



Meeting Agenda Planning Commission

Tuesday, May 28, 2024

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

1. Time Extension Request

[KPB-6065](#) Morning Panorama Subdivision #2; KPB File 2022-058

Attachments: [C1. TE Morning Panorama Subdivision #2 Packet](#)

2. Planning Commission Resolutions

3. Plats Granted Administrative Approval

4. Plats Granted Final Approval (KPB 20.10.040)

5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

[KPB-6061](#) April 22, 2024 PC Minutes

Attachments: [C7. 042424 PC Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

- [KPB-6062](#) Utility Easement Vacation; KPB File 2023-112V
McLane Consulting / Roberts, Presley
Request: vacates an approximate 3000' utility easement granted by
South Bend Bluff Estates KN 2002-42
Kalifornsky Area

Attachments: [E1. UEV South Bluff Estates Packet](#)

- 2. [KPB-6063](#) Right-Of-Way Vacation; KPB File 2024-036V
 Seabright Surveying / Huyck, Dixon
 Request: vacates the northern 18,261’ & southern 3121’ portions of Fritz Creek Valley Drive and re-dedicates the right-of-way along the existing road.
 Fritz Creek Area / Kachemak APC
Attachments: [E2. ROWV Fritz Creek Valley Dr. Packet](#)

- 3. [KPB-6064](#) Right-Of-Way Vacation; KPB File 2024-039V
 Johnson Surveying / Wiley
 Request: vacates the entire Circe Lane Right-of-Way Cohoe Area
Attachments: [E3. ROWV-Circe Lane Packet](#)

- 5. [KPB-6066](#) Street Naming Resolution 2024-03; Renaming a public right-of-way in the Funny River community from Salix Court to Bailey Court.
Attachments: [E5. SN RES 2024-03 Packet](#)

- 6. [KPB-6067](#) Street Naming Resolution 2024-04; Renaming a public right-of-way within the Funny River community from Rill way to Corky Way.
Attachments: [E6. SN RES 2024-04 Packet](#)

F. PLAT COMMITTEE REPORT

G. OTHER

Soldotna Riverfront Redevelopment Plan

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
 NO ACTION REQUIRED**

The next regularly scheduled Planning Commission meeting will be held Monday, June 10, 2024 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

CONSENT AGENDA:

- *1. Time Extension Requests
 - a. Morning Panorama Subdivision #2
KPB File 2022-058

MORNING PANORAMA SUBDIVISION # 2
TIME EXTENSION REQUEST

KPB File No.	2022-058
Applicant / Owner:	Rahman Hafiz
Surveyor:	Stacy Wessel - AK Lands, Land Surveying LLC
General Location:	Salamatof Area, Kenai, Alaska

STAFF REPORT

PC Meeting: Administrative Approval

2022

On April 25, 2022, the Planning Department Staff received a completed preliminary plat application for the Morning Panorama Subdivision # 2. The Plat Committee granted conditional approval during its meeting on May 23, 2022.

2024

On May 17, 2024, the Planning Department Staff received a Time Extension Request for the project. The original surveyor is currently unavailable to complete the project which has led to the owner's hiring of a new surveyor, AK Lands, Land Surveying LLC. The new surveyor will work on completing the project in compliance with the requirements set by the Kenai Peninsula Borough Plat Committee.

This time extension request is the first request associated with this subdivision plat. Per KPB 20.25.110, only two 2-year time extension requests may be granted. This time extension request will extend the subdivision approval to May 23, 2026. If the plat is not recorded before May 23, 2026, or a second and final extension is not requested, then the approval will expire and a new plat submittal will be required to complete the subdivision

There have been no changes in the area that would affect this plat.

STAFF RECOMMENDATIONS: Extend preliminary plat approval for two years to May 23, 2026, subject to the following:

1. Current utility reviews submitted with copy of final plat.
2. Plat must comply with current Kenai Peninsula Borough Code.

NOTE: Per KPB 20.25.110(A), upon application by the subdivider prior to the two-year deadline for final plat submittal, a time extension for two years beyond the initial two-year period for submittal of the final plat may be granted by the planning director. A second and final two-year extension may be granted by the planning director when requested by the subdivider prior to expiration of the previous approval, allowing for a total approval time of six years. Expiration of time extensions will require the submission of, and action on, a new preliminary plat.

END OF STAFF REPORT



APPROVED


Robert Ruffner the Planning Director

5-22-2024
Date

Kenai Peninsula Borough Planning Department
144 North Binkley Street
Soldotna, Alaska 99669
Phone: (907) 714-2200
Fax: (907) 714-2378

TIME EXTENSION REQUEST FORM

Name of Subdivision: Morning Panorama Subdivision #2 Preliminary Plot

Location of Subdivision: Morning Circle, Salamatof area

KPB Number: 2022-058

Date of Planning Commission Approval(s)

May 23, 2022 _____

Reason for time extension request.

Needed an extension to complete amendment motion. The original surveyor was not available

to complete the work. Stacy Wessel from AK Lands, Land Surveying LLC is working on it

to comply with Kenai Peninsula Borough plat committee's requirements.

Date: May 17, 2024

Signature of Surveyor/Property Owner: *H. Rahmay*

Morning Panorama Subdivision #2 Preliminary Plat

KPB 2022-058

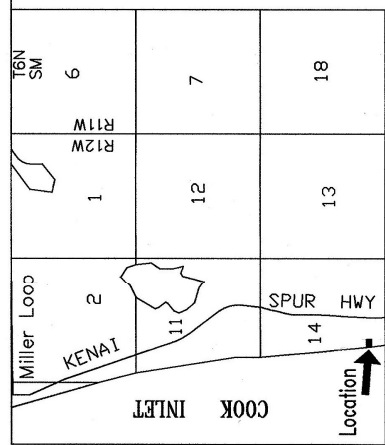
A subdivision of Lot 5 Morning Panorama Subd., Richey Replat, KR D 2019-9
 Located in the SW 1/4 Section 14, T6N R12W, SM, Alaska.
 Kenai Recording District Kenai Peninsula Borough

Prepared for
Hafiz Rahman
 3809 E. Thousand Oaks Circle
 Salt Lake City, UT 84124

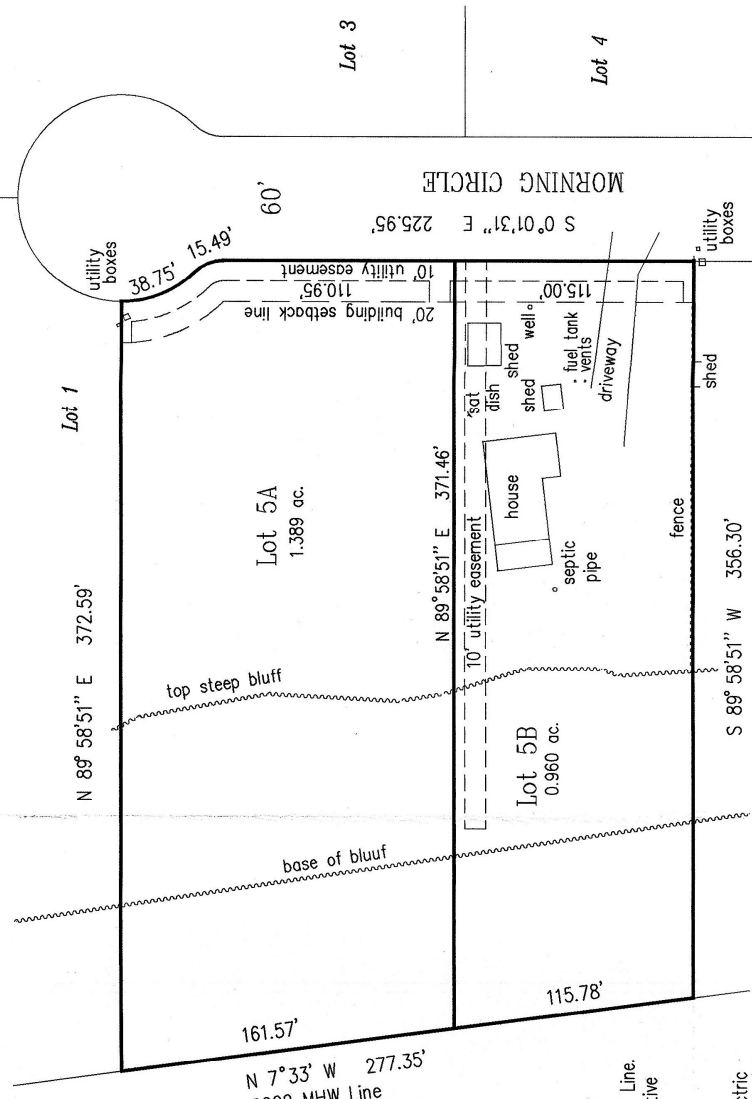
Prepared by
Johnson Surveying
 P.O. Box 27
 Clam Gulch, AK 99568
 (907) 262-5772

SCALE 1" = 60'
 30 March, 2022

AREA = 2.349 acres



VICINITY 1" = 1 mile MAP



NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' adjacent to ROWs is also a utility easement that increases to 20' within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. 10' utility easements shown hereon were carried forward from plat KR D 2019-9.
4. Mean High Tide Meanders shown are for area calculations, the true property corners being the extensions of side lot lines with the Natural Mean High Water Line.
5. Former Lot 2 of KR D 80-80 within this subdivision is subject to private restrictive covenants filed with the Kenai District Recorder in Book 2006 page 177 and amendments thereto file in book 206 page 371.
6. The borough will not enforce private covenants per KPB 20.60.170. This property may be subject to an electrical easement granted to Homer Electric Association filed in KR D misc book 2 page 75. This is a general easement, no specific location given.
7. Topography on top bluff is flat, bluff area is over 25% grade. There are no wet areas on the property above bluff.

C. CONSENT AGENDA

***7. April 22, 2024 Planning Commission Meeting Minutes**

Kenai Peninsula Borough Planning Commission

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

April 22, 2024
7:30 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Chair Brantley called the meeting to order at 7:30 p.m.

AGENDA ITEM B. ROLL CALL

Commissioners Present

Jeremy Brantley, Ridgeway/Sterling District
Jeffery Epperheimer, Nikiski District
Pamela Gillham, Kalifornsky/Kasilof District
Virginia Morgan, Cooper Landing/Hope District
Franco Venuti, City of Homer
Diane Fikes, City of Kenai
Troy Staggs, City of Seward

With 8 members of a 9-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Vince Piagentini, Platting Manager
Chris Van Slyke, Platting Specialist
Jennifer Robertson, LMD Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

- *3. Plats Granted Administrative Approval**
 - a. Broken Axle No. 2; KPB File 2023-124
 - b. Bunnell's Subdivision 2023 Replat; KPB File 2023-047
 - c. C & C Bear Subdivision 2023 Replat; KPB File 2023-133
 - d. Grewingk Glacier Vista; KPB File 2023-095
 - e. Pacific Park Subdivision Blauvelt Addition; KPB File 2023-088
 - f. Reutov Subdivision; KPB File 2023-065
 - g. Shipley Subdivision; KPB File 2023-070
 - h. South Bend Bluff Estates 2023 Replat; KPB File 2023-112
 - i. Terra Bella Subdivision; KPB File 2022-024
 - j. W.R. Bell Subdivision 2023 Addition; KPB File 2023-087
 - k. Waterman Spring Replat 2023; KPB File 2023-039

- *6. Commissioner Excused Absences**
 - a. Charlene Taufest, City of Soldotna

- *7. Minutes**
 - a. March 25, 2024 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Staggs to approve the consent and regular agendas.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Venuti
Absent - 1	Taufest

AGENDA ITEM E. NEW BUSINESS

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

**ITEM #1 - UTILITY EASEMENT ALTERATION
VACATES A PORTION OF THE FIVE-FOOT UTILITY EASEMENT THAT THE NORTHERLY PORTION OF A STRUCTURE IS ENCROACHING LOCATED ON THE WESTERN SIDE OF TRACT B**

KPB File No.	2024-021V
Planning Commission Meeting:	April 22, 2024
Applicant / Owner:	Steinbeck, Inc. / Kenai, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Sterling Highway and Mercantile Avenue

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 Staggs to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, 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 - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Venuti
Absent - 1	Taufest

**ITEM #2 - UTILITY EASEMENT ALTERATION
VACATES A 10-FOOT UTILITY EASEMENT BEGINNING AT THE SOUTHWEST CORNER OF POLLARD TRACT A THENCE RUNNING NORTHEASTERLY STOPPING AT A UTILITY EASEMENT NEAR THE EAST LINE. VACATES A 10-FOOT UTILITY EASEMENT IN PARCEL A-G OF KASILOF COMMUNITY CHURCH LYING BETWEEN THE C1/4 CORNER AND THE OVERHEAD POWER LINE EASEMENT AND VACATE THE WESTERLY UTILITY EASEMENT OF KASILOF COMMUNITY CHURCH PARCEL A-G TRACT Q-G AS SHOWN.**

KPB File No.	2023-037V
Planning Commission Meeting:	April 22, 2024
Applicant / Owner:	Kasilof Community Church / Kasilof
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Sterling Highway and Pollard Loop Rd.

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 Staggs to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, 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 - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Venuti
Absent - 1	Taufest

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham report that the committee reviewed and granted preliminary approval to 5 plats.

AGENDA ITEM G. OTHER

- a. Commissioner Morgan informed the commission that she will not be able to attend the 5/13/24 planning commission meeting.

AGENDA ITEM H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chair Brantley asked if there was anyone from the public who would like to comment on anything not appearing on the agenda. No one wished to comment

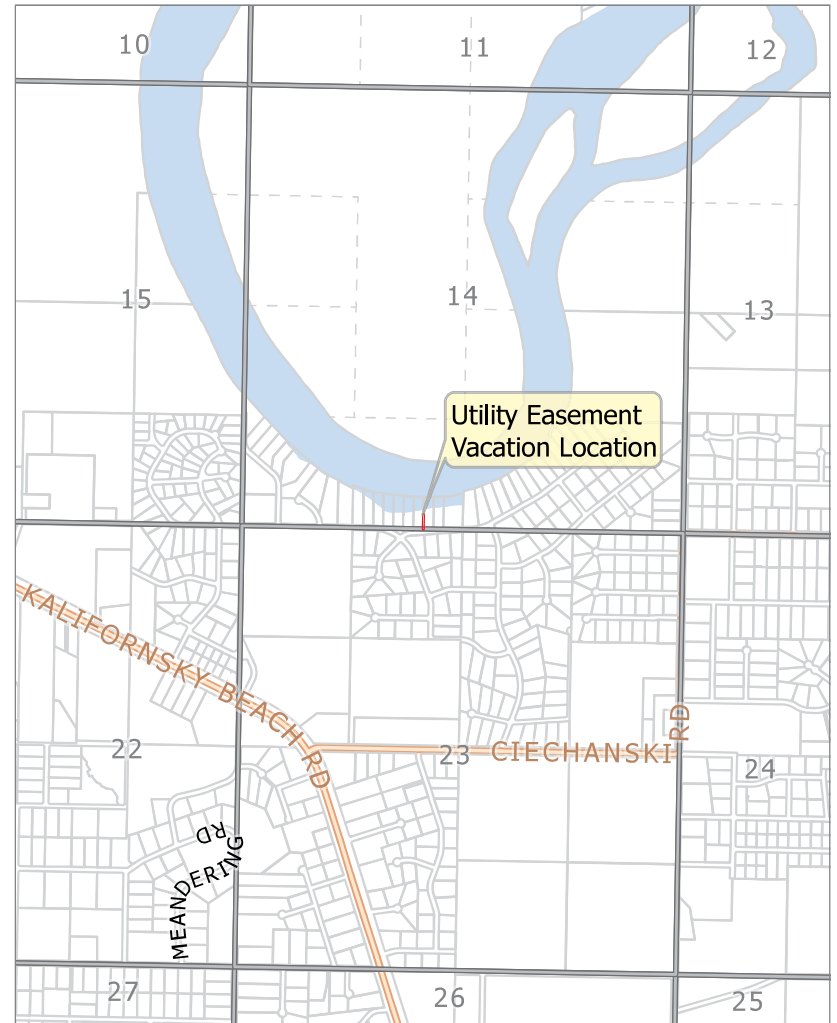
AGENDA ITEM K. ADJOURNMENT

Commissioner Gillham moved to adjourn the meeting at 7:40 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

- 1. Utility Easement Vacation; KPB File 2023-112V
McLane Consulting / Roberts, Presley
Request: vacates an approximate 3000' utility easement
granted by South Bluff Estates KN 2002-42
Kalifornsky Area**



KPB File 2023-112V
 T 05N R 11W SEC 14 & 23
 Kalifornsky

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



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LOT 6-A
BLOCK 1
KN2024-15

LOT 8-A
BLOCK 1
KN2024-15

LOT 9 - BLOCK 1
KN2002-42

15' x 200' UTILITY EASEMENT PER
KN2002-42 HEREBY VACATED

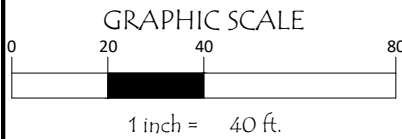
33' SLE

20' BUILDING SETBACK

SECTION 14
SECTION 23

15' UTILITY EASEMENT PER KN2002-42 TO REMAIN

WINRIDGE AVE 60' R/W



SOUTH BEND BLUFF ESTATES UTILITY EASEMENT VACATION EXHIBIT

15' x 200' UTILITY EASEMENT PER SOUTH BEND BLUFF ESTATES
(KN2002-42) ENCUMBERING LOT 8-A BLOCK 1 SOUTH BEND BLUFF
ESTATES 2023 REPLAT (KN2024-15) HEREBY VACATED

DANIEL R. PRESLEY & JENNIFER ROBERTS (OWNERS)
PO BOX 3288, SOLDOTNA, AK 99669
3000 S.F. M/L SITUATED IN THE SW1/4 SEC.14 & NW1/4 SEC.23,
T5N, R11W, SM, KENAI PENINSULA BOROUGH, AND THE
KENAI RECORDING DISTRICT, ALASKA.



ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK. 99669
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECG.COM

Project No.	242014
Date :	APR. 2024
Drawn by :	JAH
Scale :	1" = 40'
KPB File No.	2023-112V

AGENDA ITEM E. NEW BUSINESS

ITEM #1 - UTILITY EASEMENT ALTERATION

VACATES AN APPROXIMATE 3,000 FOOT UTILITY EASEMENT VACATION GRANTED BY SOUTH BEND BLUFF ESTATES KN 2002-42, GRANTED BY SOUTH BEND BLUFF ESTATES KN 2002-42 (KN 2023042); WITHIN S14, T05N, R11W, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH.

KPB File No.	2023-112V
Planning Commission Meeting:	May 13, 2024
Applicant / Owner:	Daniel R. Presley and Jennifer Roberts of Soldotna Alaska
Surveyor:	James Hall / McLane Consulting, Inc
General Location:	Winridge Ave near Ciechanski Rd in Kalifornsky area

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Vacate the 15' x 200' utility easement encumbering the property that is not necessary to provide utilities to the property.

Notification: Notice of vacation mailings were sent by regular mail to 49 owners of property within 600 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:

The petition is to vacate a 15' x 200' wide utility easement located running up the westerly third of the recently combined and created Lot 8-A Block 1 South Bend Bluff Estates 2023 Replat KN 2024-15.

Current utilities utilize the 15' utility easement established by KN2002-42 located on the front 15 feet adjacent to the right-of-way.

Utility reviews were all acceptable of the vacation as no utilities are located within the easement to be vacated. There were no comments that the easement was to be used in the future either.

Utility provider review:

HEA	agreeable to the vacation of the 15' x 200' utility easement per plat KN2002-42 as there are no electric lines in this easement and all lots are currently being served with electricity.
ENSTAR	no comments or recommendations.
ACS	no objections.
GCI	Approved as shown.

Findings:

1. The current use of the property is by the same owner that has combined Properties into Lot 8-A Block 1 KN2024-15
2. The large utility easement is not necessary to provide utilities to the property.
3. The 15' utility easement along Winridge Avenue will remain and provides adequate accessibility to utilities.
4. The easement is not in use.
5. South Bend Bluff Estates, Plat KN 2002-42, granted a 15' x 200' wide utility easement between the west boundary of Lot 8 and the east boundary of Lot 7 from the shared border with Winridge Avenue.
6. South Bend Bluff Estates 2023 Replat, KN 2024-15, subdivided Lot 6, 7 and 8 KN 2002-42, into 2 parcels creating Lot 6-A and Lot 8-A.

7. KN 2024-15 carried forward the 15' x 200' utility easement on the former west boundary of Lot 8 and the east boundary of Lot 7, which is now located in the middle western portion of Lot 8-A, KN 2024-15.
8. No surrounding properties will be denied utilities.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Make the following corrections:

- Add the section line and labels and 33' Section line easement to the drawing as shown on South Bend Bluff Estates 2023 Replat KN2024-15
- Label the 20' building setback line

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 Planning Commission and utility providers.
2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months 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*
 - *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

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2024-7
KENAI RECORDING DISTRICT**

Vacates an approximate 3,000 foot utility easement vacation granted by South Bend Bluff Estates KN 2002-42, granted by South Bend Bluff Estates KN 2002-42 (KN 2023042); within S14, T05N, R11W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2023-112V

WHEREAS, a request has been received from Jennifer Roberts and Daniel R Presley of Soldotna, AK to Vacates an approximate 3,000 foot utility easement vacation granted by South Bend Bluff Estates KN 2002-42 granted by South Bend Bluff Estates KN 2002-42 (KN 2023042); and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on May 13, 2024, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the above described Vacates an approximate 3,000 foot utility easement vacation granted by South Bend Bluff Estates KN 2002-42 are hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the utility easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2024.

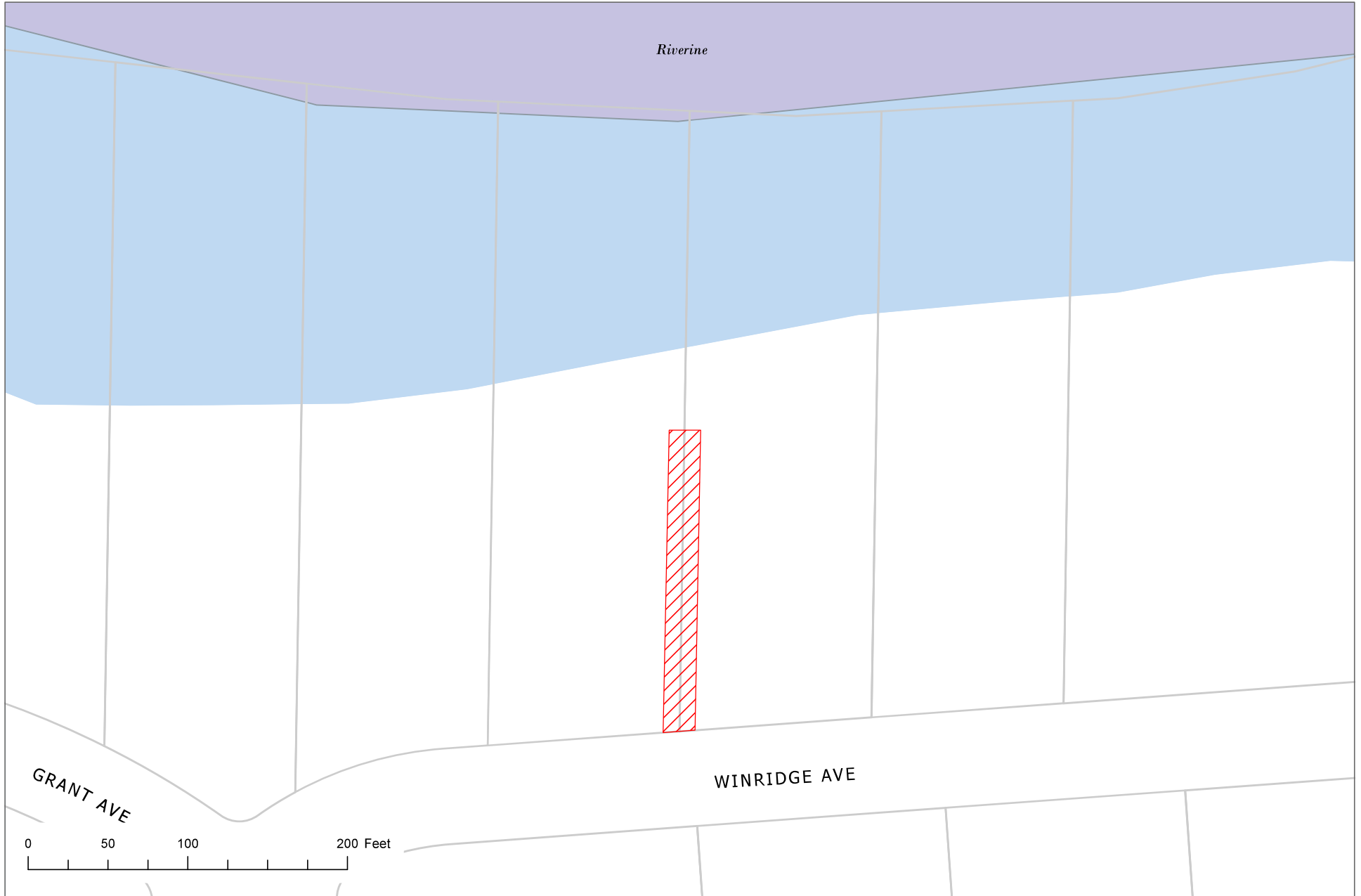
Jeremy Brantley, Chairperson
Planning Commission

ATTEST: _____
Ann Shimberg,
Administrative Assistant

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



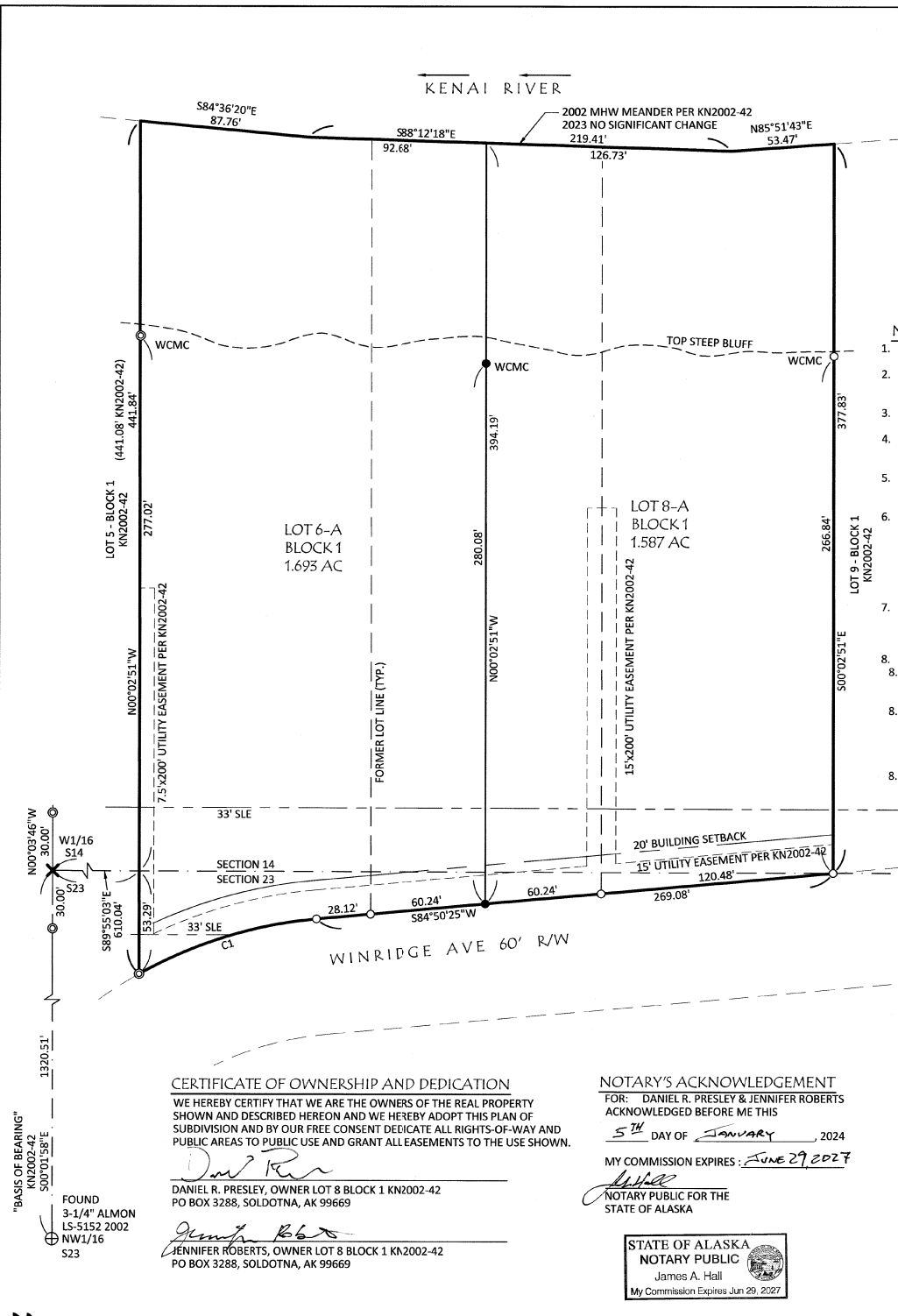
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



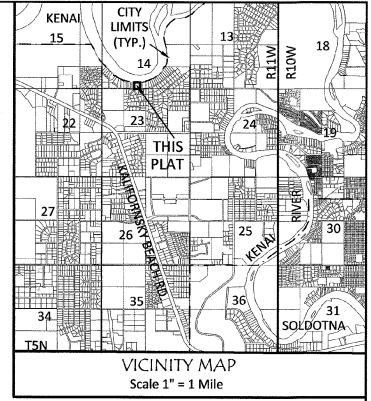
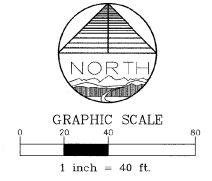
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- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8" REBAR
 - FOUND 1-1/2" ALCAP LS-5152 2002
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
 - ✕ NOTHING FOUND OR SET POSITION ESTABLISHED FROM REFERENCE CORNERS AS SHOWN
- RECORD AND MEASURED DATA AGREE UNLESS NOTED OTHERWISE



- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. BUILDING SETBACK - A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 3. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SETBACK ADJOINING RIGHTS-OF-WAY IS A UTILITY EASEMENT PER KN2002-42.
 4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 5. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF THE KENAI RIVER FORM THE TRUE BOUNDS OF EACH PARCEL. THE 2002 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY.
 6. SOME OR ALL THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH TITLE 21, CHAPTER 6 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES.
 7. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS WATERS HABITAT PROTECTION DISTRICT. WIDTH AND DEVELOPMENT MAY BE RESTRICTED UNDER TITLE 21, CHAPTER 18 OF KENAI PENINSULA BOROUGH CODE OF ORDINANCES.
 8. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 8.1. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON APRIL 14, 1970 IN BOOK 37, PAGE 81, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
 - 8.2. COVENANTS, CONDITIONS & RESTRICTIONS RECORDED JUNE 26, 2002 IN DOCUMENT No. 2002-005876-0 KR D AND AMENDED APRIL 29, 2010 IN DOCUMENT No. 2010-003393-0 KR D. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS PER KPB 20.60.170.
 - 8.3. KENAI PENINSULA BOROUGH RESOLUTION 2022-001 RECORDED FEBRUARY 17, 2022 IN DOCUMENT No. 2022-001403-0 KR D.

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
CI	24°09'56"	230.00'	97.01'	49.24'	S 72° 45' 27" W	96.29'
C13			*97.02*		*S 72° 45' 22" W*	*96.30*
KN2002-42	24°10'05"					

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Scott M. Cunningham
 SCOTT M. CUNNINGHAM, OWNER LOTS 6 & 7 BLOCK 1 KN2002-42
 37100 EDGEWOOD DR, KENAI, AK 99611

Dena R. Cunningham
 DENA R. CUNNINGHAM, OWNER LOTS 6 & 7 BLOCK 1 KN2002-42
 37100 EDGEWOOD DR, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: SCOTT M. & DENA R. CUNNINGHAM
 ACKNOWLEDGED BEFORE ME THIS

17th DAY OF JAN, 2024

MY COMMISSION EXPIRES: 06/04/2024

Hasni Ahmed
 NOTARY PUBLIC FOR THE STATE OF ALASKA



2024-15

Plat # Kenai

Rec Dist 326

Date 2024

Time 3:01 P.M.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Daniel R. Presley
 DANIEL R. PRESLEY, OWNER LOT 8 BLOCK 1 KN2002-42
 PO BOX 3288, SOLDOTNA, AK 99669

Jennifer Roberts
 JENNIFER ROBERTS, OWNER LOT 8 BLOCK 1 KN2002-42
 PO BOX 3288, SOLDOTNA, AK 99669

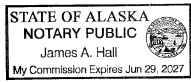
NOTARY'S ACKNOWLEDGEMENT

FOR: DANIEL R. PRESLEY & JENNIFER ROBERTS
 ACKNOWLEDGED BEFORE ME THIS

5th DAY OF JANUARY, 2024

MY COMMISSION EXPIRES: JUNE 29, 2027

James A. Hall
 NOTARY PUBLIC FOR THE STATE OF ALASKA



WASTEWATER DISPOSAL

THE EXISTING PARENT SUBDIVISION WAS APPROVED BY THE KENAI PENINSULA BOROUGH (APRIL 22, 2002) AND THIS SUBDIVISION IS LIMITED TO MOVING ONE OR MORE LOT LINES WITHOUT INCREASING THE NUMBER OF DEVELOPABLE LOTS, WHILE MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA, AS DESCRIBED IN KPB 20.40.040(A)(4)(A). FOR EACH LOT AFFECTED BY THE LOT LINE MOVEMENT PER KPB 20.40.020(I)(C). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF NOVEMBER 13, 2023.

Uma Pasquon 3/20/2024
 AUTHORIZED OFFICIAL DATE

SOUTH BEND BLUFF ESTATES 2023 REPLAT

A RESUBDIVISION OF LOTS 6, 7 & 8 BLOCK 1 SOUTH BEND BLUFF ESTATES (KN2002-42)

SCOTT M. CUNNINGHAM
 37100 EDGEWOOD DR
 KENAI, AK 99611

DANIEL R. PRESLEY
 PO BOX 3288
 SOLDOTNA, AK 99669

DENA R. CUNNINGHAM
 37100 EDGEWOOD DR
 KENAI, AK 99611

JENNIFER ROBERTS
 PO BOX 3288
 SOLDOTNA, AK 99669

3.281 AC. M/L SITUATED IN THE SW1/4 SECTION 14 & NW1/4 SECTION 23, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING SURVEYING - MAPPING
 P.O. BOX 488
 SOLDOTNA, AK 99669
 VOICE: (907) 283-4218
 FAX: (907) 283-3265
 WWW.MCLANECG.COM

KPB FILE NO. 2023-112

PROJECT NO. 232026

SCALE 1" = 40' DATE: OCT. 2023 BOOK NO.: 22-04 DRAWN BY: JAH

KPB NOTES: See PC Resolutions 2011-25 and 2012-04 and 2020-04

NOTES:

- Proposed land uses are recreational, residential, agricultural, and commercial.
- Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- Front 15 ft. of the building setback adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability to use the easement.
- Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.
- An exception was granted to KPB 20.20.190 for Lots 1-9 Block 1 by the Plat Committee at the meeting of April 22, 2002.
- The natural meanders of the line of Mean High Water or Ordinary High Water forms the true bounds of the subdivision. The approximate line of Mean High Water or Ordinary High Water, as shown, is for computations only. The TRUE property corners being on the extension of the side lot lines and their intersection with the natural meanders.
- Portions of this subdivision are within the Kenai Peninsula Borough 50 Ft. Anadromous Stream Habitat Protection Area. Development may be restricted under Chapter 21-18 Borough Code of Ordinances.
- No structures shall be constructed or placed within the drainage easement that would inhibit the natural drainage.
- The mapped flood limits shown on FIRW map 2045 dated July 5, 1983 falls along a steep bluff near the MHW line shown and does not affect the usable area of the lots within this subdivision.
- Development within this subdivision is subject to covenants recorded in the Kenai Recording District:
- WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska and the design must be approved by the Alaska Dept. of Environmental Conservation.

M. Turicann 3302-G 12 June 02
 Engineer License # Date

LEGEND:

- Monument (found)
- 2-1/2" Alum. Cap Monument (set)
- Iron Pipe (found)
- Rebar with Yellow Plastic Cap (found)
- 1/2" Rebar (found)
- 5/8" Rebar (set)
- Witness Corner Meander Corner
5/8" Rebar (set)
- Record Datum - Winridge Estates Subd. Part One Plat # 85-122 KR0
- Record Datum - Murrendon Ranch Plat # 98-7 KR0
- Record Datum - Phillips Subdivision Plat # 79-190 KR0

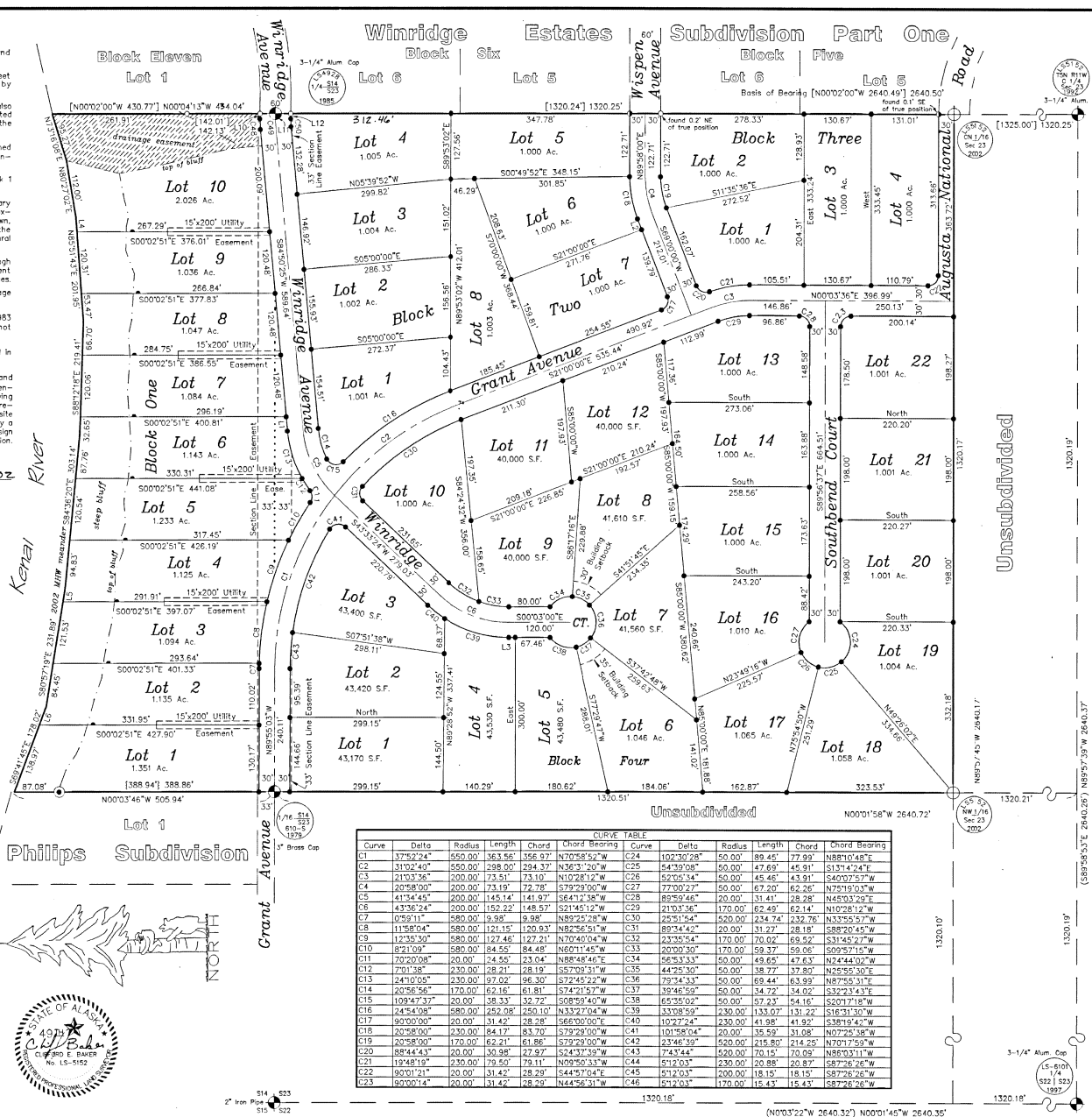
LINE	TABLE	Length
1	S84°50'25" E 28.12'	
2	S69°00'00" E 22.22'	
3	S00°01'00" E 12.54'	
4	N85°51'43" E 28.17'	
5	S80°57'19" E 25.92'	
6	S89°44'45" E 30.05'	
10	S80°57'32" E 9.85'	
11	S80°57'32" E 9.94'	
12	S89°57'52" E 9.94'	

CERTIFICATE OF SURVEYOR

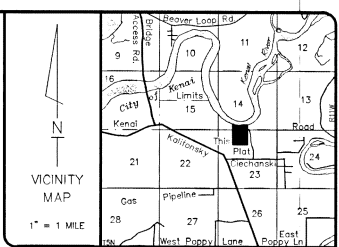
I hereby certify that, I am properly registered and licensed to practice land surveying in the State of Alaska; this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.



11 June, 2002



Curve	Delta	Radius	Length	Chord	Chord Bearing	Curve	Delta	Radius	Length	Chord	Chord Bearing
C1	37°52'24"	350.00	163.556	356.977	N70°58'52" W	C24	102°30'28"	50.00	89.454	77.997	N88°10'48" E
C2	31°02'40"	550.00	238.007	424.377	N36°11'00" W	C25	54°39'08"	50.00	47.697	45.911	S13°47'41" E
C3	21°03'36"	200.00	73.511	73.101	N10°28'12" W	C26	52°05'34"	50.00	45.467	43.911	S40°07'52" W
C4	20°58'00"	200.00	73.197	72.787	S79°29'00" W	C27	77°00'27"	50.00	67.207	62.267	N75°19'03" W
C5	41°34'45"	200.00	145.744	141.977	S64°12'38" W	C28	89°59'46"	20.00	31.411	28.287	N45°03'29" E
C6	43°38'24"	200.00	159.222	148.977	S214°15'12" W	C29	21°31'16"	170.00	62.497	62.147	N10°28'12" W
C7	05°51'11"	580.00	9.987	98.927	N89°25'28" W	C30	25°51'54"	520.00	234.774	232.767	N33°55'57" W
C8	11°58'04"	580.00	121.157	120.637	N82°56'51" W	C31	89°34'42"	20.00	31.277	28.187	S88°20'45" W
C9	12°33'50"	580.00	127.467	127.217	N70°40'04" W	C32	42°35'54"	170.00	70.097	69.527	S31°45'27" W
C10	82°10'00"	580.00	84.557	84.487	N60°11'45" W	C33	20°00'30"	170.00	58.377	59.067	S69°53'15" W
C11	70°20'08"	20.00	24.557	23.047	N88°48'46" E	C34	56°53'33"	50.00	49.657	47.637	N24°44'02" W
C12	70°13'38"	230.00	28.217	28.197	S57°09'31" W	C35	44°25'30"	50.00	38.777	37.807	N25°55'30" E
C13	24°10'03"	230.00	96.307	92.457	N43°45'23" W	C36	75°24'33"	50.00	69.447	63.997	N87°55'31" E
C14	20°56'56"	170.00	62.167	61.817	S74°21'52" W	C37	19°46'59"	50.00	34.727	34.097	N10°28'12" W
C15	109°47'37"	20.00	38.337	32.727	S08°59'40" W	C38	65°35'02"	50.00	57.237	54.167	S20°17'18" W
C16	24°54'09"	580.00	252.587	250.107	N33°27'04" W	C39	33°08'59"	230.00	133.077	131.227	S16°31'30" W
C17	90°00'00"	20.00	31.427	28.287	S66°00'00" E	C40	102°27'42"	230.00	141.987	141.927	S38°19'47" W
C18	20°58'00"	230.00	84.177	83.707	S79°29'00" W	C41	101°58'04"	20.00	35.997	31.087	N07°25'38" W
C19	20°58'00"	170.00	62.217	61.867	S79°29'00" W	C42	23°46'39"	520.00	215.807	214.257	N70°17'59" W
C20	88°44'43"	20.00	30.987	27.977	S44°37'39" W	C43	74°54'44"	520.00	270.157	270.097	N86°03'11" W
C21	119°48'19"	230.00	97.077	79.117	N09°59'33" W	C44	51°23'03"	230.00	130.887	129.827	S87°26'26" W
C22	90°01'21"	20.00	31.427	28.297	S44°57'04" E	C45	51°23'03"	200.00	118.157	118.157	S87°26'26" W
C23	90°00'14"	20.00	31.427	28.297	N44°56'31" W	C46	51°23'03"	170.00	105.147	105.437	S87°26'26" W



CERTIFICATE of OWNERSHIP and DEDICATION

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

George O'Gulian
 P. O. Box 1501
 Soldotna, Alaska 99611

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 11th day of June 2002 FOR George O'Gulian

D.B. Roca
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 8-31-03

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF April 22, 2002

KENAI PENINSULA BOROUGH
 AUTHORIZED OFFICIAL
 [Signature]

RECORDED
 Kenai REC. DIST.
 DATE: 6-26-2002
 TIME: 2:30 P.M.

REQUESTED BY:
 INTEGRITY SURVEYS
 KENAI, ALASKA 99611

KPB FILE No. 2002-066

South Bend Bluff Estates

A subdivision of Government Lot 13 located within SE1/4 SW1/4 Sec. 14 and the NE1/4 NW1/4 of Sec. 23, T5N, R11W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 52.349 Acres

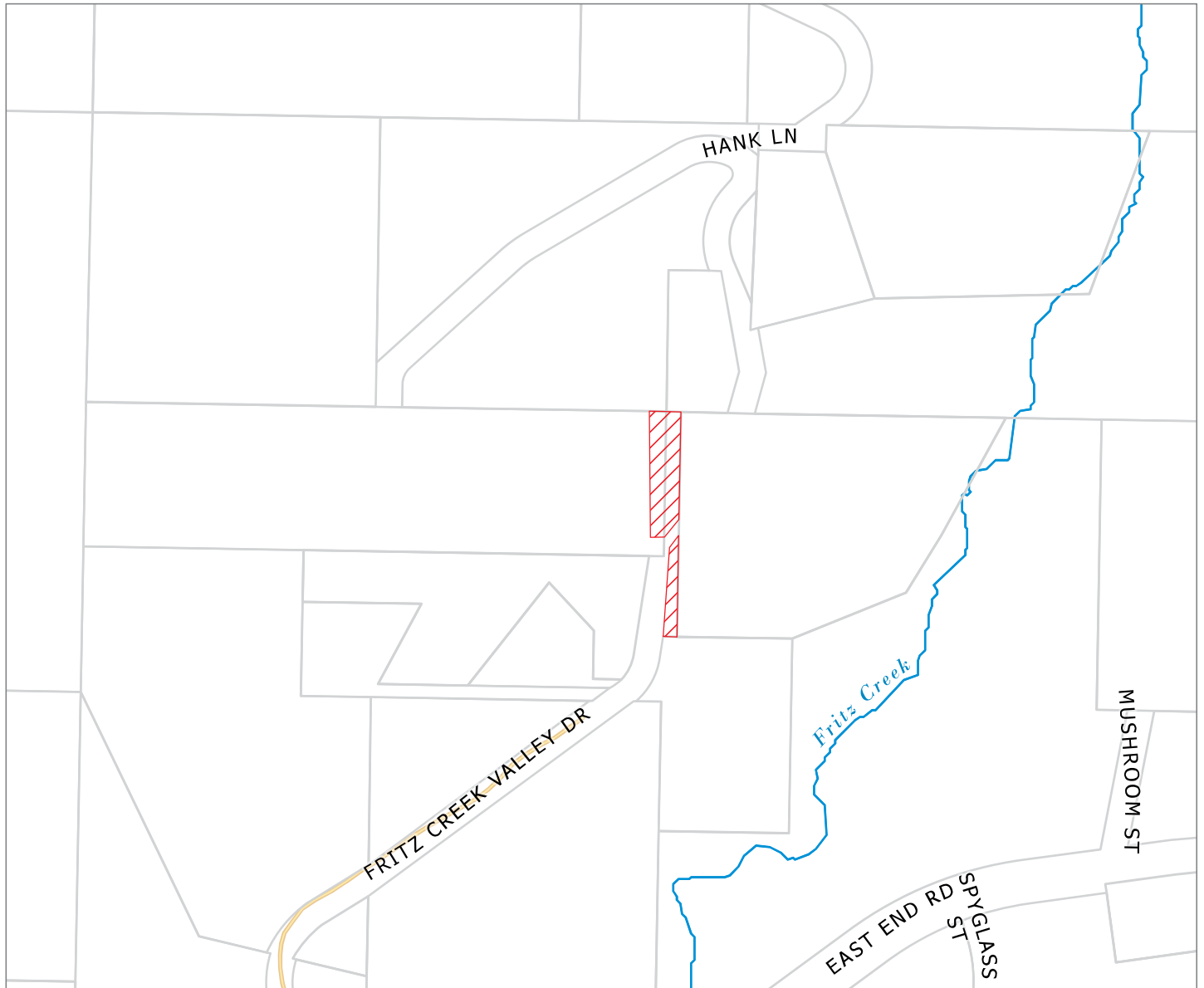
Integrity Surveys

605 Swires Drive Kenai, Alaska 99611-8363
 SURVEYS PHONE --- (907) 285-9047 PLANNERS
 FAX --- (907) 285-9070

JOB NO: 22013 DRAWN: 7 May, 2002 CB
 SURVEYED: March - May, 2002 SCALE: 1" = 100'
 FIELD BK: 2002-3, Pg. 1- DISK: South Bend Bluff

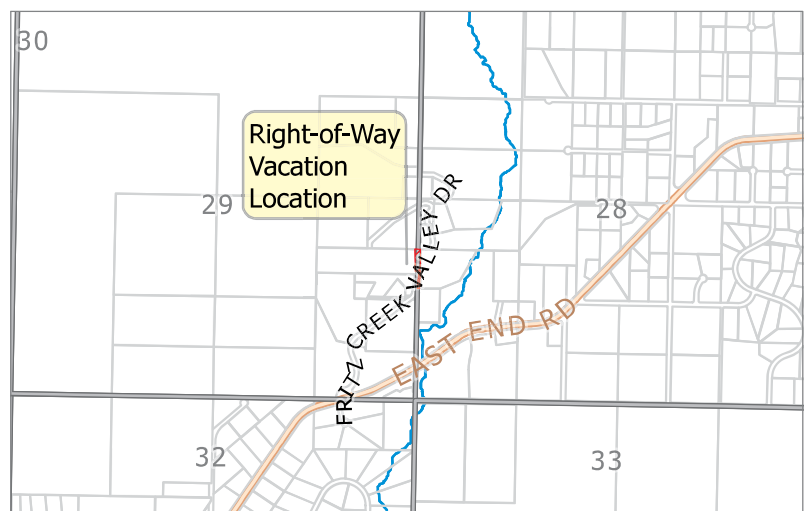
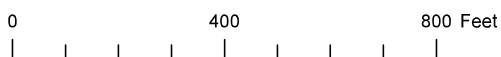
E. NEW BUSINESS

- 2. Right-Of-Way Vacation; KPB File 2024-036V
Seabright Surveying / Huyck, Dixon
Request: vacates the northern 18,261' & southern 3121' portions
of Fritz Creek Valley Drive and re-dedicates the
right-of-way along the existing road.
Fritz Creek Area / Kachemak APC**



KPB File 2024-036V
T 05S R 12W SEC 28 & 29
Fritz Creek

4/4/2024





Aerial View

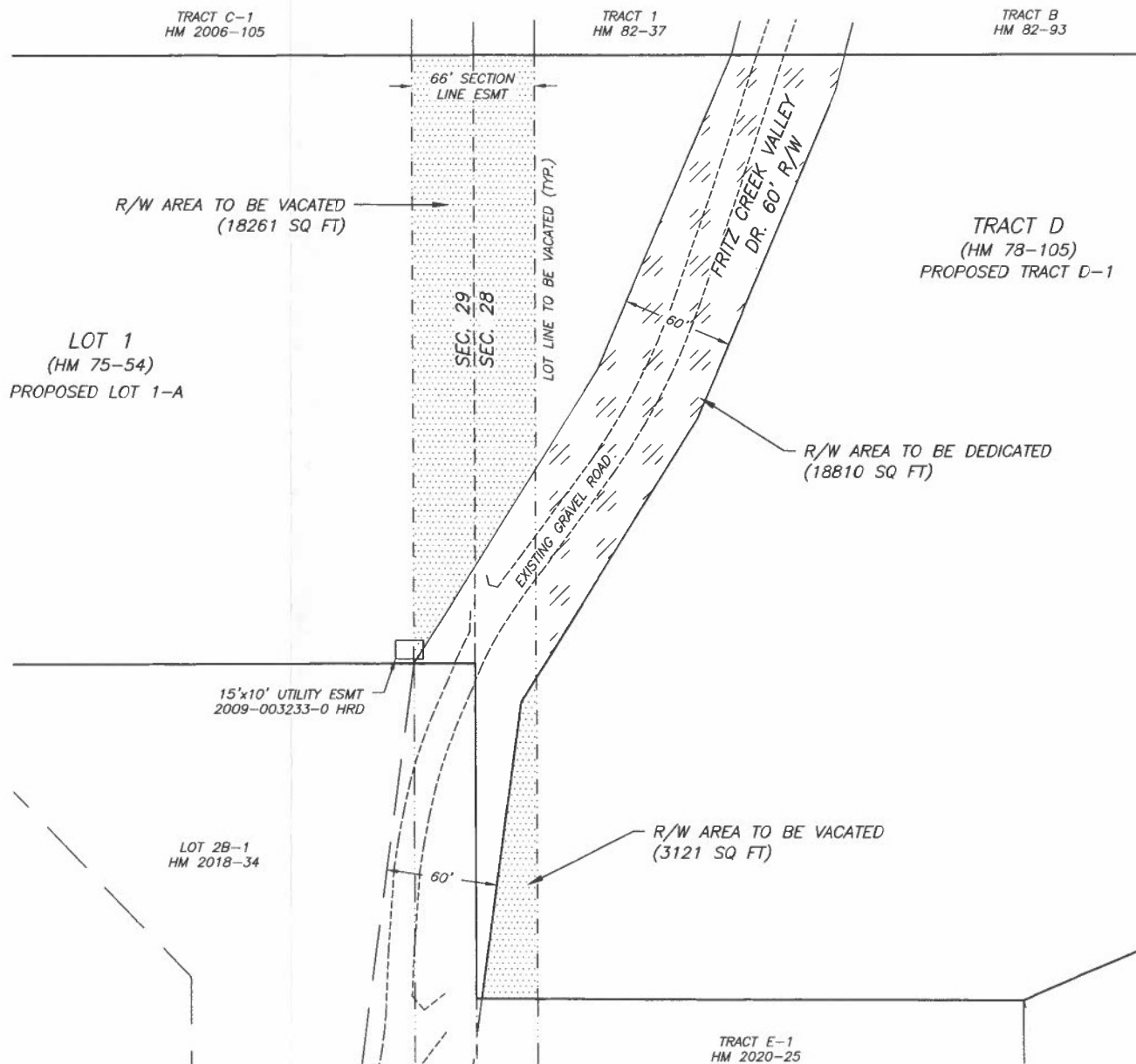


**CLARK SUBD. & FRITZ CREEK ACRES
HUYCK 2024 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM**

A REPLAT OF FRITZ CREEK VALLEY DR. R/W, LOT 1 CLARK SUBD. (HM 75-54) & TRACT D FRITZ CREEK ACRES ADDN. TRACTS D & E (HM 78-105), LOCATED IN THE SW1/4 SEC. 28 & THE SE1/4 SEC. 29, T. 5 S., R. 12 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

**SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.**

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580



GRAPHIC SCALE

KPB 2024-036V

AGENDA ITEM E. NEW BUSINESS

**Item #2 - RIGHT OF WAY VACATION
Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat**

KPB File No.	2024-036V
Planning Commission Meeting:	May 28, 2024
Applicant / Owner:	Andrea L. Huyck of Homer, AK and Adrian J. Dixon of Anchorage, AK
Surveyor:	Katherine A. Kirsis - Seabright Survey + Design
General Location:	East End Road, Fritz Creek Valley Drive
Legal Description:	A replat of Fritz Creek Valley Drive Right-of-Way, Lot 1 Clark Sub., HM 78-54, & Tract D Fritz Creek Acres Addn. Tracts D & E, HM 78-105, Located in the SW1/4 Sec. 28 & the SE1/4 Sec. 29, T5S, R12W, SM, KPB 3 rd Judicial District, Alaska

Amended STAFF REPORT

Specific Request / Purpose as stated in the petition: The proposed R/W vacation and re-dedication will serve to alleviate the existing encroachments located within the current R/W and align the R/W limits with the constructed roadway. This action is consistent with the efforts of adjacent landowners to vacate Fritz Creek Valley Drive and re-dedicate the R/W along the existing road (Clark Three HM 2018-34 & Coyote Hill 2006 Addn. HM 2006-105). The existing driveway within the right-of-way to be vacated serves the exclusive purpose of providing access to Lot 1 Clark Subdivision. Fritz Creek Valley Drive is a constructed roadway and constitutes "equal or better access" by any reasonable standards.

Notification: The public hearing notice was published in the May 22nd issue of the Peninsula Clarion and the May 23rd issue of the Homer News as part of the Commission’s tentative agenda.

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

Library of Homer, Alaska

Post Office of Homer, Alaska

23 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 0 receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 6 owners within 600 feet of the proposed vacation.

10 public hearing notices were emailed to agencies and interested parties as shown below:

State of Alaska DNR
 State of Alaska DOT
 Kenai Peninsula Borough Homer Office
 Kachemak Bay Advisory Planning Commission
 Emergency Services of Kachemak

Ninilchik Traditional Council
 Alaska Communication Systems (ACS)
 ENSTAR Natural Gas
 General Communications Inc, (GCI)
 Homer Electric Association (HEA)

Legal Access (existing and proposed): Fritz Creek Valley Drive is accessed at approximately mile 7.75 of East End Road in Homer, Alaska and crosses near several properties to get to the subject area.

With this vacation request, the applicants are proposing a new dedication to be finalized with the subdivision Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat. The dedication will follow the existing road crossing the properties.

The properties are affected by 33' section line easements on both sides of the section line that coincide with the right-of-way vacation. The section line easements are not part of the vacation request and do not need approval.

The block length along Fritz Creek Valley Drive is not compliant, **staff recommends:** an exception to KPB 20.30.170 Block – Length requirements should be requested with submittal of the preliminary plat.

KPB Roads Dept. comments	Roads Director: Griebel, Scott Comments: The ROW correction is supported by the RSA.
SOA DNR comments	Section line easements are jointly managed by DNR & DOT and cannot be vacated without DNR & DOT commissioner approval. The depicted section line easement underlying the vacated ROW will continue to exist until vacated by the proper authority. If the underlying 66' section line easement is to remain, this should be clearly described on the plat.

Site Investigation:

The area is steep being along a hillside running from the southeast to the northwest. The road has been laid out along a contour to be relatively level along the proposed dedication with a rise at the north end where it straightens out. The steep parts should be identified on the preliminary plat when submitted.

There are no wetlands on the property as the slope is even and no ravines cross the property.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
-------------------------	--

Staff Analysis: The portion of land to the west of the proposed vacation was an aliquot part of Section 29 Township 5 South, Range 12 West, Seward Meridian, Homer, Alaska. Clark Subdivision, KN 75-54, subdivided the S ½ NE ¼ SE ¼, Sec 29, T5S, R12W, SM, AK into two 10-acre parcels.

The portion of land to the east of the proposed vacation, to include the proposed re-dedication, was an aliquot part of Section 28, Township 5 South, Range 12 West, SM, Alaska. Fritz Creek Acres, KN 78-105, established Tracts D & E within the W ½ SW ¼, Sec 28, T5S, R 12 W, SM, AK.

Lands to the north, east, and south have been subdivided into mostly large tracts of generally residential designation. To the west is an unsubdivided 40-acre parcel. Most parcels adjacent to Fritz Creek Valley Drive have established residences.

Utility providers have yet to comment, however, SOA DNR has indicated that the proposed section line easement vacation will continue to exist until vacated by the proper authority with DNR & DOT commissioner approval. There is no comment on the re-dedication of Fritz Creek Valley Drive.

The applicants proposed to finalize the vacation with a subdivision that dedicates Fritz Creek Valley Drive as a 60' right-of-way along the existing gravel travel way. The proposed subdivision will combine a portion of Tract D, HM 78-105, west of the proposed dedication with the vacated land and the 10 acres of Lot 1, HM 75-54, into one lot designated as proposed Lot 1-A. The proposed vacation and the remaining portion of Tract D of HM78-105 lying east of the new dedication will become proposed Tract D-1.

The dedication will be a superior access for parcels along Fritz Creek Valley Drive in contrast to utilizing the area being vacated as a roadway.

20.65.050 – Action on vacation application

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

1. The right-of-way or public easement to be vacated is being used;
Staff comments: not as a road, but as a private drive to one of the applicants' residences.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: the actual road in use is located where the proposed dedication is.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: needed ROW along Fritz Creek Valley Drive will not be impacted as they follow the existing road path. No utilities have responded at this time.
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: Fritz Creek Valley Drive does not access a public area.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: Impacted parcels have direct access to Fritz Creek Valley Drive and will continue to.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: Vacation will not impact traffic flow of Fritz Creek Valley Drive.
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: Utilities along Fritz Creek Valley Drive remain unimpacted.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: no other factors relevant. Adjacent properties will continue to have road access.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled June 4, 2024 meeting.

If approved, *Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat* will finalize the proposed right of way vacations. The Plat Committee is scheduled to review *Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat* on May 28th 2024 and their regularly scheduled meeting.

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 38645 FRITZ CREEK VALLEY DR, 38646 FRITZ CREEK VALLEY DR Existing Street Names are Correct: Yes
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
LOZD and Material Site Comments	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment
Advisory Planning Commission	

Alaska DNR - DMLW review:

Section line easement are jointly managed by the DNR & DOT and cannot be vacated without DNR & DOT commissioner approval. The depicted section line easement underlying the vacated ROW will continue to exist until vacated by the proper authority. If the underlying 66’ section line easement is to remain, this should be clearly described on the plat. Please contact Victoria Braun of DNR, DMML&W Survey Section at (907) 375-7733 to pursue a section line easement vacation, if necessary.

Utility provider review:

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

RECOMMENDATION:

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

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code including a submittal to and approval by the Plat Committee.
3. Grant utility easements requested by utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).
5. Address DNR – DMLW comments on final as to labeling and distinguishing the section line easement from the vacation of ROW.

KPB 20.65.050 – Action on vacation application

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

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

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

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

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
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 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
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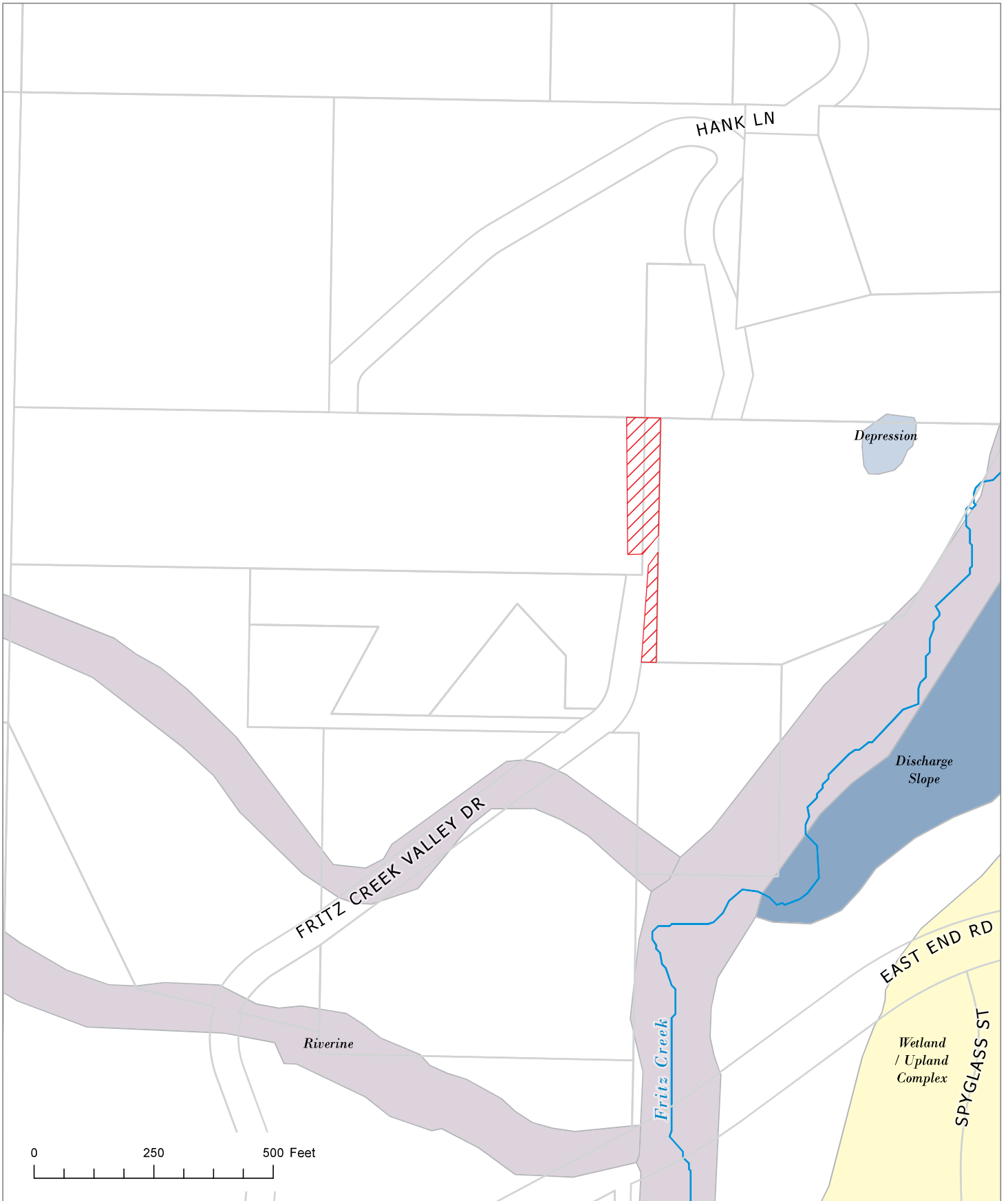
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

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 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
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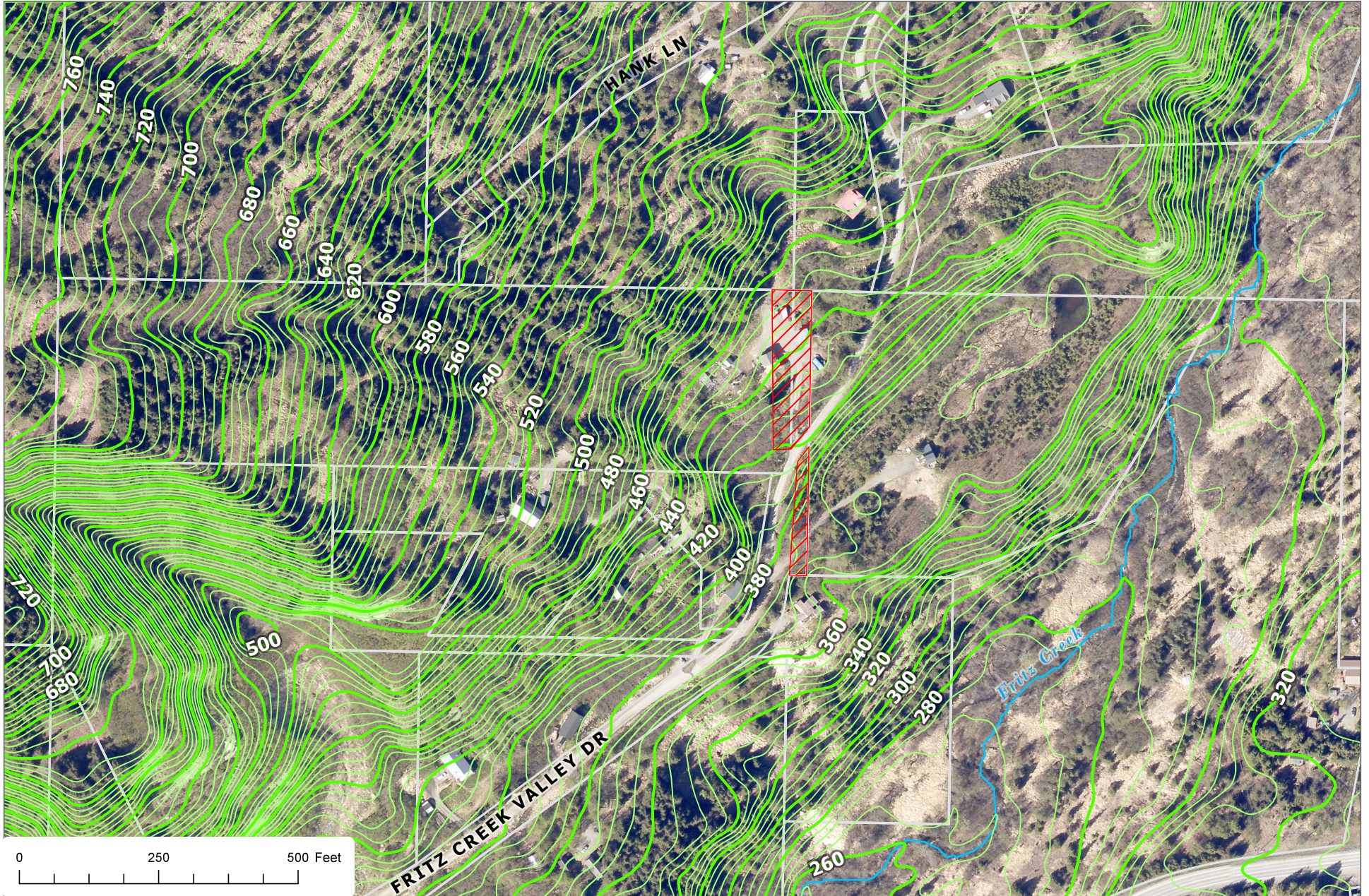
END OF STAFF REPORT



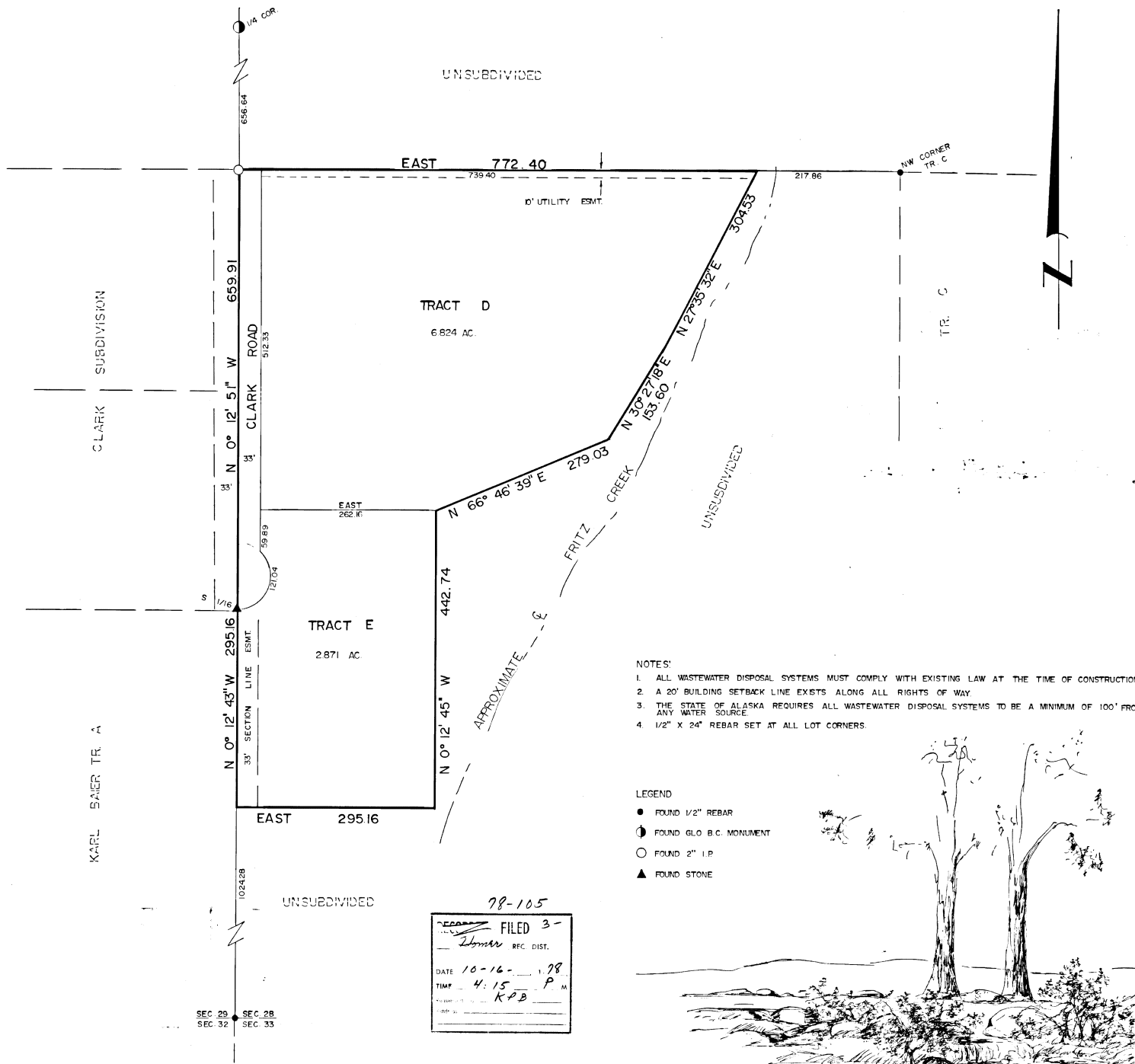
Wetlands



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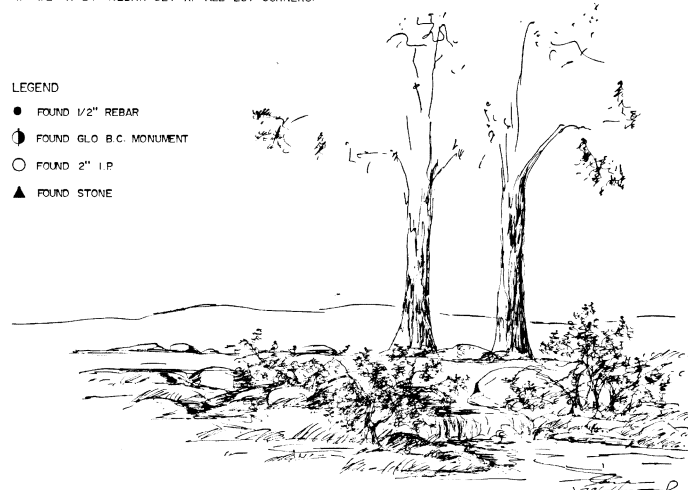


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- NOTES:
1. ALL WASTEWATER DISPOSAL SYSTEMS MUST COMPLY WITH EXISTING LAW AT THE TIME OF CONSTRUCTION.
 2. A 20' BUILDING SETBACK LINE EXISTS ALONG ALL RIGHTS OF WAY.
 3. THE STATE OF ALASKA REQUIRES ALL WASTEWATER DISPOSAL SYSTEMS TO BE A MINIMUM OF 100' FROM ANY WATER SOURCE.
 4. 1/2" X 24" REBAR SET AT ALL LOT CORNERS.

- LEGEND
- FOUND 1/2" REBAR
 - FOUND GLO. B.C. MONUMENT
 - FOUND 2" I.P.
 - ▲ FOUND STONE



78-105

FILED 3-
Lomer REC. DIST.

DATE 10-16-1978
TIME 4:15 P.M.
R.P.B.

CERTIFICATE OF OWNERSHIP
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON. I HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES AND ROADWAYS DEDICATED BY ME FOR PUBLIC USE.

Frances Romana Pavloff
 FRANCES ROMANA PAVLOFF BOX 485, HOMER, ALASKA

Karl Ludwig Baier
 KARL LUDWIG BAIER BOX 485, HOMER, ALASKA

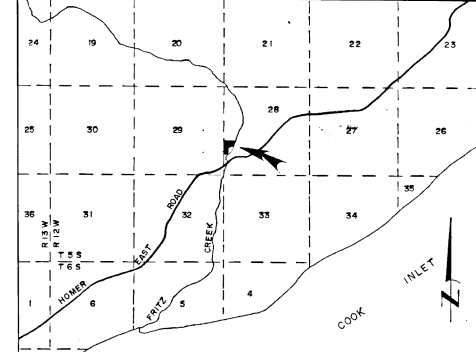
NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF August 1978
Virginia L. Wilson
 NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES 2-24-80

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

Jerry Anderson
 JERRY ANDERSON, 3686-S DATE 8/17/78

PLAT APPROVAL
 THIS PLAT HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF July 17, 1978, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW APPERTAINING THERETO KENAI PENINSULA BOROUGH

BY *Hyde Sapping*
 VICINITY MAP

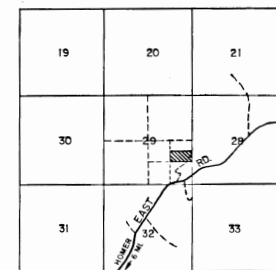
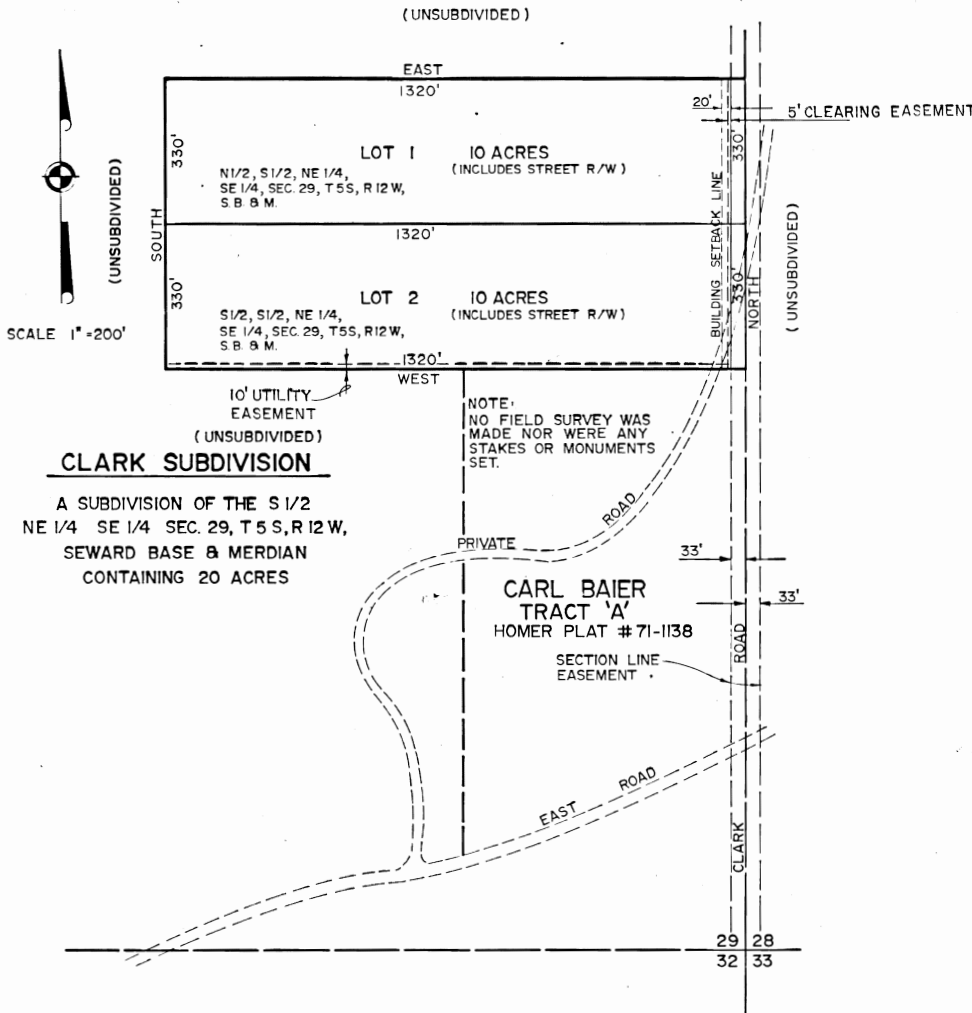


DATE: JUNE, 1978
 SCALE: 1" = 100'
 DESIGNED BY: J.A.
 DRAWN BY: S.W.
 CHECKED BY: K.B.
 FLD. BK. NO.: 48



FRITZ CREEK ACRES
 ADDITION OF TRACTS D & E
 WITHIN THE W 1/2 SW 1/4, S 28, T 5S, R 12W, S.M.
 CONTAINING 10.212 ACRES

ABILITY SURVEYS
 JERRY ANDERSON, RLS BOX 1263 HOMER, ALASKA



CERTIFICATE OF OWNERSHIP AND DEDICATION

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 all streets, alleys, walks, parks, utility easements and other open spaces to public use.

Date Nov 5, 1975.

Ronald Clark
Owner
Barbara Clark
Owner

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

On this 5th day of November, 1975, before me, the undersigned, a Notary Public for the State of Alaska, personally appeared Ronald & Barbara Clark to me known to be the person described in and who executed the foregoing certificate of ownership and dedication, and acknowledged to me that he executed the same as his free and voluntary act.

Witness my hand and official seal the day, month and year hereinabove written.

Erlyne Crini
Notary Public for Alaska
My commission expires 12-14-76

PLAT APPROVAL

Plat approved by the commission this 2nd day of June, 1975.

Donald E. Silman
Notary

75-54

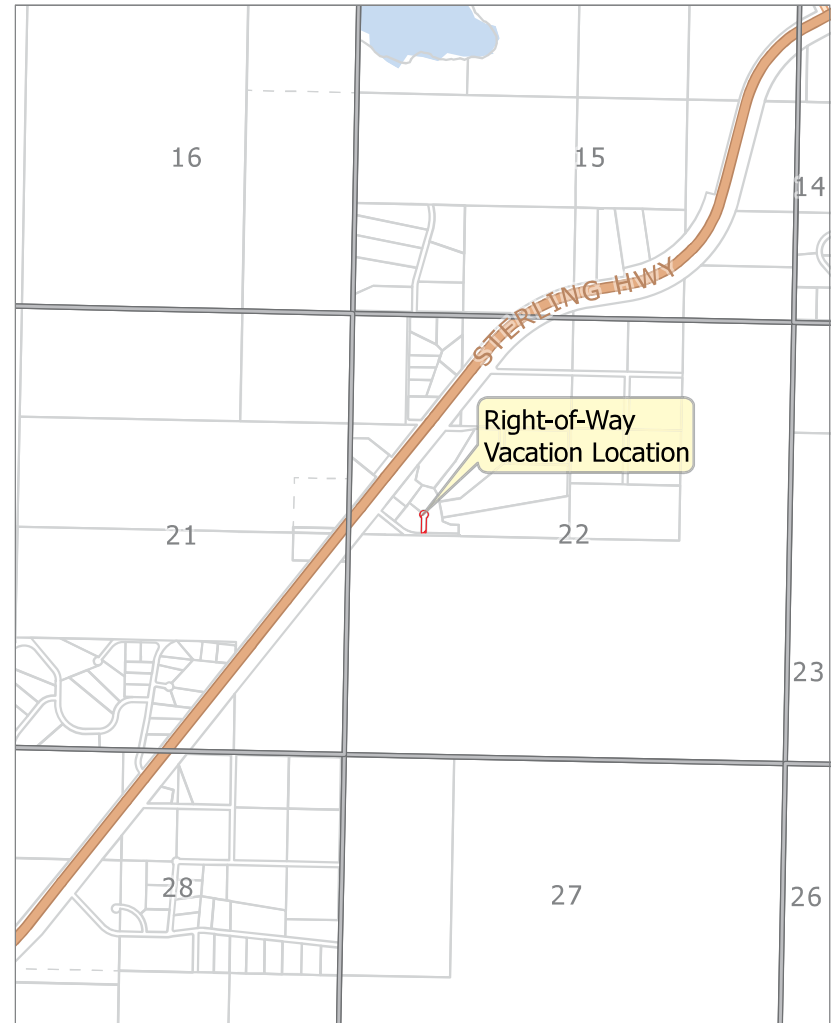
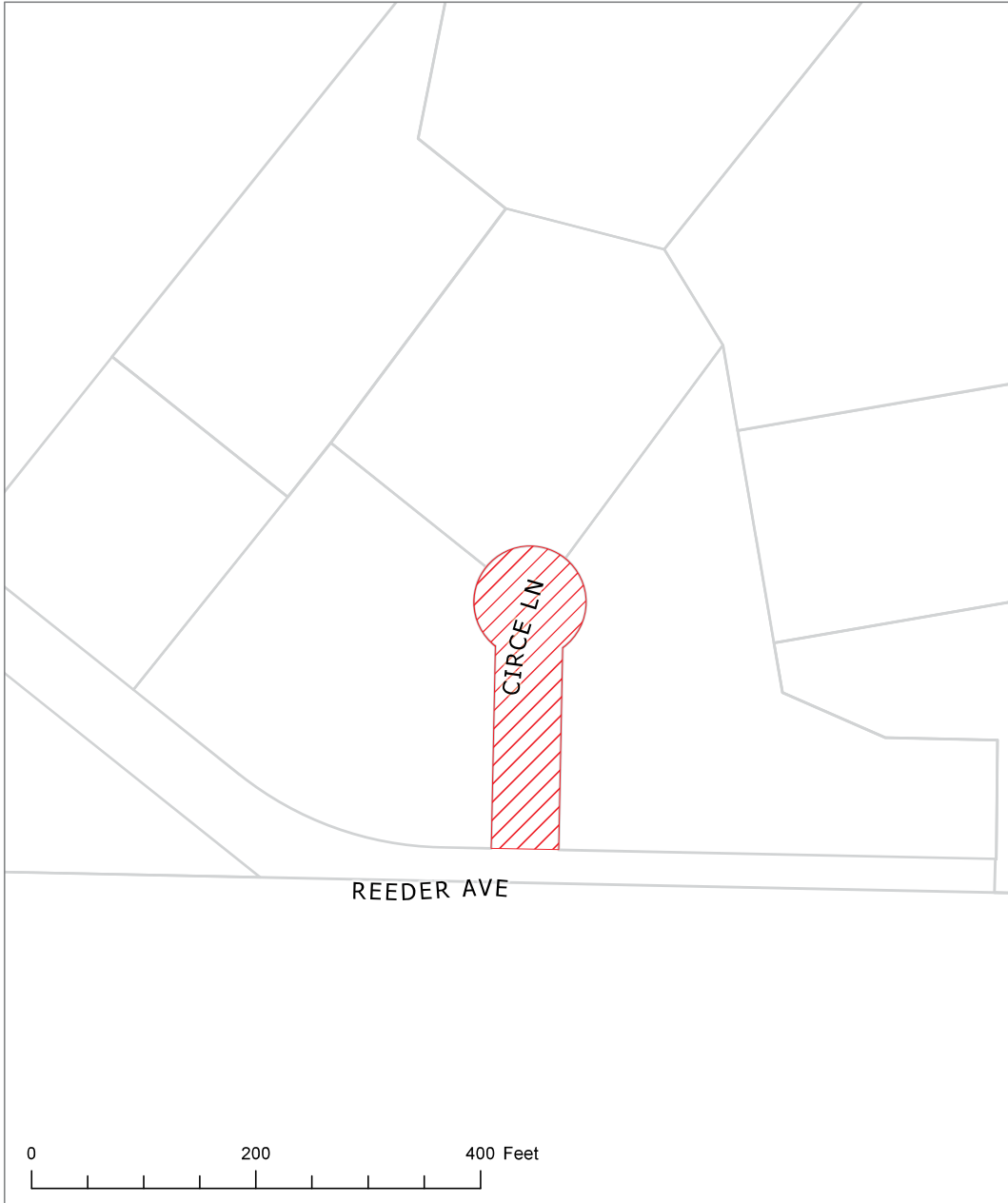
RECORDED FILED 324
Homer REC. DIST.
DATE 11-13-1975
TIME 1:17 P.M.
Recorded by KPB
Address Seldovia



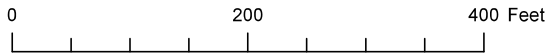
 ANCHORAGE • JUNEAU	DES. E.B.W.	CLARK SUBDIVISION A SUBDIVISION OF THE S 1/2 NE 1/4 SE 1/4 SEC. 29, T 5 S, R 12 W, S.M. CONTAINING 20 ACRES HOMER RECORDING DISTRICT	SHEET 1 OF 1
	DR. O.B.M.		PROJ. NO. K 9396.0
	CHK. D.W.R.		DATE JUN. 1975
	APPD. E.B.W.		DWG. NO.

E. NEW BUSINESS

- 3. Right-Of-Way Vacation; KPB File 2024-039V
Johnson Surveying / Wiley
Request: vacates the entire Circe Lane right-of-way
Cohoe Area**



KPB File 2024-039V
T 02N R 12W SEC 22
Cohoe



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REEDER LAKE SUBDIVISION 2024 ADDITION Preliminary Plat

A replat of Lots 1, 2, and 5 Reeder Lake Subd., KRD 73-21, including a vacation of Circle Ln. ROW.
Located in the NW1/4 Section 22, T2N R12W, SM, Clam Gulch, Alaska.
Kenai Recording District Kenai Peninsula Borough

Prepared for

Lee Q. Wiley
P.O. Box 199
Clam Gulch, AK 99568

Prepared by

Johnson Surveying
Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 100'
18 March, 2024


AREA = 5.735 acres

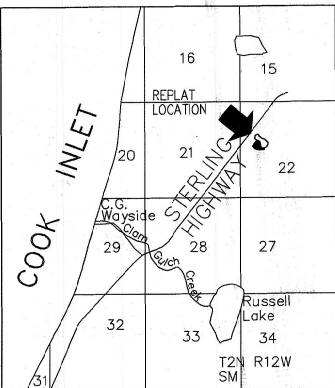
LEGEND

- ⊗ - 2 1/2" USGLO brass cap monument, 1920, found.
- ⊙ - 2 1/2" alcap monument, 268-S, 1986, found.
- - 1/2" rebar lot corner, found.
- - 1/2" x 4' rebar with plastic cap, set.
- ≡ - indicates swamp

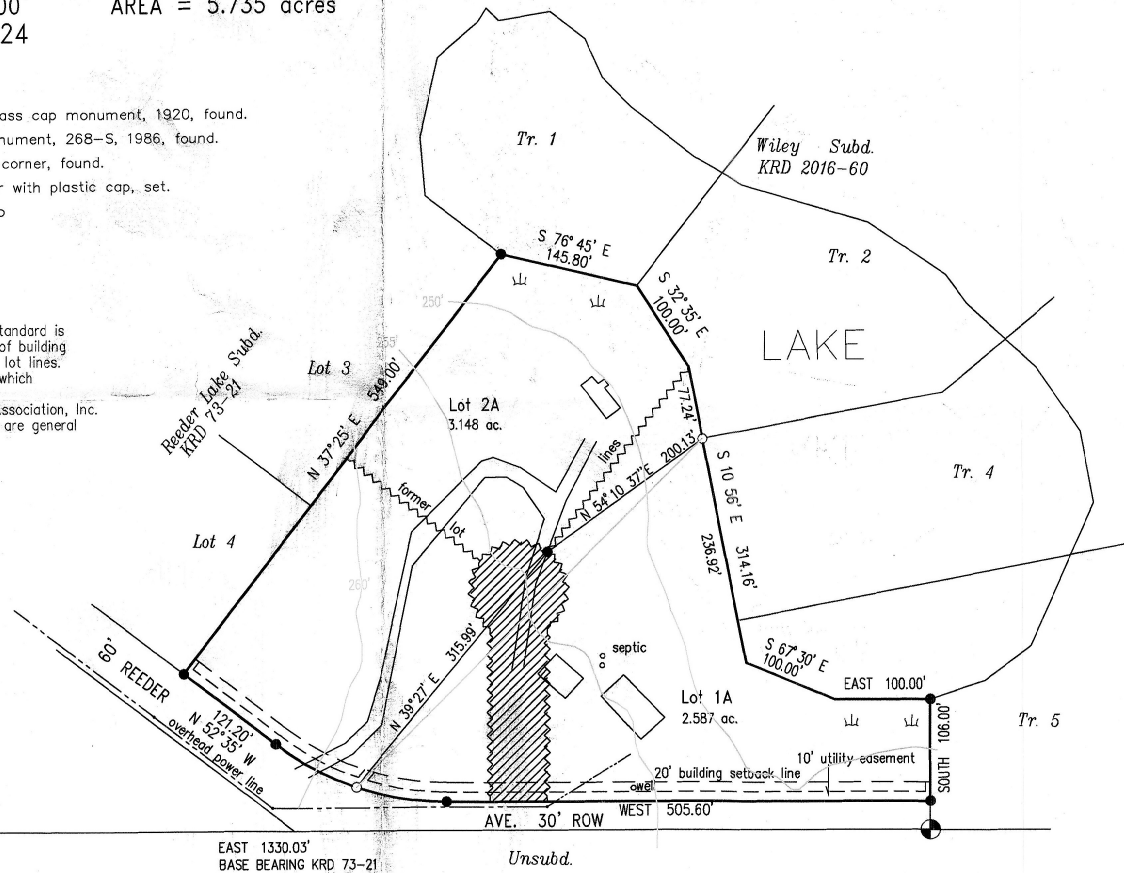
NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. This property is subject to electrical easements granted to Homer Electric Association, Inc. in Kenai Records Misc Book 31 page 163 and Misc Book 37 page 87. These are general easements, no definite location given.
4. Contour interval 5'. No grades exceed 3%.

 - indicates Circle Ln. ROW being vacated



VICINITY 1" = 1 mile MAP



1/4 cor
Sect. 21 Sect. 22

EAST 1330.03'
BASE BEARING KRD 73-21

Unsubd.

WASTEWATER DISPOSAL

KPB 20.40.020
This plat increases the per lot available wastewater disposal areas.
Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

KPB 2024-039V

AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - RIGHT OF WAY VACATION
Reeder Lake Subdivision 2024 Addition**

KPB File No.	2024-039V
Planning Commission Meeting:	May 28, 2024
Applicant / Owner:	Lee Q. Wiley
Surveyor:	Jerry Johnson – Johnson Surveying
General Location:	Sterling Highway, Clam Gulch, Alaska
Legal Description:	A replat of Lots 1, 2, and 5 Reeder Lake Subdivision, KN 73-21, including a vacation of Circe Lane ROW. Located in the NW ¼ Sec 22, T2N, R12W, SM, Clam Gulch, Alaska, Kenai Recording District.

STAFF REPORT

Specific Request / Purpose as stated in the petition: Adjacent lots are being combined eliminating the need for the ROW. All resulting lots will have legal access.

Notification: The public hearing notice was published in the May 8th issue of the Peninsula Clarion and the May 9th issue of the Homer News as part of the Commission’s tentative agenda.

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

Library of Kasilof

Post Office of Kasilof

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

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

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

State of Alaska DNR
 State of Alaska DOT
 Ninilchik Traditional Council
 Alaska Communication Systems (ACS)

ENSTAR Natural Gas
 General Communications Inc, (GCI)
 Homer Electric Association (HEA)

Legal Access (existing and proposed):

Legal access to the property is from Reeder Avenue on the south of the property. Reeder Avenue is accessed at approximately mile 115.75 of the Sterling Highway, just north of Clam Gulch, Alaska.

There is no new dedication being proposed with this vacation as the vacation is being combined with the adjacent lots touching the cul-de-sac and then divided into two lots.

Traffic flowing in and out of Reeder Avenue will not be impacted by the vacation of Circe Lane.

Block length along Reeder Avenue will remain compliant after the vacation of Circe Lane.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No RSA comment or objection.
SOA DNR comments	No comment

Site Investigation:

Reeder Avenue is mostly level along its entire length and Circe Lane is level as well with no grades exceeding 3%.

Reeder Lake borders on the north side of the proposed Lots 1A and 2A. A significant border around Reeder Lake is labeled Kettle by the KWF Wetlands Assessment – this area appears to mostly follow the contour near the lake and should be shown on the plat when submitted.

KPB River Center Review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: waterbody next to parcel is not a KPB regulated anadromous stream</p>
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Staff Analysis: The subject parcel was an aliquot part of the S ½ NW ¼, Section 22, Township 2 North, Range 12 West, Seward Meridian, Clam Gulch, Alaska. Reeder Lake Subdivision KN 73-21 divided the parcel into the 6 lots, and 2 dedications. Circe Lane is now being requested for vacation with this petition.

The remainder of the S1/2 NW1/4 lying east of Sterling Highway was subdivided into 5 tracts and a dedication by Wiley subdivision KN 2016-60. To the west are to lots of the Reeder Lake Subdivision and to the south is a 500 acres unsubdivided parcel

Utility providers have yet to comment, however, SOA DNR has indicated that they do not have any comment on the proposed vacation. There is a 5' utility easement around Circe Lane that should be vacated. **Staff recommends;** that if the applicant wants the utility easement vacated, they return at a later date to vacate the 5' utility easement.

The plat proposes a 20' building setback from all street ROWs and to include the front 10' of the setback and the entire setback within 5' of side lot lines as a utility easement.

The applicant proposes to finalize the vacation of Circe Lane with a subdivision that combines Lots 1-2, and 5, KN 73-21, into 2 parcels designated as proposed Lots 1-A and 2-A.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes

authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;
Staff comments: only as a driveway, not developed as a road
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The Sterling Highway and Reeder Avenue currently service all adjacent parcels.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: No utility comments at this time.
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: this vacation does not provide access to a public interest.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: There would be no negative effect to the adjacent parcels by vacating Circe Lane.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: with the vacation of Circe Lane, the parcels will still have access b Reeder Avenue
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: No utility comments at this time, however, a 5' utility easement along all ROWs was established for the subdivision in KN 73-21.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: 3 lots will be combined into 2 on the proposed plat, therefore reducing the need for the cul-de-sac.

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The Assembly will hear the vacation at their scheduled Jun 4, 2024 meeting.

If approved, Reeder Lake Subdivision 2024 Addition will finalize the proposed right of way vacation. The Plat Committee is scheduled to review Reeder Lake Subdivision 2024 Addition on May 28 2024 at their regularly scheduled meeting.

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 54800 REEDER AVE
------------	---

	<p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: CIRCE LN, REEDER AVE</p> <p>Existing Street Name Corrections Needed: ON SKETCH ROW IS CIRCLE LN, PLEASE CORRECT TO CIRCE LN</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: ADDRESS WILL NOT BE AFFTECTED.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: Granting the vacation would clear up the ROW encroachment.</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

Utility provider review:

HEA	
ENSTAR	
ACS	No objections
GCI	Approved as shown

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Make the following corrections:

Correct the road name in the legal to Circe
 Correct the road name below NOTES near the hatching to Circe for the ROW being vacated.
 Add Lot 6 to the southwest across Reeder Ave.

RECOMMENDATION:

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

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code including a submittal to and approval by the Plat Committee.

3. Grant utility easements requested by utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).

KPB 20.65.050 – Action on vacation application

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

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

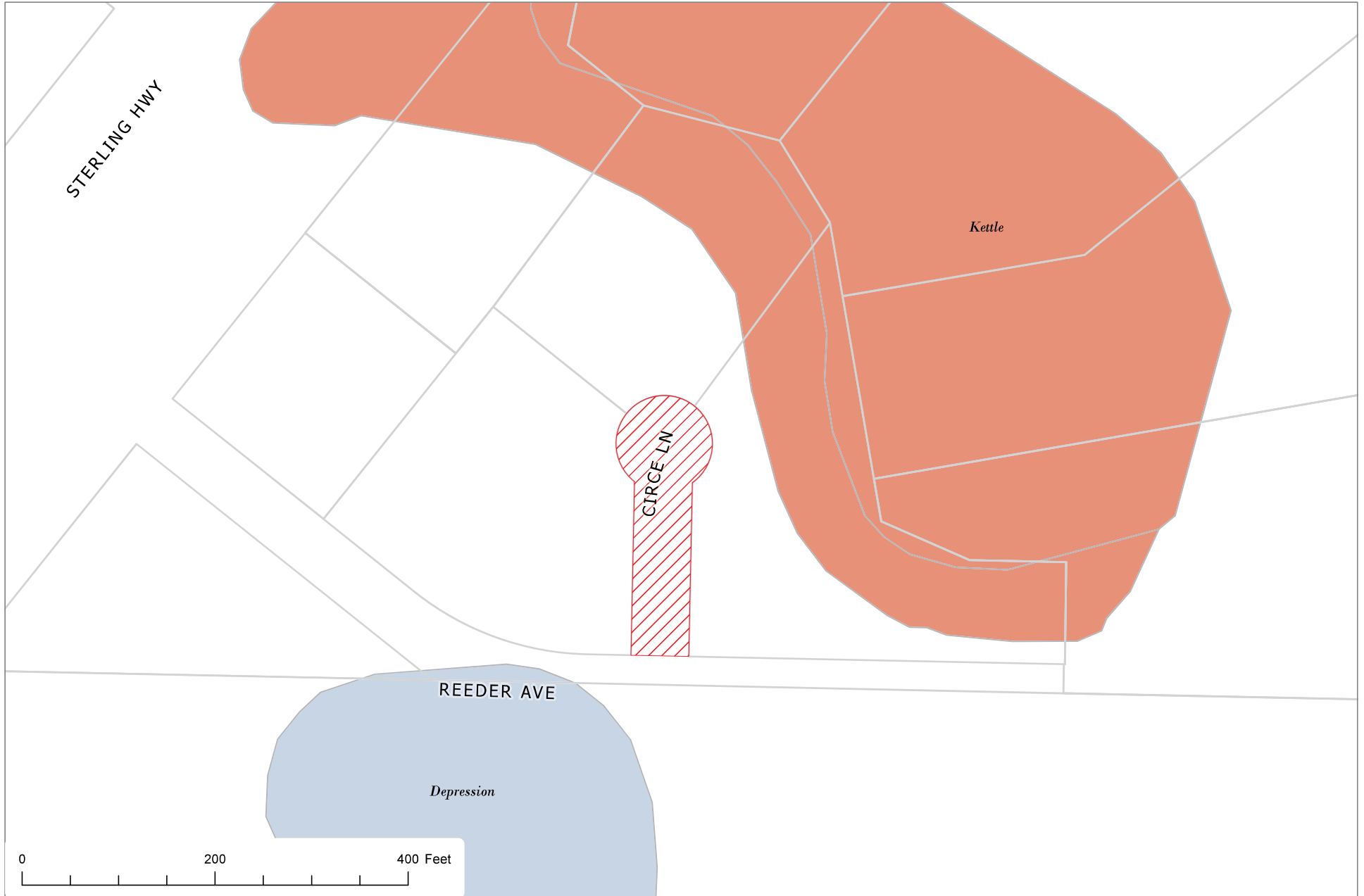
- *Focus Area: Transportation*

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

END OF STAFF REPORT



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.






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.

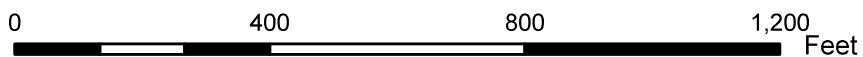
E. NEW BUSINESS

- 5. Street Naming Resolution 2024-03; Renaming a public right-of-way in the Funny River community from Salix Court to Bailey Court.**



-  AK DOT Maintained Roads
-  Street to Rename
-  TaxParcels

T05N- R08W SECTION 18
Funny River ESN 302



AGENDA ITEM E NEW BUSINESS

1. Renaming Salix Court, a public right of way, Section 18, T05N, R08W, Seward Meridian, Kenai Peninsula Borough, AK; in the Funny River Community, ESN 302.

STAFF REPORT

PC MEETING: May 28, 2024

Applicant: Peninsula Property Holdings

Existing right-of-way names: Salix Court

Name proposed by petitioner: Bailey Court

Reason for Change: Petition from property owner.

Background:

Name	Salix Court
ESN	302
Community	Funny River
YR Named	2011
Constructed	No
Total Lots	11
Residential	11
Commercial	n/a
E911 Address	0
Mailing	0

Review and Comments:

Notice was sent by mail to the owner of the 12 parcels fronting Salix Court, as listed on the KPB tax roll.

No comments from property owners were received by the writing of this staff report.

The road name request was emailed to the Kenai Peninsula Borough Road Maintenance, and Central Emergency Services for review. KPB Road Maintenance had no objection. No comment was received from CES

Notice was also provided to Funny River Advisory Planning Commission; they are not meeting at this time.

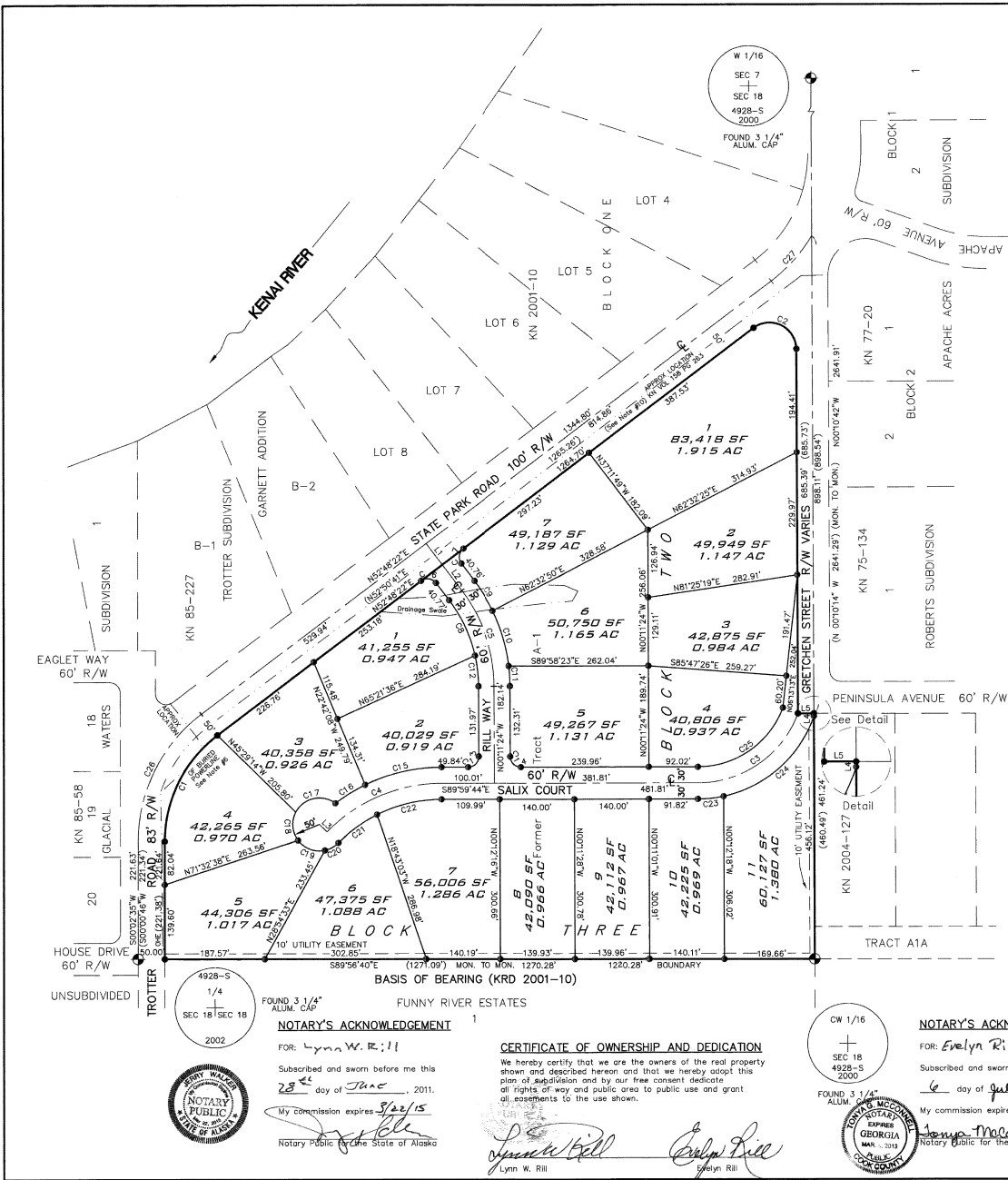
Staff Discussion:

A petition was received from property owner to rename Salix Court. The purpose as stated in the petition: Change of ownership and street name focus to realign with owner dedications.

Salix Court as dedicated by plat 2011-44, approximately 1000 feet in length, has not been constructed. No E911 address are assigned.

STAFF RECOMMENDATION: Rename **Salix Court**, to **Bailey Court** by the adoption of Resolution SN 2024-03.

END OF STAFF REPORT



- LEGEND**
- Set 5/8" x 30" diam. bor w/ 2" diam. alum. cap 4928-S
 - ⊕ Found primary monument as indicated.
 - ⊙ Found secondary survey monument as noted.
 - () Record date KN 2001-10

WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Max McLean C.E. 7863 AK 10/24/2011
 Stan A. McLean C.E. 7863 AK Date

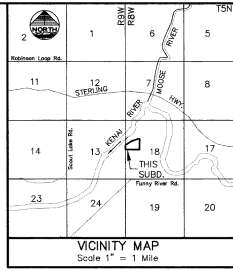
LINE TABLE

LINE	LENGTH	BEARING
L1	50.00	N37°11'49"W
L2	60.77	N37°11'49"W
L3	20.00	S40°48'45"E
L4	5.12	S00°10'42"E
L5	30.00	S89°58'10"E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	239.22	250.00	52°45'48"	124.60	222.17	S26°25'28"W
C2	110.84	50.00	127°00'58"	100.32	89.50	N63°41'10"W
C3	242.94	199.28	69°50'58"	139.13	228.18	N55°15'03"E
C4	239.90	300.00	45°49'02"	126.70	233.56	S8°10'45"W
C5	193.71	300.00	37°02'21"	100.40	180.42	N18°41'36"W
C6	31.41	20.00	89°59'49"	20.00	28.28	N82°11'43"W
C7	31.42	20.00	90°01'14"	20.00	28.29	S07°48'17"W
C8	116.38	270.00	24°14'42"	59.11	113.48	N24°30'56"W
C9	68.17	330.00	11°28'20"	33.20	66.06	N31°27'09"W
C10	109.28	330.00	18°28'26"	55.15	108.78	N16°13'16"W
C11	37.69	330.00	6°32'40"	18.87	37.67	N03°27'43"W
C12	58.01	270.00	12°18'40"	29.12	57.90	S06°20'44"W
C13	31.48	20.00	90°11'40"	20.07	28.33	N44°54'26"E
C14	31.35	20.00	89°48'20"	19.93	28.24	S45°05'34"E
C15	148.42	330.00	25°46'11"	75.48	147.18	S72°07'11"W
C16	63.67	330.00	11°24'00"	32.94	65.56	S56°12'02"W
C17	86.68	50.00	99°19'25"	58.88	76.22	S72°02'41"W
C18	56.40	50.00	64°38'07"	31.63	53.46	S04°38'05"E
C19	56.73	50.00	65°00'15"	31.86	53.73	S89°27'16"E
C20	29.55	50.00	33°51'22"	15.22	29.12	N61°06'53"E
C21	90.20	270.00	19°08'28"	45.52	89.78	S53°45'28"W
C22	125.71	270.00	26°40'34"	64.01	124.58	S76°39'59"W
C23	48.53	198.84	13°39'10"	24.39	48.42	N84°05'30"E
C24	236.51	229.43	59°03'52"	129.97	226.17	N48°28'37"E
C25	206.66	170.00	69°39'08"	118.27	194.17	S26°10'43"E
C26	276.27	300.00	52°45'48"	148.80	266.51	S26°25'28"W
C27	114.54	300.00	21°52'30"	57.97	113.84	N44°52'07"E

- NOTES**
- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
 - 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation and Public Facilities.
 - 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 - 4) BUILDING SET BACK: A building set back of 20 ft. is required from all streets rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - 5) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance department.
 - 6) Existing buried pipeline is the centerline of a 15 foot wide electrical distribution line easement.
 - 7) A portion of former Tract A-1 falls within the flight path of the Rotor Air Airport landing strip. Reference FAA document of Case# 91-AAL-195-NRA dated March 13, 1992.
 - 8) The front 10 feet of the building setback and the entire setback within 5 feet of the side lot lines is a public utility easement.
 - 9) COVENANT CONDITIONS AND RESTRICTION is contained within KN Volume #17 Page 852 affect these lots.
 - 10) A 10' foot strip of land located 26' southwesterly of the centerline of State Park Road consists of a Grant of Easement for Utilities per KN VOL 158 PG 293 & 294.



2011-44
 Kenai REC. DIST.
 Date: 8/23/11
 Time: 9:45 AM
 Requested by: [Signature]
 Address: [Blank]

NOTARY'S ACKNOWLEDGEMENT

FOR: Lynn W. Rill
 Subscribed and sworn before me this 28th day of June, 2011.
 My Commission expires 3/22/15
 Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

[Signatures of Lynn W. Rill and Evelyn Rill]

NOTARY'S ACKNOWLEDGEMENT

FOR: Evelyn Rill
 Subscribed and sworn before me this 6th day of July, 2011.
 My commission expires 3/6/2013
 Notary Public for the State of Georgia

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

April 14, 1997

KENAI PENINSULA BOROUGH by [Signature]
 Authorized Officer

TROTTER SUBDIVISION RILL RIVER ADDITION PART 2
 A Resubdivision of Trotter Subdivision Rill River Addn. KN 2001-10 Tract A-1)
 Lynn Rill
 215 Ellingsen St.
 Fairbanks, AK 99701
 LOCATION
 21.955 AC. M/L SITUATED IN THE SW 1/4 NW 1/4 SECTION 18, T. 5 N., R. 8 W., AK. AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

ENGINEERS - TESTING SURVEYING - MAPPING
 P.O. BOX 488
 SOUTHWEST ALASKA
 VOICE: (907) 283-4218
 FAX: (907) 283-2888
 WWW.MCMACNEED.COM

KPB FILE NO. 2010-184
 PROJECT NO. 102011

SCALE 1" = 100' DATE: JUNE 2011 BOOK NO. 1-10-32 DRAWN BY: MSH

KENAI PENINSULA BOROUGH
PLANNING COMMISSION RESOLUTION

RESOLUTION SN 2024-03

RENAMING A CERTAIN RIGHT-OF-WAY WITHIN SECTION 18, T05N, R08W; SEWARD MERIDIAN;
WITHIN EMERGENCY SERVICE NUMBER (ESN) 302

WHEREAS, a procedure has been developed to help implement the Enhanced 9-1-1 Street Naming and Addressing project; and

WHEREAS, on May 28, 2024 public hearings were held by the Kenai Peninsula Borough Planning Commission to address all concerns about the proposed road naming; and

WHEREAS, Chapter 14.10 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish street name changes by Resolution.

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

Section 1. That the streets listed below are named as follows:

DESCRIPTION	FROM	TO	BASE MAP
SALIX CT as shown on Trotter Subdivision Rill River Addition KN 2011-44, Section 18, T05N, R08W, Seward Meridian, Kenai Peninsula Borough, AK; in the Funny River Community; ESN 302	SALIX CT	BAILEY CT	KR11

Section 2. That according to Kenai Peninsula Borough Code of Ordinance 14.10.030, the official street name map, 1:500 scale series base map KR11, is hereby amended to reflect these changes.

Section 3. That the map showing the location of the renamed rights-of-way be attached to, and made a permanent part of this resolution.

Section 4. That this Resolution takes effect immediately upon adoption

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 28th DAY OF MAY 2024.

Jeremy L. Brantley, Chairperson
Planning Commission
Kenai Peninsula Borough

Signed and sworn to (or affirmed) in my presence this 28th day of May, 2024 by Jeremy L. Brantley.

Ann E. Shimberg
Notary Public
My Commission expires with office






0 330 660 990 ft

T05N R08W Section 18 ESN 302 Funny River

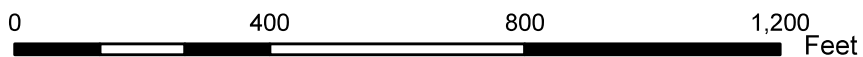
E. NEW BUSINESS

- 6. Street Naming Resolution 2024-04; Renaming a public right-of-way within the Funny River community from Rill way to Corky Way.**



-  AK DOT Maintained Roads
-  Street to Rename
-  TaxParcels

T05N- R08W SECTION 18
Funny River ESN 302



AGENDA ITEM E NEW BUSINESS

1. Renaming Rill Way, a public right of way, Section 18, T05N, R08W, Seward Meridian, Kenai Peninsula Borough, AK; in the Funny River Community, ESN 302.

STAFF REPORT

PC MEETING: May 28, 2024

Applicant: Peninsula Property Holdings

Existing right-of-way names: Rill Way

Name proposed by petitioner: Corky Way

Reason for Change: Petition from property owner.

Background:

Name	Rill Way
ESN	302
Community	Funny River
YR Named	2011
Constructed	No
Total Lots	5
Residential	5
Commercial	n/a
E911 Address	0
Mailing	0

Review and Comments:

Notice was sent by mail to the owner of the 5 parcels fronting Rill Way, as listed on the KPB tax roll.

No comments from property owners were received by the writing of this staff report.

The road name request was emailed to the Kenai Peninsula Borough Road Maintenance, and Central Emergency Services for review. KPB Road Maintenance had no objection. No comment was received from CES

Notice was also provided to Funny River Advisory Planning Commission; they are not meeting at this time.

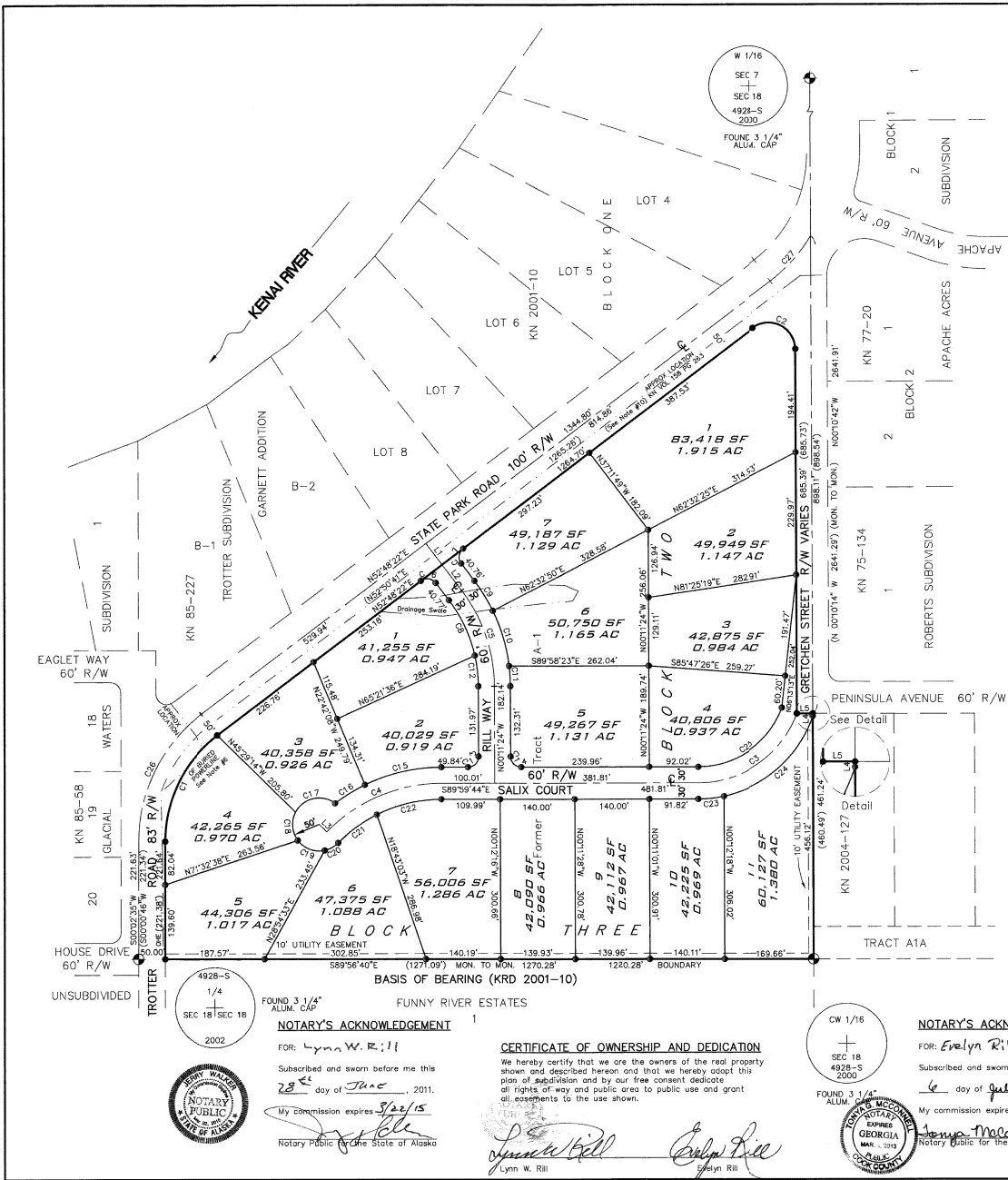
Staff Discussion:

A petition was received from property owner to rename Rill Way. The purpose as stated in the petition: Change of ownership and street name focus to realign with owner dedications.

Rill Way as dedicated by plat 2011-44, approximately 450 feet in length, has not been constructed. No E911 address are assigned.

STAFF RECOMMENDATION: Rename **Rill Way**, to **Corky Way** by the adoption of Resolution SN 2024-04.

END OF STAFF REPORT



LEGEND

- Set 5/8" x 30" diam. bor. w/ 2" diam. alum. cap 4928-5
- ⊕ Found primary monument as indicated.
- ⊙ Found secondary survey monument as noted.
- () Record data KN 2001-10

WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

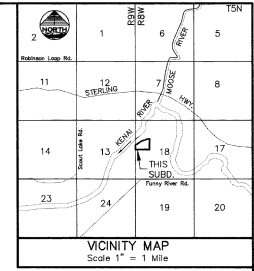
Stan A. McLane C.E. 7863 AK 10/26/2011
 Stan A. McLane C.E. 7863 AK Date

LINE TABLE

LINE	LENGTH	BEARING
L1	50.00	N37°14'49"W
L2	62.77	N37°14'49"W
L3	20.00	S40°34'E
L4	5.12	S00°10'42"E
L5	30.00	S89°58'10"E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	239.22	2540.00	52°45'48"	124.61	222.17	S28°25'28"W
C2	110.84	50.00	127°00'58"	109.32	89.50	N5°21'10"W
C3	242.94	199.28	69°30'58"	139.18	228.18	N5°15'03"E
C4	239.90	300.00	49°49'02"	126.70	233.56	S8°20'45"W
C5	193.77	300.00	37°02'29"	100.40	190.42	N18°41'36"W
C6	31.41	20.00	89°59'49"	20.00	28.28	N8°21'43"W
C7	31.42	20.00	90°00'11"	20.00	28.29	S0°48'17"W
C8	116.38	270.00	24°41'47"	59.11	115.48	N2°50'36"W
C9	68.17	330.00	11°28'20"	33.20	66.06	N3°27'09"W
C10	109.28	330.00	18°28'26"	55.18	108.78	N16°13'16"W
C11	37.69	330.00	6°32'40"	18.87	37.67	N0°27'43"W
C12	58.01	270.00	12°18'40"	29.12	57.90	N06°20'44"W
C13	31.48	20.00	90°11'40"	20.07	28.33	N44°54'26"E
C14	31.35	20.00	89°48'20"	19.93	28.24	S45°05'34"E
C15	148.42	330.00	25°48'11"	75.49	147.18	S7°07'11"W
C16	63.67	330.00	11°24'00"	32.84	63.56	S58°12'02"W
C17	86.68	50.00	99°19'25"	58.88	76.22	S7°20'41"W
C18	56.40	50.00	64°38'07"	31.63	53.46	S04°38'05"E
C19	56.73	50.00	65°00'15"	31.86	53.73	S8°27'16"E
C20	29.55	50.00	33°51'22"	15.22	29.15	N61°06'55"E
C21	90.20	270.00	19°08'28"	45.52	89.78	S5°45'28"W
C22	125.71	270.00	26°40'34"	64.01	124.58	S76°39'59"W
C23	48.53	198.84	13°39'10"	24.39	48.42	N84°05'30"E
C24	236.51	229.43	59°03'52"	129.97	226.17	N48°28'37"E
C25	206.66	170.00	69°39'08"	118.27	194.17	N55°10'43"E
C26	276.27	300.00	52°45'48"	148.80	266.81	S26°25'28"W
C27	114.54	300.00	21°52'30"	57.97	113.84	N44°52'07"E



- NOTES**
- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
 - 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation and Public Facilities.
 - 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 - 4) BUILDING SET BACK: A building set back of 20 ft. is required from all streets rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - 5) Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance department.
 - 6) Existing buried powerlines is the centerline of a 15 foot wide electrical distribution line easement.
 - 7) A portion of former Tract A-1 falls within the right path of the Rotor Air Airport landing strip. Reference FAA document of Case# 91-AAL-195-NRA dated March 13, 1992.
 - 8) The from 10 feet of the building setback and the entire setback within 5 feet of the side lot lines is a public utility easement.
 - 9) COVENANT CONDITIONS AND RESTRICTION is contained within KN Volume #17 Page 852 affect these lots.
 - 10) A 10' foot strip of land located 26' southeasterly of the centerline of State Park Road consists of a Grant of Easement for Utilities per KN VOL 156 PG 293 & 295A.

STATE OF ALASKA
 49th DISTRICT
 M. SCOTT MCLANE
 4928-5
 2011-44
 Kenai REC. DIST.
 Date: 6/23/2011
 Time: 9:45 AM
 Requested By:
 Address:

TROTTER SUBDIVISION RILL RIVER ADDITION PART 2
 A Resubdivision of Trotter Subdivision Rill River Addn. KN 2001-10 Tract A-1)

Lynn Rill
 215 Ellingsen St.
 Fairbanks, AK 99701

LOCATION
 21.955 AC, M/L SITUATED IN THE SW 1/4 NW 1/4 SECTION 18, T. 5 N., R. 8 W., AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

ENGINEERS - TESTING SURVEYING - MAPPING
 P.O. BOX 488
 SHELBYVILLE, KY 40165
 PHONE: (502) 281-4215
 FAX: (502) 281-2885
 WWW.MCLANECS.COM

KPB FILE NO. 2010-184
 PROJECT NO. 1020111
 SCALE 1" = 100' DATE: JUNE 2011 BOOK NO. 110-33 DRAWN BY: MSH

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

April 14, 1997

KENAI PENINSULA BOROUGH by
Max G. Grew
 Authorized Officer

KENAI PENINSULA BOROUGH
PLANNING COMMISSION RESOLUTION

RESOLUTION SN 2024-04

RENAMING A CERTAIN RIGHT-OF-WAY WITHIN SECTION 18, T05N, R08W; SEWARD MERIDIAN;
WITHIN EMERGENCY SERVICE NUMBER (ESN) 302

WHEREAS, a procedure has been developed to help implement the Enhanced 9-1-1 Street Naming and Addressing project; and

WHEREAS, on May 28, 2024 public hearings were held by the Kenai Peninsula Borough Planning Commission to address all concerns about the proposed road naming; and

WHEREAS, Chapter 14.10 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish street name changes by Resolution.

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

Section 1. That the streets listed below are named as follows:

DESCRIPTION	FROM	TO	BASE MAP
RILL WAY as shown on Trotter Subdivision Rill River Addition KN 2011-44, Section 18, T05N, R08W, Seward Meridian, Kenai Peninsula Borough, AK; in the Funny River Community; ESN 302	RILL WAY	CORKY WAY	KR11

Section 2. That according to Kenai Peninsula Borough Code of Ordinance 14.10.030, the official street name map, 1:500 scale series base map KR11, is hereby amended to reflect these changes.

Section 3. That the map showing the location of the renamed rights-of-way be attached to, and made a permanent part of this resolution.

Section 4. That this Resolution takes effect immediately upon adoption

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 28th DAY OF MAY 2024.

Jeremy L. Brantley, Chairperson
Planning Commission
Kenai Peninsula Borough

Signed and sworn to (or affirmed) in my presence this 28th day of May, 2024 by Jeremy L. Brantley.

Ann E. Shimberg
Notary Public
My Commission expires with office



T05N R08W Section 18 ESN 302 Funny River