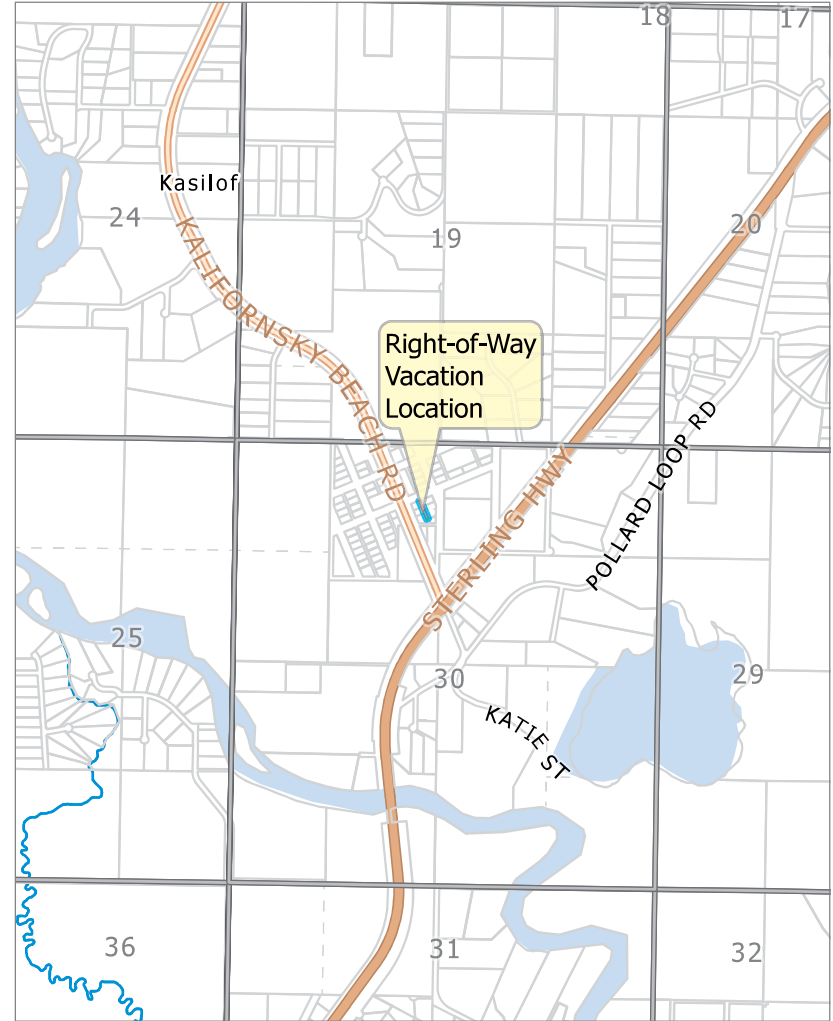


E. NEW BUSINESS

- 1. Right-of-Way Vacation; KPB File 2023-141V
McLane Consulting Group / Zimmerman
Request: Vacate the 30' by 240' alleyway associated
with Lots 2-7, Block 11, US Survey No. 3564
Kasilof Area**



KPB File 2023-141V
T 03N R 11W SEC 30
Kasilof

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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AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - RIGHT OF WAY VACATION
VACATE 30' ALLEY IN BLOCK 11 US SURVEY 3564 (30'X240')**

KPB File No.	2023-141V
Planning Commission Meeting:	January 8, 2023
Applicant / Owner:	Paul & Marcia Zimmerman Kasilof AK
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Kalifornsky Beach Rd & Sadie Lane in Kasilof
Legal Description:	Lots 2 – 7 Block 11 US Survey No 3564 Alaska Townsite of Kasilof KN 3564 SEC 30 T 3N R 11W

STAFF REPORT

Specific Request / Purpose as stated in the petition: Vacation for a portion of the 30 foot wide alley located within Block 11 US Survey 3564. Proposed vacation is approximately 7200 SF (0.165 AC). Interior alley that restricts development of the property. Current use is by the same property owner that will combine the lots 2 thru 7 Block 11. Under-sized lots were created by the US Survey 3564 with restrictions of a 30 foot wide alley. This vacation and lot combo will bring the property above minimum Borough standards for lot size. The property is surrounded by oversized right-of-ways that have not been developed or utilized.

Notification: The public hearing notice was published in the Peninsula Clarion issue of the January 4, 2024 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

Fifteen 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 Eighteen owners within 600 feet of the proposed vacation.

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

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Central Emergency Services
Kenai Peninsula Borough Office

Kenai Peninsula Borough Land Management
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed):

Current access is by Kalifornsky Beach Rd a 200 foot right-of-way is on the westerly side of the lots, which is constructed. Sadie Ln a 100 foot right-of-way is on the north side of the block is also constructed. On the east is Dogwood St a varied width right-of-way, which is unconstructed. To the south is an unconstructed 30 foot alley.

No new dedication is proposed with this vacation as the block is surrounded by dedicated roads. A new dedication is not necessary.

The block length is compliant with Kalifornsky Beach Rd, Sadie Ln, and Dogwood St creating a compliant block.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	

Site Investigation:

There are no steep areas on the property and the land is relatively flat across the plat.

There are no wetlands identified on the property.

The property is identified as being in a Flood Insurance Rate Map (FIRM) area designated flood zone labeled as Zone D. Drawing shall contain the following note:

FLOOD HAZARD NOTICE:

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area 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 Chapter 21.06 of the Kenai Peninsula Borough Code.

KPB River Center review	See attachments A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-0860E In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Comments:
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Staff Analysis:

The vacated area is located in the Townsite of Kasilof surveyed as US Survey 3564. Previously the land had been aliquot parcel in Section 30 Township 3 North Range 11 West SM Alaska.

The 30' alley to be vacated is running through the middle of Block 11. Lots 2-7 are owned by the same owner which is adjacent to the portion being requested for vacation and is currently being used for residential purposes.

To the south on Lot 1 Block 11 is another residential owner and is currently vacant. The parcel to the east is currently vacant. Parcels to the north are currently vacant also.

After vacating the alley, the owner plans to combine the lots and vacated alley into one lot with a subdivision plat as shown on the drawing.

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: *No*
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: *road not installed, access from around the entire property as surrounded by streets.*
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: *random houses located in the area; roads laid out not constructed*
 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: *No*
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: *No, owner would be only user. Not developed.*
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: *The property is surrounded by designated roads*
 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 comments yet, suggest to accommodate if needed.*
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments:

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 January 16, 2024 meeting.

If approved, US Survey 3564 Replat will finalize the proposed right of way vacations. The Plat Committee will review the plat upon submittal.

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 51475 SADIE LN, 51465 SADIE LN, 23855 DOGWOOD ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SADIE LN, DOGWOOD ST, KALIFORNSKY BEACH RD</p> <p>Existing Street Name Corrections Needed:</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: ADDRESSES MAY BE AFFECTED BY THIS ACTION WILL ADVISE WITH PLAT.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan 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 Comments: No comment</p>
Advisory Planning Commission	

Utility provider review:

HEA	
ENSTAR	No comment or recommendations
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

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.
 3. Grant utility easements requested by the utility providers.
 4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).
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KPB 20.65.050 – Action on vacation application

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

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

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

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

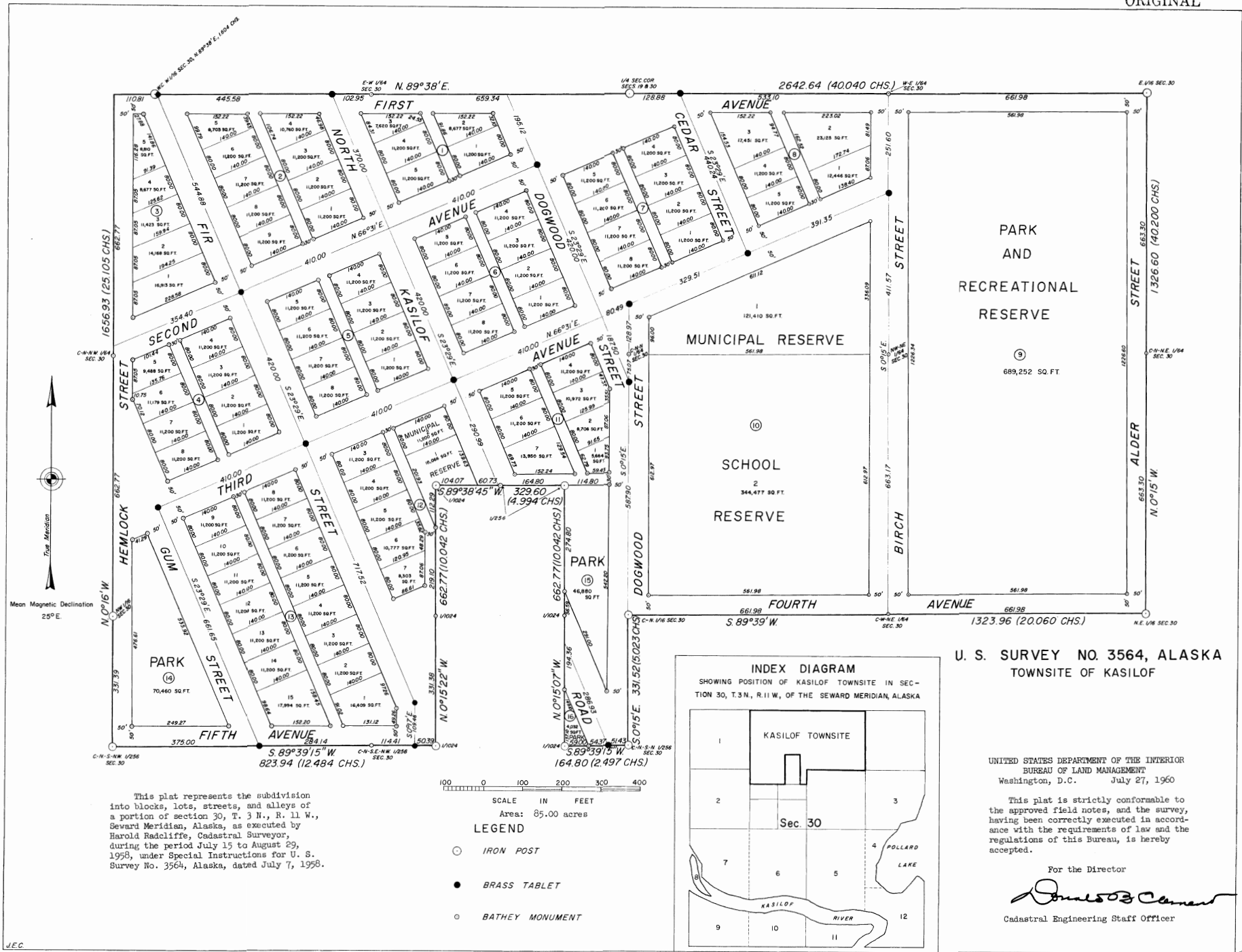
- *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

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

- *Focus Area: Transportation*

- *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.*

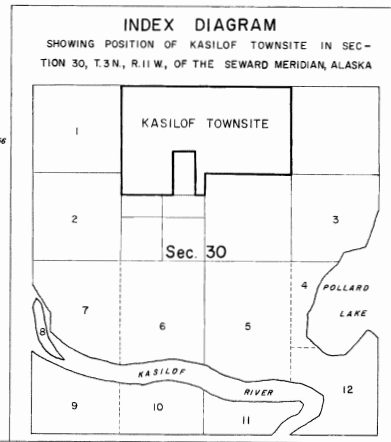
END OF STAFF REPORT



This plat represents the subdivision into blocks, lots, streets, and alleys of a portion of section 30, T. 3 N., R. 11 W., Seward Meridian, Alaska, as executed by Harold Radcliffe, Cadastral Surveyor, during the period July 15 to August 29, 1958, under Special Instructions for U. S. Survey No. 3564, Alaska, dated July 7, 1958.

SCALE IN FEET
Area: 85.00 acres

- LEGEND**
- IRON POST
 - BRASS TABLET
 - BATHEY MONUMENT



**U. S. SURVEY NO. 3564, ALASKA
TOWNSITE OF KASLOF**

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. July 27, 1960

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director
Donald S. Clement
Cadastral Engineering Staff Officer

NOTE: Chain distance on line between NE 1/16 Sec.30 and E 1/16 Sec.30 should read (20,100 CHS.)
Memo. 5.04b 5/19/61

SUPPLEMENTAL PLAT
U. S. SURVEY
No. 3564, ALASKA
TOWNSITE OF KASLOF

This plat removes the following designations:

"Park and Recreational Reserve" from Block 9; "Municipal Reserve" from Block 10, Lot 1, and Block 12, Lots 1 and 2; "School Reserve" from Block 10, Lot 2; and "Park" from Blocks 14, 15, and 16.

This plat is based upon the plat accepted July 27, 1960, for U.S. Survey No. 3564, Alaska.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska April 22, 1982

This plat is based upon the official records and, having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

For the Director

Francis P. [Signature]

Chief, Division of Cadastral Survey, Alaska

