


# Kenai Peninsula Borough Planning Department

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## MEMORANDUM

**TO:** Kelly Cooper, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Max Best, Planning Director 

**DATE:** April 16, 2020

**RE:** Vacate the easterly portion of Kayeway Road, a 60 foot right-of-way approximately 520 feet in length including the associated utility easements, as dedicated on Betty Goodrich Best Addition Phase 1, plat KN 2008-131. The right-of-way being vacated is unconstructed and located within the SW1/4 of Section 2, Township 4 North, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-020V. Petitioners: Megan Best and Amanda Best of Kenai, AK.

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 April 13, 2020, the Kenai Peninsula Borough Planning Commission granted approval of the proposed right-of-way vacation by majority vote based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

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

**AGENDA ITEM E. PUBLIC HEARINGS**

1. Vacate the easterly portion of Kayeway Road, a 60 foot right-of-way approximately 520 feet in length including the associated utility easements, as dedicated on Betty Goodrich Best Addition Phase 1, plat KN 2008-131. The right-of-way being vacated is unconstructed and located within the SW1/4 of Section 2, Township 4 North, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-020V.

Staff Report given by Scott Huff

PC Meeting: April 13, 2020

**Purpose as stated in petition:** Kayeway Road is a 60 foot right of way that is being re-designed to facilitate a new subdivision. Alternate 60 foot right of way is being dedicated to allow access to new lot configuration and a 60 foot right of way is being dedicated to better align with future extension easterly into adjacent property.

**Petitioners:** Amanda Best and Megan Best of Kenai, AK.

**Notification:** Public notice appeared in the March 12, 2020 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the March 19, 2020 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

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

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

**Comments Received:**

ENSTAR: No comments, recommendations or objections.

KPB Addressing: The 60' east-west ROW being dedicated will need a name on the final plat. Road naming of the new North/South ROW dedication is problematic if the cul-de-sac is broken, resulting in the connection of the Kayeway Rd and Melinda Way Rd. If the plat is approved, recommendation would be to rename the entire length of continuous road as "Kayeway Loop", since it begins and ends on the same thoroughfare. There is currently only one physical address on Melinda Way (which coincidentally was found to be an incorrectly assigned address, and is not used for a mailing address). A street name change would require the adoption of a separate street name resolution to be adopted before the plat is finalized.

KPB Planning: There are no local option zoning or material site issues associated with the application.

KPB River Center: This is not within the flood hazard area, and not within the Habitat Protection District.

KPB Roads Department: Within KPB jurisdiction, no comments.

Kalifornsky Planning Commission: Not available at the time the staff report was prepared. Notice was sent to the APC on February 26, 2020.

State Parks: No comments.

**Staff Discussion:** The petitioners are proposing to subdivide approximately 24 acres into 23 approximately one acre lots. The proposed vacation of a portion of the Kayeway Road right-of-way will allow for the realignment of Kayeway Road to better facilitate the creation of equal-sized, rectangular lots. The rectangular lots will allow for more usable building sites.

If approved, Betty Goodrich Churchill Meadows Subdivision (KPB File No. 2020-020) will finalize the proposed right of way vacation. The Plat Committee is tentatively scheduled to review KPB File No. 2020-020 on April 13, 2020.

The proposed plat will dedicate a looped connection from Kayeway Road to Melinda Way and also a right-of-way dedication to provide access to the large acreage parcel to the east. Staff notes the subject platting action will bring the block into better compliance with KPB 20.30.170 by providing a complete block. However, staff notes that an exception to open the closed Melinda Way cul-de-sac (KPB 20.30.100) will be required. All exceptions to subdivision standards must be requested at time of preliminary plat approval and may be granted by the Plat Committee.

#### **KPB 20.70 – Vacation Requirements.**

**Platting staff comments:** Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in support of the vacation** and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

*Petitioner Comments:* The petitioners have met this requirement. The purpose of the vacation is to allow for a new subdivision to be completed which would allow the residential lots to have area usable for home construction, while still providing public access.

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, 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 in KPB 20.70.110.

*Platting Staff Comments:* If approved, Betty Goodrich Churchill Meadows Subdivision (KPB File No. 2020-020) will finalize the proposed right of way vacation. The Plat Committee is tentatively scheduled to review KPB File No. 2020-020 on April 13, 2020.

**Staff recommendation:** Comply with KPB 20.70.130.

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*Platting Staff Comments:* Per the petition, the portion of the Kayeway Road right-of-way proposed to be vacated is not constructed and is not used for vehicular access.



*The portion of the Kayeway Road right-of-way proposed to be vacated provides access to the approximately 52 acre tract to the east, Tract A-1, KN 2005-61. Tract A-1 is also accessed by the Hayride Street and Jefferson Avenue rights-of-way.*

*Per the petition, KPB File No. 2020-020 proposes to provide an alternate dedication to access Tract A-1, located approximately 380' north of the existing end of Kayeway Road where it adjoins Tract A-1.*

*Per Kenai Watershed Forum Wetland mapping, the portion of the Kayeway Road right-of-way proposed to be vacated and the proposed alternate dedication are not affected by low wet areas.*

*Per KPB four foot contours, the portion of the Kayeway Road right-of-way proposed to be vacated and the proposed alternate dedication are relatively flat.*

*The current location of Kayeway Road terminates approximately 230' from Slikok Creek, an anadromous stream. The proposed alternate dedication will terminate approximately 350' from the anadromous stream.*

**Staff recommendation:** *Concur the proposed right-of-way dedication on KPB File No. 2020-020 will provide equal or superior right-of-way for vehicular access.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

*Platting Staff Comments: Per the petition, no other uses exist within the portion of the Kayeway Road right-of-way proposed to be vacated.*

*As discussed above, the portion of the Kayeway Road right-of-way proposed to be vacated is not affected by low wet areas and is relatively flat and therefore suited for general road use. However, as noted above, alternate access for other uses will be provided by the alternate dedication on KPB File No. 2020-020 that is also not affected by low wet areas and generally flat.*

**Staff recommendation:** *Concur that while no other lawful uses exist and the portion of the Kayeway Road right-of-way proposed to be vacated is suited for general road use, the proposed right-of-way dedication on KPB File No. 2020-020 will also provide equal or superior right-of-way for other uses.*

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public 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 public utility easement be granted in place of the right-of-way.

*Platting Staff Comments: The petition also proposes to vacate the 10' utility easements adjoining the portion of the Kayeway Road right-of-way proposed to be vacated.*

*Comments from ACS and Homer Electric Association were not available at the time the staff report was prepared.*

*ENSTAR has no comments, recommendations or objections.*

*Per the petition, the right-of-way and associated utility easements are not utilized by a public utility. However, the right-of-way could logically be required by a public utility to provide utility access to the large acreage tract to the east.*

*The petition proposes to grant a 10' utility easement, extending to 20' within 5' of side lot lines, adjoining the proposed alternate right-of-way dedication on KPB File No. 2020-020. As discussed above, the proposed alternate dedication is not affected by low wet areas and is relatively flat.*

**Staff recommendation:** *Concur that the proposed alternate right-of-way dedication and proposed associated utility easements on KPB File No. 2020-020 provide alternate equal or superior access for utility providers.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations 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 20.70.110:**

**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, the 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**

Mr. Huff added that there were some comments in the desk packet. There were concerns with the poor condition of Kayeway Road. The other letter had concerns about the opening of the Melinda Way cul-de-sac, which will be heard by the Plat Committee at the April 27, 2020 meeting.

Chair Martin opened the meeting for public comment and asked Ms. Hindman to announce those wishing to speak. Ms. Hindman asked if the applicant or the surveyor to notify themselves if they wished to speak. Seeing and hearing neither the item was opened for public comment.

1. Richard Repper, 47937 Price Avenue, Soldotna, AK

Mr. Repper said he wanted to speak on Melinda Way. It cuts through the middle of his eighteen acres. He read and summarized the comments he had submitted that were part of the laydown packet. He has an issue with this is that the cul-de-sac is being turned into a thorough fare and



they should be permanently closed at one end.

Commissioner Whitney noted he had lost connection part of the way through the testimony. He wanted to verify that Mr. Repper was reading the comments he had submitted. Mr. Repper said that he was reading the submitted comments.

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

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Fikes, to grant the vacation of the easterly portion of Kayeway Road, a 60 foot right-of-way, including the associated utility easements in the Kalifornsky area, subject to consent by the Assembly, compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code, grant utility easements requested by the utility providers and submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent.

Commissioner Carluccio noted that the testifier mentioned that there was a permanent cul-de-sac. She requested that staff address the issue. Mr. Huff referred to page 163 of the packet. The red portion is the portion that they are petitioning to vacate. The proposed plat will extend Kayeway Road north and tie into Melinda Way. To break open the cul-de-sac an exception will be required. That request will be reviewed at the April 27, 2020 Plat Committee meeting. Commissioner Carluccio felt that Melinda Way should be addressed because if they approve the vacation they may be defeating the purpose of the cul-de-sac. Mr. Huff referred to the preliminary plat on page 161 of the packet. Kayeway Road provides access to the 52 acre to the east. The proposed plat will vacate a portion of Kayeway Road and then dedicate a new right-of-way to the north that goes east. It will still be providing public access to the 52-acre parcel. If the Plat Committee denies the exception to open the cul-de-sac the petition can still dedicate Kayeway Road to the north having it end in a cul-de-sac and have the new dedication going to the east. It would still comply with borough code. The cul-de-sac issue will be before the Plat Committee at the April 27, 2020 meeting. The issue being discussed is the vacation and providing a 60-foot wide dedication further north. Commissioner Carluccio wanted to know why they would approve a cul-de-sac and then later open it up when someone wants to subdivide. Mr. Huff said that the Plat Committee would have to review that at the April 27, 2020 meeting. The Planning Commission is only reviewing the vacation of Kayeway Road and the new access to the east. This plat could be completed without opening the Melinda Way cul-de-sac. Commissioner Carluccio wanted to know how that could be done. Mr. Huff said that if the opening of the cul-de-sac was not approved, Kayeway Road could go north and then have a right-of-way go to the east between lots 8 and 10. Kayeway Road would not continue north but end in a cul-de-sac. That could be an option. Kayeway Road is the only legal access point to the 23-acres at this time. Commissioner Carluccio questioned the order that it was being reviewed. Mr. Huff said that it is required to do the right-of-way vacation first and the follow up with the plat that will complete the right-of-way vacation.

Commissioner Whitney referred to the map on page 162 of the packet. On the lower left corner, it shows Lots 1 and 2. He wanted to know if the petitioners own those lots. Mr. Huff said that they own Lots 1, 2, and 4, and tract A1.

**MOTION PASSED BY MAJORITY VOTE:** 7 Yes, 3 No, 2 Absent

Yes: Bentz, Ecklund, Ernst, Martin, Morgan, Ruffner, Venuti

No: Carluccio, Fikes, Whitney

Absent: Brantley, Foster

## **F. PUBLIC HEARINGS**

- 1. Vacate portion of Kayeway Road and associated utility easement.  
KPB File 2020-020V  
Petitioners: Megan Best and Amanda Best of Kenai, AK**

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**KPB 20.70.120:**

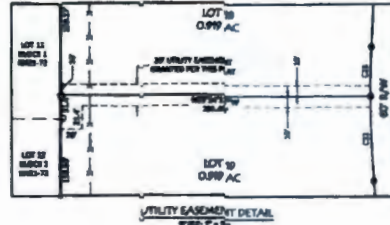
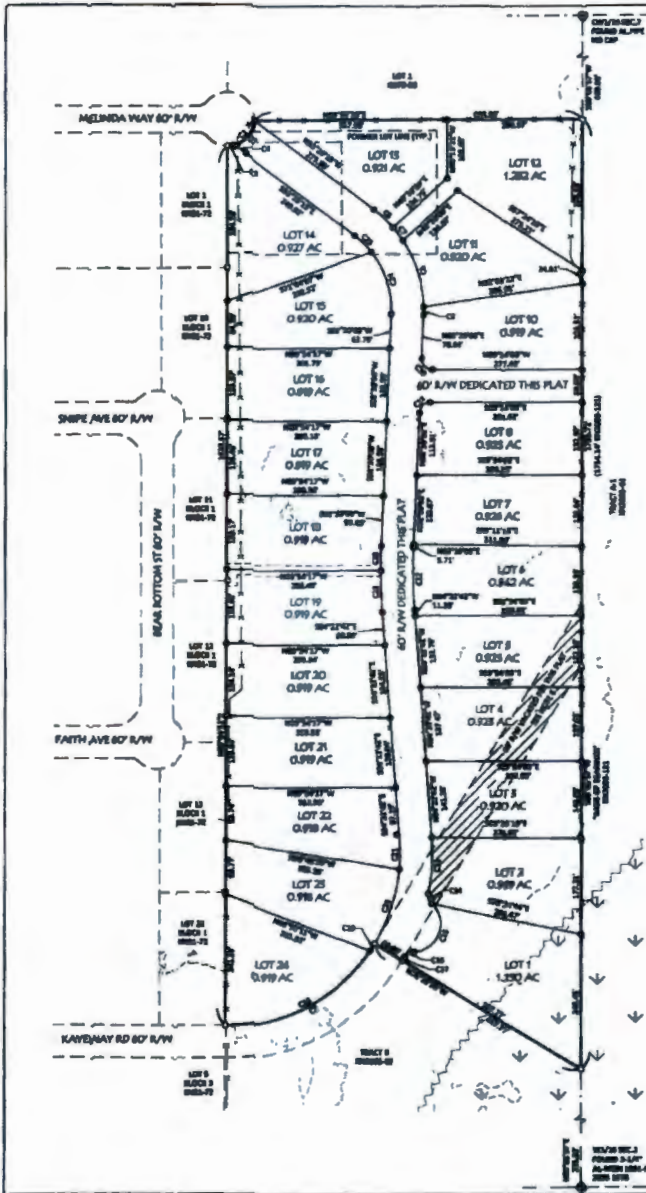
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**KPB 20.70.130:**

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

END OF STAFF REPORT





**NOTES**

1. SEWER, GUYOT AND GROUND CABLES SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF CHAPTER 12.05, A.S.C.A.
2. THE PERMITTED STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. BUILDING SET BACK A MINIMUM SET BACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHT-OF-WAY UNLESS A LESSER SETBACK IS APPROVED BY REZONATION OF THE APPLICABLE PLANNING COMMISSION.
4. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE FRONT SETBACK WITHIN 5 FEET OF THE SIDE LOT SETBACK IS ALSO A UTILITY EASEMENT.
5. FOUNDATION MUST BE BUILT AND CONSTRUCTION FINISHED AS SHOWN BY THE BOUNDS IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND REGISTRATION TO THE ROAD DEPARTMENT'S PROGRAM.
6. THE SEWER PENINSULA REGIONAL PLANNING COMMISSION APPROVES THE UNCOVERED A PORTION OF SETBACK ROAD 60 FOOT RIGHT-OF-WAY BARS AND THE ASSOCIATED UTILITY EASEMENT CREATED BY BETTY GOODRICH, NOT A MEMBER - PARCELS 1 THROUGH 31, SOUTH SIDE OF THE HIGHWAY OF FEBRUARY 2008.
7. FORTIFICATION OF THIS SUBDIVISION USE WITHIN THE SEWER PENINSULA REGIONAL 100-FOOT UNCOVERED STREET RIGHT OF PROTECTION AREA. DEVELOPMENT MAY BE CONSTRUCTION CHAPTER 21.05 SUBSECTION CODE OF ORDINANCE.
8. NO STRUCTURES ARE PERMITTED WITHIN THE PROHIBITED PORTION OF PLANS LOT 12.

**LEGEND**

- FOUND PROPERTY ADJACENT AS SHOWN
- FOUND 60' ROAD EASEMENT
- LOT SETBACK 60' FROM 1" STRONG SETBACK 60' R/W
- ▨ DRIVE ROAD APPROVED FOR THIS PLAT ALONG WITH ASSIGNED UTILITY EASEMENTS
- ▭ AREA SUBJECT TO DEDICATION
- CENTRAL EASEMENT 4'
- DEDICATED PORTION



**WASTEWATER DISPOSAL**

SEE COMMENTS, CURVE TABLE LEVELS, AND SET BACKS IN THIS SUBDIVISION. THIS AREA IS SUBJECT TO THE PENINSULA REGIONAL, COUNTY TRANSFERRED TREATMENT AND DISPOSAL SYSTEMS DESIGN MODEL ON SUPPLY RESPONSE AND MEETING THE REGULATORY REQUIREMENTS OF THE SEWER PENINSULA REGIONAL. ANY OTHER TYPE OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED TO PRACTICE IN ALASKA, AND THIS DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

COPY TO: BUREAU OF LAND MANAGEMENT

DATE	BY	REVISION	DESCRIPTION	DESIGNED	CHECKED
01/15/08	BTG	1	INITIAL DESIGN	BTG	BTG
02/01/08	BTG	2	REVISED DESIGN	BTG	BTG
02/15/08	BTG	3	REVISED DESIGN	BTG	BTG
03/01/08	BTG	4	REVISED DESIGN	BTG	BTG
03/15/08	BTG	5	REVISED DESIGN	BTG	BTG
04/01/08	BTG	6	REVISED DESIGN	BTG	BTG
04/15/08	BTG	7	REVISED DESIGN	BTG	BTG
05/01/08	BTG	8	REVISED DESIGN	BTG	BTG
05/15/08	BTG	9	REVISED DESIGN	BTG	BTG
06/01/08	BTG	10	REVISED DESIGN	BTG	BTG
06/15/08	BTG	11	REVISED DESIGN	BTG	BTG
07/01/08	BTG	12	REVISED DESIGN	BTG	BTG
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03/15/09	BTG	29	REVISED DESIGN	BTG	BTG
04/01/09	BTG	30	REVISED DESIGN	BTG	BTG
04/15/09	BTG	31	REVISED DESIGN	BTG	BTG

**CERTIFICATE OF OWNERSHIP AND BENEFICIARY**

I, the undersigned, being the owner of the above property, do hereby certify that the above is a true and correct copy of the original plan of subdivision and that the same is a true and correct copy of the original plan of subdivision and that the same is a true and correct copy of the original plan of subdivision.

**NOTARY'S ACKNOWLEDGEMENT**

I, the undersigned, do hereby certify that the above is a true and correct copy of the original plan of subdivision and that the same is a true and correct copy of the original plan of subdivision.

**NOTARY'S ACKNOWLEDGEMENT**

I, the undersigned, do hereby certify that the above is a true and correct copy of the original plan of subdivision and that the same is a true and correct copy of the original plan of subdivision.

Plot # \_\_\_\_\_  
 Date \_\_\_\_\_  
 By \_\_\_\_\_



**BETTY GOODRICH**  
 CHURCHILL MEADOWS SUBDIVISION  
 A MEMBERSHIP OF LOT 1, 4 AND TRACT A BETTY GOODRICH BEY SUBDIVISION (BROOKS-02) AND ADJACENT NEIGHBORHOODS

**FLAT APPROVAL**  
 THIS PLAN WAS APPROVED BY THE SEWER PENINSULA REGIONAL PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_ 2008.

APPROVED OFFICIAL \_\_\_\_\_

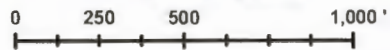






The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

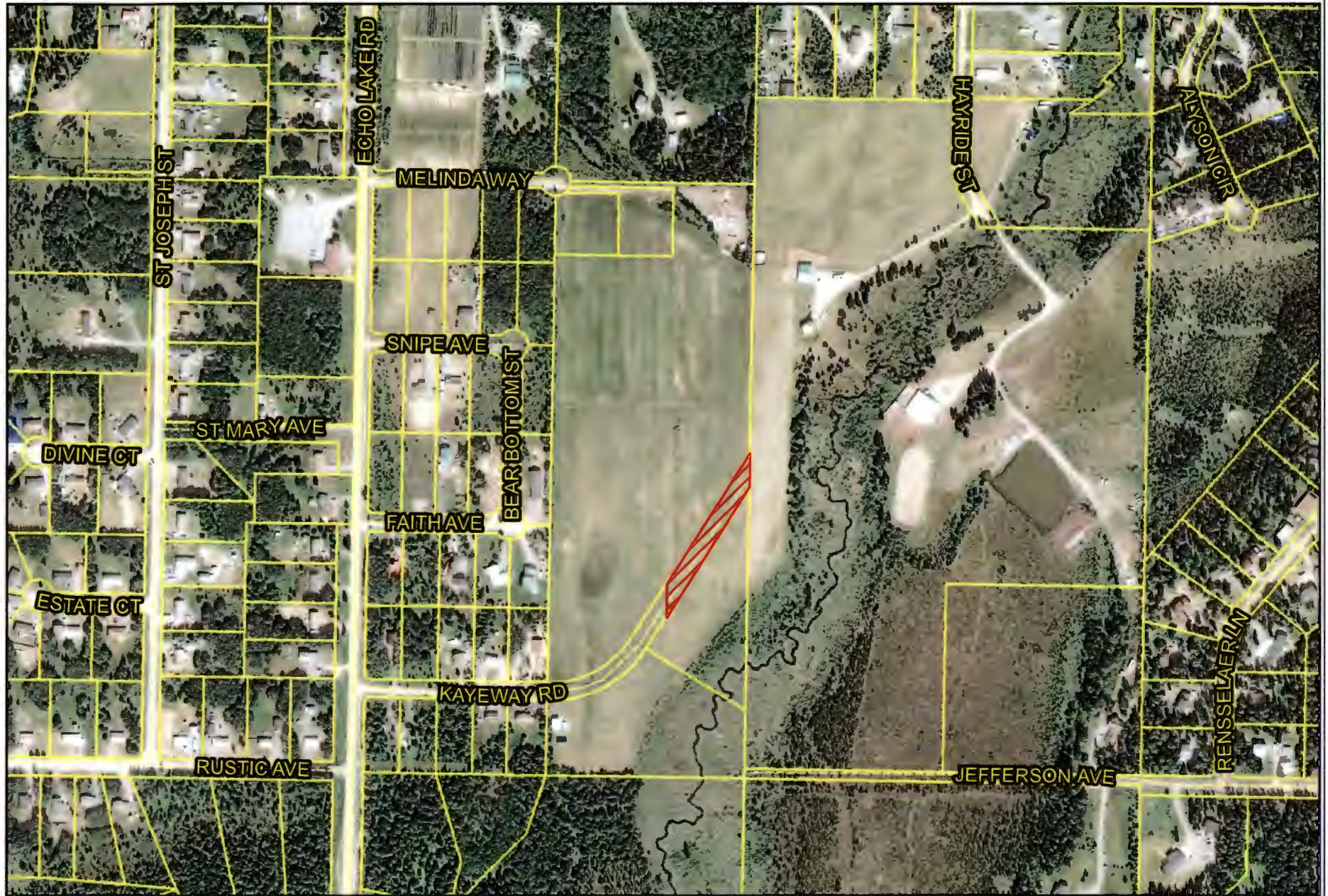
**Aerial View**



Proposed Right of Way Vacation

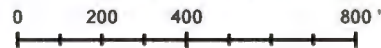
PClements, KPB  
 Date: 2/12/2020  
 Imagery: 2018 Soldotna






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.

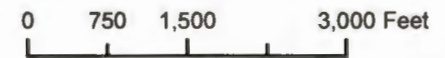
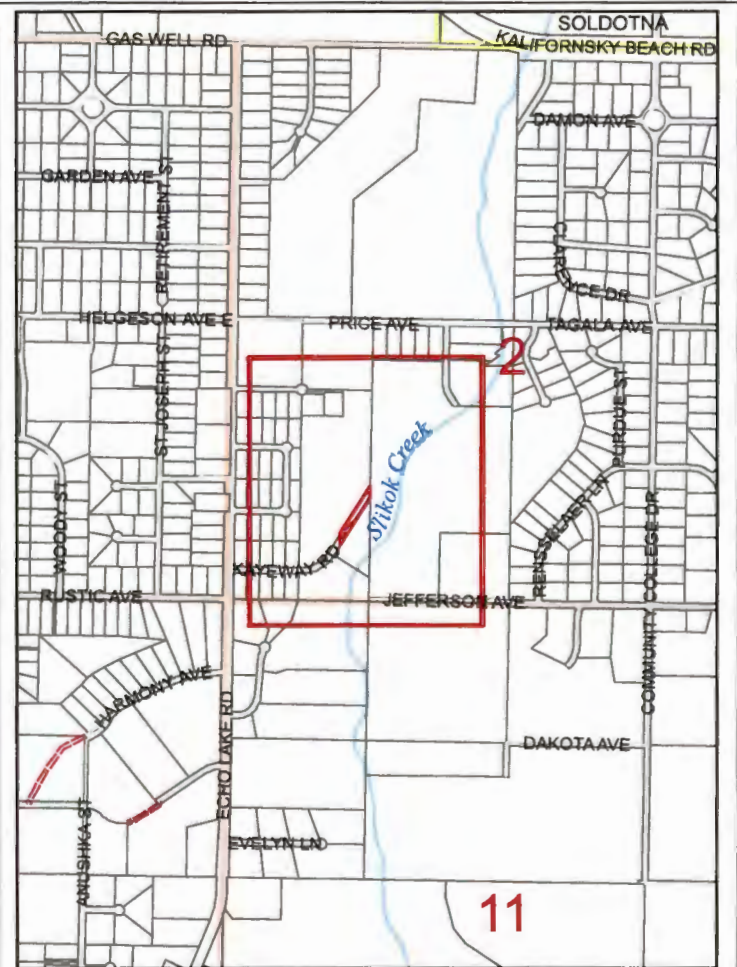
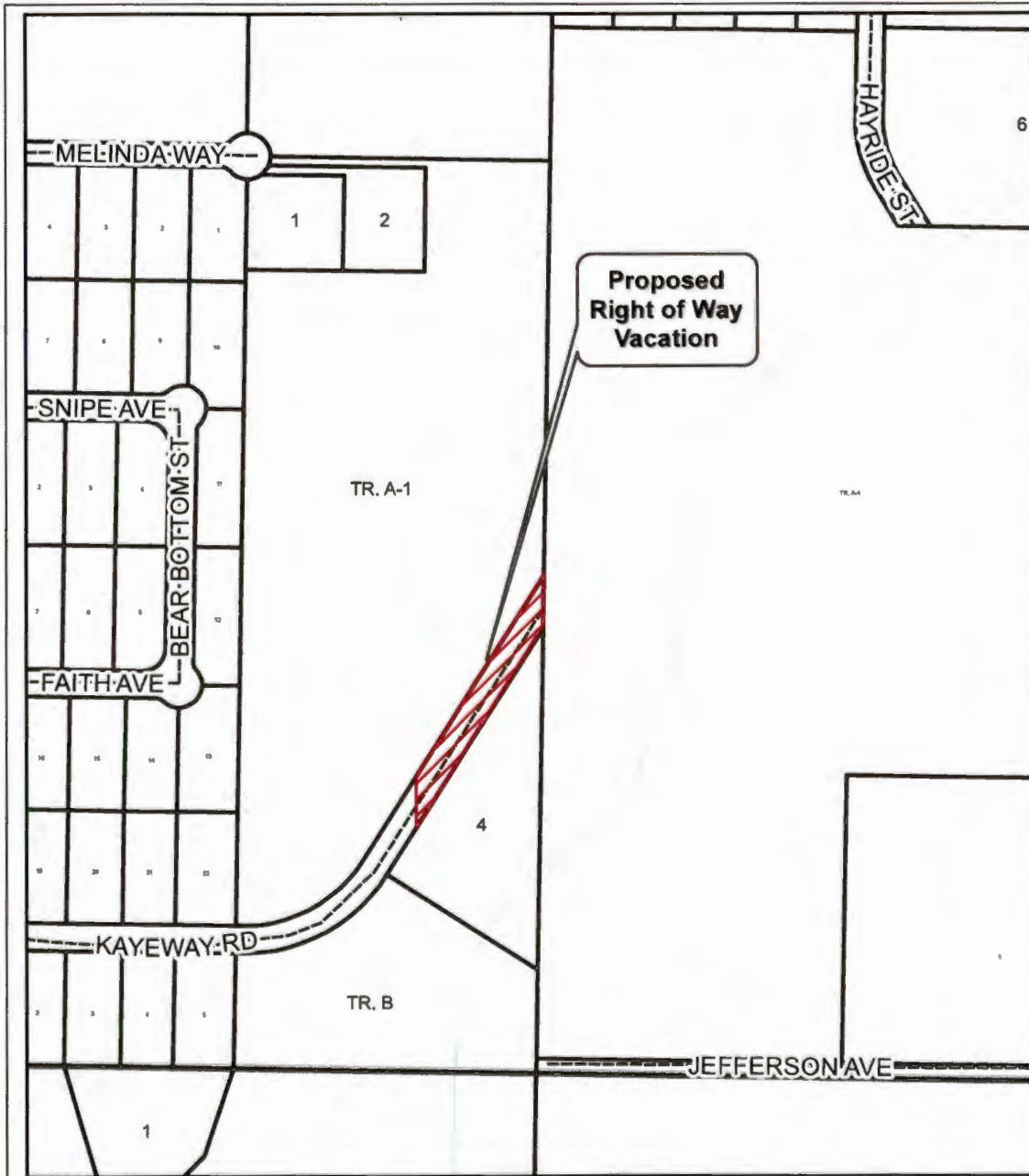
**Aerial View**



 Proposed Right of Way Vacation

PClements, KPB  
 Date: 2/12/2020  
 Imagery: 2015 Soldotna

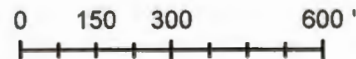




**KPB 2020-020V  
 T04N R11W S02  
 Kalifornsky**



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



PClements, KPB  
 Date: 2/12/2020



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 Betty Goodrich Best Addt. Phase 1 Subdivision, filed as Plat No. 2008-131 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 \_\_\_\_\_
- 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:  
Kayeway Road is a 60' R/W that is being re-designed to facilitate a new subdivision. Alternate 60' R/W is  
Being dedicated to allow access to new lot configuration and a 60' R/W is being dedicated to better align with  
future extension easterly into adjacent property.

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: McLane Consulting, Inc Signature as:  Petitioner  Representative  
 Address: \_\_\_\_\_  
PO Box 468  
Soldotna, AK 99669  
 Phone: 907-283-4218

Petitioners:

Signature Amanda Best  
 Name Amanda Best  
 Address \_\_\_\_\_  
36875 RIVER HILLS DR  
KENAI AK 99611-5966  
 Owner of Lots 1, 2, 4 and Tract A-1 KN2008-131

Signature Megan Best  
 Name Megan Best  
 Address \_\_\_\_\_  
36875 RIVER HILLS DR  
KENAI AK 99611-5966  
 Owner of Lots 1, 2, 4 and Tract A-1 KN2008-131



**Clements, Peggy**

---

**From:** GENE MOYER <ogem55@hotmail.com>  
**Sent:** Friday, April 10, 2020 12:18 PM  
**To:** Planning Dept,  
**Subject:** KAYWAYE RD VACATE

**PLANNING COMMISSION**

I live on Kayeway Rd at 47940.

REFER: The planned extension and vacation that I received a NOTICE OF PUBLIC HEARING on.

My concerns: The shape and conditions of the existing section of Kayeway Road from the beginning at Echo Lake Road to the propose subdivision needs to be considered before any new roads are put in. The existing road width, shoulders and drainage systems need to be brought up to KPB standards that allow for the maintenance and upkeep of the roadway by the Borough. And that all considerations should be applied equally to future maintenance and improvement to Kayeway as would be applied to any other road in the nearby subdivisions.

Thank you for providing consideration of my comments.

Olen Moyer  
47940 Kayeway Road  
Soldotna, AK 99669  
907-690-0830

Mailing address PO BOX 433 Kenai, Alaska 99611

**Clements, Peggy**

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**From:** GENE MOYER <ogem55@hotmail.com>  
**Sent:** Friday, April 10, 2020 12:25 PM  
**To:** Planning Dept,  
**Subject:** KAYWAYE RD VACATION AND VACATION

PLANNING COMMISSION

REFER: CRANE-MOYER ENT LLC PROPERTIES ON KAYEWAY RD

REFER: The planned extension and vacation that I received a NOTICE OF PUBLIC HEARING on.

We own the duplex at 47905 and 2 other lots on this road.

Our concerns: The shape and conditions of the existing section of Kayeway Road from the beginning at Echo Lake Road to the propose subdivision needs to be considered before any new roads are put in. The existing road width, shoulders and drainage systems need to be brought up to KPB standards that allow for the maintenance and upkeep of the roadway by the Borough. And that all considerations should be applied equally to future maintenance and improvement to Kayeway as would be applied to any other road in the nearby subdivisions.

Regards

Olen Moyer  
Manager: Crane-Moyer ENT LLC  
PO Box 433  
Kenai, Alaska 99611  
907-690-0830

Sirs;

## KPB File 2020-020v

April 13, 2000

I am requesting that the Planning Committee does not support an exception request by Megan and Amanda Best to break up Malinda Way Culdesac and use it as a transportation corridor for thier 23 lot subdivision.

I have held title to property surrounding Melinda Way for 27 years.

The original plat was dedicated by State of Alaska Third judicial district March 26, 1979. Platt approval was issued by the Kenai Bourough March 5, 1979.

Culdesacs fall under Bourough codes; 20.30.100, 20.20.030

"Culdesac streets serve no thru traffic and are closed permanently at one end with a vehicular turnaround.

The Developer (Best) has a large parcel adjacent to Slikock creek. The bourough has provided an ingress and outlet loop for a transportation corridor. One end is Kaye Way the other end is Hayride. The developer has been put on notice that a connecting road extension is required before further subdividing. He has defied this directive and chooses to attempt to create a short-cut corridor by breaking up Melinda Way Culdesac. This will diminish the chances of Kaye Way / Hayride corridor ever being completed.

This topic of requesting exceptions stems from 8/13/07 Plat Committee Meeting ; Staff Recomendations= redesign to bring the subdivision into compliance with block length and extend Kaye Way or exceptions be requested, justified, and approved. If further subdivision of track A-1



will require eventual extension of the right of way to the East. (Hayride)

Please note that the Staff Recommendations of "exceptions be requested, justified, and approved" refers to Block Length.

This directive has been twisted and mis-interpreted into routing the main subdivision transportation corridor through the Melinda Way Culdesac using the "exceptions be requested, justified, and approved" approach to justify the current conceptual drawing.

Melinda Way Culdesac has never been part of the conversation at any Platt Committee meeting in regard to being part of the transportation corridor of Best / Rainwater.

The Kayeway / Hayride connection serves these parcels.

The developer is asking the Committee to break up a culdesac that was dedicated, platted, monumented in 1979 and filed with the State of Alaska in the Third Judicial District 41 years ago. This is a dedicated Culdesac Road;

Code 20.90.010; Culdesac Streets serve no through traffic and are closed PERMANENTLY at one end with a vehicular turnaround area.

Melinda Way is Permanently closed to through traffic and has been since it was dedicated by law in the Third Judicial District 41 years ago.

The Developer is attempting to convey the message that this is a DIRE NEED. This is not the case. Please see the color aerial view photographs of the area. The Bourough has provided for the Kayeway/ Hayrde transportation corridor to meet transportation needs of the Best subdivision.

At Platt Committee meetings over the last 13 years, MELINDA WAY has been referred to as a closed end road multiple times and has never been considered to be part of a transportation corridor:

Platt Comm. Mtg 3/12/07; Rainwater addn. (Hayride)

Staff Recommends; Redesign to provide an extension to Kaye Way in Compliance w/ 20.20.30 This connection is required to connect to the East boundary of the subdivision and allow eventual access to tract A Tagalla subdivision without crossing Slikok Creek.

"Melinda Way and Faith Lane are looped or Culdesac roads to the North of Kaye Way. NO EXTENSION of either of those will ever be possible. Kaye Way was left OPEN ENDED, indicative of future extension."

THE Above was printed in RED LETTERS in the min.

Other documented references to Malinda Way being a closed end road;

Plat Comm. Mtg 4/11/05 Agenda item D = "Melinda Way and Faith lane are are loops or culdesacs to the north of Kaye Way. No extension of those will ever be possible. "

Platt comm. Mtg 3/12/07 Agenda Item E = Cliff Baker, Integrity Survey; "Mr Baker replied the block length was an issue because of Slikok Creek and the cullddesacs and closed loops to the West."

Platt Comm. Mtg 8/13/07 Agenda item E = Rights of way west of lot 7 include a culdesac (Melinda Way) and a closed loop (Faith Lane)

The frustration of the Council regarding the Kayeway / Hayride transportation Corridor was expressed 3/12/07 by; "Commissioner Hutchinson asked for staff's reassurance regarding the surveyor's concerns. MS Toll replied that they were putting the Subdivider and Surveyor **ON NOTICE** that the roads (Kayeway / Hayride) will need to be **CONNECTED** in the future if further subdivision was done.

A tie in to Malinda Culdesac serves no purpose. I have no objection to the Best Development.

I Protest in the strongest terms to the use of Melinda Culdesac as a transportation corridor. If you study the platt carefully you will see that it is un-necessary and redundant.

Regards;

Richard Repper