

## **E. NEW BUSINESS**

### **1. Utility Easement Vacation – KPB File 2022-133V**

**PC Resolution 2022-43**

**Seabright Surveying / Liberty Investments, LLC**

**Request: Vacate a 112.2' by 3' portion of a utility  
easement granted on Scenic View Subdivision Scenic  
Grove Addn. No. 1 2013 Replat HM 2013-43**

**City of Homer**



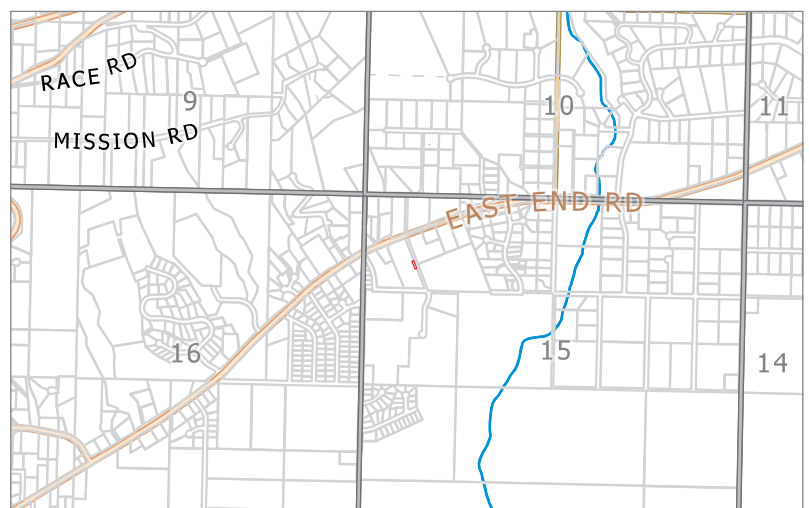
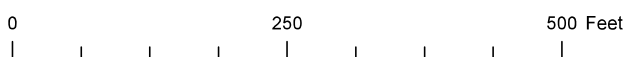
# Kenai Peninsula Borough Planning Department

## Vicinity Map



KPB File 2022-133V  
T 06S R 13W SEC 15  
Homer

9/2/2022







<b>SEABRIGHT SURVEY + DESIGN</b> <b>KENTON T. BLOOM, P.L.S.</b> 1044 EAST ROAD, SUITE A HOMER, ALASKA 99603 (907) 299-1091		
DATE: 5/25/2022	SCALE: 1"=40'	SHEET #1 OF 1



AGENDA ITEM E. NEW BUSINESS

**ITEM 1 - UTILITY EASEMENT ALTERATION**  
VACATE AN EASEMENT LOCATED ON LOT 2-A-1 SCENIC VIEW SUBDIVISION

<b>KPB File No.</b>	2022-133V
<b>Planning Commission Meeting:</b>	September 26, 2022
<b>Applicant / Owner:</b>	Bill Hand, Liberty Investments, LLC of Homer, Alaska
<b>Surveyor:</b>	Kenton Bloom / Seabright Survey + Design
<b>General Location:</b>	Adams Drive, East End Road, City of Homer

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** I purchased the property at 2161 East End Road (where 18 homes are being built) and the drawing that came with the sale was not the same as the Kenai Borough drawing. The borough drawing has an 8 foot pedestrian easement and a 15 foot utility easement for a total of 23 feet. I assumed there was just a 15 foot utility easement, and I put my buildings back an extra 6 foot from the 15 foot utility easement (I thought), but unfortunately, I am still 2 feet into the utility easement. Both easements total to 23 feet and I currently have a structure approximately 2 feet into the utility corridor portion of the easement. I met with the City of Homer, City of Homer Planning, and Bishop Engineering; the group suggested that I try to vacate 3 feet of the 15 foot utility easement. Kenton Bloom at Seabright Survey has made a drawing included, that shows the proposed vacation of a 3 foot by 113 foot part of the utility easement.

To complete this task, I needed to have a letter from all the utilities from all the utilities stating that is ok with them to vacate the 3 foot section of the easement. I have completed the previous items and I am asking that this utility easement vacation be approved. I am embarrassed by my mistake and apologize for my error in planning. So, I am coming to you today, hat in hand, hoping that this would be an option to correct my mistake? Thank you.

**Notification:** Notice of vacation mailings were sent by regular mail to thirty-five owners of property within 600 feet. Notice of the proposed vacation was emailed to nine agencies and interested parties.

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

**Staff Analysis:** The property was originally subdivided by Scenic View Subdivision, Plat HM 52-587. The plat did not create any platted utility easements. Scenic View Subdivision Scenic Grove Addition No. 1, Plat HM 2006-18, replatted the original lot and provided a 3.75 width dedication to Adams Drive as the width for Adams Drive is not compliant in portions. The plat also granted an 8 foot City of Homer Trail easement along the Adams Drive dedication. Adjacent to the trail was a 15 foot utility easement that was granted. In addition that plat granted a 10 foot utility easement along East End Road.

Scenic View Subdivision Scenic Grove Addition No. 1 2013 Replat, Plat HM 2013-43, replatted the lots created by the previous plat into one lot. This plat increased the utility easement width along East End Road to 15 feet and granted a 15 foot utility easement along the southern boundary that is adjacent to Spruce Lane. Per plat note 7, the easement extends to 20 feet within 10 feet of the side lot lines. The trail easement and utility easement along Adams Drive was carried over.

The sketch presented notes a 15 foot utility easement along the western lot line. Staff did not locate the easement on the parent plats. Per the parent plat an undisclosed location utility easement was granted by document and in existence at that time the plat was finalized. A title search could determine if the easement has been released.

The owner has stated in his reason for the alteration that he did take into account the 15 feet for the utility easement but did not account for the 8 foot trail easement. This has resulted in some structures being about 2 feet into the utility easement. The proposal is to alter the easement by vacating a 3 foot width of the easement for a length of 112.2 feet to accommodate the structures encroaching into the utility easement. The remainder of the lot will still

be subject to the full 15 foot wide utility easement. KPB Code 20.30.060(D), only requires a 10 foot utility easement along dedicated rights-of-way. Even with the vacation, the remaining portion will comply with KPB Code.

The owners provided the required comments from the utility providers and no objections were received. However, the GCI letter does not address the alteration or vacation but states they do not object to the encroachments. Staff has reached out to GCI for clarification. If approved, the alteration will not be finalized until GCI has submitted their support for the vacation as proposed.

The City of Homer Planning Commission reviewed the alteration at their August 17, 2022 meeting. The request was approved as part of their consent agenda. Per their staff report, there was no objections from the Planning Staff or Public Works department.

**Utility provider review:**

HEA	HEA is not opposed to the utility easement vacation as depicted. It appears that the labels for the 15' utility easement on the westerly boundary may be incorrect. Please confirm before the exhibit drawing is finalized.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	No objection

**Findings:**

1. The petition states 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. Scenic View Subdivision Scenic Grove Addition No. 1, Plat HM 2006-18, granted the 15 foot utility easement adjacent to the trail easement along Adams Drive.
4. Scenic View Subdivision Scenic Grove Addition No. 1, Plat HM 2006-18, granted an 8 foot trail easement adjacent to Adams Drive.
5. The portion to be vacated is 3 foot by 112.2 feet and remaining portion will remain.
6. The width of the remaining utility easement in the area proposed for vacation will be 12 feet in width.
7. KPB Code requires a 10 foot utility easement.
8. The City of Homer Planning Commission approved the vacation as proposed.
9. The City of Homer Public Works had no objections to the vacation.
10. Utility easements will remain on the property along East End Road and Adams Drive.
11. No surrounding properties will be denied utilities.

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**RECOMMENDATION:**

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

1. Grant utility easements requested by the Homer City Council and 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*
  - 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.*

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**END OF STAFF REPORT**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2022-43  
HOMER RECORDING DISTRICT**

Vacate a 112.2 foot by 3 foot portion of a utility easement within Lot 2-A-1 of Scenic View Subdivision Scenic Grove Addition No 1 2013 Replat HM 2013-43, as granted on Lot 2-A of Scenic View Subdivision Scenic Grove Addition No 1 HM 2006-18; within S15, T06S, R13W, Seward Meridian, City of Homer, Alaska, within the Kenai Peninsula Borough. KPB File 2022-133V

WHEREAS, a request has been received from Liberty Investments LLC of Homer, AK to Vacate a 112.2 foot by 3 foot portion of a utility easement within Lot 2-A-1 of Scenic View Subdivision Scenic Grove Addition No 1 2013 Replat HM 2013-43, as granted on Lot 2-A of Scenic View Subdivision Scenic Grove Addition No 1 HM 2006-18; and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on September 26, 2022, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.65.070 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the above described 112.2 foot by 3 foot portion of a utility easement within Lot 2-A-1 of Scenic View Subdivision Scenic Grove Addition No. 1 2013 Replat, HM 2013-43 is hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the utility easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 26th DAY OF SEPTEMBER, 2022.

\_\_\_\_\_  
Jeremy Brantley, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ann Shirmberg,  
Administrative Assistant

Return to:  
Kenai Peninsula Borough Planning Department  
144 N. Binkley Street  
Soldotna, Alaska 99669

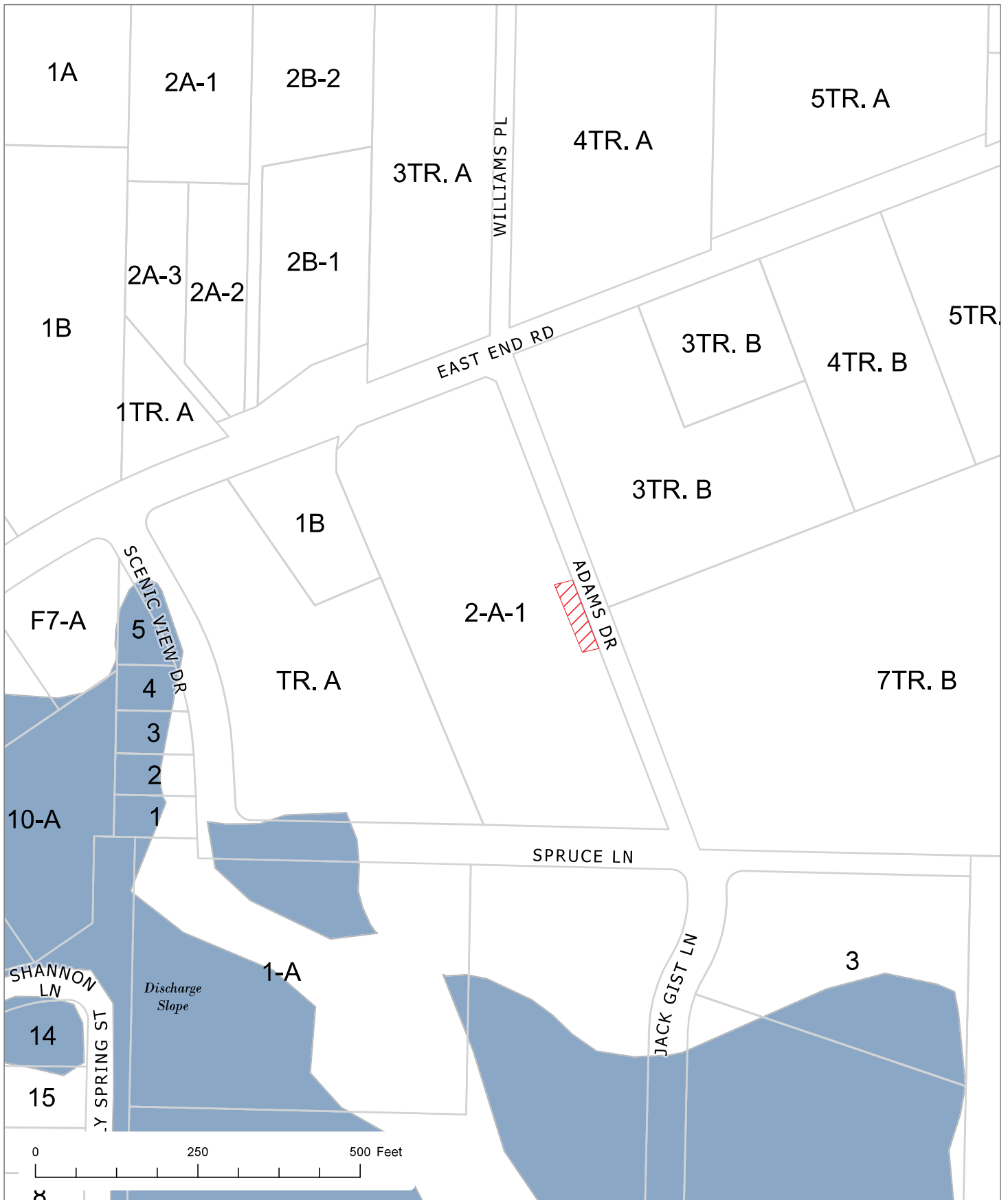








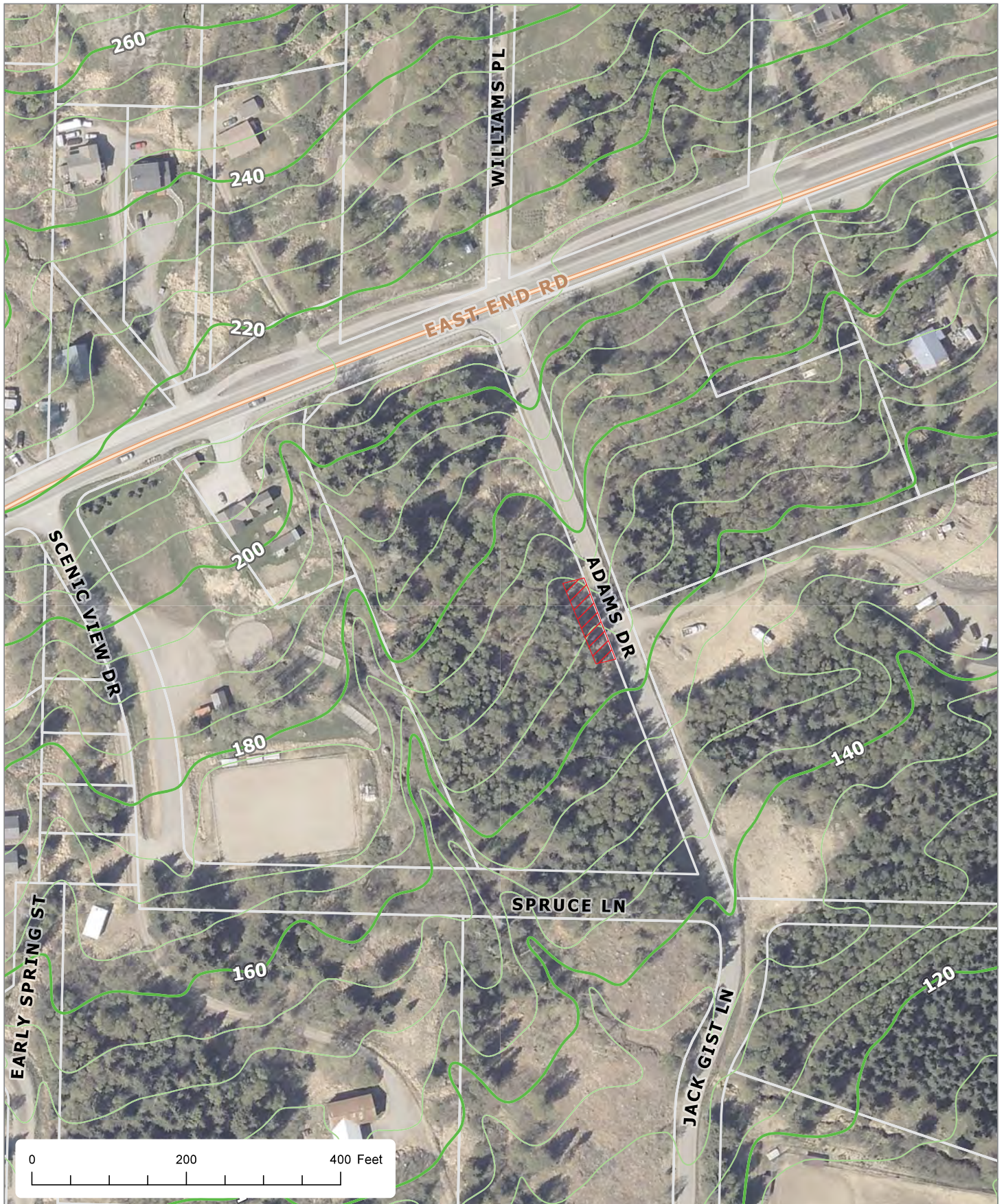
**Wetlands**







Aerial with 5-foot Contours



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.



# **PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 24, 2013

BY: Mark L. Bell 12-3-13  
 AUTHORIZED OFFICIAL DATE  
 KENAI PENINSULA BOROUGH

## **NOTES**

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. THIS SUBDIVISION IS SUBJECT TO THE ZONING REGULATIONS OF THE CITY OF HOMER.
4. THIS PLAT WAS PREPARED FOR THE REMOVAL OF LOT LINES ONLY. NO SURVEY WAS PERFORMED FOR THE PREPARATION OF THIS PLAT. ALL LOT DIMENSIONS SHOWN ON THIS PLAT ARE FROM RECORD DATE AS SHOWN ON PLAT #2006-18 (HRD).
5. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS ALLOWED WITHOUT PRIOR WRITTEN CONSENT OF THE ALASKA STATE DOT.
6. THERE IS AN EXISTING BLANKET EASEMENT WHICH WAS GRANTED TO HOMER ELECTRIC ASSOCIATION, INC., RECORDED BK 19 P 100 HRD.
7. THE FRONT 15' ALONG THE EXISTING RIGHTS-OF-WAY AND 20' WITHIN 10' OF THE ONLY SIDE LOT LINE IS A UTILITY EASEMENT.

## **WASTEWATER DISPOSAL**

SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ALTERNATE WASTEWATER SYSTEM FOR USE IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND ARE AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

THIS NOTE WAS CARRIED FORWARD FROM THE PARENT PLAT (SCENIC GROVE ADDITION NO. 1, HM 2006-18) ENGINEER CE5460. DATED 3/20/06.

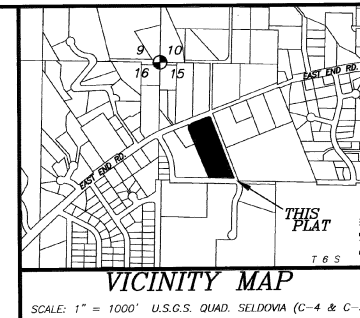
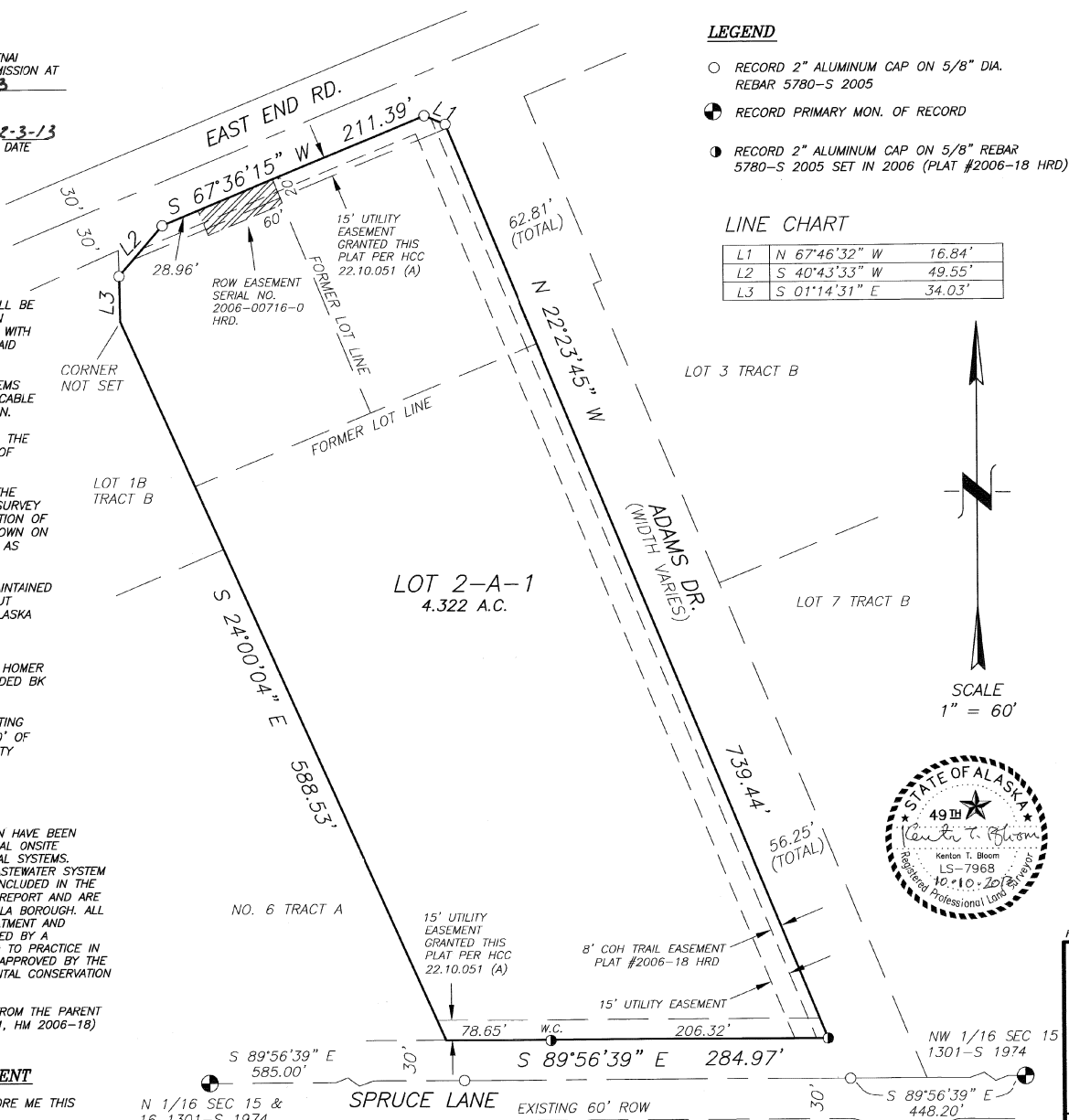
## **NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 23 September 2013.

Paul J. Hall  
 NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 10-17-16

STATE OF ALASKA  
 NOTARY PUBLIC  
 R. LYNN MONROE  
 My Commission Expires 10-17-16



## **CERTIFICATE OF OWNERSHIP**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

Paul J. Hall  
 PAUL J. HALL AKA PAULI HALL  
 64362 BRIDGER RD.  
 HOMER, ALASKA 99603

HARMON HALL  
 64362 BRIDGER RD.  
 HOMER, ALASKA 99603

## **NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 23 September, 2013.

FOR: Harmon Hall  
R. Lynn Monroe  
 NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 10-17-16  
 STATE OF ALASKA  
 NOTARY PUBLIC  
 R. LYNN MONROE  
 My Commission Expires

HOMER RECORDING DISTRICT KPB FILE No. 2013-100

## **SCENIC VIEW SUBDIVISION SCENIC GROVE ADDITION NO. 1 2013 REPLAT**

A REPLAT OF LOT 1, LOT 2, AND LOT 2-A TRACT B (PLAT #2006-18 HRD), SCENIC VIEW SUB., SCENIC GROVE ADDITION NO.1, SITUATED IN THE NW 1/4, SEC 15, T6S, R13W, S.M., LOCATED WITHIN THE CITY OF HOMER BOROUGH THIRD JUDICIAL DISTRICT, STATE OF ALASKA

CONTAINING 4.322 ACRES MORE OR LESS

## **SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S.**

1044 EAST ROAD, SUITE A  
 HOMER, ALASKA 99603  
 (907) 235-4247

DRAWN BY: KK	CHKD BY: KB	JOB #13-07
DATE: 03/2013	SCALE: 1"=60'	SHEET #1 OF 1

2013-43  
 HOMER  
 DIST  
 12/11/2013  
 DATE  
 3:46 PM  
 TIME



## Legend

- Found Primary Monument of Record
- Found 2" Alum Cap on 5/8" Steel Rebar 5780-S 2005
- Set Witness Corner 2" Alum Cap on 5/8" Steel Rebar 5780-S 2005

## LINE CHART

L1 N67°46'32"W 22.11'  
L2 S40°43'33"W 49.55'  
L3 S01°4'31"E 34.03'  
L4 N67°46'32"W 16.84'

## Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

July 18, 2005

KENAI PENINSULA BOROUGH

By: Max Burt  
Authorized Official

By our free consent the City of Homer accepts the Trail Easement as shown hereon.

Walt Wrede 3/10/06  
City of Homer by  
Walt Wrede, City Manager Date  
491 East Pioneer Ave  
Homer AK 99603

Notary's Acknowledgement  
Subscribed and sworn to me before me this 12<sup>th</sup> day of  
12/10/07 2007

for Walt Wrede  
Garry J. Culbert  
Notary Public for Alaska  
My Commission Expires 12-14-2007

## Ownership Certificate

I 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 my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Se 3-20-06  
Sergey Yakunin Date  
Box 5044  
Nikolaevsk Ak 99556

Notary's Acknowledgement  
Subscribed and sworn to me before me this 20<sup>th</sup> day  
of March 2006

for Sergey Yakunin  
Cassie Hanson  
Notary Public for Alaska  
My Commission Expires 1-1-09



## Vicinity Map 1" = 1000 ft



## Surveyor's Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

R. W. Imhoff March 9, 2006  
Roger W. Imhoff LS 5780 Date

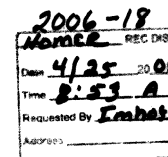
## Wastewater Disposal

Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation prior to construction.

R. W. Imhoff CE5460 3/20/06  
Engineer License No. Date

## Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- These lots are subject to the zoning regulations of the City of Homer.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- Set self identifying 2" aluminum cap on 5/8" diameter steel rebar at all lot corners and ROW points of curvature for this survey, unless otherwise noted. Corner positions within the creek drainage were not monumented.
- No direct access to State maintained rights-of-way is allowed without prior written consent of the Alaska State DOT.
- Basis of Bearing Plat No. 2004-106 Record of Survey (same boundary). Rights-of-Way were calculated from "Scenic View Replat of Lot 1", and DOT ROW Taking per Bk 320 Pg 522.
- 10 ft Utility Easement fronting on East End Road (graphically depicted).



## Scenic View Subdivision Scenic Grove Addition No. 1

Lot 2 Tract B Scenic View Subdivision  
Plat No. 52-587 HRD excepting Alaska State  
Dept. of Transportation Right-of-Way  
per Bk 320 Page 522

Located in the  
NW 1/4 Section 15, T6S, R13W, SM  
within the City of Homer  
Homer Recording District

Third Judicial District, Alaska  
Contains 4.584 Acres, more or less

Client: Sergey Yakunin Box 5044 Nikolaevsk Ak 99556	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603
File tr2b2scenicvwyakunin.vcd	Drawn: RWI
Scale 1" = 100 ft	Date: 4-07-05 KPB File No. 2005-165

LOT 49

TRACT - "A"

TRACT - "B"

# DEDICATION

I hereby dedicate all of the roadways as shown on this Plot Plan to the use of the Public and to the Territory of Alaska -

Signed

L. P. Slavin

Witnessed

John A. Pate  
Ray Hedden

ORIGINAL PLOT PLAN  
SCENIC VIEW  
SUBDIVISION  
HOMER, ALASKA

PLANNED BY LARRY SLAVIN  
SURVEYED BY HARRY SAUNDON  
& JOHN A. PATE AUG. 1952.

SCALE - 1" = 200'

Session 22-12, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:36 p.m. on August 17, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

**PRESENT:** COMMISSIONERS VENUTI, SMITH, CHIAPPONE, CONLEY, HIGHLAND, BARNWELL AND STARK

**STAFF:** CITY PLANNER ABBOUD  
DEPUTY CITY CLERK KRAUSE

The Planning Commission met at 5:30 p.m. for a training session with City Clerk Jacobsen on conducting efficient and effective meetings using motions, applications of regulations and following Robert's Rules of Order and continued review of Conditional Uses and Structures in each zoning district for reduction of conditional use permits.

#### **AGENDA APPROVAL**

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

#### **PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA**

Jason Davis, city resident and Council member, commented that Councilmember Erickson read his prepared statement at the end of the worksession and he hoped that they have a really good discussion and develop recommendations on Ordinance 22-42, to tell City Council on how they can make sure that there are no more neighborhoods without sidewalks on main streets planned and built in Homer going forward. He acknowledged that it was a complicated issue. Mr. Davis noted that the City Planner expressed some good points in his memorandum about addressing districts other than urban residential, but recognized that there is currently roads being constructed without sidewalks after having discussed that very issue for several years now. Mr. Davis continued by stating that the worst case scenario would be a moratorium issued on approval for new subdivisions until this can be worked out. He continued avowing that they need to figure out how to change the parameters to allow the Planning Department, the Commission, and the Borough to say no to plats that do not have a sidewalk included on the main streets. Mr. Davis additionally stated that the recommendations did not have to relate to Ordinance 22-42 as it was presented. He advocated that there has to be some way to stop the millions of dollars that are being poured into elevated roads that are narrow and have no sidewalks on them if they lead to a school.

Mr. Bill Hand, commented on his vacation request noting he made a small error on the property line and contacted all the utility companies. This request was for a utility easement vacation for three feet by 120 feet and once it passes this body it will go before the Borough.

#### **RECONSIDERATION**

#### **CONSENT AGENDA**



- A. Unapproved Regular Meeting Minutes for July 20, 2022
- B. Unapproved Regular Meeting Minutes for August 3, 2022
- C. Staff Report 22-51 Utility Easement Vacation Request Lot 2-A-1 Scenic View Subd. Scenic Grove And. No. 1 HM 2013-43

Chair Smith requested a motion and second to approve the Consent Agenda.

City Planner Abboud responded to a Commission question regarding the utility vacation request being on the Consent Agenda, briefly explaining that the request was non-controversial, did not require a public hearing and is a standard request that did not require debate.

HIGHLAND/BARNWELL MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **PRESENTATIONS / VISITORS**

##### **STAFF & COUNCIL REPORT/COMMITTEE REPORTS**

- A. Staff Report 22-51, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-51 for the Commission. He facilitated discussion on the following:

- Demolishing the smaller building on the HERC site
- Funding appropriated for the Transportation Plan update, working on the scope of work, definitions, etc.
- Ordinance regarding items encroaching or impeding rights of way
- Planning Technician Brown's resignation and impacts to the Planning Office

Commissioner Stark with assistance from Chair Smith will report at the Council meeting on Monday.

City Planner Abboud facilitated a robust discussion on the following items from his report:

- Fairview (Eric Lane) Pathway funding
- Transportation Plan update general scope of work is people first focus, the implementation plan created by Public Works will be used as a separate document and will not be thrown out.
- Dedication of 60 foot width is adequate for roads with sidewalks and a requirement for a wider street may be due to elevations involved, if bike lanes were desired and sidewalks.
- Permitting software scope of performance
  - o Difficulties in setting up the payment portal
  - o Creates and maintains a database of all properties
  - o Connecting to Public Works for water, sewer, etc.
- Proposed grading ordinance