



# **KENAI PENINSULA BOROUGH**

## **PLANNING DEPARTMENT**

144 North Binkley Street • Soldotna, Alaska 99669-7520

**PHONE:** (907) 714-2215 • **FAX:** (907) 714-2378

**Toll-free within the Borough:** 1-800-478-4441, Ext. 2215

[www.kpb.us](http://www.kpb.us)

**MIKE NAVARRE**  
**BOROUGH MAYOR**

November 24, 2015

## **KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION**

### **MEETING OF NOVEMBER 23, 2015**

**RE:** Vacate the 60-foot wide Goracke Circle cul-de-sac right-of-way and all associated utility easements as dedicated/granted by Soldotna – East Subdivision No. 7, Plat KN 85-10. The right-of-way being vacated is unconstructed and located within the NW ¼, NW ¼, NW ¼ of Section 25 T5N R10W, S.M., AK and within the KPB; KPB File 2015-134.

During their regularly scheduled meeting of November 23, 2015 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

#### *Findings:*

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. Homer Electric Association provided a letter of non-objection.
6. No Goracke Circle addresses have been assigned.
7. Goracke Circle provides access to Lots 4-A, 4-B, 4-C, and 4-D Soldotna East Subdivision No. 7 only.
8. Lot 4-A fronts Bowman Road West and Janota Circle; Lot 4-B fronts Bowman Road West and Isbell Street; Lot 4C fronts Isbelle Street;, and Lot 4-D fronts Janota Circle.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (November 23, 2015) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

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

This notice and unapproved minutes of the subject portion of the meeting were sent November 24, 2015 to:

SurveyMax  
375 W. Beluga  
Soldotna, AK 99669

Robert Green & Colleen Smagge  
PO Box 2025  
Soldotna, AK 99669

Robert & Teresa Baker  
PO Box 924  
Soldotna, AK 99669

Dean & Mary Talley  
PO Box 425  
Soldotna, AK 99669

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate the 60-foot wide Goracke Circle cul-de-sac right-of-way and all associated utility easements as dedicated/granted by Soldotna – East Subdivision No. 7, Plat KN 85-10. The right-of-way being vacated is unconstructed and located within the NW ¼, NW ¼, NW ¼ of Section 25 T5N R10W, S.M., AK and within the KPB; KPB File 2015-134.

STAFF REPORT

PC Meeting: 11/23/15

Purpose as stated in petition: Cul-de-sac is no longer necessary. All lots have alternative access.

Petitioners: Robert A. Green & Colleen M. Smagge of Soldotna, AK, Dean D. & Mary E. Talley of Soldotna, AK, and Teresa E. & Robert L. Baker Jr. of Soldotna, AK.

Notification:

Public notice appeared in the November 12, 2015 issue of the Peninsula Clarion. The public hearing notice was published in the November 19 issues of the Peninsula Clarion, Seward Journal, and Homer News as part of the Planning Commission's tentative agenda.

Seven certified mailings were sent to owners of property within 300 feet of the parcels. All return receipts have been received.

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

Two notices went sent by regular mail to agencies. Public hearing notices were mailed to the Sterling Post Office and the Soldotna Community Library with a request to post in public places. Nine notices were emailed to KPB Departments. Fifteen notices were emailed to agencies and interested parties.

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

Comments Received:

Homer Electric Association: Reviewed/no comments.

KPB Addressing Officer: No objection.

KPB River Center: The proposed vacation is not within a mapped flood hazard area or the Anadromous Habitat Protection District.

Staff Discussion:

A packet for preliminary plat review has not yet been received. A public hearing will be scheduled for the plat when a complete submittal packet per KPB 20.25 is provided. Platting staff may be recommending a 10-foot dedication be provided for Janota Circle per KPB 20.30.120 as part of the preliminary plat review.

Public hearing notices were emailed to the affected utility providers.

Findings:

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. Homer Electric Association provided a letter of non-objection.
6. No Goracke Circle addresses have been assigned.

7. Goracke Circle provides access to Lots 4-A, 4-B, 4-C, and 4-D Soldotna East Subdivision No. 7 only.
8. Lot 4-A fronts Bowman Road West and Janota Circle; Lot 4-B fronts Bowman Road West and Isbell Street; Lot 4C fronts Isbelle Street; and Lot 4-D fronts Janota Circle.

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

1. Submittal of a preliminary plat for review by the Plat Committee in accordance with Chapter 20 of the KPB Code.
2. Compliance with Plat Committee conditions of approval per KPB Chapter 20.
2. Submittal of a final plat such that it can be recorded within one year of vacation consent.

**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 city or 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**