



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378


Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

FROM: Max Best, Planning Director 

DATE: March 29, 2017

SUBJECT: Petition to vacate a public right-of-way in the Ridgeway area. Location and request: Vacate a 20-foot wide by 200-foot long portion of Sports Lake Road Right-of-way adjoining the northern boundary of Lots 9 and 10 as dedicated on Sports Lake Subdivision, Plat KN 0001412. The existing right-of-way is 83 feet in width, the roadway is developed and located within the NE 1/4 NW 1/4 of S21, T05N, R10W, SM, AK, within the KPB. File 2017-019. Petitioner: Bobbie J. Behrens of Soldotna, 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 March 27, 2017, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by majority consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings

1. Sports Lake Road ROW is 83 feet in width, which is wider than the borough standard ROW width of 60 feet.
2. After the approval of the vacation, Sports Lake Road ROW will be 63 feet wide in front of Lots 9 and 10.
4. The vacation of 20 feet of ROW will not affect the access, maintenance, or drainage of the constructed roadway.
5. Lots 9 and 10, Block 2, Sports Lake Subdivision (K-1412) were created in 1965.
6. Lot 9 contains 14,288 square feet; Lot 10 contains 11,282 square feet.
7. Ordinance 68, the first subdivision ordinance, was enacted on May 7, 1968.
8. Sports Lake Road is maintained by the KPB Roads Department.
9. Per KPB Roads Department, the ROW vacation request does not appear to conflict with RSA operations or future work.
10. A 33-foot section line easement adjoins the proposed vacation; 3 feet of section line easement underlies the proposed vacation.
11. Any approval of the proposed right-of-way vacation will not vacate any portion of the section line easement.
12. Sports Lake Road is straight adjoining the proposed vacation.
13. Sight distance does not appear to be a problem.
14. Per KPB GIS 4-foot contours, the subject section of Sports Lake Road is relatively flat.
15. The proposed vacation does not appear to create a safety hazard for traffic.
16. Sufficient rights-of-way exist to serve the surrounding properties.
17. No surrounding properties will be denied access.

18. Per the detailed drawing provided by the surveyor, the proposed vacation is 30 feet from the constructed road.
19. Per the detailed drawing provided by the surveyor, the portion of Sports Lake Road proposed for vacation has not been constructed.

The Assembly has 30 days from March 27, 2017 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

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

cc: petitioners' w/minutes only



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

March 29, 2017

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION MEETING OF MARCH 27, 2017

RE: Petition to vacate a public right-of-way in the Ridgeway area. Location and request: Vacate a 20-foot wide by 200-foot long portion of Sports Lake Road Right-of-way adjoining the northern boundary of Lots 9 and 10 as dedicated on Sports Lake Subdivision, Plat KN 0001412. The existing right-of-way is 83 feet in width, the roadway is developed and located within the NE 1/4 NW 1/4 of S21, T05N, R10W, SM, AK, within the KPB. File 2017-019. Petitioner: Bobbie J. Behrens of Soldotna, AK.

By majority consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation during their regularly scheduled meeting of March 27, 2017 based on the following findings of fact and conditions.

Findings

1. Sports Lake Road ROW is 83 feet in width, which is wider than the borough standard ROW width of 60 feet.
2. After the approval of the vacation, Sports Lake Road ROW will be 63 feet wide in front of Lots 9 and 10.
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Conditions

1. Submittal of the preliminary plat packet to the Planning Department so the Plat Committee review can be scheduled in accordance with Chapter 20 of the KPB Code;

2. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent;
3. Clarify on the plat that the portion of section line easement underlying the proposed ROW vacation is not being vacated by this action; and
4. Recommendations for utility easements by the utility providers.

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 (March 27, 2017) 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 March 29, 2017 to:

Integrity Surveys
820 Set Net Dr.
Kenai, AK 99611

Robert Thompson
43645 Sports Lake Rd
Soldotna, AK 99669

Bobbie Behrens
Sean O'Reilly
PO Box 1936
Soldotna, AK 99669

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate a 20-foot wide by 200-foot long portion of Sports Lake Road Right-of-way adjoining the northern boundary of Lots 9 and 10 as dedicated on Sports Lake Subdivision, Plat KN 1412. The existing right-of-way is 83 feet in width, the roadway is developed and located within the NE1/4 NW1/4 of Section 21, T5N, R10W, S.M., AK, within the KPB; File 2017-019.

Staff Report given by Max Best

PC Meeting: 3/27/17

Purpose as stated in petition: Visibility on Sports Lake Road is limited from both directions when backing up from the residence, causing a safety hazard. Vacating the right-of-way would enable the owner to install a gravel pad next to the driveway, allowing for a turnaround space and safer access to Sports Lake Road. The additional area would also allow for the installation and maintenance of an onsite water well (currently shared with the neighboring lot) and upgrade the septic system.

Petitioner: Bobbie J. Behrens of Soldotna, AK.

Petitioner's Discussion: I am asking the Kenai Peninsula Borough to grant my request to vacate the easement along the north side of my property paralleling Sport Lake Road for two reasons.

- 1) Currently when leaving my residence I have to back onto Sport Lake Road. Visibility from both directions on the roadway as well as my driveway is very limited. This condition is a public safety hazard for my neighbors, my family and guests. Granting my request would allow me the ability to install a gravel pad next to the driveway. This would allow cars leaving my house to turnaround instead of backing onto the roadway, creating a safer egress onto Sport Lake Road.
- 2) I would like the ability to install and maintain my own water well. To properly install a well my only option would be to place the well on the NW corner of my lot inside the current borough easement. As background, the original owners of my property built the house in tandem with the neighbor to the west. At the time they decided to share the water well, which is still the current situation. Your consideration in this matter is greatly appreciated.

Notification:

The public hearing notice was published in the March 16 issue of the Peninsula Clarion as a separate ad and as part of the tentative agenda on March 23.

Ten certified mailings were sent to owners of property within 300 feet of the parcels. Eight receipts have been returned to date.

Twelve public hearing notices were emailed agencies and interested parties.

Eleven public hearing notices were emailed to KPB Departments.

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:

Homer Electric Association: Reviewed/no comments.

KPB Addressing Officer: No objection to the vacation.

KPB River Center: The proposed vacation is not within a mapped flood hazard zone, and is not affected by the Anadromous Habitat Protection District.

KPB Roads Department: The ROW vacation request does not appear to conflict with RSA operations or

future work.

State Department of Natural Resources: Please clarify on the plat that the portion of section line easement underlying the proposed ROW vacation is not being vacated by this action. If the subdivider wishes to vacate that portion of SLE, they will need to petition the State of Alaska.

State Parks: No comment.

Surveyor's Discussion: The goal of this project is to make Lots 9 and 10 Block 2 larger so that improvements can be made to the septic system, water well and to construct a garage. Currently Lots 9 and 10 are 0.328 acres and 0.259 acres. Under the current borough code, the lots do not meet the minimum lot size standard. Lots 9 and 10 front on Sports Lake Road to the north and Sports Lake to the south.

Sports Lake Road is currently an 83 foot wide right of way, which is larger than the borough ROW standard of 60 feet. The vacation of a portion of the excess ROW will help with the current size constraints on Lots 9 and 10. With the approval of this vacation, Sports Lake Road will be a 63 foot wide right of way in front of Lots 9 and 10, and still meet the borough ROW width standard.

Surveyor's Findings

1. Sports Lake Road ROW is 83 feet in width, which is wider than the borough standard ROW width of 60 feet.
2. After the approval of the vacation, Sports Lake Road ROW will be 63 feet wide in front of Lots 9 and 10.
3. The additional area will allow Lots 9 and Lot 10 to:
 - Upgrade the septic system.
 - Install an on-site water well. Currently Lot 10 is supplied with water from a shared well located on Lot 11. If an issue with the well occurs, then the owner of Lot 11 has to be located to remedy the situation.
 - Make improvements to the drive/parking area. This will allow safer access to Sports Lake Road.
4. The vacation of 20 feet of ROW will not affect the access, maintenance, or drainage of the constructed roadway.

Staff Discussion: The parent plat was recorded on June 18, 1965, which was prior to enactment of the subdivision ordinance. The current owner acquired the lots in 2000. The shed shown on the detail drawing by the surveyor is not an encroachment at this time.

Comments from the utility providers were not available when the staff report was prepared.

Findings:

5. Lots 9 and 10, Block 2, Sports Lake Subdivision (K-1412) were created in 1965.
6. Lot 9 contains 14,288 square feet; Lot 10 contains 11,282 square feet.
7. Ordinance 68, the first subdivision ordinance, was enacted on May 7, 1968.
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16. Sufficient rights-of-way exist to serve the surrounding properties.
17. No surrounding properties will be denied access.

18. Per the detailed drawing provided by the surveyor, the proposed vacation is 30 feet from the constructed road.
19. Per the detailed drawing provided by the surveyor, the portion of Sports Lake Road proposed for vacation has not been constructed.
20. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, Lots 9 and Lot 10 are not subject to low wet areas.
21. If the right-of-way is vacated as proposed, a jog in the right-of-way will be created.

STAFF RECOMMENDATION: Based on Findings 1, 2, and 4-19, staff recommends approval of the vacation as petitioned, subject to:

1. Submittal of the preliminary plat packet to the Planning Department so the Plat Committee review can be scheduled in accordance with Chapter 20 of the KPB Code;
2. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent;
3. Clarify on the plat that the portion of section line easement underlying the proposed ROW vacation is not being vacated by this action; and
4. Recommendations for utility easements by the utility providers.

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

Chairman Martin opened the meeting for public comment.

1. Scott Huff, Integrity Surveys
Mr. Huff was the surveyor on this project. He referred to the site survey as shown on page 32 of the packet and stated that the plan gives a good understanding of the conditions of these subject parcels. They are small lots with not a lot of room. The existing house on Lot 10A has a shared well which is located in the northwest corner of Lot 11. The owners of the house on Lot 10A would like to have their own well on their own property. The vacation of this right-of-way will give them more room to locate a well on their property and still keep it away from the existing septic systems.

Mr. Huff also stated that the owners would like to have a "T" turn around to get back on the road without having to back into traffic. The vacation would give them an area for driveway improvements. He was available to answer questions.

Chairman Martin asked if there were questions for Mr. Huff.

Chairman Martin asked if he spoke with the owner of Lot 11 to see how he sees this situation. Mr. Huff replied that he has not spoken with the landowner of Lot 11 but has talked with his client about vacating the whole right-of-way to make Sports Lake Road 60 feet wide instead of the 183 feet wide as it is now. There would be a lot of landowners who would have to agree and support the vacation. He felt it would turn this simple project into a lot bigger project.

Commissioner Foster asked when the three story house was built and if it was built after the subdivision ruling. Mr. Huff replied he wasn't sure when it was built. Commissioner Foster stated that at the time, they must have known they were backing up into an easement. He asked if they could have built further back from the road. Mr. Huff reiterated that he wasn't sure when it was built.

There being no further comments or questions, the public hearing continued.

2. Sean O'Reilly

Mr. O'Reilly stated that the house was bought as a single story house and then remodeled. The footprint already existed on the lot. He stated he was available to answer questions.

There being no further questions, the public hearing continued.

Seeing and hearing no one else wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Lockwood moved, seconded by Commissioner Isham to grant the vacation of the public right-of-way in the Ridgeway area based on staff recommendations and findings.

Findings

1. Sports Lake Road ROW is 83 feet in width, which is wider than the borough standard ROW width of 60 feet.
2. After the approval of the vacation, Sports Lake Road ROW will be 63 feet wide in front of Lots 9 and 10.
4. The vacation of 20 feet of ROW will not affect the access, maintenance, or drainage of the constructed roadway.
5. Lots 9 and 10, Block 2, Sports Lake Subdivision (K-1412) were created in 1965.
6. Lot 9 contains 14,288 square feet; Lot 10 contains 11,282 square feet.
7. Ordinance 68, the first subdivision ordinance, was enacted on May 7, 1968.
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9. Per KPB Roads Department, the ROW vacation request does not appear to conflict with RSA operations or future work.
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18. Per the detailed drawing provided by the surveyor, the proposed vacation is 30 feet from the constructed road.
19. Per the detailed drawing provided by the surveyor, the portion of Sports Lake Road proposed for vacation has not been constructed.

Commissioner Whitney referred to the Google Earth photo that was in the packet and asked if that was the subject property. Mr. Best replied yes. Commissioner Whitney stated that it appeared that they have already encroached upon the right-of-way with the asphalt driveway. Mr. Best replied that an approach asphalt

driveway was an allowed encroachment in the right-of-way. He believed the vehicle as shown in the photo was very close to the edge of the right-of-way. Commissioner Whitney asked why they would need a gravel pad to make a turn there because the driveway appeared to be sufficiently wide in length to easily turn a vehicle around. Mr. Best replied that it doesn't quite give enough room when two vehicles are parked there. He stated that snow cannot be plowed into the right-of-way so they push the snow to the side which creates a berm and prevents them from having enough room to back the vehicle around in that location. Also Mr. Best stated that there was an exaggerated slope going down towards the back of the vehicle. The owners are forced to back up into the road at this location.

Commissioner Whitney stated that he has problems with this proposal. He lives on a steep driveway that was half the width of this driveway and he could back out and turn around in his driveway with the snow berms. He wasn't sure he could see any difficulty here. As far as pushing snow off the driveway, they created the problem on one side by having a shed. He personally would not be supporting this vacation.

Chairman Martin asked if the main priority was to have more room for a well. Mr. Best replied yes, the separation distance and the useable area for a well and septic was probably paramount to turning around.

Commissioner Whitney asked if the well could be put on Lot 9. Mr. Best replied that the well was going to go in the northwest corner of Lot 10-A. There has to be a 100 foot separation distance from the septic system. They are very limited of where a well can be located when those radiuses are being drawn from the lake and the current septic system even if the system was moved to the east.

Commissioner Foster referred to written comments from Dr. Thompson who stated that the shared well was currently 1½ feet onto the borough easement which he has a permanent grant for that. Mr. Thompson also stated that he has a lift station line that runs under the borough road to the property across the street. Commissioner Foster asked for clarification from staff regarding that statement. Mr. Best replied he was not aware that Dr. Thompson had a permanent easement across the right-of way over to the adjoining property. He knew they were sharing a well which was not working out well for the two neighbors.

There being no further comments or questions, Chairman Martin called for a roll call vote.

VOTE: The motion passed by majority consent.

CARLUCCIO ABSENT	ECKLUND ABSENT	ERNST YES	FOSTER NO	GLENDENING YES	ISHAM YES	LOCKWOOD YES
MARTIN YES	MORGAN YES	RUFFNER ABSENT	VENUTI YES	WHITNEY NO		7 YES 2 NO 3 ABSENT

AGENDA ITEM F. PUBLIC HEARING

2. State application for a marijuana establishment license; Kalifornsky Area

Staff Report given by Bruce Wall

PC Meeting: 3/27/17

Applicant: K Beach Reef

Landowner: Ryan K Hall

Parcel ID#: 055-331-15

Legal Description: Lot 5-A, Hawkins Subdivision, according Plat 79-177 Kenai Recording District.

Location: 42106 Kalifornsky Beach Rd., Soldotna

BACKGROUND INFORMATION: On Wednesday, December 07, 2016 the applicant notified the borough that he/she had submitted an application to the state for a Standard Marijuana Cultivation Facility license. On
KENAI PENINSULA BOROUGH PLANNING COMMISSION MARCH 27, 2017 MEETING MINUTES

F. PUBLIC HEARINGS

- 1. Public notice is hereby given that a petition has been received to vacate a public right-of-way in the Ridgeway area. Location and request: Vacate a 20-foot wide by 200-foot long portion of Sports Lake Road Right-of-way adjoining the northern boundary of Lots 9 and 10 as dedicated on Sports Lake Subdivision, Plat KN 0001412. The existing right-of-way is 83 feet in width, the roadway is developed and located within the NE 1/4 NW 1/4 of S21, T05N, R10W, SM, AK, within the KPB. File 2017-019. Petitioner(s): Bobbie J. Behrens of Soldotna, AK.**

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STAFF REPORT

PC Meeting: 3/27/17

Purpose as stated in petition: Visibility on Sports Lake Road is limited from both directions when backing up from the residence, causing a safety hazard. Vacating the right-of-way would enable the owner to install a gravel pad next to the driveway, allowing for a turnaround space and safer access to Sports Lake Road. The additional area would also allow for the installation and maintenance of an onsite water well (currently shared with the neighboring lot) and upgrade the septic system.

Petitioner: Bobbie J. Behrens of Soldotna, AK.

Petitioner's Discussion: I am asking the Kenai Peninsula Borough to grant my request to vacate the easement along the north side of my property paralleling Sport Lake Road for two reasons.

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Comments Received:

Homer Electric Association: Reviewed/no comments.

KPB Addressing Officer: No objection to the vacation.

KPB River Center: The proposed vacation is not within a mapped flood hazard zone, and it is not affected by the Anadromous Habitat Protection District.

KPB Roads Department: The ROW vacation request does not appear to conflict with RSA operations or

future work.

State Department of Natural Resources: Please clarify on the plat that the portion of section line easement underlying the proposed ROW vacation is not being vacated by this action. If the subdivider wishes to vacate that portion of SLE, they will need to petition the State.

State Parks: No comment.

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Surveyor's Findings

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STAFF RECOMMENDATION: Based on Findings 1, 2, and 4-19, staff recommends approval of the vacation as petitioned, subject to:

1. Submittal of the preliminary plat packet to the Planning Department so the Plat Committee review can be scheduled in accordance with Chapter 20 of the KPB Code;
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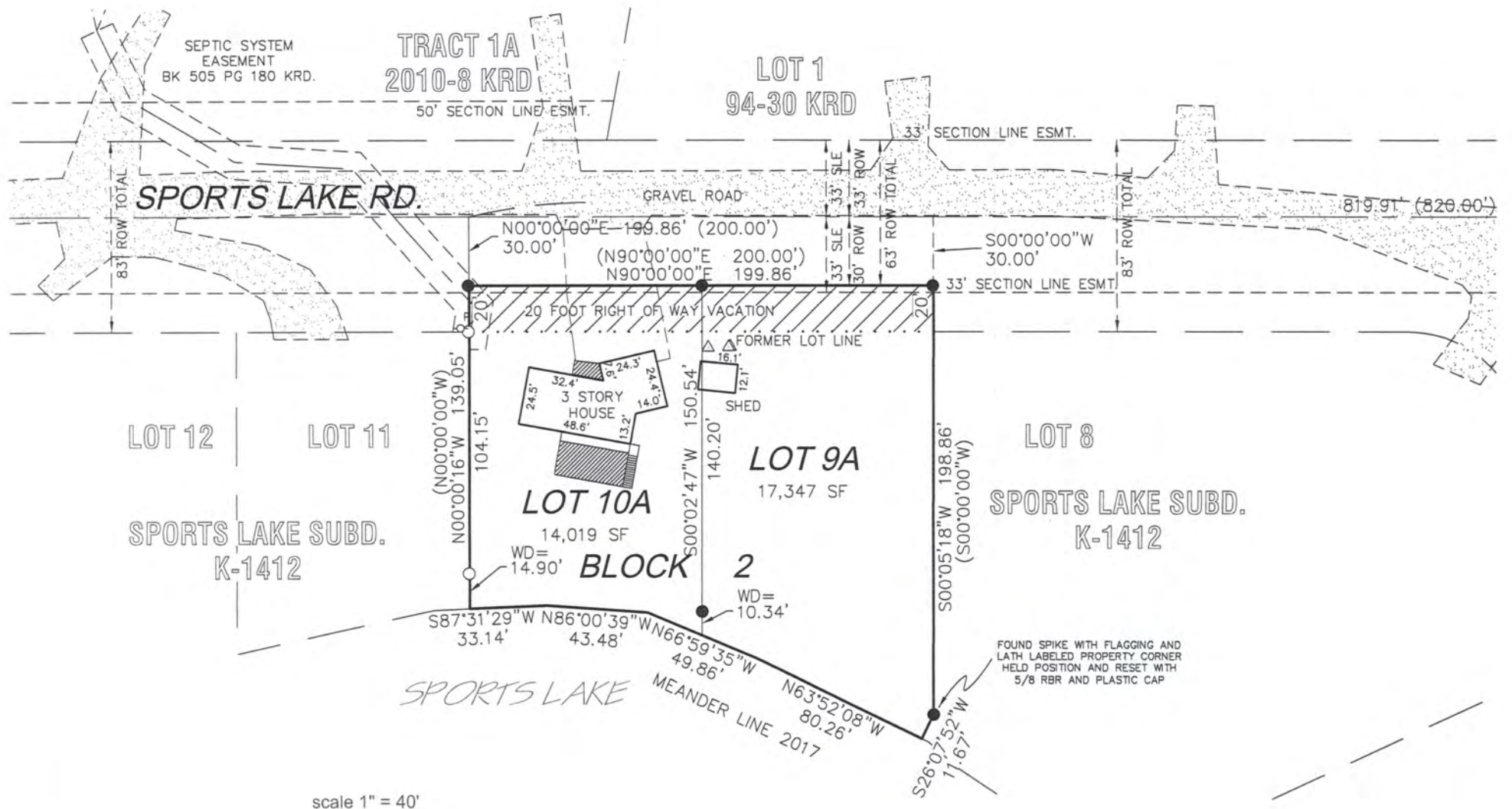
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KPB 20.70.130:

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

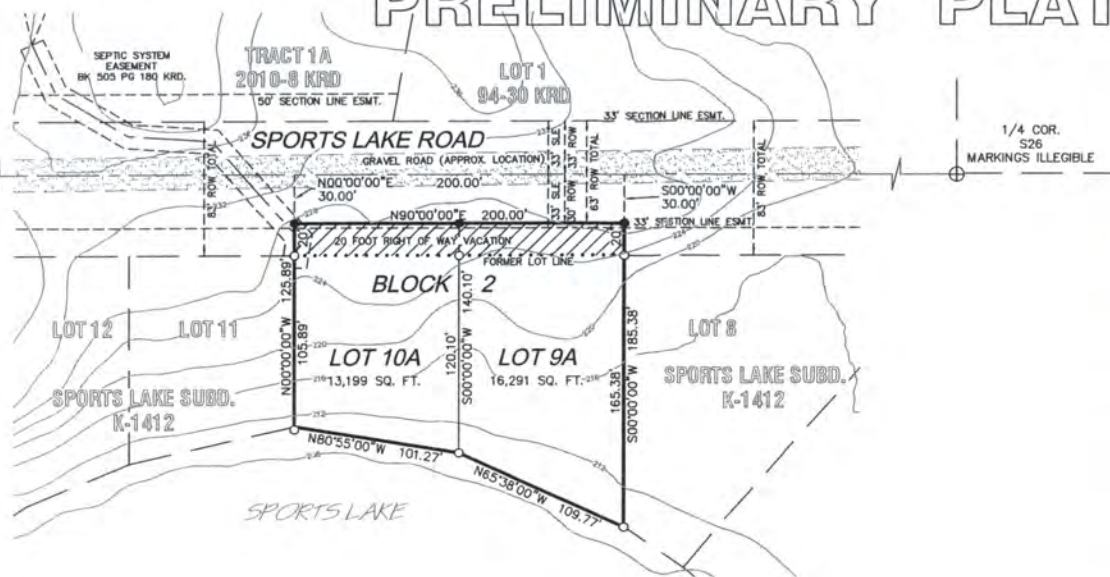
END OF STAFF REPORT



PRELIMINARY PLAT



NORTH



NOTES:

- 1) THIS PROPERTY MAY BE AFFECTED BY COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED IN BK 18 PG 19 KRD ON JUNE 18, 1965.
- 2) FRONT 15 FEET ADJACENT TO THE RIGHTS-OF-WAY 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.
- 3) THIS PROPERTY MAY BE AFFECTED BY A BLANKET ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. AS RECORDED IN BK 5 PG 105 KRD ON AUG. 30, 1960.
- 4) 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.
- 5) THE NATURAL MEANDERS OF THE LINE OF ORDINARY WATER FORMS THE TRUE BOUNDS OF THE SUBDIVISION. THE APPROXIMATE LINE OF ORDINARY HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE PROPERTY CORNERS BEING ON THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
- 6) PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50 FOOT ANADROMOUS STREAM HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.18 KENAI PENINSULA BOROUGH CODE OF ORDINANCES.
- 7) THE VACATION OF A PORTION OF SPORTS LAKE ROAD RIGHT OF WAY WAS APPROVED BY THE KPB PLANNING COMMISSION AT THE 2017 MEETING.
- 8) AN EXCEPTION TO KPB 20.30.250 BUILDING SETBACK WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE 2017 MEETING.
- 9) WASTEWATER DISPOSAL: WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

KPB 2017-019

CERTIFICATE OF SURVEYOR
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.

LEGEND

- ⊗ GLO/BLM MONUMENT OF RECORD AS NOTED
- ⊕ PRIMARY MONUMENT RECOVERED AS NOTED
- SECONDARY MONUMENT SET THIS SURVEY
- SECONDARY MONUMENT RECOVERED AS NOTED
- () RECORD PER SUBDIVISION
- PLAT NO. ??????
- ▨ RIGHT OF WAY VACATED THIS PLAT



Plat #
Rec. Dist. _____
Date 20____
Time _____ M



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BOBBIE J. BEHRENS
PO BOX 1936
SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGMENT

FOR:
ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE NO. _____

SPORTS LAKE SUBDIVISION 2016 ADDN. SHOWING

A SUBDIVISION OF LOTS 9 AND 10 BLOCK 2 SPORTS LAKE SUBDIVISION (K-1412) AND VACATING A PORTION OF SPORTS LAKE ROAD RIGHT OF WAY

OWNER: BOBBIE J. BEHRENS
PO BOX 1936
SOLDOTNA, AK 99669

LOCATED WITHIN THE NW1/4 SECTION 21, T5N, R10W, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 0.677 ACRES

INTEGRITY SURVEYS INC.

820 SET NET DR. KENAI, AK 99611

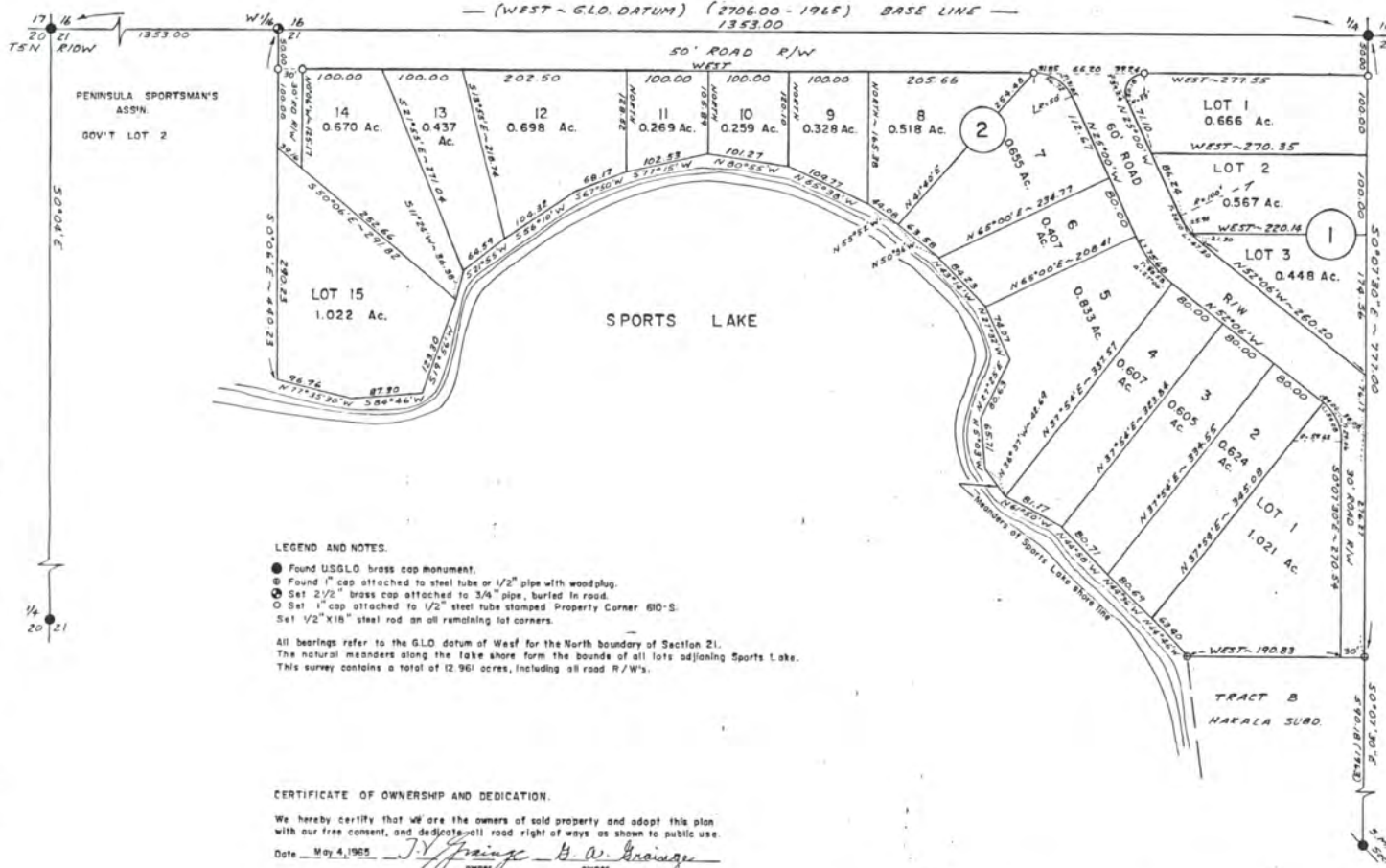
PHONE -- (907) 283-9047
FAX -- (907) 283-9071
integritysurveys@alaska.net

SURVEYORS

PLANNERS

JOB NO: 216209	DRAWN: FEB. 7, 2017 SH
SURVEYED: ?	SCALE: 1"= 50'
FIELD BK: ?	FILE: 216209 PP.DWG

SECTION 16 (STATE OF ALASKA)



LEGEND AND NOTES.

- Found USGLO brass cap monument.
- Found 1" cap attached to steel tube or 1/2" pipe with woodplug.
- Set 2 1/2" brass cap attached to 3/4" pipe, buried in road.
- Set 1" cap attached to 1/2" steel tube stamped Property Corner B.O.S.
- Set 1/2" x 16" steel rod on all remaining lot corners.

All bearings refer to the G.L.O. datum of West for the North boundary of Section 21.
The natural meanders along the lake shore form the bounds of all lots adjoining Sports Lake.
This survey contains a total of 12.961 acres, including all road R/W's.

CERTIFICATE OF OWNERSHIP AND DEDICATION.

We hereby certify that we are the owners of said property and adopt this plan with our free consent, and dedicate all road right-of-ways as shown to public use.

Date May 4, 1965 *T.V. Grainge* *G.A. Grainge*
owner owner

CERTIFICATE OF REGISTERED LAND SURVEYOR.

I hereby certify that I am a registered land surveyor and that this plat represents a survey made by me, and the monuments shown thereon actually exist as located, and that all dimensional and other details are correct.

Date May 3, 1965 *Stanley S. McLane*
Registered Land Surveyor

KENAI PENINSULA BOROUGH.

Received _____

Approved _____

Chairman

COVENANTS.

1. No structures of a temporary character such as trailers and quonset huts shall be used on any lot at any time as a residence either temporarily or permanently.
2. All individual sewage disposal facilities shall include a septic tank within its system.
3. No lot shall be subdivided.
4. Minimum square footage for a building shall be 720 sq. ft.
5. All lots are for one family dwelling units only.
6. No lot shall be used for any commercial purpose.
7. Junk yards and/or gravel pits will not be permitted within this subdivision.

K-1412
6/18/65

SPORTS LAKE SUBDIVISION

T.V. and G.A. GRAINGE
OWNERS

LEGAL DESCRIPTION

THAT REMAINING PORTION OF GOV'T. LOT 1, IN SECTION 21, T.5N., R.10W., OF THE SEWARD MERIDIAN, ALASKA, AFTER EXCLUDING TRACT B, OF THE HAKALA SUBD., AS SHOWN ON THE OFFICIAL TOWNSHIP PLAT ACCEPTED JUNE 24, 1943, CONTAINING 12.961 ACRES.

SURVEYED AND PREPARED BY

Stanley S. McLane, R.L.S.

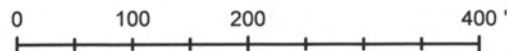
Date Begun April 15, 1965
End April 23, 1965





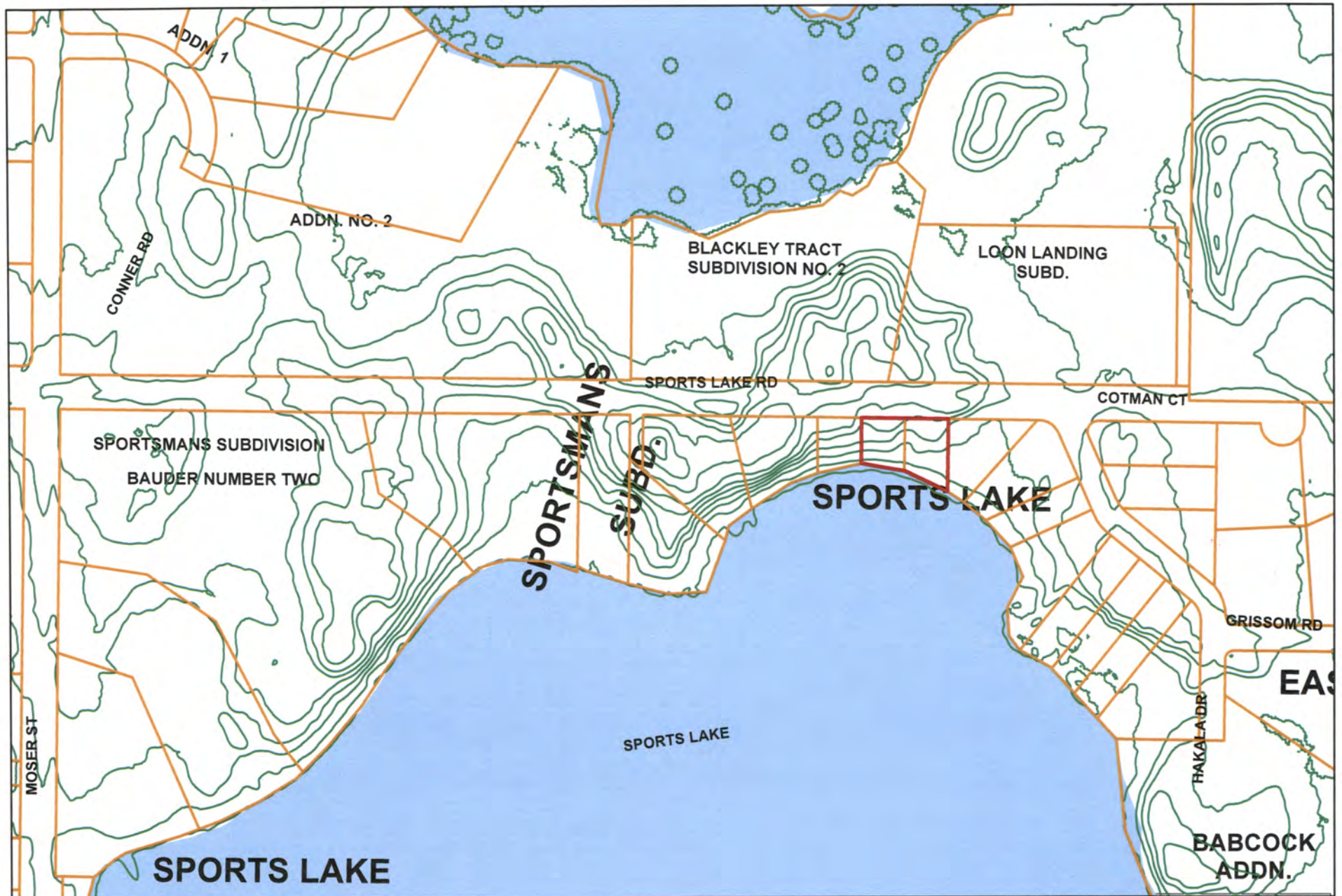
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Aerial View



Proposed Right-of-Way Vacation

ESolomon, KP
Date: 2/23/2017



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.

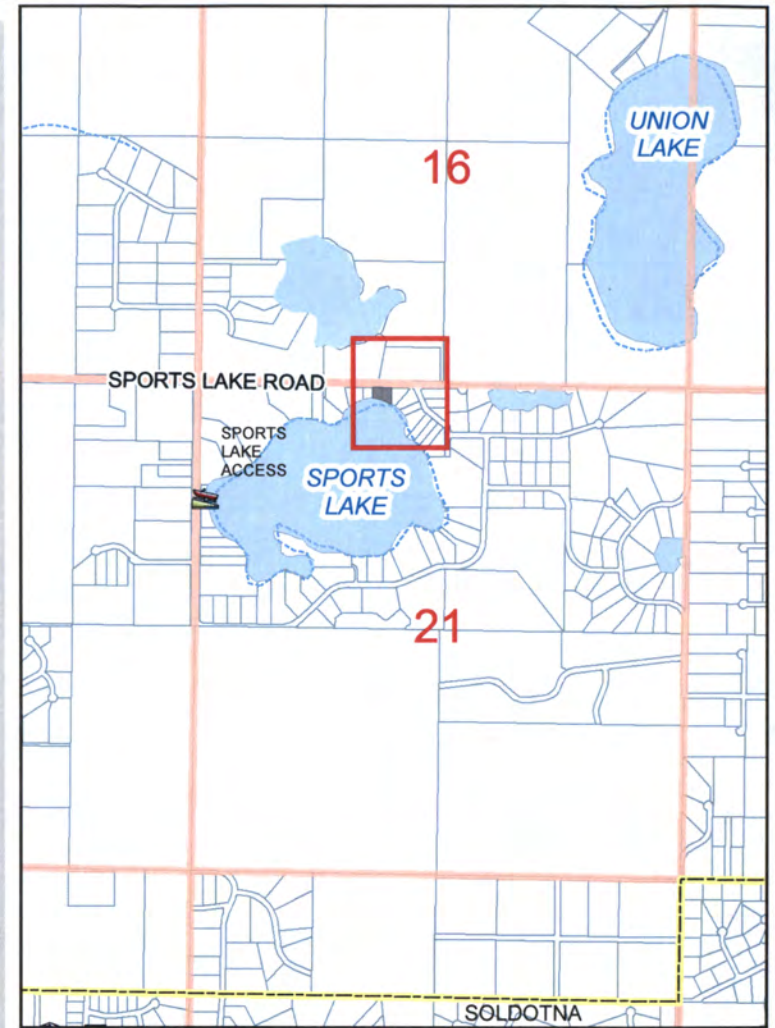
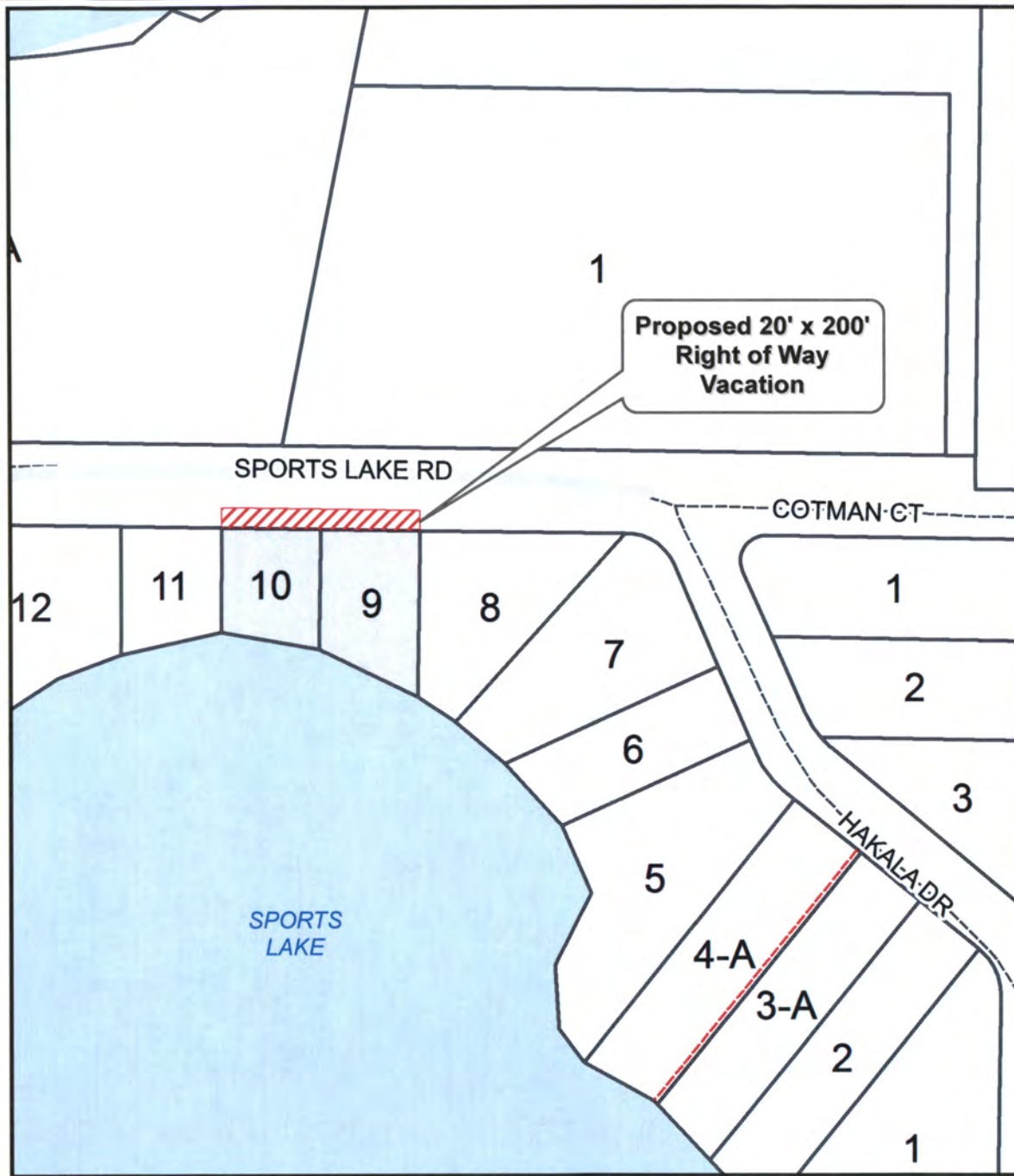
Date: 3/13/2017

Kenai Peninsula Borough Planning Department

Four-foot Contours

0 200 400 800 Feet





0 1,500 3,000 6,000 Feet

KPB 2017-019
T05N R10W S21
RIDGEWAY



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.

0 125 250 500'

ESolomon, KPB
Date: 2/23/2017



© 2017 Google
© 2016 Google

Google Earth

Google Earth

feet
meters

10

5



From: Horton, George C (DNR)
To: Solomon, Elizabeth
Subject: RE: ROW VACATION REVIEWS FOR 3/27/17 MEETING: ROW Review Group, HEA, ACS, ENSTAR, GCI; CES
Date: Thursday, March 09, 2017 8:09:47 AM

Hi Liz,

Please clarify on the plat that the portion of section-line easement underlying the proposed ROW vacation is not being vacated by this action. If the subdivider wishes to vacate that portion of SLE they will need to petition the state.

Thank you for the opportunity to comment.

George

George Horton, PLS, CFedS

Land Surveyor I

(907) 269-8610

george.horton@alaska.gov

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

"Do not go where the path may lead; go instead where there is no path and leave a trail." (Ralph Waldo Emerson)

From: Solomon, Elizabeth [mailto:ESolomon@kpb.us]

Sent: Friday, March 03, 2017 9:54 AM

To: 'Neuendorf, Cody' <CNeuendorf@HomerElectric.com>; Byron Jackson <byron.jackson@acsalaska.com>; Bradley Beck <bbeck@gci.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Perkins, Wes <WPerkins@kpb.us>; Aldridge, Morgan <MAldridge@kpb.us>; Eaton, Belinda L (DOT) <belinda.eaton@alaska.gov>; Biloon, Joselyn (DOT) <joselyn.biloon@alaska.gov>; Carver, Nancy <ncarver@kpb.us>; Simpson, Danika L (DOT) <danika.simpson@alaska.gov>; Dearlove, Tom <tdearlove@kpb.us>; Fuller, Karen <KFuller@kpb.us>; Horton, George C (DNR) <george.horton@alaska.gov>; Rinke, Hans J (DNR) <hans.rinke@alaska.gov>; Harris, Bryr <bharris@kpb.us>; Henson, Carrie <CHenson@kpb.us>; Zafian, Holly K (DFG) <holly.zafian@alaska.gov>; Knackstedt, Henry <HKnackstedt@kpb.us>; Kastner, Lorraine S (DOT) <lorraine.kastner@alaska.gov>; Hooyer, Patricia (DOT) <louise.hooyer@alaska.gov>; Malone, Patrick <PMalone@kpb.us>; Fink, Mark J (DFG) <mark.fink@alaska.gov>; Russell, Pam <PRussell@kpb.us>; Shears, Jennifer <jshears@kpb.us>; Vinzant, Mistee R (DOT) <mistee.vinzant@alaska.gov>; Wall, Bruce <bwall@kpb.us>

Subject: ROW VACATION REVIEWS FOR 3/27/17 MEETING: ROW Review Group, HEA, ACS, ENSTAR, GCI; CES

Attached is a right-of-way vacation to be reviewed for the **March 27, 2017** meeting. Please provide comments by **March 21, 2017**.

Sports Lake Subdivision 2017 Addn. vacation of portion of Sports Lake Road KPB 2017-019

From: Robert Thompson, M.D.

3-26-2017

43645 Sports Lake Rd. (Dr. Behrens neighbor)

Attention Liz Solomon:

Planning Department:

Re: Dr. Behrens petition for vacation of right away.

It is clear to me that Dr. Behrens has misled the borough regarding her request for vacation of the right away in front of her home (lots #9 and #10) on Sports Lake road.

The reasons she stated to justify her request were "to install a gravel pad turn around and to allow for instillation of a well."

While that could be partially true, and I do not have a problem with her request in general; I would like the vacation request extended across my lot #11 and my neighbor's lot # 12 quite logically. Personally, I find it upsetting that she has misrepresented her petition request.

It is clear to me that her intended reason for the request is most certainly to build a fence around her property, her privilege; basically, she does not want the fence to be 6-10 feet in front of her home, but would rather it be 26-30 feet from her home with the addition of the 20 foot vacation of the easement requested from the borough toward the road. She should have stated this in her request. If I were voting, I would deny her request based on her misleading the borough in principle. Fortunately for her, I am not voting.

If I were making the request, I would be more forthright. I have no plans for anything in front of my home at this time, and as your records will reveal, my well is 1.5 ft onto the borough easement, with a permanent grant for that and my lift station line runs under the borough road to the property across the street, with a permanent easement granted for that line also.

Thank you,

Sincerely,



Robert Thompson, M.D.

Scott Huff - Integrity Surveys Inc.

From: Sean O'Reilly <seantoreilly50@gmail.com>
Sent: Wednesday, February 15, 2017 2:03 PM
To: Scott Huff - Integrity Surveys Inc.
Subject: Behrens Letter

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,

Here is the letter for the Planning Comission. Please review and call me with any thoughts or suggestions you might have. 907-398-8231

Thanks,
Sean

Bobbie J Behrens

43635 Sports Lake Road

Soldotna, AK 99669

February 13, 2017

Kenai Peninsula Borough Planning Department

144 North Binkley

Soldotna, AK 99669

Dear Sirs,

I am asking the Kenai Peninsula Borough to grant my request to vacate the easement along the north side of my property paralleling Sport Lake Road for two reasons.

Currently when leaving my residence I have to back onto Sport Lake Road. Visibility from both directions on the roadway as well as my driveway is very limited. This condition is a public safety hazard for my neighbors, my family and guests. Granting my request would allow me the ability install a gravel pad next to the driveway. This would allow cars leaving my house to turnaround instead of backing onto the roadway, creating a safer egress onto Sport Lake Road.

I would like the ability to install and maintain my own water well. To properly install a well my only option would be to place the well on the NW corner of my lot inside the current borough easement. As background, the original owners of my property built the house in tandem with the neighbor to the west. At the time they decided to share the water well, which is still the current situation.

Your consideration in this matter is greatly appreciated.



Phone (907)283-9047 • integritysurveys@alaska.net • 820 Set Net Drive, Kenai, AK 99611

18 February 2017

Paul Voeller, Platting Officer
Kenai Peninsula Borough
144 North Binkley St.
Soldotna, AK 99669

Subj: Sports Lake Road – vacation of a portion of Right of Way

Mr. Paul Voeller,

Please find attached the submittal package for the petition to vacate a portion of Sports Lake Road Right of Way (ROW).

The goal of this project is to make Lots 9 and 10 Block 2 larger so that improvements can be made to the septic system, water well and to construct a garage. Currently Lot 9 and 10 are 0.328 acres and 0.259 acres. Under the current borough code, the lots do not meet the minimum lot size standard.

Lot 9 and 10 front on Sports Lake Road to the north and Sports Lake to the south. Sports Lake Road is currently an 83 foot wide right of way, which is larger than the borough ROW standard of 60 feet. The vacation of a portion of the excess ROW will help with the current size constraints on Lot 9 and 10. With the approval of this vacation, Sports Lake Road will be a 63 foot wide right of way in front of Lots 9 and 10, and still meet the borough ROW width standard.

The following findings support the approval of the ROW vacation.

- Sports Lake Road ROW is 83 feet in width, which is wider than the borough standard ROW width of 60 feet.
- After the approval of the vacation, Sports Lake Road ROW will be 63 feet wide in front of Lots 9 and 10.
- The additional area will allow Lot 9 and 10 to
 - o Upgrade the septic system.
 - o Install an onsite water well. Currently Lot 10 is supplied with water from a shared well located on Lot 11. If an issue with the well occurs then the owner of Lot 11 has to be located to remedy the situation.
 - o Make improvements to the drive/parking area. This will allow safer access to Sports Lake Road.
- The vacation of 20 feet of ROW will not affect the access, maintenance or drainage of the constructed roadway.

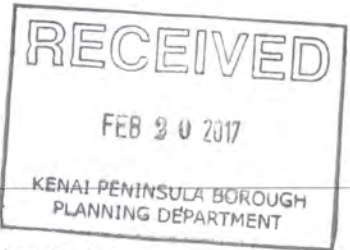
Should you have any questions, please feel free to call me. Thank you for your efforts on this project.

Sincerely,

Scott Huff, RLS
Integrity Surveys



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 Sports Lake Subdivision Subdivision, filed as Plat No. K-1412 in _____ 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:

See attached letter.

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: Scott Huff - Integrity Surveys Inc.
Address 820 Set Net Dr.
Kenai, AK 99611

Signature as:

☐ Petitioner ☒ Representative

Phone 283-9047

Petitioners:

Signature [Signature]
Name Bobbie J. Behrens
Address PO Box 1936
Soldotna, AK 99669

Signature _____
Name _____
Address _____

Owner of Lot 9+10 Bk 2
Sports Lake Subd.

Owner of _____

Signature _____
Name _____
Address _____

Signature _____
Name _____
Address _____

Owner of _____

Owner of _____