


# Kenai Peninsula Borough

## Planning Department

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### MEMORANDUM

**TO:** Brent Hibbert, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Melanie Aeschliman, Planning Director 

**DATE:** January 29, 2021

**RE:** Vacate a segment of a 100' right of way adjoining the east boundary of Lot 1 Block 6 and the west boundary of Lot 7 Block 3 Caribou Island Amended (Plat SW-37)

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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 January 25, 2021 the Kenai Peninsula Borough Planning Commission granted approval the vacation of a segment of a 100' right of way adjoining the east boundary of Lot 1 Block 6 and the west boundary of Lot 7 Block 3 Caribou Island Amended (Plat SW-37).

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

January 25, 2021 Planning Commission Draft Meeting Minutes  
January 25, 2021 Agenda Item E2 Meeting Packet Materials

**STAFF RECOMMENDS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**END OF STAFF REPORT**

Chair Martin open the item for public comment. Seeing and hearing no one from the public wishing to comment, Chair Martin closed public comment and opened discussion among the Commission.

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Venuti to grant preliminary approval to Moose Range Ridge Estates Oehler Replat based on staff recommendations and compliance to borough code.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	11	No	0	Absent	0
Yes	Bentz, Brantley, Carluccio, Chesser, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
No	None				

**AGENDA ITEM E. NEW BUSINESS**

2. Vacate a segment of a 100' right of way adjoining the east boundary of Lot 1 Block 6 and the west boundary of Lot 7 Block 3 Caribou Island Amended (Plat SW-37)

Staff report given by Scott Huff.

Purpose as stated in petition:

Our reason for requesting to vacate a portion of the 100' wide access right of way is to reclaim back and repair the damaged eroding lake bank of that portion (50' or more) of our property that is mistakenly used as the "assumed location" of the 100' right of way by past and present property owners.

We would like to vacate the remaining area and offer an alternate 30' right of way on the east boundary of our Lot 7 Block 3 Caribou Island, plat SW-37. There are no 60' right of ways that have been platted or dedicated so we would like to match the 2 other 30' right of ways to the east. Mostly though, we hope to leave enough square footage to build a cabin for family and friends. If a 60' right way is dedicated, then add 2-20' building setbacks as per code 20.30.240(A), then add a 50' anadromous habitat protection as per code 20.30.290, this would not leave much left. We however, will have to do the same when we have the final plat, but would have more footage by just dedicating a 30'.



And the final reason we want to dedicate only a 30' width rather than a 60' width, is that no vehicles other than four-wheelers will ever be used on the right of ways and on our south side of the island, there are 2-30' right of ways and 2-100' right of ways, the latter being an air strip reservation that amongst the property owners, will never be constructed as the popular travel method is by airplane (float plane), boat, (or snow machine in the winter). The right of ways on the south half of the island have 5 access points than the north side of the island which there is only 1 access point.

The foot traffic, boats, barge parking and the loading/unloading of materials has deteriorated the bank and forest floor of our property, mostly on the south boundary of Lot 1 Block 6, which we would like to repair and regrow as part of our combining the lots with the final plat. Current "real" widths throughout the rights of way vary from a hiking trail to a four-wheeler size width. Amongst most of the property owners on the island agree, there is no real need to develop the right of ways any wider, everyone enjoys hiking and on occasion 4-wheel.

We have owned property here since 2004 and have acquired adjoining lots throughout the years, we plan to retire and have the property for our family to enjoy for generations. As of today, we have a total of 5 lots with 3 lots adjoining the 100' and 30' right of ways.

We have a good personal relationship with many of the property owners within the entire island and with our nearby neighbors. We have spoken to a few of them about our vacation idea. We have prepared (and traversed it easily by four-wheeler) the area for the new 30' right of way for land owners to use instead if approved.

Petitioners: Michael R. and Peggy Clements, Sterling AK

Notification: Public notice appeared in the January 13, 2021 issue of the Seward Journal as a separate ad. The public hearing notice was published in the January 21, 2021 issue of the Seward Journal as part of the Commission's tentative agenda.

7 certified mailings were sent to owners of property within 300 feet of the proposed vacation. Two receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 19 owners within 600 feet of the proposed vacation.

15 public hearing notice were mailed to agencies and interested parties as show below:

State of Alaska Department of Fish & Game  
State of Alaska Department of Transportation  
Alaska Communication Systems (ACS)  
General Communications Inc. (GCI)

State of Alaska Department of Natural Resources  
Kenai Peninsula Borough Office – Seward  
ENSTAR Natural Gas  
Homer Electric Association (HEA)

Public hearing notices were made available to 5 KPB staff/Departments (Addressing, Code Compliance, Planner, Roads Dept., River Center) via a shared database.

Notices were mailed to the Sterling and Cooper Landing Post Offices and Seward 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: Comments not received when the staff report was prepared.

ENSTAR: No comments, recommendations, or objections.

Homer Electric Association: No comments.

KPB Addressing: Comments not received when the staff report was prepared.

KPB Planning: Comments not received when the staff report was prepared.

KPB River Center: Not within a flood hazard area. It is totally or partially within the Anadromous Waters Habitat Protection District.

KPB Roads Department: Within jurisdiction, no comments

State Parks: No comments.

Staff Discussion:

A petition to vacate was received to vacate a portion of Essick REM NW. The right of way is considered remote. It is located on Caribou Island that is located in Skilak Lake. The island is along the southern portion of Skilak Lake and is between the Skilak Lake Lower and Upper boat launches. The right of way was dedicated on the Caribou Island Amended Plat, SW 37. The plat was recorded in 1965 and the right of ways were unnamed. Resolution SN 2007-01 named the dedicated right of ways on the island.

The island was subdivided into 223 lots within twelve blocks. A 200 foot air strip with 100 foot dedications on each end was reserved. This reservation and public access runs the width of the island. A 100 foot wide right of way was dedicated that runs north - south, the entire length of the island. 30 foot wide right of way dedications were granted that provide a continuous loop around the island with several internal 30 foot right of ways to provide access to each lot.

As mentioned by the applicants' letter there are several access points from the lake around the island. The northern portion of the island has a 100 foot right of way for lake access. The east and west sides of the island have 100 foot lake access right of ways located at the end of the 200 foot airstrip. The southern side of the island has the 100 foot lake access right of way proposed to be vacated as well as two additional 30 foot lake access right of ways.

The applicant is proposing to vacate approximately 248 feet of the 100 foot wide Essick REM NW. They currently own Lots 1 through 3 of Block 6, Lot 7 Block 3, and Lot 12 Block 4. The applicant claims that their property is being used for lake access as the location of the 100 foot road reservation is not easily located. This is resulting in erosion and deterioration of the bank within their property. If approved the applicant intends on placing proper signage that alerts to private property as well as directing people to the new 30 foot dedicated lake access.

If the proposed vacation is approved, 50 feet will go to Lot 1 Block 6 and 50 feet to Lot 7 Block 3. The owners wish to replat Lots 1 through 3 of Block 6 and Lot 7 Block 3 into one parcel. They will also dedicate a 30 foot right of way along the east boundary of Lot 7 Block 3. They feel that a 30 foot right of way will still provide access in line with the other dedications on that side of the island and will allow for them to limit the access on their property that will slow erosion. Per conversations with the applicant, they have walked their property to find the most logical and usable lake access location.

Use of the right of ways is by foot traffic and ATV traffic. Although allowed, vehicular access does not occur due to the remote nature of the subdivision.

Lot 3 Block 6 does contain some low wet areas. The terrain in the area is gently rolling with no steep slopes. A contour map is provided in the packet.

If approved, the vacation will need to be finalized by plat. A plat has not been submitted at this time. Staff notes the subject platting action will require an exception to right-of-way width (KPB 20.30.120).

**KPB 20.70 – Vacation Requirements.**

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to



substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

*Platting Staff Comments: A contour map is included in the packet.*

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

*Platting Staff Comments:*

**Staff recommendation:** *Comply with 20.70.130.*

20.70.150. Title to vacated area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

*Platting Staff Comments: If approved the right of way area will be attached to the lots fronting the vacation. The applicant owns lots on both sides of the requested vacation.*

**Staff recommendation:** *Comply with 20.70.150.*

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

*Platting Staff Comments: The existing right of way is 100 feet in width and wider than KPB requirements. The right of way within the subdivision has not been used for vehicular purposes and currently is used as a pedestrian access or ATV access.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*Platting Staff Comments: The area proposed to be vacated is remote. The current use of the right of ways is pedestrian or ATV access.*

**Staff recommendation:** *Concur that the vacation of Essick REM right of way will not inhibit vehicular access as no vehicles use the right of ways on the island.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

*Platting Staff Comments: The current use of the right of ways is pedestrian or ATV access. The applicant will dedicate a 30 foot right of way that will provide equal or superior access for pedestrian use or ATV use. The proposed right of way dedication is not affected by low wet areas. The proposed right of way dedication, although sloping, does not contain steep slopes that would prevent ATV or pedestrian access.*

**Staff recommendation:** *Concur that other lawful uses, such as pedestrian access and ATV access, that are allowed within the vacated portion of Essick REM right of way will be feasible in the proposed 30 foot lake access dedication on the east side of Lot 7. This will provide legal access from the lake to Gene Smart REM NW, to Essick REM NW.*



20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

*Platting Staff Comments: ENSTAR and HEA provided a review of no comments / no concerns. There are no utilities installed on Caribou Island. Land owners must supply their own utilities.*

**Staff recommendation:** Work to the utility providers to grant any necessary utility easements that may be requested.

20.70.200. Waterfront access provisions. A right-of-way which serves to provide access to public waters shall not be vacated unless such a right-of-way is wholly impractical to all modes of transport including pedestrian or the use of such right-of-way causes damage to the right-of-way, adjacent properties, the waterbody or the watercourse, or threatens public safety which cannot otherwise be corrected and where such continued damage or threat would be contrary to the public interest.

*Platting Staff Comments: The applicant has stated that the current location of the access is causing erosion issues along with trespass and damage issues with their property. They are willing to provide another access location that will protect their property and mitigation efforts. They feel the other location will provide adequate access.*

**Staff recommendation:** Concur that the proposed 30 foot lake access will provide equal or better access compared to Essick REM NW.

**STAFF RECOMMENDATION:** Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Providing a 30 foot wide right of way dedication on the east side of Lot 7 to provide a lake access to Gene Smart right of way and continuing to Essick right of way.
2. Consent by KPB Assembly.
3. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
4. Grant utility easements requested by the utility providers.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**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.**

Mr. Huff noted a comment had been received on 1/25/21 from Nancy DiNapoli informing the commission she believed that the 100' right-of-way being vacated is the only wind-sheltered public beach on the south shore of Caribou Island.



## END OF STAFF REPORT

Chair Martin open the item for public comment.

Michael & Peggy Clements, Petitioners; 38260 Panoramic Dr., Sterling, AK 99672: Ms. Clements informed the commission that she and Michael were available to answer any questions.

Ernie Alvarez; P.O. Box 467, Sterling, AK 99672: Mr. Alvarez stated that he has been a resident of the island since 2003. He had just recently received notice on the proposed vacation and did not have much time to review the request or talk about it with other landowners on the island. The only concern he really has is when the winds come up from the southeast this right-of-way is the only wind-sheltered access on the southeast side of the island. Mr. Alvarez owns Lot 10, Block 2 and has an easement, Coppock REM NW, next to his lot, which is east of the Essick REM NW. When the southeast winds are up he cannot use Coppock to access his property, he has to go around and use Essick to land. He is concerned the proposed new easement is not sheltered from the easterly winds like the Essick easement. If he were not able to use the Essick during windy conditions, he would have to go around to the west end of the island in order to access his property. Mr. Alvarez agrees the damage to the bank area needs to be addressed and he is willing to work with the Clements to fix the issue. He believes vacating the Essick access will make it more difficult for island landowners to access their properties when the winds are blowing. Commissioner Ruffner stated he understands Mr. Alvarez's concerns with the winds. He noted it appears the proposed right-of-way has the same orientation as Essick and would have the same wind aspects. The new right-of-way is being moved to the east and he wonders if the move will really make a difference to the landing zone. Mr. Alvarez replied when the winds above 20 miles per hour it is difficult to use many of the east or southeast easements to access the island. There are only a few easements that can be used during windy conditions and Essick is one of them. Mr. Alvarez then stated he did not receive any official notification regarding this vacation, he just heard about this from one of the other island landowners. He wondered if other island landowners would have the same concerns that he does. He also stated understands the Clements' concerns about the bank. He agrees the Essick access needs to be properly marked so that folks know what is or is not private property.

Daniel Moose, 37030 Cannery Rd., Kenai, AK 99611: Mr. Moose stated he owns Lot 2, Block 3. He has owned this property for six years. He agrees with much of what Mr. Alvarez has said. When he purchased his property, he felt like he purchased two things. One being the narrow shoreline on the property and the other, the existing right-of-ways. The 100' right-of-way had been crucial to him allowing for landing his boat and staging of building supplies as he built his cabin. It has been crucial for safety, allowing him to land his boat as well as mooring off shore. This area is very important as it is used as a staging area for folks on that side of the island. He agrees that the easement needs to be marked so that folks know exactly where the 100' easement is. He would ask the commission to keep the 100' easement so that he can continue to utilize his property, in the way he intended, when it was purchased. Commissioner Gillham asked Mr. Moose if it would be possible to safely land a boat in a reduced area of the right-of-way instead of the whole 100'. Mr. Moose replied it might be possible but he also noted the area is used for staging and it is beneficial to have the whole 100' area. He stated it is important for folks to respect the Clements' property and it would be very helpful if the 100' easement were marked.

Michael & Peggy Clements, Petitioners; 38260 Panoramic Dr., Sterling, AK 99672: Mr. Clements stated he and his wife will continue to respect their neighbors and are willing to assist them in getting materials to their cabins. It is also their desire that their neighbors continue to be able to safely access their properties. He noted there is a misconception as to where the 100' easement is located. Most folks think that where they are landing is on the easement but actually, the easement is located to the east of where everyone is landing. What they are proposing is the easement be moved 70 feet east from where it is now. Currently folks are pulling up, offloading, and staging their materials on their property. Ms. Clements stated that for years they did not know exactly where the easement was located. It was when they had their property surveyed that they realized that the trail was not located within the easement. They had their property surveyed twice, once by Jerry Johnson and then again by Roy Whitford. They now know where their pins are located. Where the 100' easement is located is covered with brush and is not developed so it is not being used as an access. She stated the 30-foot easement they are proposing is similar in size to many of the other easements on the island and can accommodate ATVs and foot traffic. The land in that location is dry and suitable for development for an access point. It has a pebble beach and is flat and is somewhat constructed, they personally have taken their 4-wheeler on it. If any of their neighbors require a safe haven



to land, they would not deny them. Mr. Clements stated in the past they have not really been bothered too much by folks using the existing landing. He is concerned as interest in land on the island grows, and more folks start coming out, the increase of traffic will increase the damage to their property. The bank is becoming more damaged and needs to be repaired. Commissioner Martin asked if the proposed easement is superior to the 100' easement. Ms. Clements stated what they are proposing in exchange would actually provide better access than the 100' easement which is undeveloped.

Commissioner Ecklund asked the Clements which lots they currently own. Ms. Clements replied that they own Lots, 1, 2 & 3 in Block Six, Lot 7 in Block Three and Lot 12 in Block Four.

Commissioner Morgan referred to map on page 94 of the meeting packet showing the area being vacated using red hatch marks and the proposed new easement using blue hatch marks. She then referred to the photo from Nancy DiNapoli in the desk packet where she drew arrows showing where she believed the 100' easement was located. She asked the Clements if she was correct in her understanding that what Ms. DiNapoli believes is the 100' access easement is actually Lot 1 of their property. Mr. Clements replied she was correct. Commissioner Morgan then stated the existing right-of-way and the one the Clements are proposing are on the same beach on the south side of the island. She noted people are currently going to the east of the 100' easement to use the existing access point.

Commissioner Venuti asked the Clements if their property lines were marked. Ms. Clements replied yes they are marked. The recently had a record of survey done by Mr. Whitford and the lines were marked. Commissioner Venuti then asked if their property was marked why was there so much confusion regarding the location of the existing easement? Ms. Clements replied that when they first purchased their property, they believed the existing access point was within the easement. When they had their property surveyed, it came to their attention that the existing access was not within the 100' easement.

Commissioner Carluccio asked the Clements was it Lot 1 or Lot 7 that folks were using as a landing. Ms. Clements replied that it was the southeast portion of Lot 1. Commissioner Carluccio then referred to the contour map in the packet and noted that the area the Clements are proposing for the new right-of-way is steeper than the 100-foot easement. She noted the proposed new right-of-way is about a 20-24 foot drop while the existing right-of-way has a much gentler slope. She then asked how the proposed right-of-way would be better than the existing right-of-way. Ms. Clement replied the proposed new right-of-way is somewhat developed. They have taken their four-wheeler across the area. The 100' easement is not developed. She also stated while the proposed right-of-way is steeper it is not wet, while much of 100' easement is wet. She also stated it is their plan to improve the new right-of-way so that it will access Gene Smart Rd.

Commissioner Martin referred to page 94 of the packet and noted it appears that there is a well-established trail on the east side of Lot 1 adjacent to the 100-foot easement. Are folks using this trail thinking it is within the 100-foot easement? Mr. Clements replied yes.

Commissioner Ecklund noted that on page 94 of the packet within the red hatched area of the area to be vacated it appears there is something in the easement and asked the Clements was some kind of structure built in the easement. Ms. Clements replied at one time, their neighbors stored their airboat there and it had been covered in a blue tarp but it has been removed.

Commissioner Chesser referred to the photo on page 94 of the packet. He asked the Clements if the area where the barge is located is where folks are landing and then taking the trail up through their property instead of using the existing easement. Mr. Clement stated yes that is the area being used by the public for access.

Commissioner Brantley asked the Clements if would be will to expand their proposed right-of-way to 60' if it became a sticking point. He noted that what they were proposing was to exchange a 100' easement for a 30' easement. Ms. Clements stated they were flexible but she also noted that most of the right-of-ways on the island were 30' and were used mostly by ATVs and people walking. Initially they thought about dedicating a full 60' right-of-way but there are not any 60' right-of-way on the island and so they chose to dedicate 30' to match the other existing right-of-ways.

Seeing and hearing no one else from the public wishing to comment, Chair Martin closed public comment



and opened discussion among the Commission.

**MOTION:** Commissioner Morgan moved, seconded by Commissioner Brantley to approve the vacation as petition based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Commissioner Morgan stated using the map from page 94 of the packet; it appears to her that the existing 100' easement is not what is being used for access. That the beach and the trail that has been used is actually on Lot 1 and not the easement. She noted the proposed new area seems to be a good location to have a 30' right-of-way. She understands that people do not want to lose the access that they have been using, but that access is on private property and not within the 100' easement. She feels that what is being proposed is a good alternative.

Commissioner Carluccio noted the petitioners indicated they would enhance the trail that has already been started on the proposed new easement. Her question for staff is can the commission make this a condition if they grant the vacation. Mr. Huff replied he does not believe that it can be made a condition for approval. He has never seen it done in the past and it would be difficult for staff to determine that the condition has been met.

Commissioner Ecklund noted the map on page 94 does not show any improvements within the 100' easement, all the improvements are on Lot 1, which is private property. She does not know how the commission can ask the petitioners to improve the new access, as a condition of approval, when there are no improvements on the existing 100' easement. The Clements have offered to improve the proposed new access, which is very neighborly of them. She believes that the Clements have been very good neighbors for a long time, allowing folks to use the existing access on their property. She understands why the Clements want to stop the damage to their shoreline, which has occurred over the years of use.

Commissioner Brantley stated the only sticking point for him is the loss of the staging area that the 100' easement offers. He is not sure how he feels about exchanging a 100' easement for a 30' easement. While 30' is good enough to ride your ATVs on, it might not be wide enough to stage supplies on when building a cabin.

Commissioner Ruffner asked staff if they had heard from the owner of Lot 6 on Block Three. Mr. Huff replied the owner of Lot 6 is James Jones and they had not received any comments from him. Commissioner Ruffner noted what is being discussed is right next door to a developed lot and would directly affect this landowner. For instance if this person is living full time on the island it might be difficult for him to receive mail in a timely fashion. He is sure staff followed the guidelines for public notice but given the remote nature of this area, it might be difficult to get a hold of people. Mr. Huff replied standard procedures were followed, within 600' feet by regular mail and 300' by certified mail.

Commissioner Ecklund noted if this section of the 100' easement were vacated, there are still three other 100' easements that go to the shore that could be used as staging areas.

Commissioner Carluccio noted according to staff a certified letter should have gone to the landowner of Lot 6. She asked if staff could verify the notice had been received. Mr. Huff replied staff had sent out seven certified letters and had received five return receipts back. They had not received a return receipt from Mr. Jones and could not verify the letter had been received.

Commissioner Martin asked the petitioners who owns Lot 2, Block Six. Ms. Clements replied they owned that lot. Commissioner Martin then stated he understood why the neighbors desired a landing area with a wind protection. He asked the petitioners if they had given any thought to providing an easement between Lots 1 & 2 instead. Mr. Clements replied no, they have a sauna house with a shower in that location and for privacy reasons they do not want a trail to go through there. Commissioner Martin then asked if the petitioner understood why he asked the question; that an easement between lot 1 and 2 might be more desirable instead of putting a road right by your neighbor on Lot 6. Mr. Clements replied they have a good relationship with the owner of Lot 6, Jim Jones. They have spoken to him about their plans on numerous occasions and he told them he had no problem with their plans. Mr. Clements wished Mr. Jones had attended tonight to speak to his support of this vacation. He then stated Mr. Jones had told him he likes the idea of having the right-of-way there because it would mean that no one could build on it. It would give



him a buffer and give him access to bring supplies right up to his property. Commissioner Martin stated it look like it could be a win-win situation for the neighbor, with the Clements providing the whole 30' feet of the right-of-way and Mr. Jones getting better access to his property. Ms. Clements stated they did consider using Lot 3 for the new easement but it is very swampy and would make it difficult to build and use. The area they are proposing for the new easement is on higher and dry ground.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY MAJORITY VOTE:**

Yes	8	No	3	Absent	0
Yes	Bentz, Brantley, Carluccio, Chesser, Ecklund, Fikes, Martin, Morgan				
No	Gillham, Ruffner, Venuti				

**AGENDA ITEM E. NEW BUSINESS**

3. Ordinance 2021-03: Amending KPB 21.06.040, Administration and KPB 21.06.070, "Development" Definition, for Floodplain Management Purposes

Staff report given by Samantha Lopez.

Floodplain management within the borough is a critical service that the borough provides dating back to 1988. Per guidance issued by the Federal Emergency Management Agency (FEMA), small or minor projects that do not involve filling, grading, or excavating may not be considered "development" for purposes of floodplain management regulations. Such projects do not increase the natural grade, do not obstruct floodwaters, and do not increase flood stages. FEMA has thus determined that minor projects may not meet the definition of "development", and are too small to warrant a full hydrologic and hydraulic (H&H) analysis, commonly referred to as a No-Rise Certification.

By amending the definition of "development", the code will align with FEMA's requirements, while also allowing the floodplain administrator to more objectively determine which projects do not meet the definition of development because it is a minor project. Should this code change fail, then moving forward all developments, even minor projects, in the floodway will require H&H analysis.

This ordinance will also amend borough code to clarify that the borough's planning department, as delegated to the borough's floodplain administrator, is responsible for issuing a final written determination as to whether or not a proposed project falls within the definition of development and therefore requires a permit for purposes of KPB 21.06 Floodplain Management.

**END OF STAFF REPORT**

Chair Martin open the item for public comment. Seeing and hearing no one from the public wishing to comment, Chair Martin closed public comment and opened discussion among the Commission.

**MOTION:** Commissioner Carluccio moved, seconded by Commissioner Ecklund to forward to the Assembly a recommendation to adopt Ordinance 2021-03, Amending KPB 21.06.040, Administration, and KPB 21.06.070, "Development" definition, for floodplain management purposes.

Commissioner Carluccio stated that she heard the proposed definition of development and asked staff for an example of a small development. Ms. Lopez replied it would be projects like a simple garden box or removal of six inches of overburden to be replaced with topsoil for a garden, project like these would not require a permit. The current definition defines any manmade changes as development and requires a permit. The new definition would make it easier for constituents to do small low impact projects within the floodplain without having to get a permit

Commissioner Bentz

Commissioner Ruffner





## Planning Department

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

# Planning Commission

## Meeting Packet

**January 25, 2021  
7:30 p.m.**

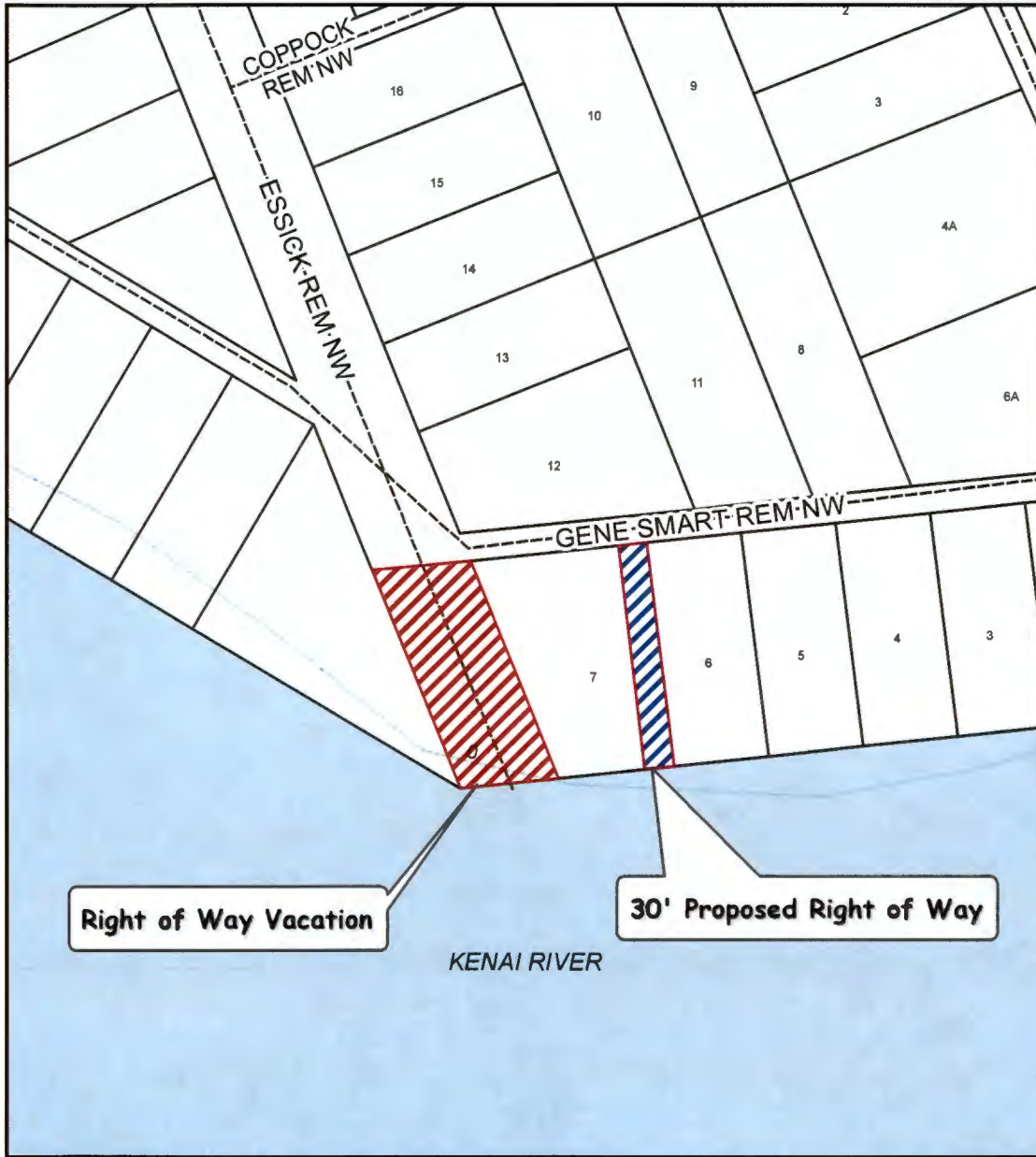
**KENAI PENINSULA BOROUGH  
ASSEMBLY CHAMBERS  
144 NORTH BINKLEY ST.  
SOLDOTNA, ALASKA 99669**

## **E. NEW BUSINESS**

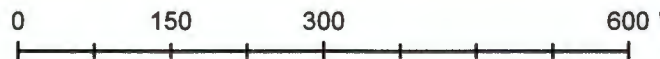
### **2. Right-Of-Way Vacation – Essick Remote NW**

**Location and request: Vacate Essick Remote NW right of way south of intersection with Gene Smart Remote NW as dedicated on Caribou Island Amended, Plat SW-37. The right-of-way being vacated is 100 feet in width, unconstructed, and located within the North 1/2 of Section 25, Township 4 North, Range 7 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2020-154V; Petitioners: Michael & Peggy Clements**



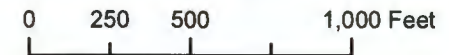


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Caribou  
S25 T04N R07W  
SEWARD

Date: 12/16/2020  
Caribou Island







KENAI RIVER



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 Vacation

Date: 12/18/2020  
Imagery FixedWing 2012-2013





- RESTRICTIONS & COMMENTS**
1. Lots will be restricted to residential use.
  2. No further subdivision of lots without a majority agreement of the property owners.
  3. All garbage will be disposed of by burial.
  4. Buildings will be of a permanent nature and of rustic appearance to blend with the surroundings.
  5. Buildings will be maintained in a good state of repair and appearance.
  6. Outhouses will be so located as to prevent them from becoming a public nuisance.
  7. The installation and maintenance of the air strip and other facilities shall be the obligation of the property owners.

- SURVEY NOTES**
1. The broken line shown around the subdivision is a meander line only. The true property line is the lake shore or high water mark as conveyed in the original patent.
  2. Plat for X in rock (G.L.O. Survey)
  3. Plat for X in rock (G.L.O. Survey)
  4. 10' 5" N 55° 30' E G.L.O. Survey
  5. 10' 5" N 55° 30' W This Survey

**CERTIFICATE OF SURVEY**  
 I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT A SURVEY HAS BEEN COMPLETED AND THAT MARKERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT THE DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.

16 Nov 1960  
 DATE

*F. M. Lindsey*  
 SURVEYOR



**KPB 2020-154V**

**CERTIFICATE OF OWNERSHIP**

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE AUTHORIZED TO SIGN THIS PLAT AS OFFICERS OF THE CARIBOU ISLAND, INC., AND THAT UNDER THIS AUTHORITY, WE ACCEPT AND APPROVE THIS AMENDED PLAT.

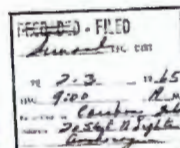
DATE

*Earl Hufst*  
*Bernard A. Strand*

100' ROW

30' ROW Dedication

SEWARD  
 Serial No. 65-86



AMENDED PLAT OF	
CARIBOU ISLAND	SUBDIVISION
LOCATED IN SKILAK LAKE, ALASKA	
U.S. G.L.O. SURVEY NUMBER 2043	
SURVEYED FOR	
CARIBOU ISLAND CORPORATION	129 E. 8TH AVENUE ANCHORAGE, ALASKA
ACRES 159.24	SURVEYED BY
DATE 1 AUG. 1960	F. M. LINDSEY
SCALE 1" = 100'	REGISTERED PROFESSIONAL
SHEET 1 OF 1	NO. 6303
	DOB 9-10-08
	SPEARHEAD NO. 65-86
	PH. FA 214-46

37200

**AGENDA ITEM E.    NEW BUSINESS**

2.        Vacate a segment of a 100' right of way adjoining the east boundary of Lot 1 Block 6 and the west boundary of Lot 7 Block 3 Caribou Island Amended (Plat SW-37)

**STAFF REPORT**

PC Meeting: January 25, 2021

**Purpose as stated in petition:**

Our reason for requesting to vacate a portion of the 100' wide access right of way is to reclaim back and repair the damaged eroding lake bank of that portion (50' or more) of our property that is mistakenly used as the "assumed location" of the 100' right of way by past and present property owners.

We would like to vacate the remaining area and offer an alternate 30' right of way on the east boundary of our Lot 7 Block 3 Caribou Island, plat SW-37. There are no 60' right of ways that have been platted or dedicated so we would like to match the 2 other 30' right of ways to the east. Mostly though, we hope to leave enough square footage to build a cabin for family and friends. If a 60' right way is dedicated, then add 2-20' building setbacks as per code 20.30.240(A), then add a 50' anadromous habitat protection as per code 20.30.290, this would not leave much left. We however, will have to do the same when we have the final plat, but would have more footage by just dedicating a 30'.

And the final reason we want to dedicate only a 30' width rather than a 60' width, is that no vehicles other than four-wheelers will ever be used on the right of ways and on our south side of the island, there are 2-30' right of ways and 2-100' right of ways, the latter being an air strip reservation that amongst the property owners, will never be constructed as the popular travel method is by airplane (float plane), boat, (or snow machine in the winter). The right of ways on the south half of the island have 5 access points than the north side of the island which there is only 1 access point.

The foot traffic, boats, barge parking and the loading/unloading of materials has deteriorated the bank and forest floor of our property, mostly on the south boundary of Lot 1 Block 6, which we would like to repair and regrow as part of our combining the lots with the final plat. Current "real" widths throughout the rights of way vary from a hiking trail to a four-wheeler size width. Amongst most of the property owners on the island agree, there is no real need to develop the right of ways any wider, everyone enjoys hiking and on occasion 4-wheel.

We have owned property here since 2004 and have acquired adjoining lots throughout the years, we plan to retire and have the property for our family to enjoy for generations. As of today, we have a total of 5 lots with 3 lots adjoining the 100' and 30' right of ways.

We have a good personal relationship with many of the property owners within the entire island and with our nearby neighbors. We have spoken to a few of them about our vacation idea. We have prepared (and traversed it easily by four-wheeler) the area for the new 30' right of way for land owners to use instead if approved.

**Petitioners:** Michael R. and Peggy Clements, Sterling AK

**Notification:** Public notice appeared in the January 13, 2021 issue of the Seward Journal as a separate ad. The public hearing notice was published in the January 21, 2021 issue of the Seward Journal as part of the Commission's tentative agenda.

7 certified mailings were sent to owners of property within 300 feet of the proposed vacation. Two receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 19 owners within 600 feet of the proposed vacation.



15 public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game  
State of Alaska DNR  
State of Alaska DOT  
Kenai Peninsula Borough Office - Seward

Alaska Communication Systems (ACS)  
ENSTAR Natural Gas  
General Communications Inc, (GCI)  
Homer Electric Association (HEA)

Public hearing notices were made available to 5 KPB staff/Departments (Addressing, Code Compliance, Planner, Roads Dept., River Center) via a shared database.

Notices were mailed to the Sterling and Cooper Landing Post Offices and Seward 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: Comments not received when the staff report was prepared.

ENSTAR: No comments, recommendations, or objections.

Homer Electric Association: No comments.

KPB Addressing: Comments not received when the staff report was prepared.

KPB Planning: Comments not received when the staff report was prepared.

KPB River Center: Not within a flood hazard area. It is totally or partially within the Anadromous Waters Habitat Protection District.

KPB Roads Department: Within jurisdiction, no comments

State Parks: No comments.

#### Staff Discussion:

A petition to vacate was received to vacate a portion of Essick REM NW. The right of way is considered remote. It is located on Caribou Island that is located in Skilak Lake. The island is along the southern portion of Skilak Lake and is between the Skilak Lake Lower and Upper boat launches. The right of way was dedicated on the Caribou Island Amended Plat, SW 37. The plat was recorded in 1965 and the right of ways were unnamed. Resolution SN 2007-01 named the dedicated right of ways on the island.

The island was subdivided into 223 lots within twelve blocks. A 200 foot air strip with 100 foot dedications on each end was reserved. This reservation and public access runs the width of the island. A 100 foot wide right of way was dedicated that runs north - south, the entire length of the island. 30 foot wide right of way dedications were granted that provide a continuous loop around the island with several internal 30 foot right of ways to provide access to each lot.

As mentioned by the applicants' letter there are several access points from the lake around the island. The northern portion of the island has a 100 foot right of way for lake access. The east and west sides of the island have 100 foot lake access right of ways located at the end of the 200 foot airstrip. The southern side of the island has the 100 foot lake access right of way proposed to be vacated as well as two additional 30 foot lake access right of ways.

The applicant is proposing to vacate approximately 248 feet of the 100 foot wide Essick REM NW. They currently own Lots 1 through 3 of Block 6, Lot 7 Block 3, and Lot 12 Block 4. The applicant claims that their property is being used for lake access as the location of the 100 feet road reservation is not easily located. This is resulting in erosion and deterioration of the bank within their property. If approved the applicant intends on placing proper signage that alerts to private property as well as directing people to the new 30 foot dedicated lake access.

If the proposed vacation is approved, 50 feet will go to Lot 1 Block 6 and 50 feet to Lot 7 Block 3. The owners wish to replat Lots 1 through 3 of Block 6 and Lot 7 Block 3 into one parcel. They will also dedicate a 30 foot right of way along the east boundary of Lot 7 Block 3. They feel that a 30 foot right of way will still provide access in line with the other dedications on that side of the island and will allow for them to limit the access on their property that will slow erosion. Per conversations with the applicant, they have walked their property to find the most logical and usable lake access location.

Use of the right of ways is by foot traffic and ATV traffic. Although allowed, vehicular access does not occur due to the remote nature of the subdivision.

Lot 3 Block 6 does contain some low wet areas. The terrain in the area is gently rolling with no steep slopes. A contour map is provided in the packet.

If approved, the vacation will need to be finalized by plat. A plat has not been submitted at this time. Staff notes the subject platting action will require an exception to right-of-way width (KPB 20.30.120).

**KPB 20.70 – Vacation Requirements.**

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

*Platting Staff Comments:* A contour map is included in the packet.

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

*Platting Staff Comments:*

**Staff recommendation:** Comply with 20.70.130.

**20.70.150. Title to vacated area.**

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

*Platting Staff Comments:* If approved the right of way area will be attached to the lots fronting the vacation. The applicant owns lots on both sides of the requested vacation.

**Staff recommendation:** Comply with 20.70.150.



20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

*Platting Staff Comments: The existing right of way is 100 feet in width and wider than KPB requirements. The right of way within the subdivision has not been used for vehicular purposes and currently is used as a pedestrian access or ATV access.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*Platting Staff Comments: The area proposed to be vacated is remote. The current use of the right of ways is pedestrian or ATV access.*

**Staff recommendation:** Concur that the vacation of Essick REM right of way will not inhibit vehicular access as no vehicles use the right of ways on the island.

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

*Platting Staff Comments: The current use of the right of ways is pedestrian or ATV access. The applicant will dedicate a 30 foot right of way that will provide equal or superior access for pedestrian use or ATV use. The proposed right of way dedication is not affected by low wet areas. The proposed right of way dedication, although sloping, does not contain steep slopes that would prevent ATV or pedestrian access.*

**Staff recommendation:** Concur that other lawful uses, such as pedestrian access and ATV access, that are allowed within the vacated portion of Essick REM right of way will be feasible in the proposed 30 foot lake access dedication on the east side of Lot 7. This will provide legal access from the lake to Gene Smart REM NW, to Essick REM NW.

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

*Platting Staff Comments: ENSTAR and HEA provided a review of no comments / no concerns. There are no utilities installed on Caribou Island. Land owners must supply their own utilities.*

**Staff recommendation:** Work to the utility providers to grant any necessary utility easements that may be requested.

20.70.200. Waterfront access provisions. A right-of-way which serves to provide access to public waters shall not be vacated unless such a right-of-way is wholly impractical to all modes of transport including pedestrian or the use of such right-of-way causes damage to the right-of-way, adjacent properties, the waterbody or the watercourse, or threatens public safety which cannot otherwise be corrected and where such continued damage or threat would be contrary to the public interest.

*Platting Staff Comments: The applicant has stated that the current location of the access is causing erosion issues along with trespass and damage issues with their property. They are willing to provide another access location that will protect their property and mitigation efforts. They feel the other location will provide adequate access.*

**Staff recommendation:** Concur that the proposed 30 foot lake access will provide equal or better access compared to Essick REM NW.

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Providing a 30 foot wide right of way dedication on the east side of Lot 7 to provide a lake access to Gene Smart right of way and continuing to Essick right of way.
2. Consent by KPB Assembly.
3. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
4. Grant utility easements requested by the utility providers.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**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:**

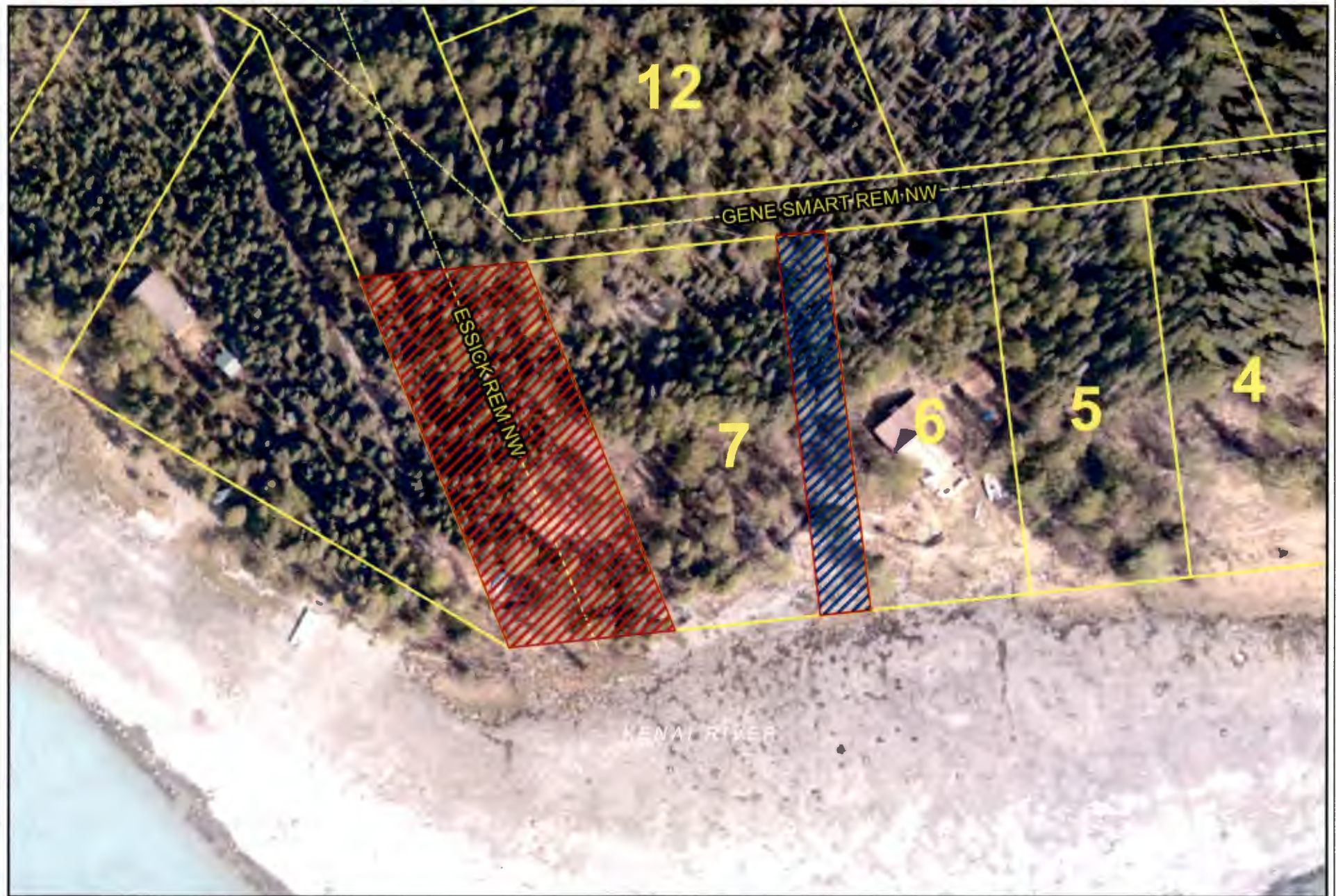
- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial 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.**

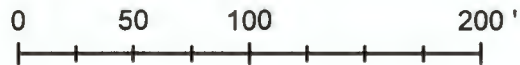
END OF STAFF REPORT





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### Aerial View

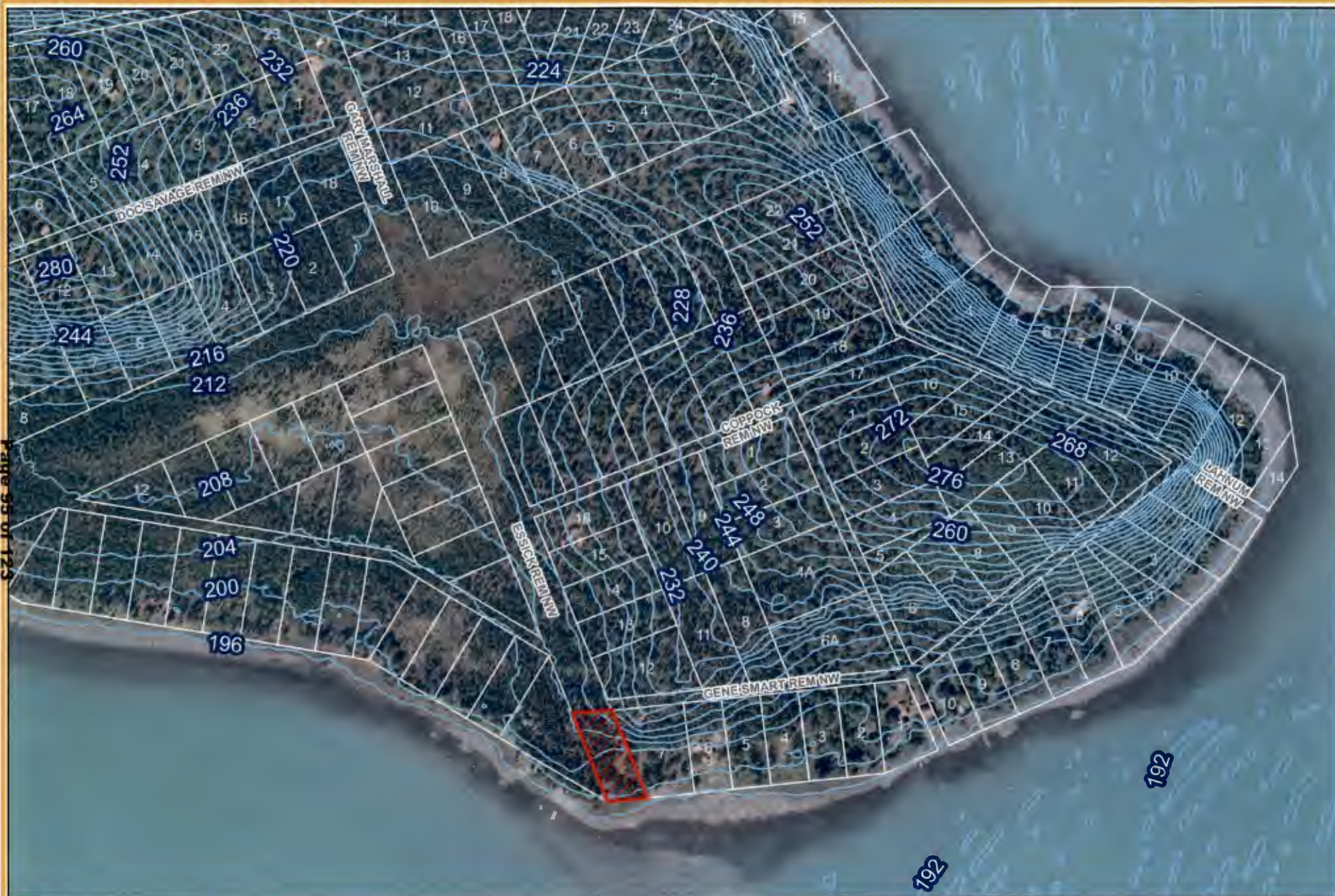


Proposed Rerouted Right of Way

Right of Way Vacation

Caribou Island  
Date: 12/16/2020  
Imagery Anadromous 2014





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.

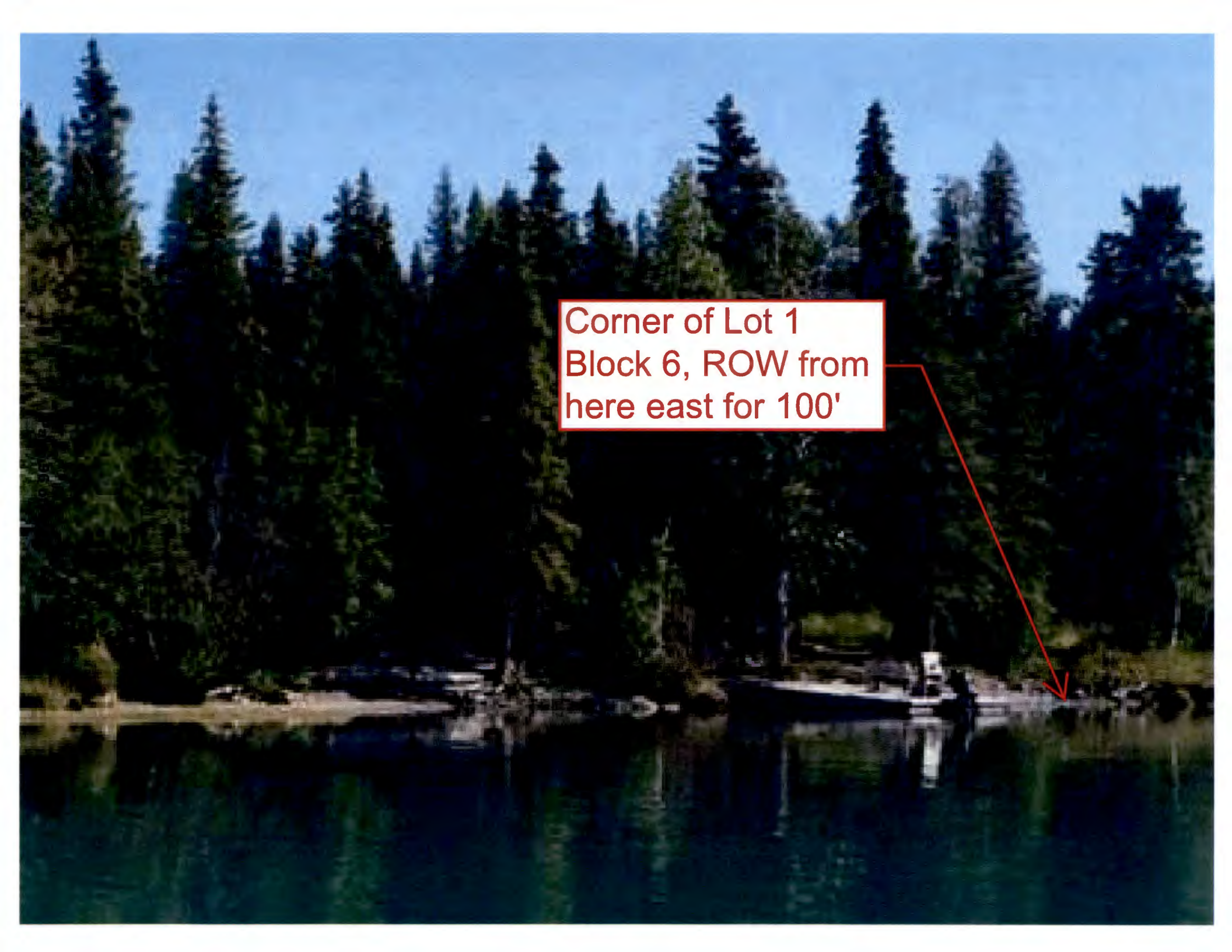
0 250 500 1,000 Feet

AERIAL IMAGERY - 2012  
4 FOOT CONTOUR INTERVAL



Date: 1/11/2021  
S. Huff, KPB





Corner of Lot 1  
Block 6, ROW from  
here east for 100'



Lot 1 Block 6 used  
as ROW





1. Lots will be restricted to residential use.
2. No further subdivision of lots without the majority agreement of the property owners.
3. All garbage will be disposed of by burial.
4. Buildings will be of a permanent nature and of rustic appearance to blend with the surroundings.
5. Buildings will be maintained in a good state of repair and appearance.
6. Outhouses will be so located as to prevent them from becoming a public nuisance.
7. The installation and maintenance of the air strip and other facilities shall be the obligation of the property owners.

SURVEY NOTES

- 1 The broken line shown around the subdivision is a meander line only. The true property line is the lake shore or high water mark as conveyed in the original patent.
- 2 Point "A" X in rock (G.L.O. Survey)  
Point "B" X in rock (G.L.O. Survey)  
"A" to "B" N5-30E G.L.O. Survey  
"A" to "B" N5-30W This Survey

CERTIFICATE OF SURVEY

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR,  
HEREBY CERTIFY THAT A SURVEY HAS BEEN COMPLETED  
AND THAT MARKERS AND MONUMENTS HAVE BEEN LOCATED  
AND ESTABLISHED AND THAT THE DIMENSIONS SHOWN  
HEREON ARE TRUE AND CORRECT.

14 Nov 1960  
DATE

E. M. Lindsey  
SURVEYOR



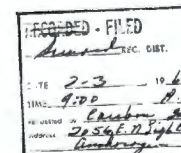
CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE AUTHORIZED TO SIGN THIS PLAT AS OFFICERS OF THE CARIBOU ISLAND, INC., AND THAT UNDER THIS AUTHORITY, WE ACCEPT AND APPROVE THIS AMENDED PLAT.

DATE \_\_\_\_\_

Carl Mudgett  
Ernest A. Strand

SEWARD  
Serial No. 65-86



AMENDED PLAT OF

## CARIBOU ISLAND

SUBDIVISION  
LOCATED IN SKILAK LAKE, ALASKA  
U.S. G.L.O. SURVEY NUMBER 2093

SURVEYED FOR  
CARIBOU ISLAND CORPORATION  
129 E. 5TH AVENUE ANCHORAGE, AL 99504

ACRES	159.24
DATE	1 AUG. 1960

SCALE 1" = 100'

SHEET 1 OF 1

SURVEYED BY  
F. M. LINDSEY  
REGISTERED SURVEYOR  
NO. 660-S  
BOX 4-091  
SPENARD, ALASKA  
PH. FA 21544

223 202

# **Kenai Peninsula Borough**

## **PLANNING COMMISSION DESK PACKET**

**January 25, 2021**

**7:30 p.m.**



**From:** [Hindman, Julie](#)  
**To:** [Shimberg, Ann](#)  
**Cc:** [Huff, Scott](#)  
**Subject:** FW: <EXTERNAL-SENDER>Public comment on ROW vacation proposal 2020-154V  
**Date:** Monday, January 25, 2021 8:24:36 AM  
**Attachments:** [image001.png](#)

---

Desk Packet item.

*Julie Hindman*

Platting Specialist  
Ph: (907) 714-2210  
Fx: (907) 714-2378

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669

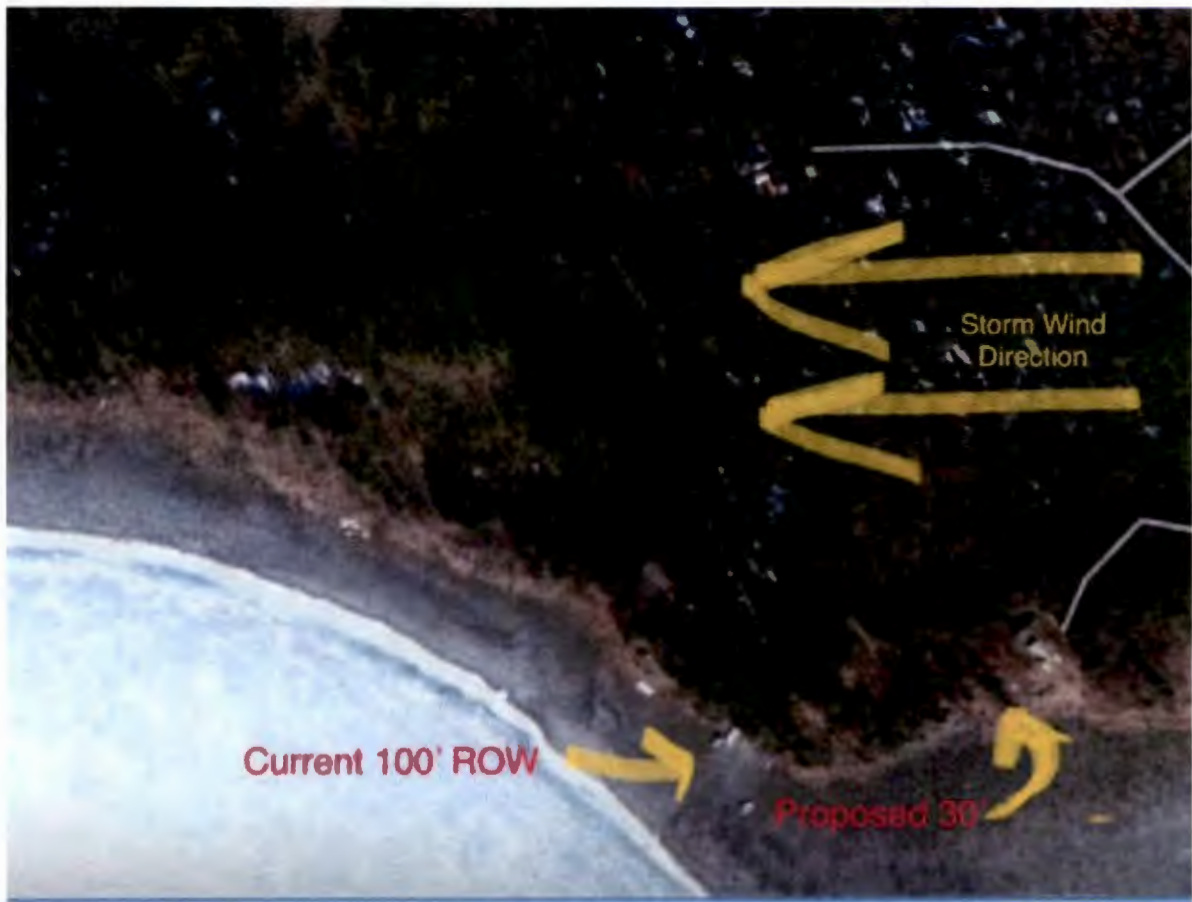


**From:** Nancy DiNapoli [mailto:[nan3d@yahoo.com](mailto:nan3d@yahoo.com)]  
**Sent:** Sunday, January 24, 2021 11:20 AM  
**To:** Hindman, Julie <[jhindman@kpb.us](mailto:jhindman@kpb.us)>  
**Subject:** <EXTERNAL-SENDER>Public comment on ROW vacation proposal 2020-154V

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Regarding the exchange of platted 100' ROW for new 30' ROW. Please consider the following aerial photo, the platted ROW is the only wind-sheltered public beach on the south shore of Caribou Island. I have beached my boat there overnight to safely walk back to my Caribou Island cabin.

Thank you,  
Nancy DiNapoli



\*\*\*