

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – MAHAN SUBDIVISION BIRCH RIDGE ESTATES ADDITION NO. 3

KPB File No.	2021-143
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Jake Denbrock of Soldotna, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	West of Soldotna near MP 91.5 of the Sterling Highway

Parent Parcel No.:	058-260-55
Legal Description:	Tract A1 Mahan Subdivision Birch Ridge Estates Addition No 2 KN 2007-130
Assessing Use:	Residential Accessory Bldg
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 39-acre parcel into 31 lots ranging in size from 0.91 acres to 3 acres.

**Location and Legal Access (existing and proposed):** This plat is located to the east of Soldotna and north of the Sterling Highway near mile post 91.5. The subdivision has legal access from Mayoni Street, Denbrock Street, Padfoot Avenue West, and Burgess Ave.

This platting action will provide the following right of way dedications.

- An extension of Denbrock Street through the subdivision to the northeast corner.
- Two cul-de-sacs will be dedicated on the east side of Denbrock Street.
- A portion of Padfoot Avenue in the southeast corner.
  - o The land to the south of Padfoot Avenue has been developed with an unattached garage that was constructed in 2007. The last platting action in 2007 discussed the 30 foot width of Padfoot Avenue. As that platting action was 14 years ago it appears unlikely that the land to the south will be further subdivided to provide the full width of Padfoot Avenue. **Staff recommends this platting action dedicate a full 60 foot width for Padfoot Avenue.**

The westerly block will be defined by Burgess Avenue, Denbrock Street, Padfoot Avenue, and Mayone Street. The easterly block will be defined by Burgess Avenue, Pine Street, Padfoot Avenue, and Denbrock Street. Both blocks measure +/- 1,600 feet in the north-south length and are longer than allowed per KPB standards. The right of ways are not affected by steep slopes or low wet areas and can be constructed when the needed for physical access. **Staff recommends** that the plat committee concur that an exception is not required as both blocks are closed blocks that generally comply with subdivision standards, and all lots have legal access to platted right of ways.

**Staff recommends** that labels be added to the plat to show that the right of ways are being dedicated at this time.

**Staff recommends** to work with the KPB Addressing officer to obtain approved street names for the two cul-de-sacs that are being dedicated this plat.

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

**Site Investigation:** A area with steep slopes affects the subdivision from the west boundary to the northeast corner. The plat has been designed so that the lot configuration and right of way layout is not affected by the steep slopes.

Wetland ecosystems do not affect this subdivision.

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 parcel was created with Mahan Subdivision Birch Ridge Estates Addition #2 (KN 2007-130). All new lots will be less than 200,000 sq. ft. and a soils analysis report will be required for final plat approval.

Notice of the proposed plat was mailed to the beneficial interest holder on November 3, 2021 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.

The property is not within an advisory planning commission.

Covenants, conditions and restrictions, as recorded on August 3, 1990 in Bk. 369 Pg. 277 Kenai Recording District, affect this subdivision. **Staff recommends** the covenants of record be noted on the plat and include that per KPB 20.60.170.B, KPB will not enforce private covenants.

An active material site is located in the northwest corner. The land owner can contact Brian Taylor with KPB planning with any questions regarding the material site.

**Utility Easements** Parent plat KN 2004-58 granted 10 foot utility easements adjoining the dedicated right of ways. Plat KN 2006-78 carried forward the utility easement and granted a 20 foot utility easement adjoining the dedicated right of way when within 5 feet of side lot lines. **Staff recommends** the utility easements of record be depicted and labeled as well as the utility easements that are being granted by this plat.

A general location utility easement granted to HEA on September 4, 1976 in Bk. 79 Pg. 546 KRD affects this subdivision. **Staff recommends** a plat note be added for this easement of record.

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	Approved as shown.

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  36378 MAYONI ST</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names:  MAYONI ST  DENBROCK ST  PADFOOT AVE W</p> <p>Existing Street Name Corrections Needed:  BURGESS AVE should be BURGESS AVE E and BURGESS AVE W slit at RABBIT ST.  Newly dedicated 60' ROWs should be named and use the street suffix CT.</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:  36378 MAYONI ST will be deleted and new addresses assigned upon request.  Please contact dhaws@kpb.us for new street name approval.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  The property being subdivided is listed as a PEU (prior existing use) in KPB records. A letter warning of presumed abandonment of PEU has been sent to the current property owner (attached).  See attachments</p>
Assessing	<p>Reviewer: Bruns, Matthew  Comments: No concerns from Assessing Dept.</p>

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

**STAFF RECOMMENDATIONS**  
CORRECTIONS / EDITS

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**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.

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;  
**Staff recommendation:** Provide a street name for Raspberry Street located to the northeast of the subdivision.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;  
**Staff recommendation:** Work with the addressing officer to obtain approved street names for the two cul-de-sacs that are being dedicated.

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**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.

20.30.120. 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, joiners 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:** Provide a full right of way dedication for Padfoot Avenue.

20.30.130. Streets-Curve requirements.

- A. Where a deflection angle of more than 10 degrees in the alignment of a right-of-way occurs, a curve of minimum radius is required. On streets 100 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 200 feet. If it is not possible to design a curve to be radial or tangential, that curve shall be clearly labeled non-radial or non-tangential.
- B. A minimum 100-foot tangent is required between curves.  
**Staff recommendation:** Comply with 20.30.130.

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 Comments: Denbrock Street will form an intersection with Raspberry Street in the northeast corner. Raspberry Street is a half width right of way. The corresponding 30 foot width will be dedicated on the west side and more nearly line up with Denbrock Street. The alignment generally complies as it is only offset by 30 feet.*

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

**Staff recommendation:** *Work with the KPB addressing officer to obtain approved street names for the two cul-de-sacs that are being dedicated with this plat.*

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

C. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

D. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

**Staff recommendation:** *Depict and label the 20 foot building setback adjoining all dedicated right of ways within the subdivision.*

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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, prepared by a licensed engineer, 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.*

20.60.040. 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 KPB to sign for the new dedicated right of ways.*

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).
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *comply with 20.60.190.*

20.60.200. Survey and monumentation.

**Staff recommendation:** *comply with 20.60.200*

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**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, 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**