


Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director 

DATE: May 16, 2018

RE: Vacation of the westernmost 198.22 feet of the Skein Avenue right-of-way as dedicated on Kasilof River Industrial Tracts, Plat KN 81-71. The portion of the right-of-way being vacated is unconstructed and located within the N1/2 of Section 1, T3N, R12W, S.M., AK, within the Kenai Peninsula Borough; KPB File 2017-168R1V

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of May 14, 2018, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings

1. Per the submittal, approximately 200 feet of Skein Avenue, a 30-foot half right-of-way, is proposed to be vacated.
2. Approximately 700 feet of Skein Avenue will remain if the right-of-way vacation is approved.
3. Skein Avenue cannot be extended to the Kasilof River due to multiple buildings all along the southern boundary of Tract A, KN 81-71, and Tract A, KN 79-66.
4. The owner of adjoining Government Lot 7 to the south is served by an existing access easement off Kalifornsky Beach Road that joins Skein Avenue within the associated revised preliminary plat.
5. The Plat Committee granted conditional approval to the revised preliminary plat (Kasilof River Industrial Tracts 2018 Addition) on March 12, 2018.
6. Based on 10 findings, the Plat Committee granted an exception to KPB 20.30.030, extending Skein Avenue to connect with Estuary Avenue on March 12, 2018.
7. Kasilof River Industrial Tracts 2018 Addition dedicates right-of-way over the existing travel way for Skein Avenue, thus eliminating an encroachment per KPB 20.25.070, and a cul-de-sac bulb per KPB 20.30.100.
8. The only parcels served by Skein Avenue are parcels within Kasilof River Industrial Tracts 2018 revised preliminary plat and Government Lot 7 to the south.
9. ENSTAR and Homer Electric Association submitted statements of no comments.
10. Per the submittal, the right-of-way proposed for vacation is not in use for access.
11. Per the submittal, the right-of-way proposed for vacation has not been constructed.
12. Sufficient rights-of-way exist to serve surrounding properties.

13. No surrounding properties will be denied access.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacation of the westernmost 198.22 feet of the Skein Avenue right-of-way as dedicated on Kasilof River Industrial Tracts, Plat KN 81-71. The portion of the right-of-way being vacated is unconstructed and located within the N1/2 of Section 1, T3N, R12W, S.M., AK, within the Kenai Peninsula Borough; KPB File 2017-168R1V

Staff Report given by Max Best

PC Meeting: 5/12/18

Purpose as stated in petition: The vacation of the west end of Skein Avenue (formerly Cole Avenue, will remove an encroachment of two buildings. The ROW has been improved within this area, and the public does not use the ROW that is being vacated. A cul-de-sac ROW dedication will be granted on the subdivision plat to allow for a turnaround area.

Petitioners: Kazuo Taguchi, Dave Hambleton, and Shuji Yoshino of IFP Holdings LLC of Seattle, Washington

Notification:

Public notice appeared in the May 3, 2018 issue of the Peninsula Clarion as a separate ad. Public notice was published in the Seward Journal on May 9, 2018 and the Peninsula Clarion and Homer News on May 10, 2018 as part of the Commission's tentative agenda.

Two certified mailings were sent to owners of property within 300 feet of the proposed vacation. No return receipts had been returned when the staff report was prepared.

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

The public hearing notices were emailed to 14 agencies and interested parties. Notice was sent to one agency by a shared database.

The public hearing notices were emailed to 2 KPB staff and sent to 10 KPB staff by shared database.

Notices were mailed to the Kasilof Post Office and Kasilof Community Library with a request to be posted in public locations.

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

Comments Received:

ACS: No objections.

ENSTAR: No comments, recommendations, or objections.

Homer Electric Association: Reviewed/no comments.

KPB Code Compliance: No comments.

KPB Planner: No material site or local option zone issues.

KPB Roads Department: No comments.

River Center:

The property is in Flood Hazard Zones AE, D, and X. The property is not in the flood way.
The property is within the Anadromous Stream Habitat Protection District.

State Parks: No comments.

Staff Discussion:

The Plat Committee granted conditional approval to the revised preliminary plat on March 12, 2018. An exception to extending right-of-way to connect Skein Avenue to Estuary Avenue was granted.

Even if two buildings were not in the portion of Skein Avenue proposed to be vacated, it could be not extended to the Kasilof River due to multiple buildings all along the southern boundary of Tract A, KN 81-71, and Tract A, KN 79-66.

The owner of adjoining Government Lot 7 to the south is served by an existing access easement off Kalifornsky Beach Road that joins Skein Avenue within the associated revised preliminary plat.

Findings:

1. Per the submittal, approximately 200 feet of Skein Avenue, a 30-foot half right-of-way, is proposed to be vacated.
2. Approximately 700 feet of Skein Avenue will remain if the right-of-way vacation is approved.
3. Skein Avenue cannot be extended to the Kasilof River due to multiple buildings all along the southern boundary of Tract A, KN 81-71, and Tract A, KN 79-66.
4. The owner of adjoining Government Lot 7 to the south is served by an existing access easement off Kalifornsky Beach Road that joins Skein Avenue within the associated revised preliminary plat.
5. The Plat Committee granted conditional approval to the revised preliminary plat (Kasilof River Industrial Tracts 2018 Addition) on March 12, 2018.
6. Based on 10 findings, the Plat Committee granted an exception to KPB 20.30.030, extending Skein Avenue to connect with Estuary Avenue on March 12, 2018.
7. Kasilof River Industrial Tracts 2018 Addition dedicates right-of-way over the existing travel way for Skein Avenue, thus eliminating an encroachment per KPB 20.25.070, and a cul-de-sac bulb per KPB 20.30.100.
8. The only parcels served by Skein Avenue are parcels within Kasilof River Industrial Tracts 2018 revised preliminary plat and Government Lot 7 to the south.
9. ENSTAR and Homer Electric Association submitted statements of no comments.
10. Per the submittal, the right-of-way proposed for vacation is not in use for access.
11. Per the submittal, the right-of-way proposed for vacation has not been constructed.
12. Sufficient rights-of-way exist to serve surrounding properties.
13. No surrounding properties will be denied access.

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

1. Consent by the KPB Assembly.
2. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within a timeframe such that it can be recorded within one year of vacation consent.
3. Grant utility easements requested by the utility providers.

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

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

vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

KPB 20.70.130:

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

END OF STAFF REPORT

Chairman Martin read the rules by which public hearings are heard.

Chairman Martin opened the meeting for public comment.

1. Scott Huff, Integrity Surveys

Mr. Huff stated that the preliminary plat was already approved. When they did the field survey they found that there were buildings within the right-of-way. They are cleaning up the right-of-way and will dedicate a cul-de-sac to provide for a good turnaround. He was available to answer questions.

Chairman Martin asked if there were questions for Mr. Huff. Hearing none the public hearing continued.

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

MOTION: Commissioner Foster moved, seconded by Commissioner Ecklund to approve the vacation of a portion of the Skein Ave right-of-way citing the 13 findings and per staff recommendations.

Findings

1. Per the submittal, approximately 200 feet of Skein Avenue, a 30-foot half right-of-way, is proposed to be vacated.
2. Approximately 700 feet of Skein Avenue will remain if the right-of-way vacation is approved.
3. Skein Avenue cannot be extended to the Kasilof River due to multiple buildings all along the southern boundary of Tract A, KN 81-71, and Tract A, KN 79-66.
4. The owner of adjoining Government Lot 7 to the south is served by an existing access easement off Kalifornsky Beach Road that joins Skein Avenue within the associated revised preliminary plat.
5. The Plat Committee granted conditional approval to the revised preliminary plat (Kasilof River Industrial Tracts 2018 Addition) on March 12, 2018.
6. Based on 10 findings, the Plat Committee granted an exception to KPB 20.30.030, extending Skein Avenue to connect with Estuary Avenue on March 12, 2018.
7. Kasilof River Industrial Tracts 2018 Addition dedicates right-of-way over the existing travel way for Skein Avenue, thus eliminating an encroachment per KPB 20.25.070, and a cul-de-sac bulb per KPB 20.30.100.
8. The only parcels served by Skein Avenue are parcels within Kasilof River Industrial Tracts 2018 revised preliminary plat and Government Lot 7 to the south.
9. ENSTAR and Homer Electric Association submitted statements of no comments.
10. Per the submittal, the right-of-way proposed for vacation is not in use for access.
11. Per the submittal, the right-of-way proposed for vacation has not been constructed.
12. Sufficient rights-of-way exist to serve surrounding properties.
13. No surrounding properties will be denied access.

VOTE: The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO ABSENT	ECKLUND YES	ERNST YES	FIKES YES	FOSTER YES	ISHAM ABSENT
LOCKWOOD ABSENT	MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	10 YES 3 ABSENT



Planning Department

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

Charlie Pierce
Borough Mayor

May 16, 2018

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF MAY 14, 2018

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By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation during their regularly scheduled meeting of May 14, 2018 based on the following findings of fact and conditions.

Findings

1. Per the submittal, approximately 200 feet of Skein Avenue, a 30-foot half right-of-way, is proposed to be vacated.
2. Approximately 700 feet of Skein Avenue will remain if the right-of-way vacation is approved.
3. Skein Avenue cannot be extended to the Kasilof River due to multiple buildings all along the southern boundary of Tract A, KN 81-71, and Tract A, KN 79-66.
4. The owner of adjoining Government Lot 7 to the south is served by an existing access easement off Kalifornsky Beach Road that joins Skein Avenue within the associated revised preliminary plat.
5. The Plat Committee granted conditional approval to the revised preliminary plat (Kasilof River Industrial Tracts 2018 Addition) on March 12, 2018.
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13. No surrounding properties will be denied access.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (May 14, 2018) in which to

veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

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

This notice and unapproved minutes of the subject portion of the meeting were sent May 16, 2018 to:

Integrity Surveys
820 Set Net Dr
Kenai, AK 99611

IFP Holdings, LLC
4 Nickerson St #400
Seattle, WA 98109-1699

AGENDA ITEM F. PUBLIC HEARINGS

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STAFF REPORT

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3. Skein Avenue cannot be extended to the Kasilof River due to multiple buildings all along the southern boundary of Tract A, KN 81-71, and Tract A, KN 79-66.
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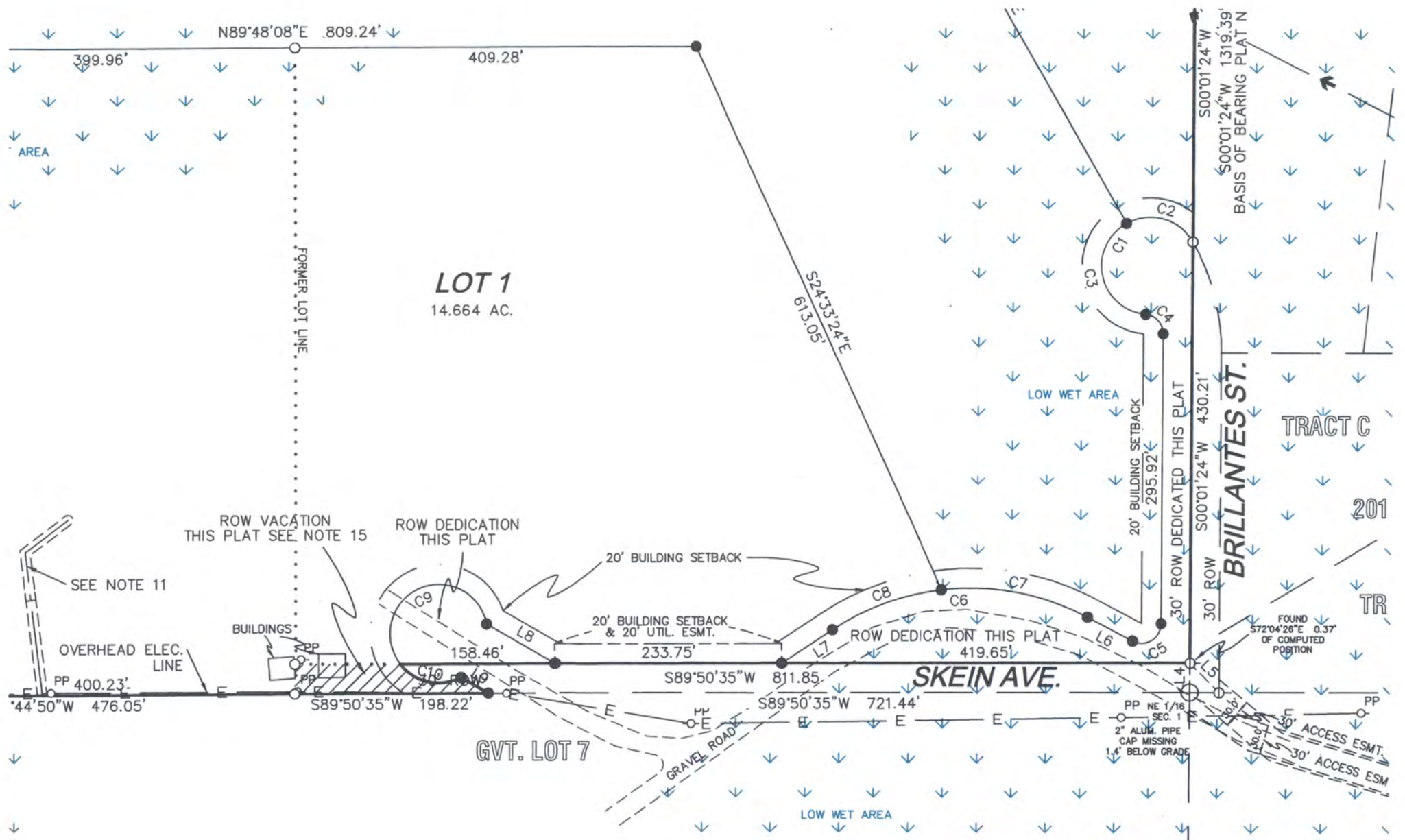
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THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT



LOT 1
14.664 AC.

SKEIN AVE.

BRILLANTES ST.

KPB 2017-168R1V

N89°48'08"E 809.24'

409.28'

S24°33'24"E
613.05'

S00°01'24"W
430.21'

S00°01'24"W 1319.39'
BASIS OF BEARING PLAT N

PP 400.23'
44°50'W 476.05'

ROW VACATION
THIS PLAT SEE NOTE 15

ROW DEDICATION
THIS PLAT

20' BUILDING SETBACK

20' BUILDING SETBACK
& 20' UTIL. ESMT.

ROW DEDICATION THIS PLAT

20' BUILDING SETBACK
← 295.92'

30' ROW DEDICATED THIS PLAT
← 430.21'

FOUND
S72°04'28"E 0.37'
OF COMPUTED
POSITION

TRACT C

201

TR

GVT. LOT 7

GRAVEL ROAD

LOW WET AREA

PP NE 1/16
SEC. 1
2" ALUM. PIPE
CAP MISSING
1" BELOW GRADE

30' ACCESS ESMT.
30' ACCESS ESM

399.96'

FORMER LOT LINE

AREA

SEE NOTE 11

OVERHEAD ELEC. LINE

BUILDINGS

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S89°50'35"W 158.46'

S89°50'35"W 233.75'

S89°50'35"W 811.85'

S89°50'35"W 721.44'

S89°50'35"W 419.65'

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NOTES:

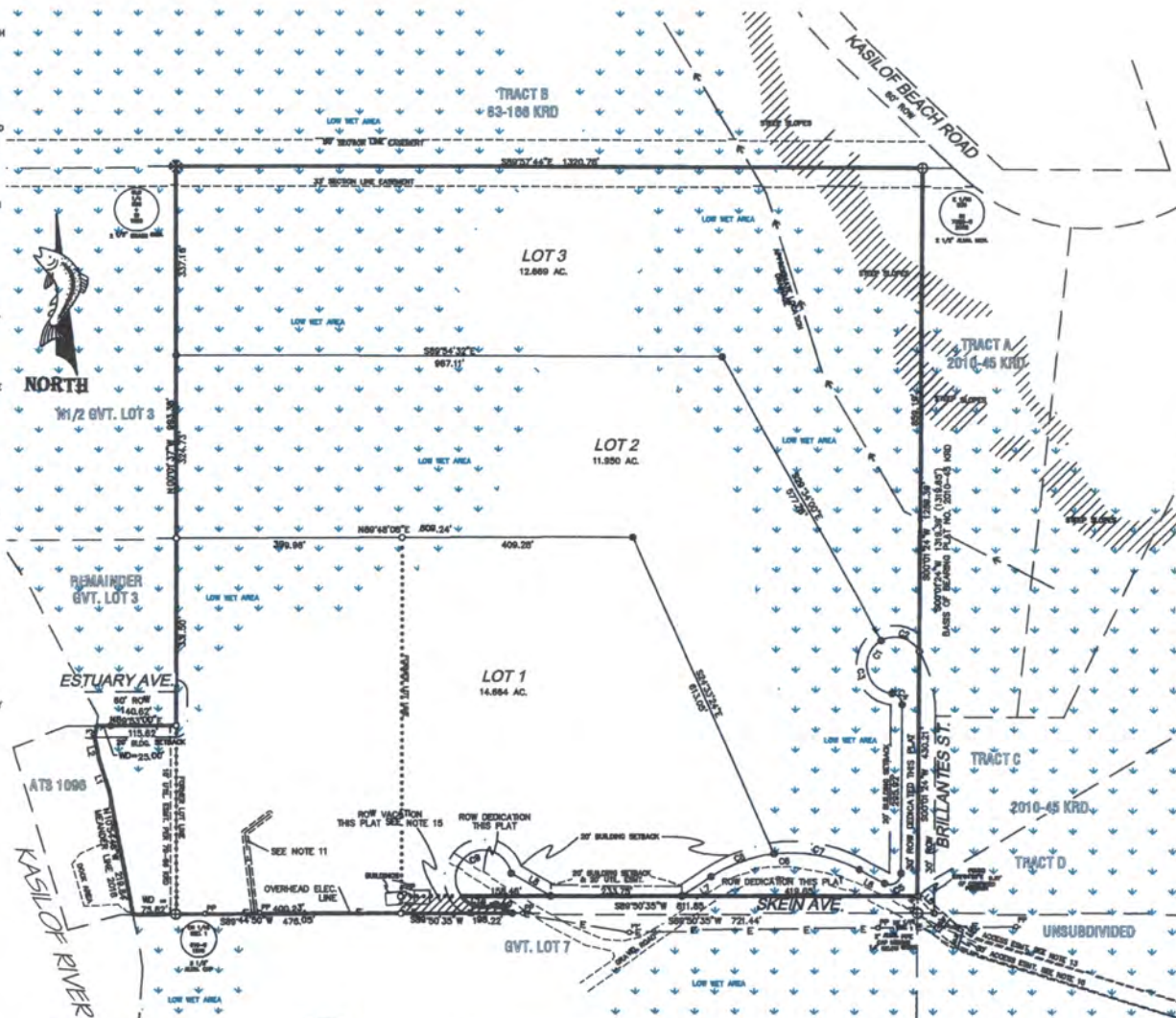
- 1) BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSEER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 2) FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT, EXCEPT WHERE NOTED WITH A 30 FOOT UTILITY EASEMENT PER 61-71 KRD. NO FURNISHMENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- 3) FLOOD HAZARD NOTICE - SOME OR ALL OF 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 RECORDERS OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.05 OF THE KENAI PENINSULA BOROUGH CODE. A SURVEY TO DETERMINE THE ELEVATION OF THE PROPERTY MAY BE REQUIRED PRIOR TO CONSTRUCTION.
- 4) FLOODWAY NOTICE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE FLOODWAY. PURSUANT TO KPB CHAPTER 21.06, ALL DEVELOPMENT (INCLUDING FILL) IN THE FLOODWAY IS PROHIBITED UNLESS CERTIFICATION BY AN ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASES IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.
- 5) PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50 FOOT ANTI-AVIONIC HARBOR PROTECTION DISTRICT. SEE KPB CHAPTER 21.18, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
- 6) THIS PROPERTY MAY BE AFFECTED BY LOW WET AREAS. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- 7) 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.
- 8) THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER FORMS THE TRUE BOUNDS OF THE SUBDIVISION. THE APPROXIMATE LINE OF MEAN 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.
- 9) THESE TRACTS MAY BE SUBJECT TO A GENERAL ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. ON JUNE 5, 1988 BY BK 31 PG. 158 KRD.
- 10) A 30 FOOT PRIVATE ROADWAY EASEMENT RECORDED ON NOV. 8, 2004 KRD, UNDER SERIAL NO. 2004-011389-0 IS SHOWN AS DESCRIBED.
- 11) THE EXISTING UNDERGROUND ELECTRIC LINE IS THE CENTERLINE OF A 10 FOOT WIDE ELECTRICAL EASEMENT, GRANTED THIS PLAT. APPROXIMATE LOCATION IS SHOWN FOR INFORMATION SUPPLIED BY HOMER ELECTRIC ASSOCIATION.
- 12) AN EXCEPTION TO - KPB 20.30.030 - DEDICATION OF RIGHT OF WAY WITHIN SECTION LINE EASEMENTS AND KPB 20.30.170 - BLOCK LENGTH WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE JANUARY 8, 2018 PLAT COMMITTEE MEETING. AN EXCEPTION TO KPB 20.30.030 - EXTENSION OF ESTUARY AVENUE TO CONNECT WITH SKEN AVENUE WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MARCH 12, 2018 PLAT COMMITTEE MEETING.
- 13) A 30 FOOT DEED GRANTING NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY RECORDED ON MAR. 20, 1989, UNDER BK 343 PG 419 KRD IS SHOWN AS DESCRIBED.
- 14) NO STRUCTURES ARE PERMITTED WITHIN THE PANNHANDLE PORTION OF FLAG LOTS.
- 15) APPROVAL OF VACATING A PORTION OF SKEN AVENUE WAS GRANTED BY THE KPB PLANNING COMMISSION AT THE _____ 2018 MEETING.
- 16) WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET OR A NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LEGEND

- ⊙ GLO/BLM MONUMENT RECOVERED AS NOTED
- ⊙ PRIMARY MONUMENT RECOVERED AS NOTED
- ⊙ SECONDARY MONUMENT SET THIS SURVEY
- 3/8" x 30" REBAR W/ PLASTIC CAP
- SECONDARY MONUMENT RECOVERED
- 1/2" REBAR
- SECONDARY MONUMENT RECOVERED
- 1/2" REBAR W/ YELLOW PLASTIC CAP
- ^{EP} ELECTRIC UTILITY POLE
- E ELECTRIC UTILITY LINE
- () RECORD PER RECORD OF SURVEY

PLAT NO. 2004-107 KRD

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.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00	203.13	84.48	332°47'01"	238°30'44"
C2	50.00	78.54	70.71	87°24'04"	89°29'53"
C3	50.00	135.59	85.39	81°03'58"	149°03'52"
C4	70.00	23.99	24.83	143°18'14"	84°30'18"
C5	50.00	40.89	34.18	108°43'12"	117°23'36"
C6	200.00	275.18	287.52	58°05'45"	60°30'29"
C7	200.00	158.20	159.81	87°21'02"	241°12'04"
C8	200.00	118.89	118.82	269°58'43"	28°29'29"
C9	50.00	180.99	97.29	355°23'02"	208°58'41"
C10	50.00	88.94	83.69	377°38'39"	79°08'40"

LINE	BY/AROUND	DISTANCE
L1	818°12'24"	97.85
L2	311°22'48"	40.72
L3	308°24'20"	20.81
L4	330°37'24"	32.00
L5	345°04'08"	42.84
L6	382°30'00"	53.17
L7	358°48'36"	38.19
L8	360°13'36"	50.00
L9	280°13'36"	32.47

Plat #
REC. DATE
DATE
TOWN

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT IPF HOLDINGS LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF IPF HOLDINGS LLC, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KASLOF TAJUOH _____ JOHN GAMER _____

SALIA YOSHINO _____

NOTARY'S ACKNOWLEDGMENT

FOR: ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2018

NOTARY PUBLIC FOR _____
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2018

NOTARY PUBLIC FOR _____
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2018

NOTARY PUBLIC FOR _____
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE NO. 2017-168

**KASLOF RIVER INDUSTRIAL TRACTS
2018 ADDITION**

- A SUBDIVISION OF GOVERNMENT LOT 2 EXCLUDING KASLOF RIVER INDUSTRIAL TRACTS, TRACT A KASLOF RIVER INDUSTRIAL TRACTS (PLAT NO. 81-71 KRD) AND TRACT A SALT FLAT SUBDIVISION (PLAT NO. 78-58 KRD) - FINALIZING A VACATION OF A PORTION OF RIGHT OF WAY.

OWNER: IPF HOLDINGS LLC
4 ROCKEFELLER ST., STE 400
SEATTLE, WA 98109

LOCATED WITHIN THE NW1/4 AND NE1/4 SECTION 1, T34N, R12W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA
CONTAINING 40.493 ACRES

INTEGRITY SURVEYS INC.

820 3RD NET DRIVE KENAI, AK 99811

PHONE - (907) 983-8807
FAX - (907) 983-9001
info@integritysurveys.com

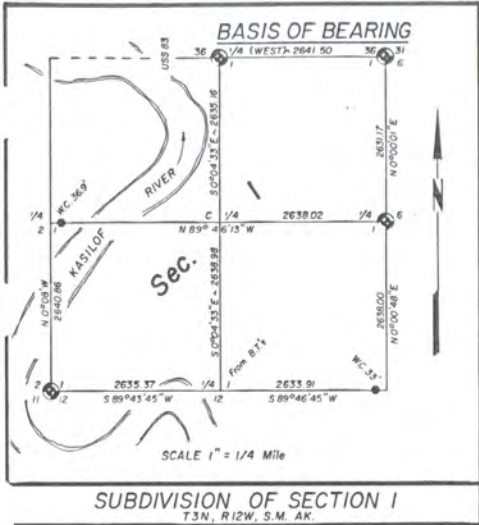
SURVEYORS PLANNERS

JOB NO: 217188 DRAWN: MAR. 28, 2018 SH

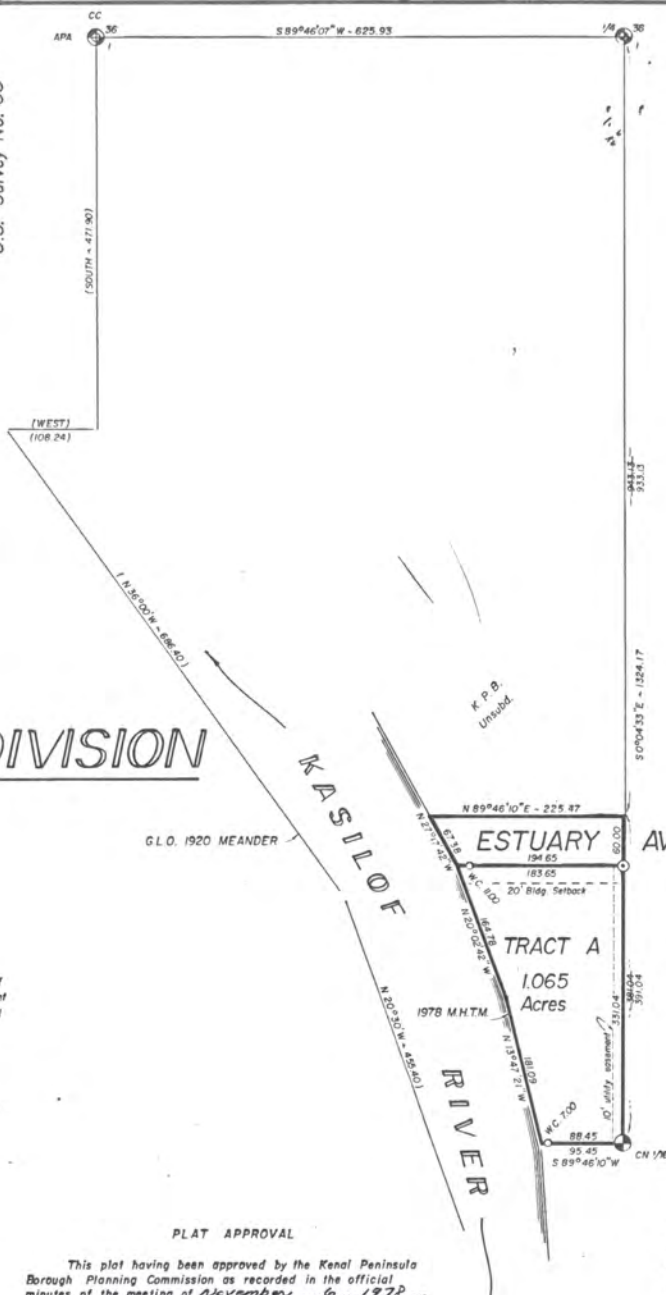
DATE: MARCH 2018 SCALE: 1" = 100'

FIELD SK: 2018-1 PG. 22-27 FILE: 217188.PFDWG

KPB 2017-168



U.S. Survey No. 83



SALT FLAT SUBDIVISION

LEGEND AND NOTES

- ⊙ Found G.L.O. brass cap monument, 1920.
- ⊙ Found 3" Al cap, 610-S 1976.
- ⊙ Found 1/2" steel rebar, H.N.J. 268-S.
- ⊙ Set 1" Al cap.
- ⊙ Set 1/2" x 24" steel rebar.
- () Indicates datum of record.

Basis of bearing is the G.L.O. record datum of WEST for the north boundary of Section 1.

The M.H.T.M. of the Kasiolof River forms the true bounds of this tract. The meander line of the 1978 M.H.T.M. shown is for survey computations only.

All waste water disposal systems shall comply with existing law at time of construction.

AMENDED PLAT NOTE:
DIMENSIONS ON THE N-S CENTERLINE OF SEC. 1 CORRECTED TO 391.04 & 933.14. I HEREBY CERTIFY THAT NO OTHER CHANGES HAVE BEEN MADE ON THIS PLAT.

DATE April 6, 1979 610-S

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that the tract of land shown and described on this plat is the property of the Kenai Peninsula Borough, Ak. and this plan of subdivision has been made with the consent of said Borough. I further certify that the Kenai Peninsula Borough does hereby dedicate all streets shown for public use.

Donald E. Gilman
Donald E. Gilman, Mayor, Kenai Peninsula Borough
Box 850, Soldotna, Alaska 99669

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this

27 day of December, 1979.

My commission expires 4-14-1982.

Joanne Bindley
notary public for Alaska

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of December 6, 1979, 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: *Arnold J. Gallagher*

79-66

RECORDED - FILED 326

Kenai REC. DEPT.

FILE 4-10 1979

DATE 11-26

STANLEY M. CLANE

78-211

RECORDED - FILED 326

Kenai REC. DEPT.

FILE 4-27 1978

DATE 4-27

STANLEY M. CLANE

AMENDED

SALT FLAT SUBDIVISION

Kenai Peninsula Borough, owner
Box 850; Soldotna, Ak. 99669

LOCATION

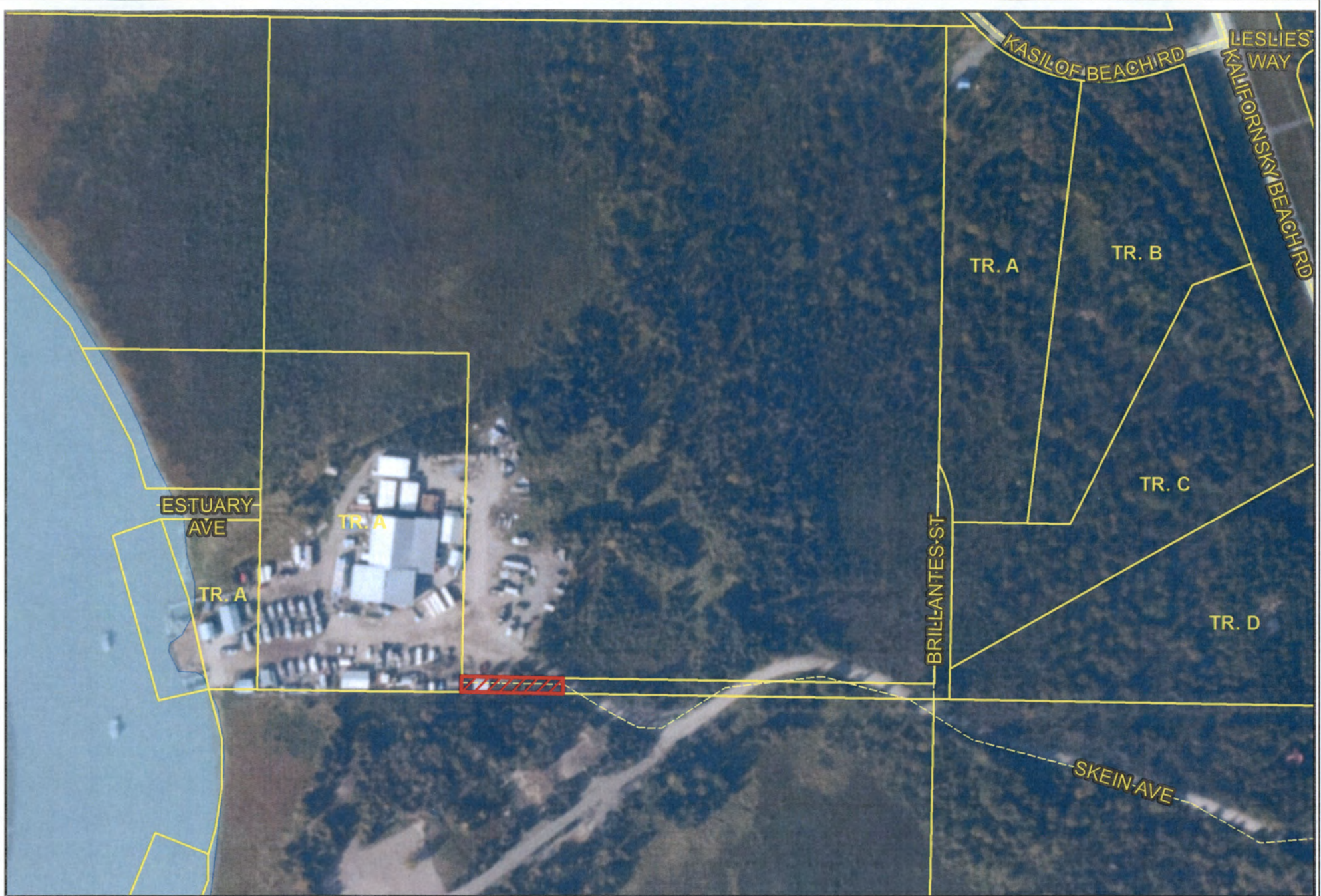
1.354 ACRES SITUATED IN THE S/2 S/2 LOT 3 AND THE SOUTH 60' OF THE N/2 S/2 LOT 3, SECTION 1, T3N, R12W, S.M. AK ON THE EASTERLY BANK OF THE KASILOF RIVER IN THE KENAI PENINSULA BOROUGH.

Surveyed by **McLANE AND ASSOCIATES**
Soldotna, Ak. 99669

DATE OF SURVEY September 27, 1978	SCALE 1" = 100'	BK. NO. 77-18
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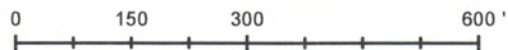



KN 79-66



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.

Aerial View



 Right-of-Way Vacation

JReif, KPB
Date: 4/19/2018

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

7. Kasilof River Industrial Tracts 2018 Addition
KPB File 2017-168 [Integrity / IFP Holdings, LLC]

Staff Report given by Patti Hartley

Plat Committee Meeting: 1/8/18

Location: off Skein Avenue, Kasilof
Proposed Use: Residential, Commercial
Water/Sewer: On-site
Zoning: Unrestricted
Assessing Use: Residential Improved
Parent Parcel Number(s): 133-470-07

Supporting Information:

The proposed plat subdivides the remainder of Government Lot 2 into 3 lots ranging in size from 7.5 to approximately 15 acres. A soils report is not required. Lot 1 fronts constructed Skein Avenue; Lot 2 fronts Skein Avenue and Brillantes Street. Lot 3 fronts 83-foot wide section line easements.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested: KPB 20.30.030 (dedication of section line easements and extending fee right-of-way to the KPB-owned Government Lot) and KPB 20.30.170 (block length).

Staff Discussion: In this case, the findings for KPB 20.30.030 and 20.30.170 are the same so the exceptions can be combined into one motion. Per a December 28 email from the surveyor, the only useable are for Lot 3 is northeast corner on top of the bluff and is meant to be accessed by the section line easement. See section 20.30.030 for more discussion on this.

Estuary Avenue is a 60-foot fee right-of-way so KPB's Government Lot 3 remainders front dedicated right-of-way per KPB 20.30.210; however, it is an isolated right-of-way (not connected or aligned with any other existing right-of-way).

Findings

1. Four-foot contours have been provided.
2. Based on the four-foot contours, the hatched area represents slopes greater than 20 percent.
3. Low wet areas have been shown.
4. KPB owns the 9-acre remainder of Government Lot 3 adjoining the western boundary of the proposed plat.
5. KPB's 9-acre Government Lot adjoins KPB-owned 3-acre Government Lot 3, which adjoins Estuary Avenue.
6. KPB's 9-acre Government Lot fronts an 83-foot wide section line easement.
7. Both KPB parcels front the Kasilof River, a public water body.
8. The 34-acre DNR parcel adjoining the northern boundary adjoins State maintained Kasilof Beach Road and section line easements ranging from 83 to 100 feet wide.
9. Tract A, KN 2010-45, adjoins Kasilof Beach Road.
10. The 49-acre privately owned parcel to the south fronts constructed Skein Avenue and a recorded 30-foot wide private access easement.
11. Per KN 2004-011369-0, a private roadway easement was granted over the travel way that connects

- Kalifornsky Beach Road and Skein Avenue, which provides physical access to the 49-acre parcel to the south.
12. The proposed plat is providing a matching right-of-way and a cul-de-sac bulb for Brillantes Street.
 13. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the proposed plat and immediate area are significantly affected by kettle, discharge slopes, and tidal areas.
 14. All adjoining parcels front section line easements, dedicated or State maintained right-of-way, or a recorded access easement.

Staff reviewed the exception request and recommends granting approval. Staff's recommendation may change if KPB Land Management requests fee right-of-way be extended to its Government Lot 3.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-14 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-14 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-14 appear to support this standard.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- A. Within the Title Block
 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
*Platting Staff Comments: **Staff recommends:***
 - a. *Include the recording number for Tract A.*
 - b. *Correct the aliquot description.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
*Platting Staff Comments: **Staff recommends** the spelling of Kalifornsky be corrected.*
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;

*Platting Staff Comments: **Staff recommends** the section line easement affecting the proposed plat be labeled including its width.*

- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
*Platting Staff Comments: **Staff recommends** the label to the west be corrected (remainder of Government Lot 3).*
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study, which identifies a floodplain, if applicable;
*Platting Staff Comments: KN 2010-45 indicates a creek may flow through the subdivision from Tract A. If the creek flows through the proposed plat, **staff recommends** it be shown and labeled.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and
*Platting Staff Comments: Imagery dated 2016 shows structures on Tract A, KN 81-71, are very close to the lot line. The subdivider also owns Tract A. **Staff recommends** the surveyor confirm that no encroachments exist. If there are existing encroachments, **staff recommends** compliance with KPB 20.25.070.*

KPB Department/Agency Review Comments

- KPB Addressing Officer:
 - 51412 SKEIN AVE - WILL BE RETAINED ON LOT 1
 - OLD SETNETTER DR - SHOULD BE KASILOF BEACH RD
 - LABEL ESTUARY AVE
- KPB Code Compliance: No comments.
- KPB Planner: There are no LOZ or material site issues with this property.
- State Parks: No comments.

KPB 20.30 Design Requirements

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

20.30.030. Proposed street layout-Requirements.

- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

State Department of Transportation Comments: Not in the State road system.

*Platting Staff Discussion: Per a December 28, 2017 email from the surveyor the only useable are for proposed Lot 3 is in the northeast corner on top of the bluff. Staff feels there is greater area lying in the central are of the proposed lot In between two potential discharge slope areas. If access is intended to be for the top of bluff area, **staff recommends** a ½ cul-de-sac be formally dedicated (isolated right-of-way) to provide emergency service vehicle turn around area to be constructed. Interior access to Lot 3 should also be considered to resolve the provisions of section 20.30.190. **Staff recommends** Plat Note 2 be removed.*

20.30.060. Easements-Requirements.

- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

Platting Staff Comments: ENSTAR and Homer Electric Association submitted statements of no comments.

Staff recommends compliance with 20.30.060.

20.30.070. Lots on major streets-Access requirements.

Lots fronting on arterial streets with less than 200 feet of right-of-way as identified in the arterial road plan adopted by the borough or lots fronting on state maintained roads with less than 200 feet of right-of-way may be required to provide interior or frontage road access after review and recommendation by the Kenai Peninsula Borough Road Service Area staff and upon a finding by the planning commission that due to size, topography, physical characteristics, or heavy traffic flow, that direct access to the arterial or state maintained road may present a traffic hazard.

KPB Roads Department Comments: No comments.

20.30.110. Half streets.

- A. Half streets shall generally not be allowed except where one of the following circumstances applies:
1. The street is identified on the borough road plan as an arterial;
 2. The street is a logical extension of an existing street; or
 3. The remaining half street can reasonably be expected to be dedicated.

Platting Staff Comments: The right-of-way match provided by the proposed plat brings Brillantes Street into compliance with 20.30.110. A ½ cul-de-sac dedication within the section line easement area of Lot 3 has a remaining 50-foot section line easement to the north providing the remaining area needed for emergency vehicle traffic needs.

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

*Platting Staff Comments: The parent plat (KN 81-71) provided the existing 30-foot dedication for Skein Avenue (originally Cole Avenue). The proposed plat is dedicating right-of-way atop the existing travel way that extends beyond the dedicated right-of-way, thereby resolving the encroachment. **Staff recommends** the area where the existing Skein Avenue reenters Lot 1 and continues to Tract A of the lot to the west (KN 81-71) be formally dedicated this plat also.*

20.30.180. Pedestrian ways required when.

Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Platting Staff Comments: The section line easements can serve as pedestrian ways if the terrain permits.

20.30.190. Lots-Dimensions.

- A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

*Platting Staff Comments: Lot 3 exceeds the 3:1 depth to width ratio. Staff is recommending redesign so Lot 3 complies with KPB 20.30.210. The redesign may bring the lot into compliance with the 3:1 ratio. **Staff recommends** compliance with KPB 20.30.190.*

20.30.210. Lots-Access to street.

Each lot shall abut on a fee simple dedicated street except as provided by KPB 20.30.030(B).

*Platting Staff Comments: Lot 3 does not front a fee simple dedicated street. **Staff recommends** redesign so Lot 3 complies with KPB 20.30.210.*

Lot 3 fronts section line easements 83 feet in width so it is not technically land locked; however, the section line easements cross low wet areas and slopes greater than 20 percent adjacent to Kasilof Beach Road. It does not appear that the section line easements are a practical option for constructible right-of-way.

20.30.240. Building setbacks.

B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

C. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

Platting Staff Comments: Per the parent plat, the building setback is also a utility easement. Staff recommends the utility easement within the building setback be carried forward from the parent plat. Staff recommends compliance with KPB 20.30.240.

20.30.280. Floodplain requirements.

Platting Staff Comments: Per River Center review, the plat is not affected by a mapped flood hazard zone. Staff recommends Plat Notes 4 and 5 be removed.

20.30.290. Anadromous habitat protection district.

Platting Staff Comments: Per River Center review, the subdivision is not affected by the Anadromous Habitat Protection District. Staff recommends Plat Notes 6 and 10 be removed.

Per KPB GIS mapping, no anadromous streams flow through the subdivision.

KPB 20.60 – Final Plat

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required:

20.60.020. Filing-Form and number of copies required.

The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Platting Staff Comments: Staff recommends one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat.

If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommends compliance with 20.60.030.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

Platting Staff Comments: The distances are missing on the western boundaries of Lots 2 and 3.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

Platting Staff Comments: The proposed plat does not front the Kasilof River. Staff recommends the surveyor confirm Plat Note 9 is required for this plat, and if not, remove it.

Staff recommends compliance with 20.60.110.

20.60.120. Accuracy of measurements.

All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. Staff recommends boundary and lot closure computations be provided with the paper final plat.

20.60.140. Block and lot numbering.

Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

Platting Staff Comments: Government Lot 3 is different enough from Lot 3 in the subject plat.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: Staff recommends the owner's name and address be included beneath the signature line.

Staff recommends the state for the Notary's Acknowledgement be confirmed. The owner's address is Washington.

20.60.200. Survey and monumentation.

Platting Staff Comments: Staff recommends compliance with 20.60.200.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

Chairman Ecklund opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Ecklund closed the public hearing and opened discussion among the Committee.

MAIN MOTION: Commissioner Carluccio moved, seconded by Commissioner Whitney to approve Kasilof River Industrial Tracts 2018 Addition per staff recommendations, conditions, findings and adherence to borough code.

AMENDMENT MOTION: Commissioner Carluccio moved, seconded by Commissioner Whitney to grant exceptions to KPB 20.30.030, dedication of section line easements and extending fee right-of-way to the KPB owned government lot and to KPB 20.30.170, Block Length; citing the 14 findings and tying them to the three standards.

Findings

1. Four-foot contours have been provided.
2. Based on the four-foot contours, the hatched area represents slopes greater than 20 percent.
3. Low wet areas have been shown.
4. KPB owns the 9-acre remainder of Government Lot 3 adjoining the western boundary of the proposed plat.
5. KPB's 9-acre Government Lot adjoins KPB-owned 3-acre Government Lot 3, which adjoins Estuary Avenue.
6. KPB's 9-acre Government Lot fronts an 83-foot wide section line easement.
7. Both KPB parcels front the Kasilof River, a public water body.
8. The 34-acre DNR parcel adjoining the northern boundary adjoins State maintained Kasilof Beach Road and section line easements ranging from 83 to 100 feet wide.
9. Tract A, KN 2010-45, adjoins Kasilof Beach Road.
10. The 49-acre privately owned parcel to the south fronts constructed Skein Avenue and a recorded 30-foot wide private access easement.
11. Per KN 2004-011369-0, a private roadway easement was granted over the travel way that connects Kalifornsky Beach Road and Skein Avenue, which provides physical access to the 49-acre parcel to the south.
12. The proposed plat is providing a matching right-of-way and a cul-de-sac bulb for Brillantes Street.
13. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the proposed plat and immediate area are significantly affected by kettle, discharge slopes, and tidal areas.
14. All adjoining parcels front section line easements, dedicated or State maintained right-of-way, or a recorded access easement.

Chairman Ecklund stated that it seemed contradictory regarding the approval of the block length exception request and then asking for redesign to bring the lot into compliance. She wondered if they would ask for that prior to approval of the plat. Mr. Voeller replied that they wanted to make sure there was an emergency vehicle turnaround provision above the bluff as well as getting the 3:1 depth to width ratio in compliance with code. Chairman Ecklund asked if that will require them to redesign this plat. Mr. Voeller replied that they will need to move the lines between Lots 2 and 3. Chairman Ecklund asked if Lot 2 would be smaller and Lot 3 would be bigger. Mr. Voeller replied that was correct. Chairman Ecklund understood that there would just be a cul-de-sac for that section line easement. Mr. Voeller replied correct. Chairman Ecklund asked if that would happen between the preliminary approval and final plat. Mr. Voeller replied that was correct.

AMENDMENT VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	RUFFNER YES	WHITNEY YES	4 YES
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MAIN MOTION VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	RUFFNER YES	WHITNEY YES	4 YES
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS



Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99669-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200



**Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
 Public Hearing Required**

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- \$500 non-refundable fee to help defray costs of advertising public hearing.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Name of public right-of-way proposed to be vacated is dedicated by the plat of Kasilof River Industrial Tracts Subdivision, filed as Plat No. 81-71 in Kenai Recording District.
- Are there associated utility easements to be vacated? Yes No
- Are easements in use by any utility company? If so, which company N/A
- Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
 - Has right-of-way been fully or partially constructed? Yes No
 - Is right-of-way used by vehicles / pedestrians / other? Yes No
 - Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
The vacation of the west end of Skain Avenue (formerly Cole Avenue) will remove an encroachment of two buildings. The ROW has been improved within this area and the public does not use the ROW that is being vacated. A cul-de-sac ROW dedication will be granted on the subdivision plat to allow for a turn around area.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Name: Scott Huff - Integrity Surveys Signature as: Petitioner Representative
 Address 820 Set Net Dr.
Kenai, AK 99611
 Phone 907-283-9047

Petitioners:

Signature <u>[Signature]</u> Name <u>Kazuo Taguchi</u> Address <u>JFP Holdings LLC</u> <u>4 Nickerson St Suite 400</u> <u>Seattle, WA 98109</u> Owner of <u>Govt Lot 2, Tract A, Plat No. 81-71 KRD</u> <u>and Tract A, Plat No. 79-66 KRD</u>	Signature <u>[Signature]</u> Name <u>Dave Hambleton</u> Address <u>JFP Holdings LLC</u> <u>4 Nickerson St Suite 400</u> <u>Seattle, WA 98109</u> Owner of <u>Govt Lot 2, Tract A, Plat No. 81-71 KRD</u> <u>and Tract A, Plat No. 79-66 KRD</u>
Signature <u>[Signature]</u> Name <u>Shuji Yoshino</u> Address <u>JFP Holdings LLC</u> <u>4 Nickerson St Suite 400</u> <u>Seattle, WA 98109</u> Owner of <u>Govt Lot 2, Tract A, Plat No. 81-71 KRD</u> <u>and Tract A, Plat No. 79-66 KRD</u>	Signature _____ Name _____ Address _____ Owner of _____