


Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director 

DATE: December 12, 2018

RE: Vacation in the Anchor Point area of five rights-of-ways and associated easements as follows:

- a. Vacate the 33-foot wide portions of the Stoddard Avenue and Wardell Street rights-of-way and the associated 10-foot wide utility easements, dedicated on Hamiltons Countryside Estates, Plat HM 87-31.
- b. Vacate the 50-foot wide portion of the Stoddard Avenue, the portion of the 60-foot wide Peck Street rights-of-way and the associated 20-foot wide roadway construction and maintenance easement and the associated 10-foot utility easement dedicated on Starichkof Cape Estates, Plat HM 77-28.
- c. Vacate the portion of the 33-foot wide Stoddard Avenue, the portion of the 33-foot wide Wardell Street (excluding that portion adjoining Lot 2 Block 3 Stariski Estates), the 60-foot wide and 30-foot wide portions of the Peck Street, the 60-foot wide portion of the Aven Avenue, the 60-foot-wide and 30-foot wide portions of the Custitan Avenue rights-of-way and associated 5-foot wide utility easements dedicated by Stariski Estates, Plat HM 76-99.

The five rights-of-way being vacated are unconstructed and located within public access easement being vacated is unconstructed and located within the NE1/4 NE1/4 of Section 12, Township 4 South, Range 15 West, and the W1/2 of Section 6, and the NW1/4 Section 7, Township 4 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2018-080V. Petitioners: Trimark Earth Reserve LLC of Anchor Point, AK and James C. Dunham of Hamilton, MO.

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 December 10, 2018, the Kenai Peninsula Borough Planning Commission granted approval of the proposed public access pedestrian easement vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings:

1. Per the submittal, none of the rights-of-way proposed for vacation have been constructed.
2. Per the submittal, none of the rights-of-way proposed for vacation are in use for access.
3. KPB records show Wardell Street overlies 83-foot wide section line easements.
4. KPB records show Stoddard Avenue overlies section line easements ranging in width from 83 to 100 feet.
5. Approval of the right-of-way vacation petition, will not affect the existing section line easements.

All existing section line easements will remain in place.

6. If the proposed right-of-way, road construction and maintenance easement, and utility easement petition is approved, it will be finalized by recording the plat 5 Mile Stariski Subdivision.
7. 5 Mile Stariski Subdivision proposed to replat lots and tracts from Stariski Estates (HM 76-99), Hamiltons Countryside Estates (HM 87-31), Starichkof Cape Estates (HM 77-28), and the unsubdivided remainder of Stariski Ridge No. 2 (HM 2011-35) into two tracts containing approximately 77 and 297 acres.
8. 5 Mile Stariski Subdivision preliminary plat shows and labels slopes greater than 20 percent.
9. HM 76-99 and HM 87-31 were paper plats with no field survey done.
10. Stariski Creek, which is protected by KPB 21.18, has been shown and labeled on 5 Mile Stariski Subdivision.
11. Per KPB GIS mapping, an unnamed anadromous stream protected by KPB 21.18 flows through Stariski Estates.
12. Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping indicates the subject property, and existing right-of-ways, are significantly affected by lakebed, discharge slopes, drainage ways, and riverine.
13. National Wetlands Inventory indicates the subject property is affected by freshwater forested/shrub wetland, freshwater emergent wetland, and riverine.
14. Parcels adjoining rights-of-way being vacated by 5 Mile Stariski Subdivision front alternative existing rights-of-way.
 - a. Parcels to the east (Winnburg Heights and the aliquot 40-acre parcel) front Poon Street.
 - b. Government Lots 1-3 and the aliquot parcels shown as a 200-acre single parcel to the northeast fronts KPB maintained Tall Tree Avenue.
 - c. Lot 2 Block 3, Stariski Estates, to the north fronts Grace Avenue and Wardell Street.
 - d. Tract E, Spruce Forest Subdivision, to the northwest fronts Liebenthal Street.
 - e. The 152-acre parcel to the west belongs to Trimark Earth Reserve LLC and fronts the Sterling Highway, Stoddard Avenue, Moosefield Street, and Wild Cotton Road.
15. KPB Roads Department submitted a statement of no comments.
16. Anchor Point Fire submitted a statement of no objections.
17. ENSTAR submitted a statement of no comments, recommendations, or objections.
18. ACS submitted a statement of no objections.
19. Sufficient rights-of-way exist to serve surrounding properties.
20. No surrounding or adjacent acreage properties will be denied access.
21. The existing section line easements will provide equal or superior access to the right of ways being vacated.
22. Proposed Tract A and Tract B of 5 Mile Stariski Subdivision could be subdivided in the future with right of ways located in areas more feasible for construction and not affected by low wet areas or steep terrain.

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

cc: petitioners' w/minutes only



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

December 12, 2018

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF DECEMBER 10, 2018

RE: Vacation in the Anchor Point area of five rights-of-ways and associated easements as follows:

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- b. Vacate the 50-foot wide portion of the Stoddard Avenue, the portion of the 60-foot wide Peck Street rights-of-way and the associated 20-foot wide roadway construction and maintenance easement and the associated 10-foot utility easement dedicated on Starichkof Cape Estates, Plat HM 77-28.
- c. Vacate the portion of the 33-foot wide Stoddard Avenue, the portion of the 33-foot wide Wardell Street (excluding that portion adjoining Lot 2 Block 3 Stariski Estates), the 60-foot wide and 30-foot wide portions of the Peck Street, the 60-foot wide portion of the Aven Avenue, the 60-foot-wide and 30-foot wide portions of the Custitan Avenue rights-of-way and associated 5-foot wide utility easements dedicated by Stariski Estates, Plat HM 76-99.

The five rights-of-way being vacated are unconstructed and located within public access easement being vacated is unconstructed and located within the NE1/4 NE1/4 of Section 12, Township 4 South, Range 15 West, and the W1/2 of Section 6, and the NW1/4 Section 7, Township 4 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2018-080V. Petitioners: Trimark Earth Reserve LLC of Anchor Point, AK and James C. Dunham of Hamilton, MO.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed rights-of-way and associated easements vacations during their regularly scheduled meeting of December 10, 2018 based on the following findings of fact.

Findings:

1. Per the submittal, none of the rights-of-way proposed for vacation have been constructed.
2. Per the submittal, none of the rights-of-way proposed for vacation are in use for access.
3. KPB records show Wardell Street overlies 83-foot wide section line easements.
4. KPB records show Stoddard Avenue overlies section line easements ranging in width from 83 to 100 feet.
5. Approval of the right-of-way vacation petition, will not affect the existing section line easements. All existing section line easements will remain in place.

6. If the proposed right-of-way, road construction and maintenance easement, and utility easement petition is approved, it will be finalized by recording the plat 5 Mile Stariski Subdivision.
7. 5 Mile Stariski Subdivision proposed to replat lots and tracts from Stariski Estates (HM 76-99), Hamiltons Countryside Estates (HM 87-31), Starichkof Cape Estates (HM 77-28), and the unsubdivided remainder of Stariski Ridge No. 2 (HM 2011-35) into two tracts containing approximately 77 and 297 acres.
8. 5 Mile Stariski Subdivision preliminary plat shows and labels slopes greater than 20 percent.
9. HM 76-99 and HM 87-31 were paper plats with no field survey done.
10. Stariski Creek, which is protected by KPB 21.18, has been shown and labeled on 5 Mile Stariski Subdivision.
11. Per KPB GIS mapping, an unnamed anadromous stream protected by KPB 21.18 flows through Stariski Estates.
12. Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping indicates the subject property, and existing right-of-ways, are significantly affected by lakebed, discharge slopes, drainage ways, and riverine.
13. National Wetlands Inventory indicates the subject property is affected by freshwater forested/shrub wetland, freshwater emergent wetland, and riverine.
14. Parcels adjoining rights-of-way being vacated by 5 Mile Stariski Subdivision front alternative existing rights-of-way.
 - a. Parcels to the east (Winnburg Heights and the aliquot 40-acre parcel) front Poon Street.
 - b. Government Lots 1-3 and the aliquot parcels shown as a 200-acre single parcel to the northeast fronts KPB maintained Tall Tree Avenue.
 - c. Lot 2 Block 3, Stariski Estates, to the north fronts Grace Avenue and Wardell Street.
 - d. Tract E, Spruce Forest Subdivision, to the northwest fronts Liebenthal Street.
 - e. The 152-acre parcel to the west belongs to Trimark Earth Reserve LLC and fronts the Sterling Highway, Stoddard Avenue, Moosefield Street, and Wild Cotton Road.
15. KPB Roads Department submitted a statement of no comments.
16. Anchor Point Fire submitted a statement of no objections.
17. ENSTAR submitted a statement of no comments, recommendations, or objections.
18. ACS submitted a statement of no objections.
19. Sufficient rights-of-way exist to serve surrounding properties.
20. No surrounding or adjacent acreage properties will be denied access.
21. The existing section line easements will provide equal or superior access to the right of ways being vacated.
22. Proposed Tract A and Tract B of 5 Mile Stariski Subdivision could be subdivided in the future with right of ways located in areas more feasible for construction and not affected by low wet areas or steep terrain.

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 (December 10, 2018) 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 December 12, 2018 to:

Trimark Earth Reserve LLC
34481 North Fork Rd
Anchor Point, AK 99556

James C. Dunham
920 S Hughes St.
Hamilton, MO 64644

McLane Consulting, Inc
PO Box 468
Soldotna, AK 99669

Anchor Point Advisory Planning Commission
PO Box 1065
Anchor Point, AK 99556

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacation in the Anchor Point area of the following rights-of-way and associated easements. Location and request:
 - a. Vacate the 33-foot wide portions of the Stoddard Avenue and Wardell Street rights-of-way and the associated 10-foot wide utility easements, dedicated on Hamiltons Countryside Estates, Plat HM 87-31.
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The five rights-of-way being vacated are unconstructed. The rights-of-way are located in Anchor Point within the NE1/4 NE1/4 of Section 12, Township 4 South, Range 15 West, and the W1/2 of Section 6, and the NW1/4 Section 7, Township 4 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2018-080V.

Staff Report given by Scott Huff

PC Meeting: 12/10/18

Purpose as stated in petition: Parcels are being replatted and combined into a new tract that has alternate access point. The road rights-of-way were created in 1976, 1977, and 1987 by subdivision, but never constructed. Surrounding parcels have alternative physical and legal access.

Petitioners: Trimark Earth Reserve LLC of Anchor Point, Alaska and James C. Dunham of Hamilton, Missouri

Notification:

Public notice appeared in the November 29 issue of the Homer News as a separate ad. Public notice was published in the December 6 issue of the Homer News as part of the Commission's tentative agenda.

Eleven notices were sent by certified mail to owners (including the petitioners) within 300 feet of the proposed vacations. Ten receipts had been returned when the staff report was prepared.

Three public notices were sent by regular mail to owners within 600 feet of the proposed vacations.

Public hearing notices were emailed to 17 agencies and interested parties.

Public hearing notices were emailed or made available via a shared database to 14 KPB staff/departments.

Notices were mailed to the Anchor Point Post Office and Anchor Point 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:

ACS: No objections.

Anchor Point Fire: No objections.

ENSTAR: No comments, recommendations, or objections.

KPB Addressing: All of the 8 existing Aven Ave addresses will be deleted from the system. Since the ROW is being vacated, 70251 Stariski Ridge Rd will be retained on Tract B. 69855 Grace Ave will be deleted from the system. Existing street names are correct.

KPB Planner: No local option zone or material site issues.

KPB Roads Department: No comments.

River Center: Not within a mapped flood hazard zone. It is partially within the Anadromous Habitat Protection District.

State Parks: No comments.

Alaska Department of Fish and Game: No objection to the vacation of these undeveloped ROW's. However, the ROWs of Stoddard Avenue and Wardell Street were platted along valid Section Line Easements. The applicant should be aware that despite the vacation of these ROWs, the Section Line Easement still provide legal public access to Stariski Creek.

Staff Discussion:

The proposed vacation petition will be reviewed by the Anchor Point Advisory Planning Commission on November 29. If comments from the APC are not received in time for regular packet mailout, a copy will be included in the desk packet. The APC approved the vacation.

If the proposed right-of-way, road construction and maintenance easement, and utility easement petition is approved, it will be finalized by recording the plat 5 Mile Stariski Subdivision. An exception to block length will be required.

In addition to vacating rights-of-way, construction and maintenance easements, and utility easements (if approved), 5 Mile Stariski Subdivision replats multiple lots and tracts into two tracts containing 77 and 297 acres. The vacations and replatting lots and tracts is part of a large material site extraction plan.

One parcel included in the proposed subdivision is the unsubdivided remainder of Stariski Ridge No. 2, which has been approved as a material extraction site per PC Resolution 2005-15. The unsubdivided remainder is being divided between Tract A and Tract B. The approved material extraction site mining area is located west of Stariski Creek and is accessed from Stariski Ridge Road. Bruce Wall can answer questions about the effect of the subdivision on the Conditional Land Use Permit to extract material.

Stariski Creek, which is protected by KPB 21.18, flows through the subdivision. KPB GIS mapping indicates an unnamed anadromous stream protected by KPB 21.18 flows through Stariski Estates. Staff will recommend the surveyor confirm if a second anadromous stream crosses the subdivision, and if so, it will be shown and labeled.

Existing section line easements of varying widths following Wardell Street and Stoddard Avenue will remain. The section line easements provide access to, and through, the proposed 5 Mile Stariski Subdivision.

Findings:

1. Per the submittal, none of the rights-of-way proposed for vacation have been constructed.
2. Per the submittal, none of the rights-of-way proposed for vacation are in use for access.
3. KPB records show Wardell Street overlies 83-foot wide section line easements.

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 - e. The 152-acre parcel to the west belongs to Trimark Earth Reserve LLC and fronts the Sterling Highway, Stoddard Avenue, Moosefield Street, and Wild Cotton Road.
15. KPB Roads Department submitted a statement of no comments.
16. Anchor Point Fire submitted a statement of no objections.
17. ENSTAR submitted a statement of no comments, recommendations, or objections.
18. ACS submitted a statement of no objections.
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22. Proposed Tract A and Tract B of 5 Mile Stariski Subdivision could be subdivided in the future with right of ways located in areas more feasible for construction and not affected by low wet areas or steep terrain.

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

1. Consent by the KPB Assembly.
2. Grant utility easements requested by the utility providers.
3. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within a timeframe such that the plat can be recorded within one year of vacation consent.

Staff's recommendation may change if statement(s) of objection to the proposed right-of-way vacation(s) are received from adjoining or adjacent owner(s).

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. Gina DeBardelaben, McLane Consulting, PO Box 468, Soldotna, Alaska
Ms. DeBardelaben is with the surveying firm that was hired to prepare the replat and right-of-way vacations. They are in agreement with the staff report. There is access provided from the north and the south to all properties through existing road systems or platted rights-of-way. She let the commission know she was available for questions.

Seeing and hearing no questions for Ms. DeBardelaben, Chairman Martin continued public comment. Seeing and hearing no one else wishing to speak, the public hearing was closed and discussion was opened among the commission.

MOTION: Commissioner Whitney moved, seconded by Commissioner Fikes to approve the vacation of the 33 foot wide portions of Stoddard Avenue and Wardell Street rights-of-way and the associated 10 foot wide utility easement, dedicated on Hamiltons Countryside Estates, vacate the 50 foot wide portion of the Stoddard Avenue, the portion of the 60 foot wide Peck Street rights-of-way and the associated 20 foot wide roadway construction and maintenance easement and the associated 10 foot utility easement dedicated on Starichkof Cape Estates, and vacate the portion of the 33 foot wide Stoddard Avenue, the portion of the 33 foot wide Wardell Street (excluding that portion adjoining Lot 2 Block 3 Stariski Estates), the 60 foot wide and 30 foot wide portions of the Peck Street, the 60 foot wide portion of the Aven Avenue, the 60 foot wide and 30 foot wide portions of the Custitan Avenue rights-of-way and associated 5 foot wide utility easements dedicated by Stariski Estates, based on staff recommendations and compliance with borough code

Commissioner Foster clarified that the motion included the 22 findings from the staff report. Commissioner Whitney confirmed that it did.

MOTION PASSED: Seeing and hearing no discussion or objection the motion passed by unanimous consent.

F. PUBLIC HEARINGS

- 1. Vacation in the Anchor Point area of portions of the following rights-of-way and associated easements: Stoddard Avenue, Wardell Street, Peck Street, Aven Avenue, Custitan Avenue.
Petitioners: Trimark Earth Reserve LLC and James C. Dunham
KPB File: 2018-080V**

AGENDA ITEM F. PUBLIC HEARINGS

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STAFF REPORT

PC Meeting: 12/10/18

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KPB Roads Department: No comments.

River Center: Not within a mapped flood hazard zone. It is partially within the Anadromous Habitat Protection District.

State Parks: No comments.

Alaska Department of Fish and Game: No objection to the vacation of these undeveloped ROW's. However, the ROWs of Stoddard Avenue and Wardell Street were platted along valid Section Line Easements. The applicant should be aware that despite the vacation of these ROWs, the Section Line Easement still provide legal public access to Stariski Creek.

Staff Discussion:

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Findings:

Anchor Point Advisory Planning Commission

Meeting Minutes: 11/29/2018

Meeting called to order.

Roll Call: Members present were Raymond Drake, Hans Bilben, Dawson Slaughter, Brok Shafer and Donna White

Approval of Agenda: Agenda was approved with the addition of Approval of the minutes from 11/07/2018.

Approval of Minutes: Minutes of 11/07/2018 were reviewed by members previously and approved.

Oath of Office: Dawson Slaughter signed the Oath of Office.

Election of Officers: Dawson Slaughter elected as Chairman. Brok Shafer elected as Vice-Chairman. Donna White elected as Secretary.

Correspondence: Notice from KPB Planning Commission that set back exception (KPB 2018-127) was approved. Notice from the KPB Plat Committee (KPB 2018-126) was approved. Members also received an email from Lori Davis regarding Hilcorp. Hans Bilben stated that he responded.

Public Comment: None.

Report from Borough: None.

Old Business: None

New Business:

- A. 5 Mile Stariski Subdivision Right of Way Vacations – KPB File 2018-090V. Members reviewed the staff report from KPB staff. Questions were asked about access to the property. If approved, only the Right of Way will be vacated. Action does not vacate the section line easement. Hans Bilben made a motion to approve vacating the Right of Way. Raymond Drake seconded the motion. Brok Shafer recused himself from voting. Motion passed.
- B. Stariski Ridge No.2 Replat Right of Way Vacations – KPB File 2018-147V. Members reviewed staff and the recommendation that the request not be approved. Hans Bilben made a motion to approve the Right of Way Vacation. Raymond Drake seconded the motion. Brok Shafer recused himself from voting. Motion passed.

Announcements:

- A. Next Regular Meeting: January 2, 1019 at 7:00 pm.

Adjournment: Meeting Adjourned at 8:23

1. Per the submittal, none of the rights-of-way proposed for vacation have been constructed.
2. Per the submittal, none of the rights-of-way proposed for vacation are in use for access.
3. KPB records show Wardell Street overlies 83-foot wide section line easements.
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6. If the proposed right-of-way, road construction and maintenance easement, and utility easement petition is approved, it will be finalized by recording the plat 5 Mile Stariski Subdivision.
7. 5 Mile Stariski Subdivision proposed to replat lots and tracts from Stariski Estates (HM 76-99), Hamiltons Countryside Estates (HM 87-31), Starichkof Cape Estates (HM 77-28), and the unsubdivided remainder of Stariski Ridge No. 2 (HM 2011-35) into two tracts containing approximately 77 and 297 acres.
8. 5 Mile Stariski Subdivision preliminary plat shows and labels slopes greater than 20 percent.
9. HM 76-99 and HM 87-31 were paper plats with no field survey done.
10. Stariski Creek, which is protected by KPB 21.18, has been shown and labeled on 5 Mile Stariski Subdivision.
11. Per KPB GIS mapping, an unnamed anadromous stream protected by KPB 21.18 flows through Stariski Estates.
12. Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping indicates the subject property, and existing right-of-ways, are significantly affected by lakebed, discharge slopes, drainage ways, and riverine.
13. National Wetlands Inventory indicates the subject property is affected by freshwater forested/shrub wetland, freshwater emergent wetland, and riverine.
14. Parcels adjoining rights-of-way being vacated by 5 Mile Stariski Subdivision front alternative existing rights-of-way.
 - a. Parcels to the east (Winnburg Heights and the aliquot 40-acre parcel) front Poon Street.
 - b. Government Lots 1-3 and the aliquot parcels shown as a 200-acre single parcel to the northeast fronts KPB maintained Tall Tree Avenue.
 - c. Lot 2 Block 3, Stariski Estates, to the north fronts Grace Avenue and Wardell Street.
 - d. Tract E, Spruce Forest Subdivision, to the northwest fronts Liebenthal Street.
 - e. The 152-acre parcel to the west belongs to Trimark Earth Reserve LLC and fronts the Sterling Highway, Stoddard Avenue, Moosefield Street, and Wild Cotton Road.
15. KPB Roads Department submitted a statement of no comments.
16. Anchor Point Fire submitted a statement of no objections.
17. ENSTAR submitted a statement of no comments, recommendations, or objections.
18. ACS submitted a statement of no objections.
19. Sufficient rights-of-way exist to serve surrounding properties.
20. No surrounding or adjacent acreage properties will be denied access.
21. The existing section line easements will provide equal or superior access to the right of ways being vacated.
22. Proposed Tract A and Tract B of 5 Mile Stariski Subdivision could be subdivided in the future with right of ways located in areas more feasible for construction and not affected by low wet areas or steep terrain.

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

1. Consent by the KPB Assembly.
2. Grant utility easements requested by the utility providers.
3. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within a timeframe such that the plat can be recorded within one year of vacation consent.

Staff's recommendation may change if statement(s) of objection to the proposed right-of-way vacation(s) are received from adjoining or adjacent owner(s).

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.

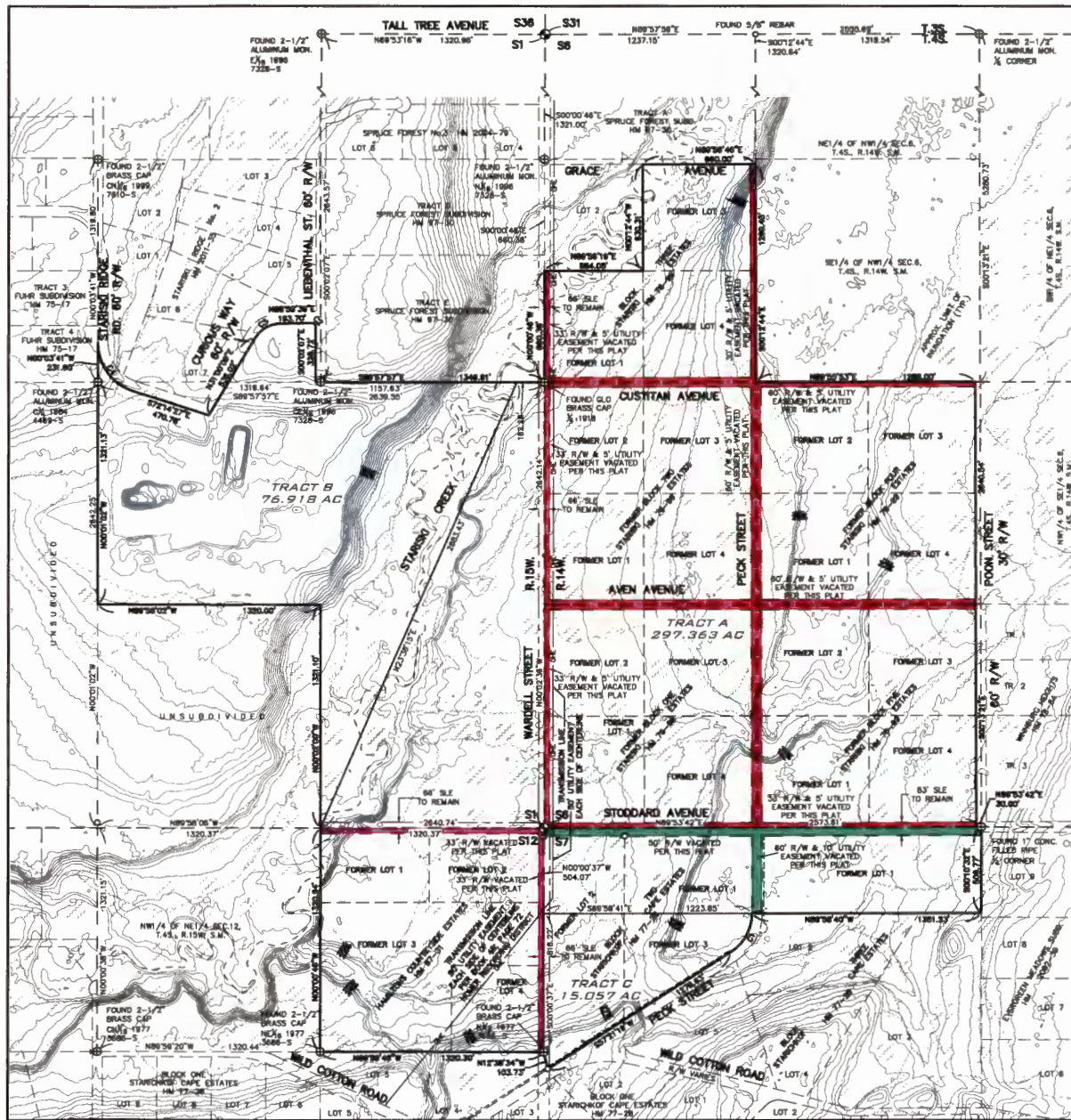
KPB 20.70.120:

- 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:

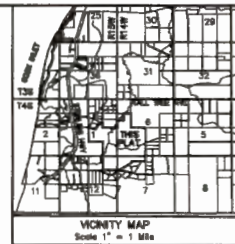
THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT



LEGEND

- FOUND PRIMARY MONUMENT AS DESCRIBED
- SET 3 1/4" ALUM. CAP.
- 2 3/8" X 30' FLANGED ALUM. PIPE
- FOUND 1/2" REBAR UNLESS NOTED
- SET 8/8" 30' REBAR w/ 1" STAINLESS STEEL CAP 4637-S
- POWER POLE
- SLE SECTION LINE EASEMENT
- OVERHEAD ELECTRIC
- CONTOUR INTERVAL = 4'
- SLOPES GREATER THAN 20%
- ROAD R/W VACATED PER THIS PLAT
- SECTION LINE EASEMENTS TO REMAIN SEE NOTE 3
- AREA SUBJECT TO INUNDATION



CURVE TABLE					
CURVE #	DELTA	ADIUS	LENGTH	TANGENT	CHORD BEARING
C1	87°30'50"	270.00	170.16	147.02	S 38°11'18" W
C2	80°56'14"	20.00	31.79	20.34	S 40°21'4" E
C3	87°30'50"	170.00	172.09	94.22	N 88°58'54" E
C4	72°10'54"	205.00	277.87	215.63	S 28°10'38" E

NOTES

- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
- NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- BUILDING SET BACK- A BUILDING SET BACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 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.
- THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF THE LISTED ROAD RIGHTS-OF-WAY (R/W) AT THE MEETING OF OCTOBER 30, 2018. SECTION LINE EASEMENTS TO REMAIN.
- THE 33' R/W OF STODDARD AVENUE AND THE 33' R/W OF WARDLE STREET INCLUDING THE 10' UTILITY EASEMENT ADJACENT TO R/W CREATED BY HM 87-31.
- THE 50' R/W OF STODDARD AVENUE AND A PORTION OF THE 60' R/W OF PECK STREET INCLUDING THE UTILITY EASEMENT AND 20' ROADWAY CONSTRUCTION & MAINTENANCE EASEMENT ADJACENT TO R/W CREATED BY HM 77-28.
- THE 33' R/W OF STODDARD AVENUE, A PORTION OF THE 33' R/W OF WARDLE STREET, THE 60' AND 30' R/W OF PECK STREET, THE 60' R/W OF AVEN AVENUE, THE 60' AND 30' R/W OF CUSHTAN AVENUE ALONG WITH THE ADJACENT 5' UTILITY EASEMENT ALONG ALL ROAD RIGHTS-OF-WAYS CREATED BY HM 78-98.
- HOMER ELECTRIC ASSOCIATION GENERAL EASEMENT ON THE NW1/4 OF SE1/4, E1/2 OF SE1/4 AND SW1/4 OF NE1/4 OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 18 WEST, S.M., AK PER BOOK 17, PAGE 38 HOMER RECORDING DISTRICT RECORDED JUNE 30, 1958.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

TRIMARK EARTH RESERVE LLC, OWNER
24481 NORTH FORK RD
ANCHOR POINT, AK 99536

JAMES C. DUNHAM, OWNER
820 S HUDGES ST.
HAMILTON, MO 64644

NOTARY'S ACKNOWLEDGEMENT

FOR
ACKNOWLEDGED BEFORE ME THIS
____ DAY OF _____ 2018
MY COMMISSION EXPIRES : _____
NOTARY PUBLIC FOR THE
STATE OF ALASKA

PLAT APPROVAL

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

AUTHORIZED OFFICIAL

KPB 2018-080V

WASTEWATER DISPOSAL

THESE LOTS ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 3 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



5 MILE STARISKI SUBDIVISION (A RESUBDIVISION OF LOTS 1-3 BLOCK 2, LOT 1 BLOCK 3 STARISKI COUNTRY ESTATES HM 77-28) LOTS 1-4 HAMILTONS COUNTRY ESTATES HM 77-31 AND LOTS 1, 3-4 BLOCK 3, LOTS 1-4 BLOCKS 1-2, -4-5 STARISKI ESTATES HM 78-98 TRIMARK EARTH RESERVE LLC, OWNER 24481 NORTH FORK RD ANCHOR POINT, AK 99536 JAMES C. DUNHAM, OWNER 820 S HUDGES ST HAMILTON, MO 64644 389.338 AC. M/A. SITUATED IN THE NW1/4 OF SE1/4, E1/2 OF SE1/4 AND SW1/4 OF NE1/4 OF SEC. 12, T.4S, R.19W, S.M., AND THE NE1/4 OF NE1/4 OF SEC. 12, T.4S, R.19W, S.M., AND THE NW1/4 SEC. 12, T.4S, R.14W, S.M., AND THE NW1/4 OF SEC. 7, T.4S, R.14W, S.M., AK AND THE KENAI PENINSULA BOROUGH, IN THE HOMER RECORDING DISTRICT.		EXHIBITION - TESTED SURVEYING SUPPORT P.O. BOX 488 STODOLSKY, AK 99586 VOICE (907) 264-4474 FAX (907) 264-4488 WWW.STODOLSKY.COM	KPB FILE NO. 2018-080V PROJECT NO. 18200-4
DRAUGHTSMAN JAMES C. DUNHAM 820 S HUDGES ST. HAMILTON, MO 64644	DATE: JULY 2018 SCALE: 1" = 800'	DRAWN BY: JAM	

STARISKI ESTATES

A SUBDIVISION OF THE SW 1/4 NW 1/4 & THE SW 1/4 OF SEC. 6
T4S, R14W, 5M KENAI PENINSULA BORO ALASKA

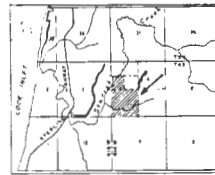
THIS PLAT REPRESENTS A COMPILATION OF RECORD DATA
WITHOUT MEASUREMENTS MADE BY THIS SURVEYOR

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN HEREON, THAT I ADOPT THIS PLAN OF SUBDIVISION, AND DO HEREBY DEDICATE TO THE PUBLIC USE AND TO THE USE OF THE PUBLIC UTILITIES, THE ROADS AND EASEMENTS SHOWN

Elaine E. Hutton
ELAINE E. HUTTON
BOX 418
KENAI, AK 99541

Shirley L. Peck
SHIRLEY L. PECK
BOX 401
KENAI, AK 99541



NOTARY'S ACKNOWLEDGMENT

SWORN AND SUBSCRIBED BEFORE ME, A NOTARY PUBLIC,
THIS 1ST DAY OF JULY 1976

Elaine E. Hutton
NOTARY PUBLIC FOR ALASKA
My Commission Expires 3-22-80

BOROUGH APPROVAL

APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING
COMMISSION THIS 21ST DAY OF JUNE 1976

Donald E. Gilman
DONALD E. GILMAN
MAYOR



SCALE 1" = 200'

LAND USE: RESIDENTIAL
TOTAL AREA INCLUDING ROADS: 107.5 ACRES
MAX. 20' BUILDING SETBACK ON ALL LOTS
ALL UTILITY EASEMENTS AND AREAS ARE
CLEARING EASEMENTS ONLY

#76-99

RECORDED FILED 13

Hutton REC. DIST.

DATE 11-18-76

TIME 9:13 A.M.

APPROVED BY KPB

Salvatore

SHIRLEY L. PECK
BOX 401
KENAI, ALASKA

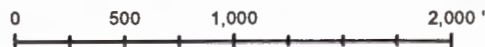
JESSE LOBBELL SURVEYOR
ROUTE 1
KENAI, ALASKA

HM 76-99



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



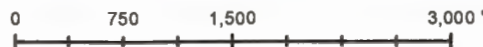
Right of Way Vacations and Associated Utility Easement Vacations

JReif, KPB
Date: 10/24/2018



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Aerial View



Right of Way Vacations and Associated Utility Easement Vacations

JReif, KPB
Date: 10/24/2018



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Kenai Peninsula Borough

5 Mile Stariski Subdivision
Two parcels are owned by James Dunham.
The remainder of the parcels are owned by
Trimark Earth Reserve, LLC.

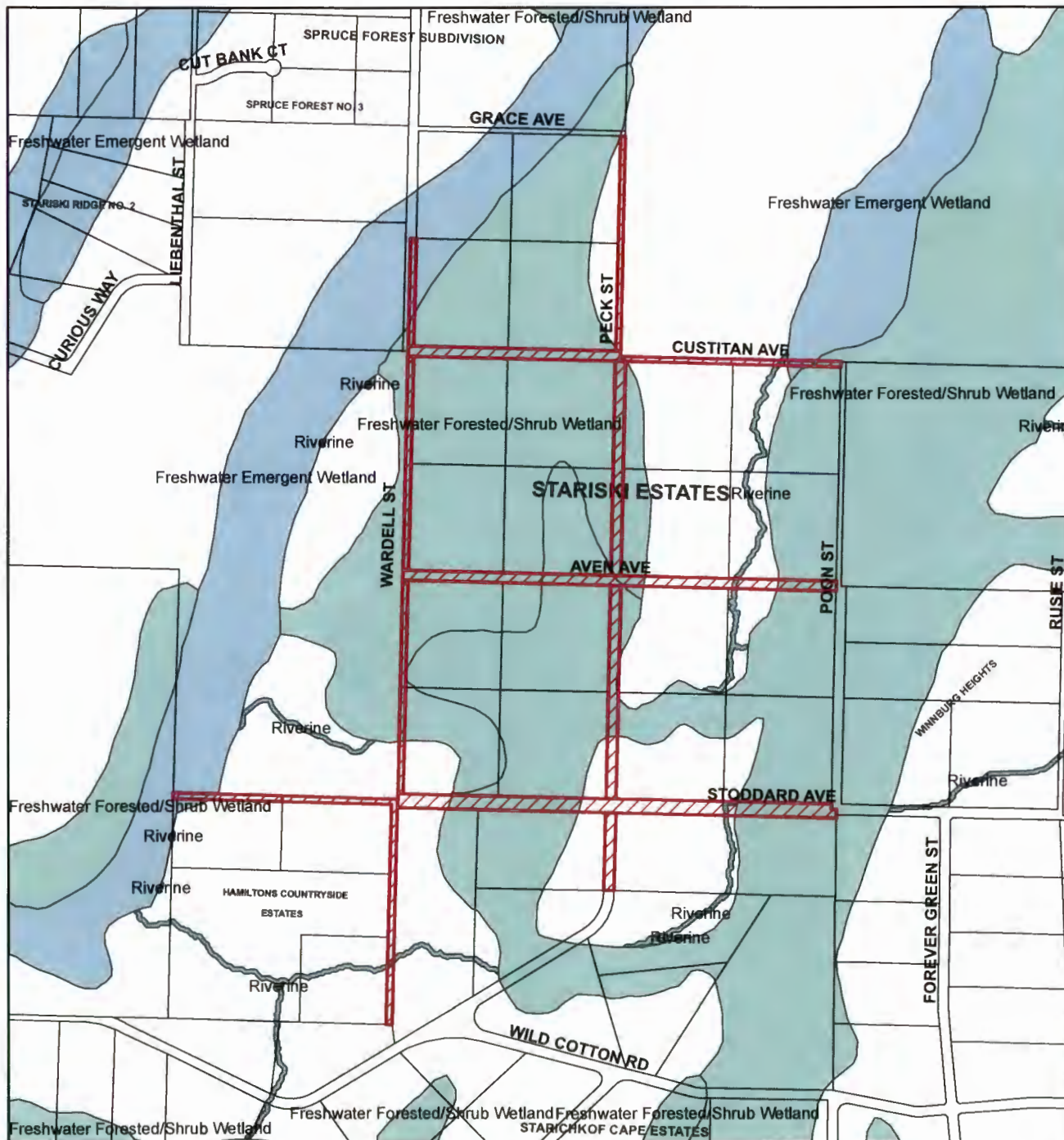
0 500 1,000 2,000 Feet



Date: 11/26/2018

Author: MSweppy

Kenai Peninsula Borough
Planning Department



National Wetlands Inventory
WETLAND_TYPE

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Right of Way Vacations



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for any errors on this map.

Date: 11/26/2018

0 200 400 800 feet

Kenai Peninsula Borough
Planning Department

 Right of Way Vacations

Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping

-  DISTURB
-  Depression
-  Discharge Slope
-  Drainageway
-  Floating Island
-  Headwater Fen
-  Kettle
-  LAKE
-  Lakebed
-  Late Snow Plateau
-  Riverine
-  Tidal
-  Wetland / Upland Complex



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0 200 400 800 feet
