

AGENDA ITEM E. NEW BUSINESS

**ITEM 8 - Timber Hills Subdivision 2022 Replat**

<b>KPB File No.</b>	2022-007
<b>Plat Committee Meeting:</b>	February 14, 2022
<b>Applicant / Owner:</b>	Michael B. Brunke, Nikiski George F. Brown, Nikiski
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Nikiski

<b>Parent Parcel No.:</b>	012-150-21 and 012-150-22
<b>Legal Description:</b>	Lots 3 and 4, Block Four, Timber Hills Sub Plat KN 77-114
<b>Assessing Use:</b>	Residential Usage
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will adjust a common boundary between two parcels to avoid a structure. Lot 3 will decrease from 1.4 acres to 1.2 acres and Lot 4 will increase from 1.3 to 1.5 acres. The exchange of area will be 7,448 sq. ft. between the two lots.

**Location and Legal Access (existing and proposed):** This subdivision is located in the Nikiski area new milepost 25 of the Kenai Spur Highway. Legal access to the subdivision is via Nikiski Avenue to Middleton Drive North. Both streets are improved and maintained by KPB.

No additional right of ways will be dedicated with this platting action.

This subdivision is within a closed block but the block length is longer the allowed per KPB 20.30.170 Block Lengths. The block is defined by Kenai Spur Highway, Nikiski Ave., Middleton Dr. N., and Unimak Dr. The parcel to the west is 10.65 acres in size and can be further subdivided. Diomede Drive, a cul-de-sac, provides the only legal access to the 10.65 acre parcel. Further subdivision of the 10.65 acre parcel is limited due to the lack of right of way dedication. The 10.65 acre parcel and Lot 5 are under common ownership and can be combined to allow a secondary access. A 60 foot wide right of way dedication on the south boundary would provide secondary access to the 10.65 acre parcel and would generally align with Village Avenue.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:** Sloping terrain affects this subdivision but no slopes appear to be greater than 20% in grade. Low wet areas do not affect this subdivision.

Several buildings have been constructed within this subdivision. There appears to be a residential structure on the boundary line between Lot 3 and Lot 4. This platting action will revise the encroachment of the building that affects Lot 3 and Lot 4. There appears to be a residential structure on the boundary line between Lot 2 and Lot 3. Mr. Michael Brunke is the owner of Lot 2 and Lot 3. Per KPB 20.25.070 (N) encroachments will need to be resolved prior to final plat approval. As both lots are under common ownership, the building is not an issue at this time. Staff would like to put the land owner on notice that a sale of either lot may create an issues as the building would then be an encroachment. Staff strongly encourages the land owner to combine Lot 2 and Lot 3A into one

parcel to avoid any encroachment issues. **Staff recommends** a plat note be added that states, “The acceptance of this plat by KPB does not indicate acceptance of any possible encroachments.”

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> <p>C. State Parks</p> <p>Reviewer: Russell, Pam  Comments: No Comments</p>
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**Staff Analysis** The parent parcels were created in 1977 with the recording of Timber Hills Subdivision (KN 77-114).

A soils analysis report was not prepared for the parent plat. Per KPB 20.40 Wastewater Disposal, a soils analysis report it required and an engineer will sign the final plat. The correct wastewater disposal note is on the preliminary plat.

Due to a delay with the title companies, the Certificate to Plat has not yet been delivered. In the interest of time, **Staff recommends** that the Planning Commission concur that the plat can be reviewed at this time and Staff can review the certificate to plat when it is delivered. Staff will bring the plat back to the Planning Commission if there are any items in the report that need to be addressed.

**Utility Easements** The parent plat granted a 5 foot utility easement adjoining Middleton Drive North, including a 10 foot by 20 foot anchor easement. **Staff recommends** the easement of record per KN 77-144 be depicted and labeled on the plat.

This plat will be granting the front 10 feet adjoining the right of way and 20 feet within 5 feet of side lot as utility easements.

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	No comment.
ENSTAR	No comments or recommendations.
ACS	No objections.
GCI	Approved as shown.

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  50835 MIDDLETON DR N  50805 MIDDLETON DR N</p>
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	<p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MIDDLETON DR N ANGELA CT VILLAGE AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 50835 MIDDLETON DR N will remain with lot 3A. 50805 MIDDLETON DR N will remain with lot 4A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No comment</p>
Advisory Planning Commission	<p>Not within an APC area.</p>

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 aliquot part location to NW1/4 NE1/4 Section 11, T7N, R12W, S.M.*

- 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 location of the subdivision within the Vicinity Map.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;  
**Staff recommendation:** *This platting action will resolve an encroachment of a building on the boundary of Lot 3 and Lot 4. Another structure appears to be located over the boundary of Lot 2 and proposed Lot 3A. Cuncur that as both Lots 2 and proposed Lot 3A are under common ownership that an encroachment does not exist at this time on the north boundary of this subdivision. Staff cautions the land owner that any transfer of title of either Lot 2 or Lot 3A may create an encroachment issue.*

### 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.*

#### 20.30.030. Proposed street layout-Requirements.

A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.  
**Staff recommendation:** *The parcel to the west is a large acreage parcel that can be further subdivided. Provide a 60 foot right of way dedication to provide for the continuation of Village Avenue to the surrounding tract to the west.*

#### 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 recommendation:** *A right of way dedication for the extension of Village Avenue must be 60 feet wide as the neighboring parcel is unlikely to be subdivided and cannot provide a matching right of way dedication.*

#### 20.30.150. Streets-Intersection requirements.

A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.

B. Offset intersections are not allowed. The distance between intersection centerline shall be no less than 150 feet.

C. Intersections of access streets with arterial streets or state maintained roads shall be limited to those intersections required for safe access consistent with KPB Title 14.

D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.

**Staff recommendation:** *Concur that a 60 foot right of way dedication on the south boundary will generally align with Village Avenue as the width of the opposing right of ways will have an area that overlaps.*

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

**Staff recommendation:** *Work with the Addressing Officer to obtain an approved street name for any right of way dedications.*

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 recommendation:** *The block length along Middleton Drive North is 2,663 feet long and longer than the allowable length of 1,320 feet. A right of way dedication for the extension of Village Avenue will help to comply with block length by allowing the 10 acre parcel to the west to extend the right of way when it is further subdivide.*

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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 report was not prepared for the parent plat. Per KPB 20.40.020 a soils analysis report will be required.*

**Staff recommendation:** *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.*

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** Provide a certificate of acceptance for the KPB to accept any right of way dedications.

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:** Place the following notes on the plat.

- 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 (KPB 14.06).

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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