E. NEW BUSINESS

ITEM E5 - UTILITY EASMENT ALTERATION ARROWHEAD ESTATES MOORE REPLAT LOT 11A AND ARROWHEAD ESTATES PHASE 1 LOT 10



Kenai Peninsula Borough Planning Department





ARROWHEAD AN OLIVER S HALF MOON AVE 300 600 Feet 0



Sterling



Kenai Peninsula Borough Planning Department



N



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. **E5-2**



ITEM 5 - UTILITY EASMENT ALTERATION ARROWHEAD ESTATES MOORE REPLAT LOT 11A AND ARROWHEAD ESTATES PHASE 1 LOT 10

KPB File No.	2022-001V
Planning Commission Meeting:	March 21, 2022
Applicant / Owner:	Nathan and Julie Moore of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Half Moon Avenue and Oliver Street, Sterling

STAFF REPORT

<u>Specific Request / Purpose as stated in the petition:</u> None stated. A preliminary plat has been approved that reconfigures the lot lines.

Notification: Notice of vacation mailings were sent by regular mail to twenty owners of property within 600 feet. Notice of the proposed vacation was emailed to seven agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

<u>Staff Analysis:</u> The parent plat, Arrowhead Estates Phase 1 KN 2000-7, granted a 20 foot utility easement centered on the shared lot line for Lots 10 and 11. That plat also granted 10 foot utility easements along Half Moon Avenue and Oliver Street (Ridge Street) increasing to 20 feet within 5 feet of the side lot lines.

Arrowhead Estates Moore Replat, Plat KN 2010-47, combined Lot 11 with Lot 12. The 10 foot utility easement along the western boundary of Lot 11 was carried over as was the 10 foot utility easements along the right of ways that increases to 20 feet within 5 feet of the side lot lines.

On February 14, 2022, the Kenai Peninsula Borough Plat Committee heard and approved a preliminary plat for Arrowhead Estates 2022 Replat. That plat is combining three lots into two. The 20 foot utility easement centered on the lot line of Lots 10 and 11 will now divide proposed Lot 10A. This vacation will remove the utility easement centered on the former lot line leaving 10 foot utility easements along Half Moon Avenue and Oliver Street. This vacation will include the back 10 feet within 5 feet of the former lot line. Portions of the utility easement where it increased to 20 feet will remain in place where former lot lines are no longer present.

The sketch provided for the vacation is labeled as a 10 foot utility easement. The preliminary plat for Arrowhead Estates 2022 Replat correctly labeled the easement as 10 foot each side. This action will be vacating a 20 foot wide utility easement.

HEA	No comment	
ENSTAR	No comments or recommendations	
ACS	No objections	
GCI	No objections	

Utility provider review:

Findings:

- 1. The petition stated that the utility easement proposed to be vacated is not in use by a utility company.
- 2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
- 3. Arrowhead Estates Phase 1, Plat KN 2000-07, granted a 20 foot wide utility easement centered on the shared lot line for Lot 10 and Lot 11.
- 4. Arrowhead Estates Moore Replat, Plat KN 2010-47, carried over the 10 foot portion of the utility easement

along Lot 11 to be shown within Lot 11A.

- 5. Arrowhead Estates 2022 Replat, KPB File 2022-001, will be moving the lot line common to Lot 11A and Lot 10 leaving the 20 foot easement within the new lot.
- 6. A 10 foot utility easement adjacent to Half Moon Avenue will remain in place.
- 7. No surrounding properties will be denied utilities.
- 8. The Kenai Peninsula Borough Roads Department had no objection.
- 9. Alaska DOT and Alaska Fish and Game has no comment on the proposed vacation.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends <u>APPROVAL</u> of the utility easement alteration as petitioned, subject to:

- 1. Grant utility easements requested by the utility providers.
- 2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.
- F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

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

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

- Focus Area: Energy and Utilities
 - Objective A Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.
 - Strategy 1. Near Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.
 - Strategy 2. Near Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.
 - Strategy 3. Near Term: Identify potential utility routes on Borough lands.
- Housing

- Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.
 - Strategy 1. Near Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.

END OF STAFF REPORT







