

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Melanie Aeschliman, Planning Director *MA*

DATE: January 13, 2022

RE: Right-of-way Vacation: 426' portion of Arneson Avenue including associated utility easements. KPБ File 2021-160V

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 January 10, 2022 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation of by unanimous vote based on the means of evaluating public necessity established by KPБ 20.65 (6-Yes, 2-Absent, 6-Vacant). This petition is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

January 10, 2022 Planning Commission Draft Meeting Minutes
January 10, 2022 Agenda Item E3 Meeting Packet Materials

**ITEM 3 - RIGHT OF WAY VACATION
426 FOOT PORTION OF ARNESON AVENUE
INCLUDING ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2021-160V
Planning Commission Meeting:	January 10, 2022
Applicant / Owner:	Freddie's Roadhouse Inc., Freddie Pollard Jr, and Sheila K. Best all of Kenai, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Marquis Street, Arneson Avenue, and Matson Street, Ninilchik
Legal Description:	S1/2 NE1/4 SE1/4 Excluding portion within ROWs, (Parcel 1 of Plat Waiver) per Resolution 93-7 (HM 93-15) and Tracts 3 and 4, Anna's Acres, Plat HM 2007-126, Homer Recording District, Section 9, Township 2 South, Range 12 West

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition: We would like to vacate a portion of Arneson Avenue, beginning at Matson Street and extending 424' to the west. There is also a 10' utility easement along each side of the ROW that we would like vacated.

Arneson Avenue is located in a fairly remote area, near the end of Oil Well Road. It currently has not been constructed and it is not being used. There is an existing shop that is built in the section of ROW that we would like to vacate. This vacation would solve the problem of this encroachment. We are offering better access through a new dedication, labeled as Freddie Lane on the preliminary plat. Freddie Lane would follow an existing driveway back to Arneson Avenue.

Notification: Public notice appeared in the December 30, 2021 issue of the Homer News as a separate ad. The public hearing notice was published in the January 6, 2022 issue of the Homer News as part of the Commission's tentative agenda.

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Post Office of Ninilchik

Fourteen certified mailings were sent to owners of property within 600 feet of the proposed vacation. Four receipts had been returned when the staff report was prepared.

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

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 State of AK DNR
 State of AK DOT
 State of AK DNR Forestry
 Ninilchik Traditional Council
 General Communications Inc. (GCI)

Kenai Peninsula Borough Land Management
 Kenai Peninsula Borough Office
 Emergency Services of Ninilchik
 ENSTAR Natural Gas
 Alaska Communication Systems (ACS)
 Homer Electric Association (HEA)

Legal Access (existing and proposed): The right of way proposed to be vacated is located in the Ninilchik area within the Caribou Hills recreational area. The property is located near Mile 16 of Oil Well Road, a 100 foot wide right of way maintained by the borough. Access to Arneson Avenue is from Anderson Avenue to Matson Street, both of which are 66 foot wide dedicated right of ways. Anderson Avenue and Matson Street are improved roads but are not maintained by KPB.

A driveway from Matson Street that extends through the 18 acre parcel provides physical access to Tracts 1-4 of Anna's Acres, Plat HM 2007-126. Tracts 1-4 contain multiple cabin improvements.

A structure is located within Arneson Avenue. A new 60 foot wide right of way dedication is proposed over the existing driveway that is being used for physical access.

The proposed vacation will affect two blocks. Both blocks will be closed. The northern block, defined by Arneson Avenue, Marquis Street, Anderson Avenue, Matson Street, and proposed Freddie Lane, will be compliant with block lengths. The southern block, defined by Arneson Avenue, Marquis Street, Boley Avenue, seismic line right of way, Matson Street, and proposed Freddie Lane, will have one section of the block longer than allowable lengths by 100 feet. The right of way for both blocks are affected by steep terrain. The right of way vacation and new right of way dedication will not hinder, or improve, the block length issue.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

Site Investigation: The right of way to be vacated does not contain any steep slopes or low wet areas. The new proposed dedication is over an existing drive and does not contain any steep slopes or low wet areas.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments:</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis: The proposed vacation is within the Caribou Hills area. Right of Way Map, Plat HM 84-115, referred to as the Ninilchik ROW Map, subdivided thirteen sections. The plat dedicated 66 foot wide right of ways centered on seismograph lines as well as 66 foot right of ways on all 1/16 and 1/4 aliquot lines and section lines. Arneson Avenue was created by plat HM 84-115.

Right of Way Map HM 84-115 is a paper plat with no field survey. Terrain was not considered with the right of way dedications and many right of ways are affected by steep terrain or low wet areas. Local trails, although often crossing private lands, are used for physical access. Subsequent subdivisions have divided lands and provided right of ways dedications in practical areas or where trails were already being used for access.

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A dedicated right of way centered on the unnamed seismograph line exists to the south.

Freddie's Roadhouse Inc. is the owner of the parcels north of Arneson Avenue. Freddie Pollard Jr. and Sheila K. Best, owners of Freddie's Roadhouse, own the four lots south of Arneson Avenue.

When right of way is vacated it attaches to the lot or land bordering the area in equal proportions. The proposed sketch shows the vacated area not being attached in equal proportions. The final plat will require

owner acknowledgement that states they understand and agree to allow the vacated right of way to be attached to the neighboring parcels as depicted. This will allow the improvements to be within the parcel boundary and not create an encroachment.

The proposed vacation is not within an advisory planning commission boundary.

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: The area to be vacated is not currently being used due to structures within the right of way.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The terrain allows for a road to be constructed but the existing structures do not allow a roadway to be constructed. An alternative access is being provided over an existing travel way.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: This is located in a recreational area. Multiple right of way dedications were granted in 1984 which provide legal access.
 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: The right of way does not provide access to a public interest area or provide a connection between existing trails.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The proposed vacation would limit interconnectivity but a new right of way dedication will provide an equal or superior access with interconnectivity to adjacent parcels to the south. Proposed Tract 3A will 30 feet of frontage on Arneson Avenue. This will be addressed during the platting process.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: The use of the existing right of way is limited due to the structures that have been constructed, but pedestrian access is feasible. The proposed dedicated right of way will provide superior access for pedestrian or all-terrain vehicle use.
 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: New utility easements will be granted along the new dedicated right of way. Staff requests that any issues or concerns by the utility companies be addressed and possible utility easements may need to be granted.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: existing structures limit the use of the existing right of way. The proposed right of way dedication will provide superior public 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 February 1, 2022 meeting.

If approved, a plat will finalize the proposed right of way vacations. The Plat Committee is scheduled to the review plat on January 24, 2022.

KPB department / agency review:

Planner	Reviewer: Aldridge, Morgan 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.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Addressing	Reviewer: Haws, Derek Affected Addresses: 17637 MATSON ST Existing Street Names are Correct: Yes List of Correct Street Names: MATSON ST ARNESON AVE MARQUI ST Existing Street Name Corrections Needed: All New Street Names are Approved: Yes List of Approved Street Names: FREDDIE LN List of Street Names Denied: Comments: 17637 MATSON ST on TRACT B will be changed to a FREDDIE LN address.
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.

Utility provider review:

HEA	
ENSTAR	No objections.
ACS	
GCI	

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:

5. Consent by KPB Assembly.
6. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
7. Grant utility easements requested by the utility providers.
8. 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).

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

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, closed public comment and discussion was opened among the commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to approve the vacation a petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendation and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	6	Absent	2	Vacant	6
Yes	Bentz, Brantley, Fikes, Gillham, Martin, Venuti				

AGENDA ITEM F. **PLAT COMMITTEE REPORT** – Commissioner Brantley informed the commission that the Plat Committee reviewed and approved 10 plats.

AGENDA ITEM G. **OTHER**

Ms. Shirnberg informed the commission that there would be no Plat Committee needed for the January 24, 2022 meeting.

AGENDA ITEM H. **PUBLIC COMMENT - None**

AGENDA ITEM I. **DIRECTOR’S COMMENTS**

Director Aeschliman introduced new deputy attorney Walker Steinhage to the commission and informed him that Mr. Steinhage will be the attorney working with the Planning Department and Planning Commission.

AGENDA ITEM J. **COMMISSIONER COMMENTS - None**

AGENDA ITEM M. **ADJOURNMENT** – Commissioner Venuti moved to adjourn the meeting 8:55 p.m.

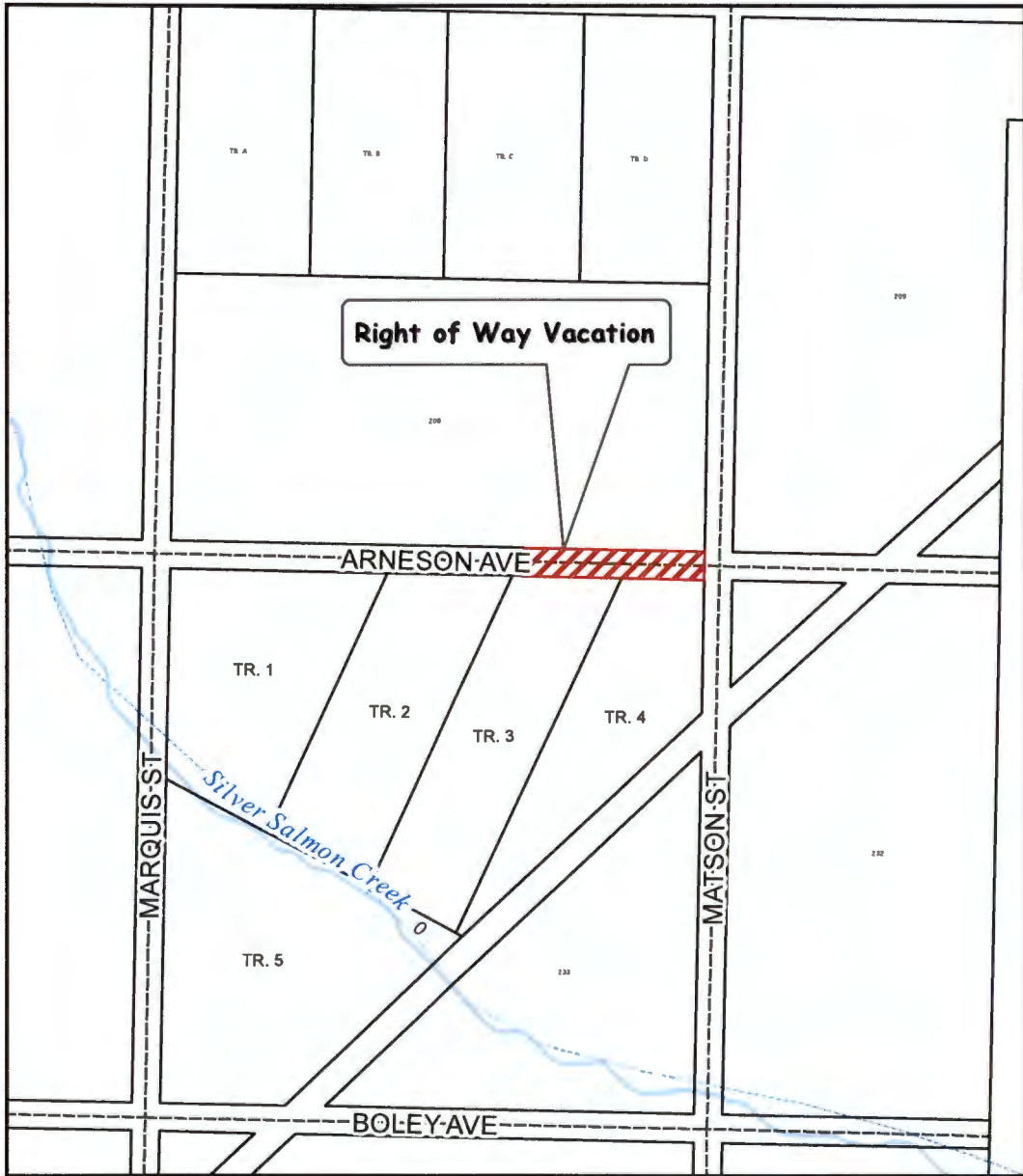
Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

1. Right-Of-Way Vacation; KPB File 2021-160V

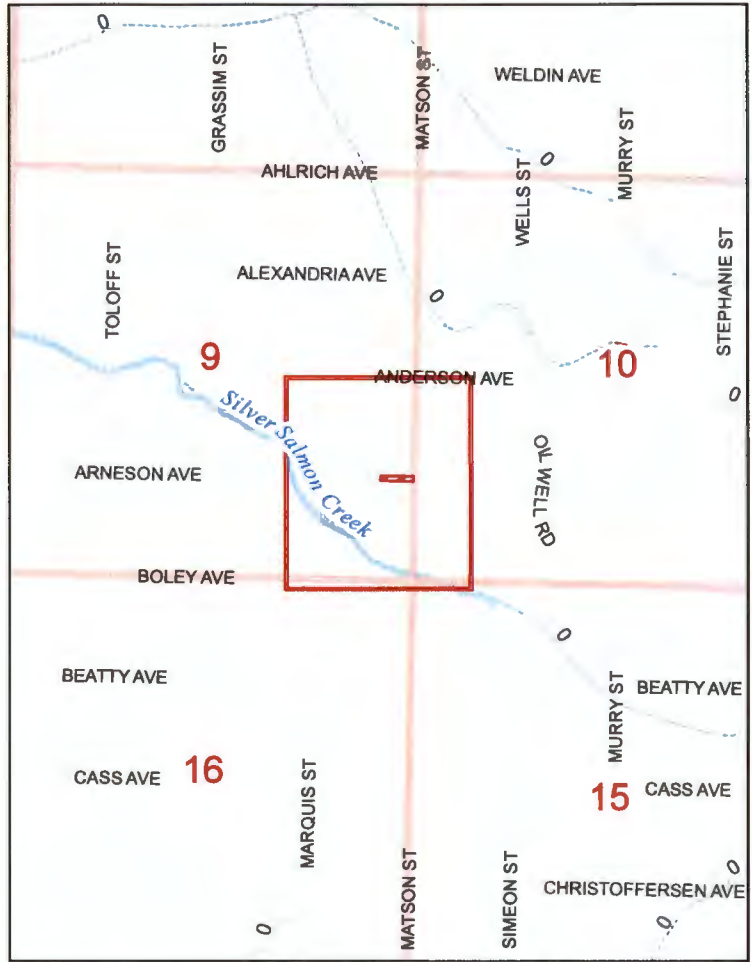
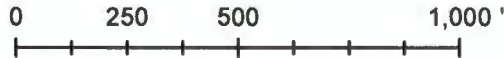
Location: Portion of Arneson Ave. & Associated 10 Utility Easements Granted per Ninilchik Right of Way Map (HM 2007-126) in the Fritz Creek Area

Petitioners: Freddie's Roadhouse, Inc., Freddie Pollard Jr. & Sheila K Best of Kenai, AK



Right of Way Vacation

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.



KPB 2021-160V
S09 T02S R12W
Ninilchik

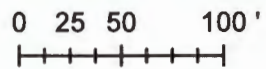
208



ARNESON AVE

MATSON ST

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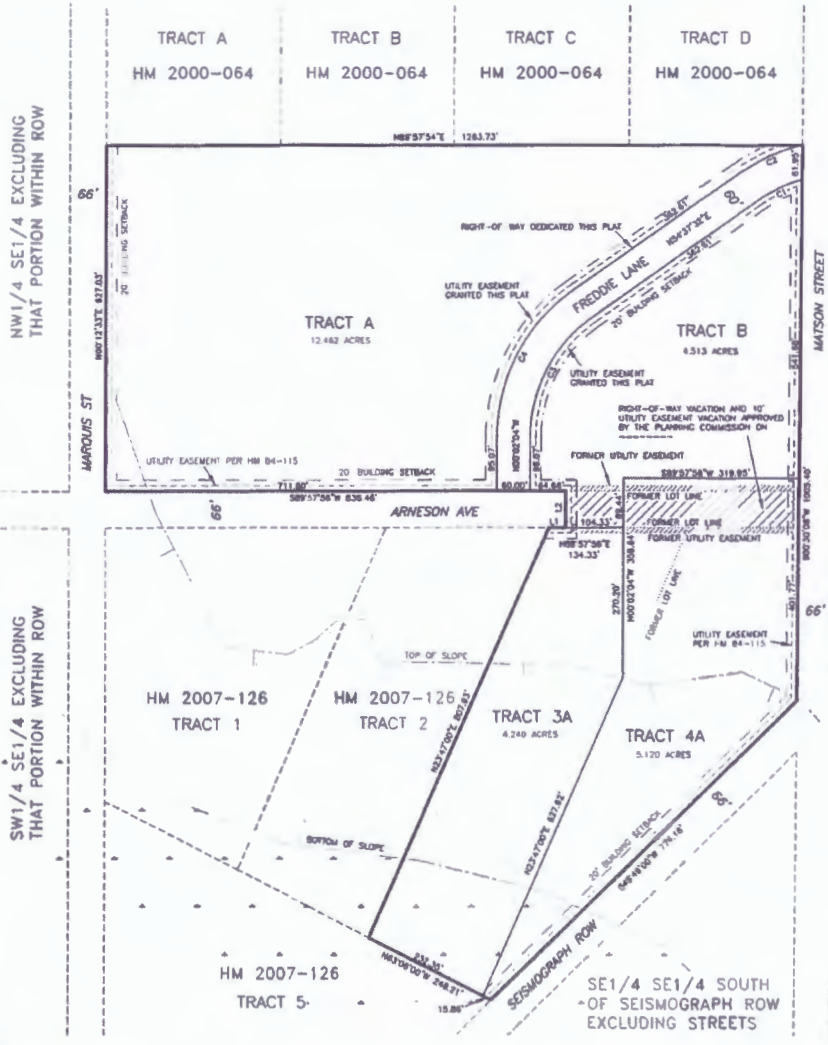
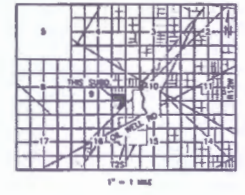


Aerial View



 Right of Way Vacation

PClements, KPB 2021-160V
Imagery 2016



NW1/4 SE1/4 EXCLUDING THAT PORTION WITHIN ROW

SW1/4 SE1/4 EXCLUDING THAT PORTION WITHIN ROW

NW1/4 SW1/4 NORTHWEST OF SEISMOGRAPH ROW EXCLUDING STREETS & U.S. 7947

SW1/4 SW1/4 SOUTH OF SEISMOGRAPH ROW EXCLUDING STREETS

LINE	BEARING	LENGTH
L1	M82°57'58"E	36.00'
L2	N00°02'04"W	66.00'

CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	93.89	270.00	19°55'24"	47.42	83.41	S84°35'15"W
C2	131.70	330.00	27°57'31"	66.78	130.91	S69°05'29"W
C3	257.98	270.00	54°39'36"	138.54	247.92	S27°17'44"W
C4	314.82	330.00	54°38'38"	170.54	303.02	S27°17'44"W

NOTES

- A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 6' OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
- 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.
- THE KPB PLAT COMMITTEE GRANTED EXCEPTIONS TO 30.30.100 CIL-DE-SACS, 20.30.180 LOT DIMENSIONS, AND 20.40 WASTEWATER SYSTEM REVIEW AT THE MEETING ON _____.
- 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.
- 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 (RPM 14.08).

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

FREDDE POLLARD JR
 PO BOX 1360, KEWAN, AK 99011

SHEILA K BEST
 PO BOX 1360, KEWAN, AK 99011

NOTARY ACKNOWLEDGMENT
 FOR: FREDDE POLLARD JR AND SHEILA K BEST
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2022

NOTARY PUBLIC FOR ALASKA
 BY COMMISSION EXPIRES: _____

LEGEND
 - - - WETLANDS PER THE KEWAN WATERSHED FORUM DOQI MAP
 - - - WETLANDS MAPPING

WASTEWATER DISPOSAL
 WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL
 THIS PLAN WAS APPROVED BY THE KEWAN PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____
 KEWAN PENINSULA BOROUGH
 BY: _____
 AUTHORIZED OFFICIAL

CERTIFICATE OF ACCEPTANCE
 THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPT, ON BEHALF OF THE KEWAN PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEICATED BY THIS PLAN INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:
 FREDDE LANE RIGHT-OF-WAY
 THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT CREATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.
 BY: _____ DATE: _____

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC
 10535 FAYTONA BOULEVARD, WHEATCREEK, AK 99589
 (907)306-7005

PLAT OF
CABIN HOPPERS SUBDIVISION

A SUBDIVISION OF
 S1/2 NW1/4 SE1/4 EXCLUDING PORTION WITHIN ROW, PW 93-7 AND TRACTS 3 AND 4 AREA'S ACRES, HM 2007-126

LOCATED WITHIN
 SE 1/4 SEC. 8, T.29N., R.129W., S.M.
 FINGER NECESSARY DISTRICT, KEWAN PENINSULA BOROUGH
 CONTAINING 27.314 ACRES

OWNERS: FREDDE POLLARD JR AND SHEILA K BEST
 PO BOX 1360, KEWAN, AK 99011

SCALE: 1" = 100'
 DRAWN: J.S.

DATE: DECEMBER 14, 2021
 SHEET: 1 OF 1

KPB 2021-160V



AGENDA ITEM E. NEW BUSINESS

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1. The right-of-way or public easement to be vacated is being used;
Staff comments: The area to be vacated is not currently being used due to structures within the right of way.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The terrain allows for a road to be constructed but the existing structures do not allow a roadway to be constructed. An alternative access is being provided over an existing travel way.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: This is located in a recreational area. Multiple right of way dedications were granted in 1984 which provide legal access.
 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: The right of way does not provide access to a public interest area or provide a connection between existing trails.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The proposed vacation would limit interconnectivity but a new right of way dedication will provide an equal or superior access with interconnectivity to adjacent parcels to the south. Proposed Tract 3A will 30 feet of frontage on Arneson Avenue. This will be addressed during the platting process.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: The use of the existing right of way is limited due to the structures that have been constructed, but pedestrian access is feasible. The proposed dedicated right of way will provide superior access for pedestrian or all-terrain vehicle use.

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: New utility easements will be granted along the new dedicated right of way. Staff requests that any issues or concerns by the utility companies be addressed and possible utility easements may need to be granted.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Staff comments: existing structures limit the use of the existing right of way. The proposed right of way dedication will provide superior public 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 February 1, 2022 meeting.

If approved, a plat will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the plat on January 24, 2022.

KPB department / agency review:

Planner	<p>Reviewer: Aldridge, Morgan 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>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 17637 MATSON ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MATSON ST ARNESON AVE MARQUI ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: FREDDIE LN</p> <p>List of Street Names Denied:</p>

	Comments: 17637 MATSON ST on TRACT B will be changed to a FREDDIE LN address.
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.

Utility provider review:

HEA	
ENSTAR	No objections.
ACS	
GCI	

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).

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*
 - o *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.*

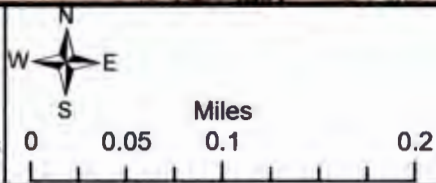
END OF STAFF REPORT

Legend

-  PRELIMINARY PLATS
-  BOROUGH MAINTAINED ROADS






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.

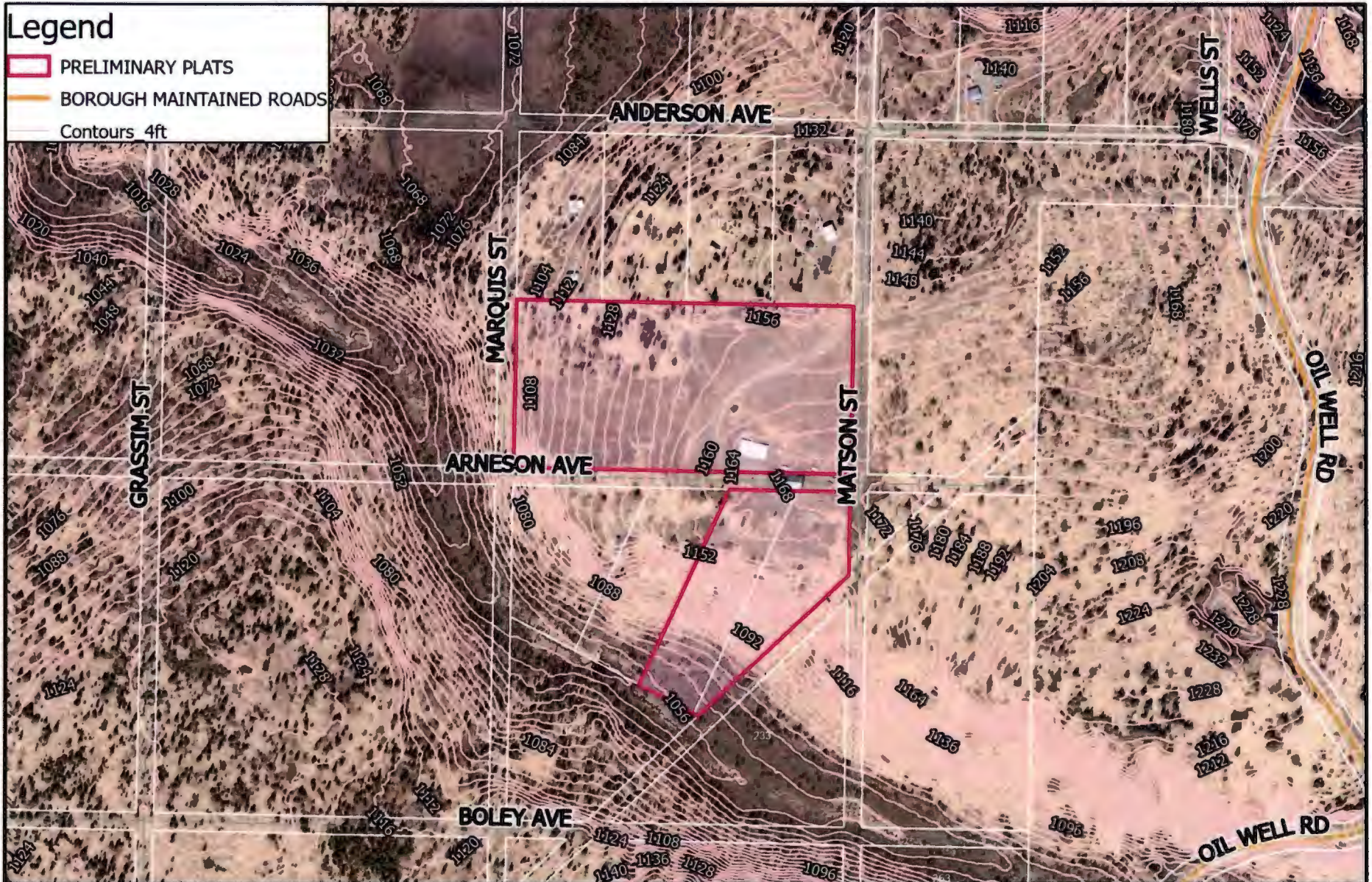


AERIAL IMAGERY 2021

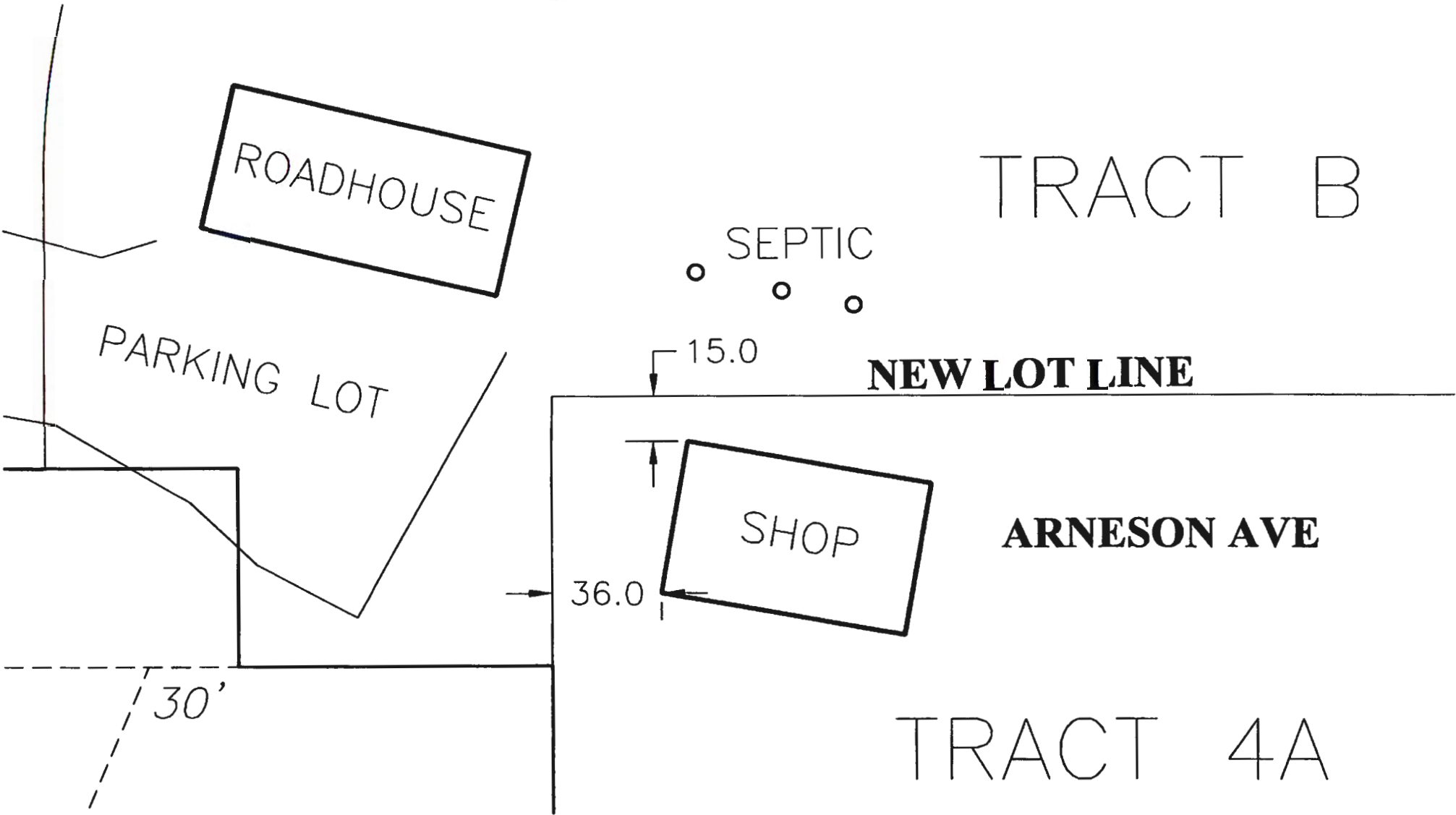
Date: 5/28/2021
1:50 PM
Scott Huff
Platting Manager

Legend

-  PRELIMINARY PLATS
-  BOROUGH MAINTAINED ROADS
-  Contours 4ft



ROW ENCROACHMENT

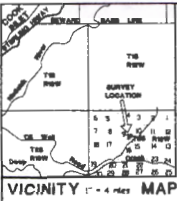


ANNA'S ACRES

A subdivision of Tract 233 NNA1 RDV Map (4-RD 84-115) portion
northwest of Seismograph Trail RDV
Located in the 33/4 33/4 Section 9, T2S, R12W, S4
Homer Recording District Kenai Peninsula Borough File 2007-113

Prepared for
Anna E. Daniels
8043 Anderson Pl
Custer, VA 98240

Prepared by
Johnson Surveying
Box 27
Clan Gulick, AK 99568



SCALE 1" = 100' AREA = 25.805 acres 10 February, 2007

LEGEND

- ⊕ - 3/4" alcap monument, 4988-S, 1998 Found
- ⊙ - 2 1/2" alcap on 5/8" x 8" rebar set
- ┌ - 1/2" x 4" rebar with 1" plastic cap set

NOTES

1. A building setback of 20' from all street RDVs 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 of lot.
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. An exception to KPB 2020180.3 to 1 length/width ratio. For Tract 3 was granted by the KPB Planning Commission at the meeting of 14 May, 2007.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 14 May, 2007

KENAI PENINSULA BOROUGH

By: Max Bred 12-18-07
Authorized Official Date

WASTEWATER DISPOSAL

These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

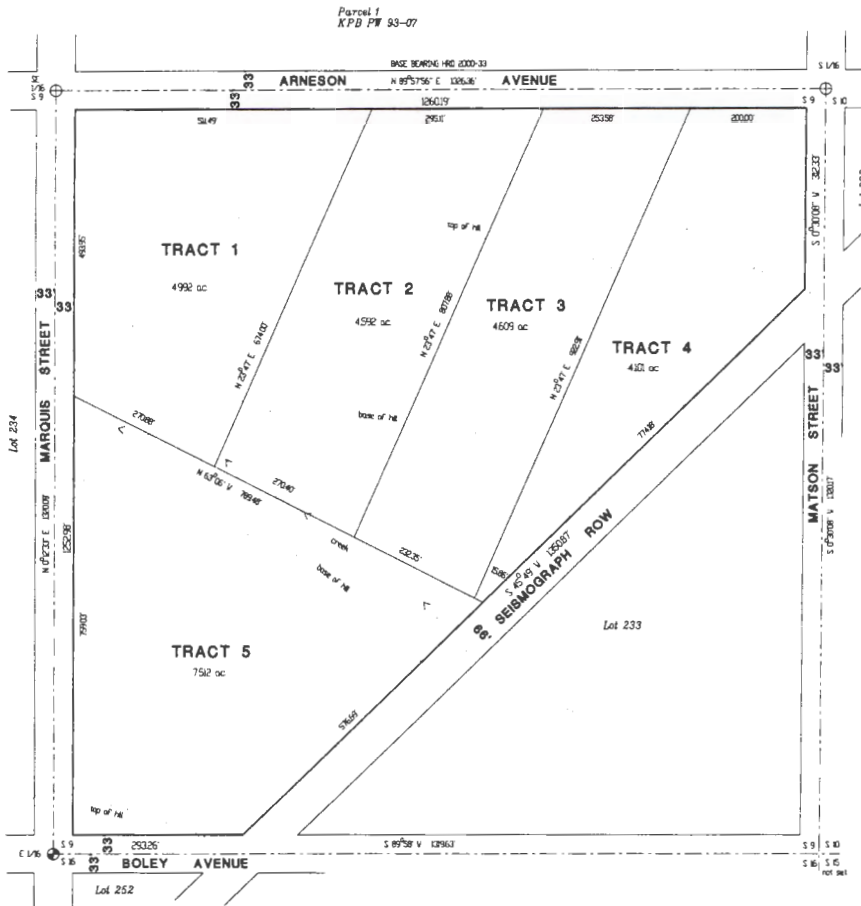
OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described herein and that I hereby adopt this plan of subdivision and by my free consent grant all easements to the use shown.

Anna Daniels
Anna E. Daniels
8043 Anderson Pl Custer, VA 98240

NOTARY'S ACKNOWLEDGEMENT

For Anna E. Daniels
Subscribed and sworn to before me this 14
day of December 2007
Michael S. Johnson
Notary Public for Washington
My commission expires 02/17/2011



2007-126
RECORDED-FILED
KPB REC DIST
DATE 12/19/07
TIME 11:43 AM
Requested by:
Johnson Surveying
Box 27
Clan Gulick, AK 99568



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7520
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS
MAYOR

CERTIFICATE OF TAX DEPARTMENT

I, Rhonda K. Krohn, Property Tax and Collections Supervisor for the Kenai Peninsula Borough, do hereby certify that all real property taxes levied by the Kenai Peninsula Borough through December 31, 2007 have been paid for the area(s) described as:

ANNA'S ACRES

PARCEL #: 18549805

T 2S R 12W SEC 9 Seward Meridian HM SE1/4 SE1/4 N OF SEISMOGRAPH R/W EXC
STREETS

The following assessments (except assessments for the cities of Homer, Kenai, Seward, Seldovia, and Soldotna) levied against this property are outstanding: none.

Witness my hand and seal this 13 December 2007.

Rhonda K. Krohn
Property Tax and Collections Supervisor

Rhonda K. Krohn
2007-126



WINTER WONDERLAND

A subdivision of Parcel 2 KPB Plat Waiver 93-07.
 Located in the SE1/4 Section 9, T2S R12W, SM, Alaska.
 Homer Recording District KPB File 2000-182

Prepared for

Will Jahng
 Brent & Tammi Blumentritt
 Jody & Tracy Earll
 Darrel & Char Mason

Prepared by

Johnson Surveying
 Box 27
 Clam Gulch, AK 99568



SCALE 1" = 200' AREA = 18.215 acres 18 Sept, 2000

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.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 9 October, 2000.

KENAI PENINSULA BOROUGH

By: Max J. Beut 12/14/00
 Authorized Official Date

WASTEWATER DISPOSAL

These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

LEGEND

- ⊕ - 2 1/2" alcap monument, 7328-S, 2000. Found.
- - 1" plastic cap lot corner, 7328-S, 2000. Found.
- └ - 1/2" x 4" rebar with 1" plastic cap. set.
- ⊥ - indicates low, wet ground.

OWNERSHIP CERTIFICATE

We hereby certify that we are the owners of the real property shown and described hereon; and that we hereby adopt this plan of subdivision and by our free consent grant all easements to the use shown.

Brent Blumentritt
 Brent Blumentritt P.O. Box 2773 Soldotna, AK 99669

Tammi Blumentritt
 Tammi Blumentritt P.O. Box 2773 Soldotna, AK 99669

Scott M. Cunningham
 Scott M. Cunningham P.O. Box 566 Kenai, AK 99611

Darrel Mason
 Darrel Mason P.O. Box 442 Kaslof, AK 99610

Charlene Mason
 Charlene Mason P.O. Box 442 Kaslof, AK 99610

Eugene D. Earll
 Eugene D. Earll 311 Beluga Street Soldotna, AK 99669-7815

Leatha Earll
 Leatha Earll 311 Beluga Street Soldotna, AK 99669-7815

Dena R. Cunningham
 Dena R. Cunningham P.O. Box 566 Kenai, AK 99611

NOTARY'S ACKNOWLEDGEMENT

For: Brent & Tammi Blumentritt
 Subscribed and sworn to before me this 28th
 day of November 2000

Laura Arledge
 Notary Public For Alaska
 My commission expires June 30, 2002



NOTARY'S ACKNOWLEDGEMENT

For: Scott M. & Dena R. Cunningham
 Subscribed and sworn to before me this 12th
 day of December 2000.

Laura Arledge
 Notary Public For Alaska
 My commission expires June 25, 2002



NOTARY'S ACKNOWLEDGEMENT

For: Darrel & Charlene Mason
 Subscribed and sworn to before me this 24th
 day of Nov 2000

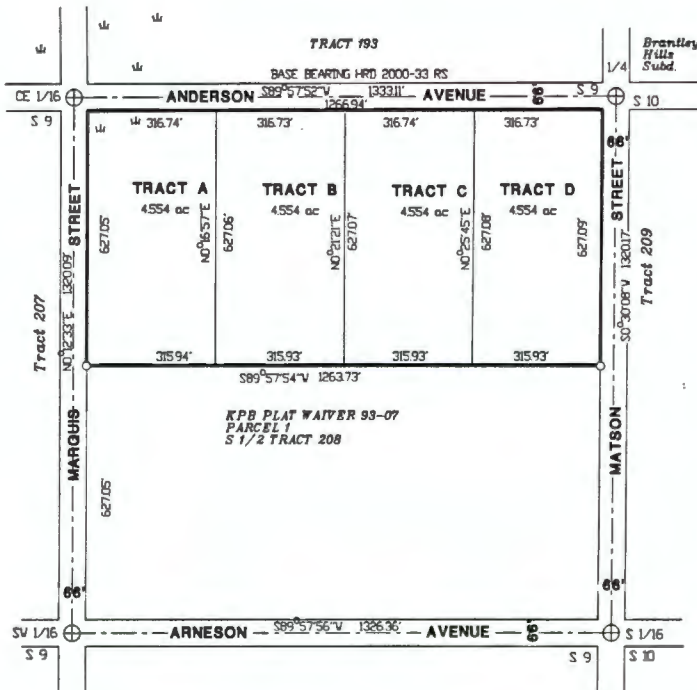
Arita A. Eshleman
 Notary Public For Alaska
 My commission expires 12-6-2002



NOTARY'S ACKNOWLEDGEMENT

For: Eugene D. & Leatha Earll
 Subscribed and sworn to before me this 21st
 day of November 2000

Kimberly D. Baker
 Notary Public For Alaska
 My commission expires 1/25/02



2000-0064 26cc
 RECORDED-FILED
 HOMER REC. DIST.
 DATE 12-19-2000
 TIME 11:15 A.M.
 Requested by:
 Johnson Surveying
 Box 27
 Clam Gulch, AK 99568

93-15W

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

PLAT WAIVER RESOLUTION 93-07

HOMER RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 9, TOWNSHIP 2 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA.

WHEREAS, DOUGLAS M. AND GIGI JEANETTE ZOUBEK HAVE PETITIONED FOR A WAIVER OF PLATTING REQUIREMENTS FOR THE FOLLOWING DESCRIBED PARCEL:

THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, SECTION 9, TOWNSHIP 2 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA; CNTG 36.1 ± ACRES.

WHEREAS, 29.04.090 OF ALASKA STATUTES PROVIDES THAT THE PLATTING AUTHORITY SHALL WAIVE THE PREPARATION, SUBMISSION FOR APPROVAL, AND RECORDING OF A PLAT UPON SATISFACTORY EVIDENCE THAT CERTAIN CONDITIONS EXIST.

WHEREAS, IT HAS BEEN DETERMINED THAT ALL REQUIREMENTS HAVE BEEN MET.

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

SECTION 1. THAT A WAIVER OF PLATTING REQUIREMENTS IS HEREBY GRANTED FOR THE ABOVE DESCRIBED PARCEL.

SECTION 2. THAT THE PLAT WAIVER IS BEING GRANTED FOR THE PURPOSE OF CREATING TWO PARCELS DESCRIBED AS FOLLOWS:

PARCEL 1: THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA; EXCEPTING THEREFROM 33 FOOT RIGHT-OF-WAY ALONG THE SOUTH, EAST AND WEST BOUNDARIES; CNTG 18.05 AC ±.

PARCEL 2: THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA; EXCEPTING THEREFROM 33 FOOT RIGHT-OF-WAY ALONG THE NORTH, EAST AND WEST BOUNDARIES; CNTG 18.05 AC ±.

SECTION 3. THAT THIS RESOLUTION IS VOID IF NOT RECORDED IN THE APPROPRIATE RECORDING DISTRICT WITHIN TEN DAYS OF ADOPTION.

SECTION 4. THAT THIS RESOLUTION BECOMES EFFECTIVE UPON BEING PROPERLY RECORDED.

8th ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS March DAY OF 1993.

John Hammelman
JOHN HAMMELMAN, CHAIRPERSON
KPB PLANNING COMMISSION

NOTARY ACKNOWLEDGEMENT:

SUBSCRIBED AND SWORN BEFORE ME THIS 8th DAY OF March, 1993.

Nancy D. Jungmann
NOTARY PUBLIC FOR STATE OF ALASKA
MY COMMISSION EXPIRES: 10-13-93

Notary Public
St. of ALASKA
NANCY D. JUNGMMANN

93-0708

HOMER REC DISTRICT
REQUESTED BY D.M. Zoubek

'93 MAR 18 PM 2 13

From: [Horton, George C \(DNR\)](#)
To: [Clements, Peggy](#)
Subject: <EXTERNAL-SENDER>RE: ROW VACATION REVIEW FOR JANUARY 10, 2022 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI, KPB HOMER, NINILCHIK COUNCIL, KPB LAND MANAGEMENT, EMS NINILCHIK
Date: Wednesday, December 29, 2021 10:04:39 AM
Attachments: [image001.png](#)

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

Hi Peggy,

If a section-line easement exists within and along the east boundary of this subdivision, the DNR, DML&W, Survey Section requests it be depicted and labeled on the final plat.

Thank you for the opportunity to comment.

Regards,

George Horton, PLS, CFedS

Land Surveyor I

DNR, DML&W, Survey Section

550 W. 7th AVE; Suite 650

Anchorage, Alaska 99501

(907) 269-8610

<http://dnr.alaska.gov/mlw/survey/>

"It's a dangerous business going out of your door. You step into the Road, and if you don't keep your feet, there is no knowing where you might be swept off to." Bilbo Baggins

From: Clements, Peggy <PClements@kpb.us>

Sent: Wednesday, December 22, 2021 10:50 AM

To: Eaton, Belinda L (DOT) <belinda.eaton@alaska.gov>; Biloan, Joselyn (DOT) <joselyn.biloan@alaska.gov>; Simpson, Danika L (DOT) <danika.simpson@alaska.gov>; Horton, George C (DNR) <george.horton@alaska.gov>; Rinke, Hans J (DNR) <hans.rinke@alaska.gov>; Kastner, Lorraine S (DOT) <lorraine.kastner@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; Wilson, Mistee R (DOT) <mistee.wilson@alaska.gov>; 'Zubeck, Brad' <BZubeck@HomerElectric.com>; Byron Jackson <byron.jackson@acsalaska.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Dubour, Adam J (DFG) <adam.dubour@alaska.gov>; 'OSP Design Group' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; Baxter, Tammaron <tbaxter@kpb.us>; 'ivan@nirilchiktribe-nsn.gov' <ivan@nirilchiktribe-nsn.gov>; Mueller, Marcus <MMueller@kpb.us>; 'davidbear68@live.com' <davidbear68@live.com>

Subject: ROW VACATION REVIEW FOR JANUARY 10, 2022 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI, KPB HOMER, NINILCHIK COUNCIL, KPB LAND MANAGEMENT, EMS NINILCHIK

CAUTION: This email originated from outside the State of Alaska mail system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached sketch to be reviewed for the **January 10, 2022** meeting.

- Cabin Hoppers Subdivision Arneson Avenue Right of Way Vacation KPB 2021-160V

Please provide comments by **DECEMBER 29, 2021** to ensure the comments will be included in a right-of-way vacation staff report.

Right-of-way vacation comments will be accepted until 1:00p.m. Friday before the meeting date.

Peggy Clements

Platting Technician
Planning Department
907-714-2207

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



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