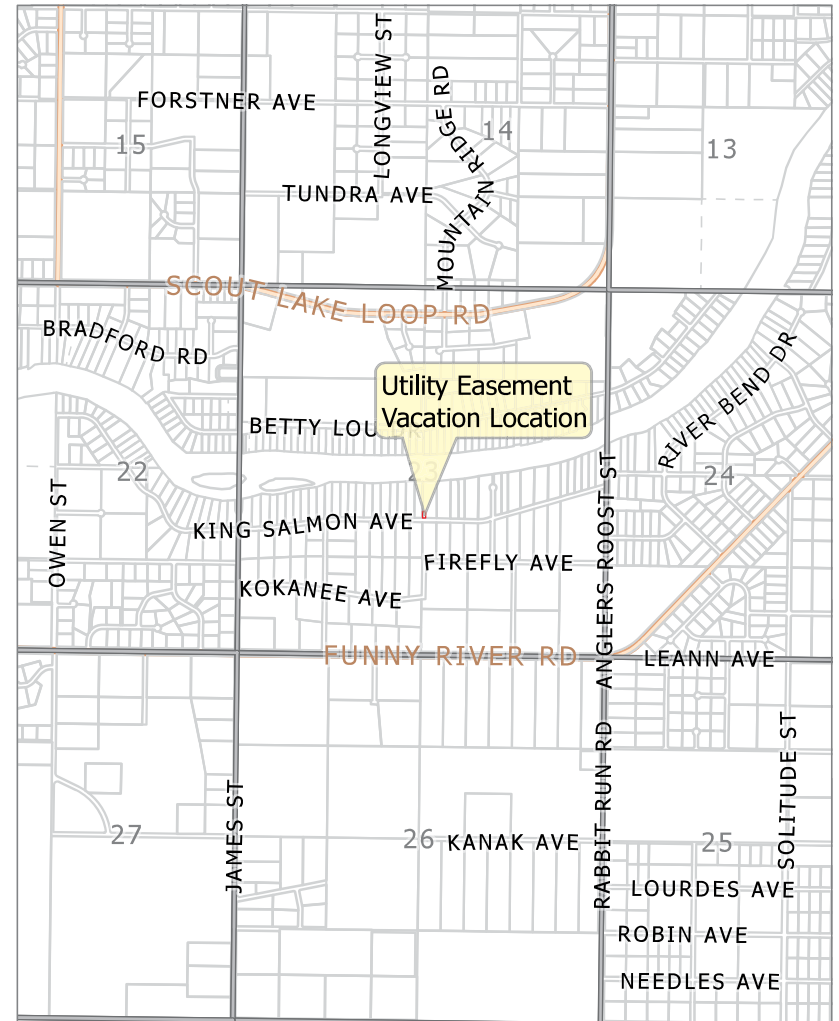
E. NEW BUSINESS

1. Utility Easement Vacation; KPB File 2025-004V1

McLane Consulting Group / Cash

Request: Vacates a 10' by 30' utility easement along the western boundary of Lot 1, Block 1, Kenaitze Estates Subdivision, Plat KN 75-123

Funny River Area / Funny River APC



KPB File 2025-004V1
T 05N R 09W SEC 23
Funny River



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

AGENDA ITEM E. **NEW BUSINESS**

ITEM #1 - UTILITY EASEMENT ALTERATION
Vacate a 10-foot by 30-foot utility easement along the western boundary of Lot 1

KPB File No.	2025-004V1
Planning Committee Meeting:	April 28, 2025
Applicant / Owner:	Dean W. and Dolores J. Cash
Surveyor:	Andrew Hamilton, McLane Consulting Group
General Location:	King Salmon Avenue-Funny River Area
APC	Funny River APC

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Utility Vacation: A 10-foot by 30-foot utility easement along the western boundary of said Lot 1 per Kenaitze Estates Subdivision (KN 75-123). Proposed vacation is approximately 300 square feet.

Notification: Notice of vacation mailings were sent by regular mail to 15 owners of property within 300 feet. Notice of the proposed vacation was emailed to 6 agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

Staff Analysis:

Kenaitze Estates Subdivision, plat KN 75-123, granted a 10-foot by 30-foot utility easement on the west lot line of Lot 1 and is proposed to be vacated.

There is a 10-foot by 323.05-foot utility and driveway easement parallel to the east boundary line of Lot 1, KN 75-123, that is intended to remain and needs to be shown on the drawing.

A 10-foot utility easement is being granted adjacent to King Salmon Avenue right-of-way. This easement will serve the proposed lot for the location of any utilities needing installed.

Bend in the River Subdivision 2025 Replat was submitted to the Planning Commission for preliminary review during the March 24, 2025 meeting and was granted conditional approval. This plat will combine Lot 22, Block 2, plat KN 75-114 and Lot 1, Block 1, KN 75-123, into one lot, removing the common line these easements border. It was noted in the staff report that this easement would be finalized for vacation on the final plat submittal and approval of Bend in the River Subdivision 2025 Replat.

Bend in the River Subdivision, plat KN 75-114, granted a 10-foot utility easement parallel to the east lot line of Lot 22, Block 2, adjacent to this easement being requested for vacation. A utility easement alteration was requested to vacate the 10-foot utility easement. This request was reviewed by the Planning Commission during the March 24, 2025 meeting and was granted conditional approval to be finalized on said plat.

No comment or opposition was received for the requested location of the easement to be vacated from any utility company, indicating no utilities are in the easement.

According to KPB GIS imagery, no encroachments appear to be located within the utility easement proposed for vacated.

Utility provider review:

HEA	No Comments
ENSTAR	Approved as Shown on Exhibit

ACS	No Objections
GCI	No Response
KPB Roads	No Comments or Objections

Applicant Findings:

1. Both Lot 22, Block 2, of KN 74-114 and Lot 1, Block 1, of KN 75-123 are owned by Dean and Dolores Cash.
2. The lot line between said Lot 22 and Lot 1 is to be vacated.
3. Owners want to consolidate their property.
4. Plat will dedicate a 10-foot utility easement adjacent to King Salmon Avenue.
5. The 10-foot utility easement on the eastern boundary of said Lot 22 has been approved for vacation by the Kenai Peninsula Borough Planning Commission.

Staff Findings:

6. ACS, ENSTAR, HEA, and KPB Roads provided written non-objection to the proposed vacation.
7. There is a 10-foot utility and drive easement parallel to the east boundary line of lot 1, plat KN 75-123, that is intended to remain.
8. A 10-foot utility easement is being granted adjacent to King Salmon Avenue. This easement will serve the proposed lots and allow utilities to cross the property.
9. No surrounding properties will be denied utilities with the vacation of this easement.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Add the easement as shown on plat KN75-123 on the east boundary identified as a utility and driveway easement to the final plat.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested by the utility providers.
2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement 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. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.

F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

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

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

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

END OF STAFF REPORT



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Wetlands



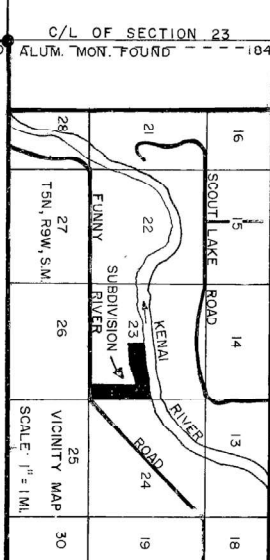
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NOTES: 1. THE FIRST FLOOR OF ANY BUILDING SHALL BE CONSTRUCTED THREE (3) FEET ABOVE THE U.S. CORPS OF ENGINEERS FLOOD LEVEL.
2. MINIMUM BUILDING SETBACK FROM ALL STREET PROPERTY LINES IS 20 FEET.

23 50 26 (GLO-1938) 1/4 CORNER (LOWERED 12") FUNNY RIVER ROAD (base bearing) SECTION LINE WEST-2642.0 (R/W=3,033 ACRES) 50 50 25 SET ALUM. MON 12" DEEP



KENAITZE ESTATES SUBDIVISION
75.098 ACRES OF GOVT. LOTS 5 & 6, AND E1/2 SE1/4 SE1/4 OF SECTION 23, IN T5N, R9W, S.M.
OWNER: KENAITZE GENERAL PARTNERSHIP
5841 ARCTIC BLVD., ANCHORAGE, AK
SURVEYOR: C.L. PARKER, R.L.S., SOLDOTNA, ALASKA
OCTOBER, 1975
SCALE: 1" = 200'

CERTIFICATE OF OWNERSHIP & DESIGNATION

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate the utility easements and roadways shown to public use. (& driveway easements).

Ervin K. Perry Ervin K. Perry (K.S.P.)
Walter G. Hansen Walter G. Hansen (K.S.P.)
Stephen V. Anderson Stephen V. Anderson (K.S.P.)
Robert C. Davis Robert C. Davis (K.S.P.)
Barbara M. Davis Barbara M. Davis (wife)

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this 31 day of October, 1975.

Janie Herrera
Notary Public for Alaska

My Commission expires September 2, 1977

Subscribed and sworn before me this 3 day of November, 1975.

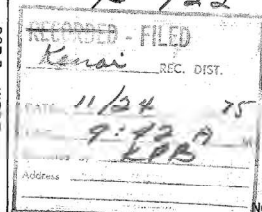
James E. Peterson
Notary Public for the State of Washington

My Commission expires 2/15/77

E1/2 SE1/4 SE1/4 SEC. 23-33' & 50' ROAD R/W (UNSURVEYED ALIQUOT PART)

E1/2 OF GOVT. LOT 5 OF SECTION 23, - 33 ROAD R/W (UNSURVEYED ALIQUOT PART)

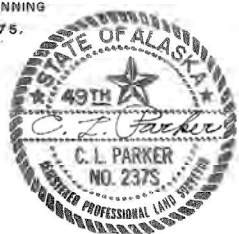
TRACT - B
18.292 ACRES



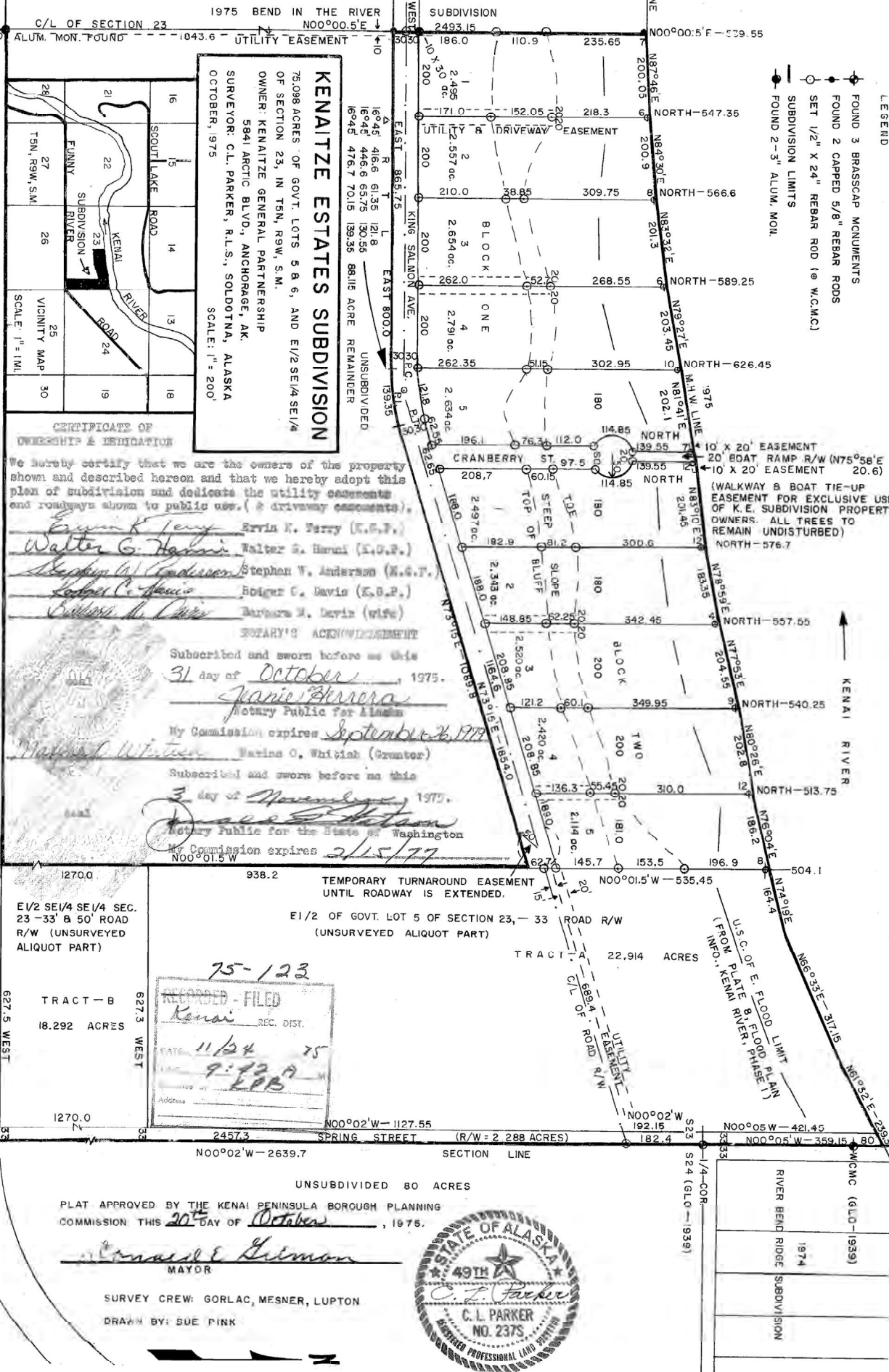
UNSUBDIVIDED 80 ACRES
PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION THIS 20th DAY OF October, 1975.

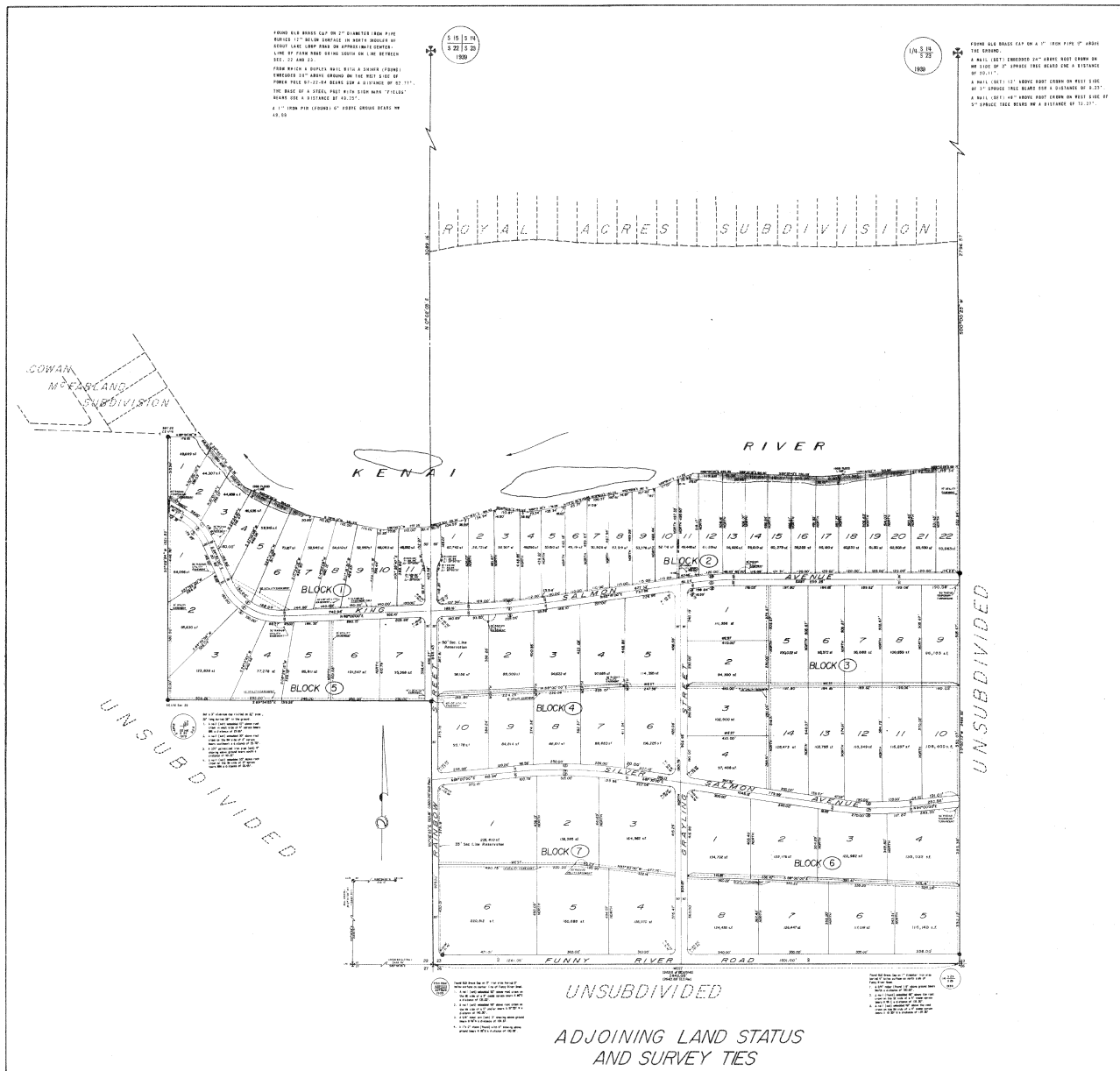
Constance E. Gilman
MAYOR

SURVEY CREW: GORLAC, MESNER, LUPTON
DRAWN BY: SUE PINK



- LEGEND**
- FOUND 3 BRASSCAP MONUMENTS
 - FOUND 2 CAPPED 5/8" REBAR RODS
 - SET 1/2" X 24" REBAR ROD (w/ W.C.M.C.)
 - SUBDIVISION LIMITS
 - FOUND 2-3" ALUM. MON.





NOTES

1. THE NATURAL MEANDERS OF THE KENAI RIVER FORM THE BOUNDS OF ALL LOTS ADJOINING THE RIVER. THE TRAVERSE LINE, AS ESTABLISHED, IS FOR SURVEY COMPUTATIONS AND DATA ONLY. ALL CORNERS ARE SET ON SAID TRAVERSE LINE AND WITNESS CORNERS, WITH TRUE CORNERS BEING ON THE EXTENSION OF LOT LINES, TO THE MEAN HIGH WATER LINE.
2. ALL BEARINGS ARE BASED ON THE 1929 DATUM OF THE GENERAL LAND OFFICE FOR THE SECTION LINE COMMON TO SECTIONS 23 AND 26, T5N, R9W, S4M.
3. ANY SEWER DISPOSAL SYSTEM SHALL BE A MINIMUM OF 100' UPLAND FROM THE MEAN HIGH WATER LINE OF THE KENAI RIVER.
4. THE LAND IN THE WEST PORTION OF LOT 6 AND LOT 1 OF BLOCK 7 IS SUSCEPTIBLE TO HIGH GROUND WATER.
5. THERE SHALL BE A TWENTY FOOT BUILDING SET BACK FROM ALL FRONT LOT LINES.
6. THE PROPOSED USE OF THIS SUBDIVISION IS RESIDENTIAL AND RECREATIONAL.
7. THE FLOOR OF ANY STRUCTURE LOCATED ON THIS SUBDIVISION MUST BE THREE FEET ABOVE THE 1969 FLOOD LINE.

CURVE DATA

NO.	RADIUS	DELTA	TANGENT	CHORD	LENGTH
1	246.00'	36°00'	170.47'	210.13'	213.64'
2	310.00'	36°00'	100.72'	191.59'	194.78'
3	280.00'	36°00'	20.98'	173.05'	175.93'
4	270.00'	67°30'	180.40'	300.01'	318.00'
5	300.00'	67°30'	200.45'	333.34'	353.43'
6	330.00'	67°30'	220.50'	366.68'	388.77'
7	370.00'	09°48'	189.33'	378.18'	373.34'
8	3800.00'	08°48'	190.84'	381.19'	381.35'
9	3880.00'	08°48'	192.34'	384.20'	384.36'
10	1550.00'	07°48'	103.63'	208.70'	206.95'
11	1500.00'	07°48'	101.60'	202.74'	202.89'
12	1470.00'	07°48'	99.57'	196.88'	196.84'
13	2400.00'	13°30'	287.61'	571.68'	575.86'
14	2400.00'	13°30'	284.06'	564.18'	565.43'
15	2370.00'	12°30'	280.61'	557.13'	558.40'
16	1470.00'	14°30'	187.01'	371.08'	375.08'
17	1500.00'	14°30'	180.82'	378.60'	379.61'
18	1550.00'	14°30'	184.64'	386.17'	387.60'



75-114

RECORDED - FILED

DATE 12-22-25

BY [Signature]

ANCHORAGE, ALASKA 99504

PLAT OF
BEND IN THE RIVER SUBDIVISION
A SUBDIVISION OF GOVERNMENT LOT 8, SEC 22, AND
GOVERNMENT LOTS 7 AND 8, SEC 23, AND S1/2 SW 1/4
SEC 23, ALL LOCATED WITHIN T5N, R9W, S4M, CONTAINING 1760.00 ACRES MORE OR LESS

SEARS, SCHWEITZER AND ASSOCIATES
REGISTERED LAND SURVEYORS
2331 EAST 20TH AVENUE
ANCHORAGE, ALASKA 99504

DATE JULY 30/1975	SCALE 1"=100'	GRID KENAI	DRAWN BY [Signature]	W.O. 75-51
CHECKED BY S. SEARS				P.B. NO. 22 PAGE 2 of 2

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Gillham, Morgan, Slaughter, Whitney, Venuti
Absent - 1	Fikes

AGENDA ITEM E. NEW BUSINESS

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 1, BLOCK 1, WHISPERING MEADOWS SUBDIVISION PART 1, PLAT KN 74-32**

KPB File No.	2025-018
Planning Commission Meeting:	March 24, 2025
Applicant / Owner:	David C. & Barbara J. Caswell
Surveyor:	Ryan Sorenson, Edge Survey & Design
General Location:	Greenfield Drive & Robinson Loop Road / Sterling area
Parent Parcel No.:	063-360-01
Legal Description:	T05N R09W SEC02 S.M. KN LOT 1 BLK 1 WHISPERING MEADOWS SUB KN 74-32
Assessing Use:	Residential
Zoning:	Unrestricted
Resolution	2025-06

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Slaughter to adopt Planning Commission Resolution 2025-06, granting a building setback encroachment permit to a portion of the 20-foot building setback on Lot 1, Block 1, Whispering Meadows Subdivision Part One, Plat KN 0740032, Citing findings 3, 4 & 17 in support of standard one, findings 4, 5 & 7 in support of standard two and findings 4, 5, 9 & 14 in support if standard three.

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

MOTION PASSED BY MAJORITY VOTE:

Yes - 5	Brantley, Epperheimer, Morgan, Slaughter, Venuti,
No - 2	Gillham, Whitney
Absent – 1	Fikes

**ITEM #2 - UTILITY EASEMENT ALTERATION
VACATE THE ENTIRE 10' WIDE UTILITY EASEMENT ALONG THE EASTERN BOUNDARY OF
LOT 22, BLOCK 2, BEND IN THE RIVER SUBDIVISION PLAT KN 75-114**

KPB File No.	2025-004V
Planning Committee Meeting:	March 24, 2025
Applicant / Owner:	Dean W. & Dolores J. Cash
Surveyor:	Andrew Hamilton, McLane Consulting Group
General Location:	King Salmon Avenue / Funny River Area
APC	Funny River APC

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Gillham moved, seconded by Commissioner Whitney to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the two conditions set forth in the staff report.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Gillham, Morgan, Slaughter, Whitney, Venuti,
Absent – 1	Fikes

ITEM #3 - UTILITY EASEMENT ALTERATION

VACATE A 15' WIDE STRIP OF LAND ALONG THE SOUTHERN BOUNDARIES OF TRACT 3, KNIGHT ESTATES SUBDIVISION LONG ADDITION, PLAT KN 2005-107 AND LOT 4, BLOCK 1 MOORING BY THE RIVER PLAT KN 84-160

KPB File No.	2025-020V
Resolution No.	2025-07
Planning Committee Meeting:	March 24, 2025
Applicant / Owner:	Deborah E. & James J. Delker
Surveyor:	Andrew Hamilton, McLane Consulting Group
General Location:	Diane Lane & River Watch Drive / City of Soldotna

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Gillham to adopt Planning Commission Resolutions 2025-07 granting the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the one condition set forth in the staff report.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Gillham, Morgan, Slaughter, Whitney, Venuti,
Absent – 1	Fikes

ITEM #4 – CONDITIONAL USE PERMIT

PC Resolution No.	2025-04
Planning Committee Meeting:	March 24, 2025
Applicant / Owner:	Ostrowski
Parcel ID No.	066-210-13
Location:	30575 Lure Court
General Location:	

Staff report give by Planner Morgan Aldridge.

Chair Brantley opened the item for public comment.

1. Mr. & Mrs. David Ostrowski, Applicants; 4301 Gunnin Road, Peachtree Corners, GA 30092: The Ostrowski spoke in support of approving their conditional use permit.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.