

AGENDA ITEM E. NEW BUSINESS

**ITEM 5 - ARROWHEAD ESTATES 2022 REPLAT**

<b>KPB File No.</b>	2022-001
<b>Plat Committee Meeting:</b>	February 14, 2022
<b>Applicant / Owner:</b>	Michael Allen & Raylynn Marie Zweifel of Soldotna, Alaska Nathan D. & Julie A. Moore of Soldotna, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Half Moon Avenue and Oliver Street, Sterling

<b>Parent Parcel No.:</b>	063-094-04, 063-094-13 and 063-094-16
<b>Legal Description:</b>	Lot 8A, Arrowhead Estates Dusek Replat Plat KN 2002-79 Lot 10, Arrowhead Estates Phase 1 Plat KN 2000-7 Lot 11A Arrowhead Estates Moore Replat Plat KN 2010-47
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will combine three lots ranging in size from 5.7 to 2.9 acres to create two lots that will be 5.7 acres each.

**Location and Legal Access (existing and proposed):** This subdivision is located between Soldotna and Sterling north of the mile post 90 of the Sterling Highway. Access to the property if from Jim Dahler Road to Half Moon Avenue. Both right of way are improved and maintained by KPB Roads Dept. Oliver Street, a half width right of way that is not improved, is located on the east boundary.

A 50 foot section line easement affects the north portion of the subdivision. A matching 50 foot section line easement is adjoins the north boundary of the subdivision boundary for a total width of 100 feet.

KPB Roads Dept. comments	
SOA DOT comments	

**Site Investigation:** The subdivision is not flat but there are no areas with steep slopes. The north portion of the subdivision is affected by a depression ecosystem as identified by the Kenai Watershed Forum mapping data. **Staff recommendation:** *place a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
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	<p>C. State Parks</p> <p>Reviewer: Russell, Pam</p> <p>Comments:</p> <p>No Comments</p>
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**Staff Analysis** Arrowhead Estates Phase 1, KN 2000-7 created the original 6 lots with each one being 2.8 acres in size. KN 2000-7 also dedicated right of ways for Jim Dahler Road, Half Moon Ave, and Ridge Street. Arrowhead Estates Dusek Replat, KN 2002-79, combined Lot 8 and 9 into one parcel, 8A, that is 5.7 acres in size. Arrowhead Estates Moore Replat, KN 2010-47, combined Lots 11 and 12 into one parcel, 11A, that is 5.7 acres in size. This platting action will be to split Lot 10 in half and combine it with the lot on each side.

Oliver Street was approved to be vacated by the KPB Planning Commission at the January 11, 2021 meeting. The KPB Assembly vetoed the Planning Commission decision at the February 2, 2021 meeting. The landowner asked the Assembly to rescind their decision, as he did not receive notice of the Assembly meeting until after the meeting date. On April 6, 2021 the motion to rescind failed by a vote of 3 yes to 6 no. Oliver Street was not approved to be vacated.

A soils report is not required as both lots are gaining in size and there is a contiguous 20,000 sq. ft. of land available for wastewater installation.

Notice of the proposed plat was mailed to the beneficial interest holder on January 6, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

**Utility Easements** Per the record plats, the front 10 feet adjoining the right of way, and 20 feet within 5 feet of the side lot lines, is a utility easement. This easement of record has been correctly depicted on the drawing and plat note 3 carries forward the easements of record. The boundary between Lot 11A and Lot 10 is subject to a 10 foot utility easement. This easement has been depicted and labeled correctly and will be located within proposed Lot 10A.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	
ENSTAR	No comments or recommendations.
ACS	
GCI	

**KPB department / agency review:**

Addressing	
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Aldridge, Morgan There are not any Local Option Zoning District issues with this proposed plat.  Material Site Comments: There are not any material site issues with this proposed plat.

Assessing	Reviewer: Wilcox, Adeena Comments: No comment
Advisory Planning Commission	

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

**KPB 20.25.070 – Form and contents required**

**Staff recommendation:** *final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.*

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
  2. Legal description, location, date, and total area in acres of the proposed subdivision;
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:**

- *Correct the location description to NW1/4 NW1/4 Section 19, T5N, R9W, S.M.*
- *Capitalize the name of the parent plat, Arrowhead Estates.*

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

**Staff recommendation:** *Provide the Township and Range within the Vicinity Map.*

**KPB 20.30 – Subdivision Design Requirements**

**Staff recommendation:** *final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.*

20.30.100. Cul-de-sacs.

A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

**Staff comments:** *the north end of Oliver Street is a dead end right of way dedication. The section line easement provided legal access to the east and west of Oliver Street.*

**Staff recommendation:** *Concur that a cul-de-sac is not required as the public access from Oliver Street continues to the east and west within the 100 foot wide section line easement.*

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
  2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

**Staff comment:** *Oliver Street is a half width right of way that was dedicated with the parent plat. The parcel to the east is 155 acres and owned by KPB. When this parcel is further subdivided it will be required to provide the matching width for Oliver Street.*

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

**Staff comment:** *The section line easement is a public right of way. The block is defined by Half Moon Avenue, Oliver Street, Jim Dahler Road, and the section line easements. The block length complies with KPB standards.*

**Staff recommendation:** *Concur that this platting action does not need to dedicate the section line easement as a right of way as the section line easement can be used for public access and the subdivision is within the block length requirements.*

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**KPB 20.40 – Wastewater Disposal**

**Staff recommendation:** *final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.*

20.40.010 Wastewater disposal.

*Platting Staff Comments: A soils analysis report was prepared for the parent plat. This plat will be increasing the area of both lots by more than 1,000 sq. ft. and a soils analysis report is not required.*

**Staff recommendation:** *Provide a wastewater disposal note per KPB 20.40.020(B)(1). Comply with 20.40.*

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**KPB 20.60 – Final Plat**

**Staff recommendation:** *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.*

*Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.*

**Staff recommendation:** *comply with 20.60.030.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

**Staff recommendation:** *Verify the acreage of the new lots. Provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

**Staff recommendation:** *Provide the following*

- *A plat note to reference the private covenants of record per the Certificate to Plat.*
- *A plat note that states, 'The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.'*

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**RECOMMENDATION:**

**STAFF RECOMMENDS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF 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 15 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**