

AGENDA ITEM E. NEW BUSINESS

ITEM 8 - Steven Oberts Subdivision No 1

KPB File No.	2021-141
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	LTO Limited Partnership PO Box 458 Kenai, AK 99611
Surveyor:	James Hall/ McLane Consulting, Inc.
General Location:	Kenai Spur Highway and Silver Salmon Drive, City of Kenai

Parent Parcel No.:	049-370-12
Legal Description:	Portion SE1/4 NE1/4 Section 7 and NW1/4 SW1/4 Section 8 lying West of the Kenai Spur Hwy and lying South and East of Silver Salmon Drive Township 5 North, Range 10 West, Excepting Therefrom any portions lying within Leo T. Oberts Sub and Replat, according to Plat KN 74-4 and further Excepting Therefrom any portion deed to State of Alaska DOT and PF at Serial No 2019-004445-0.
Assessing Use:	Residential
Zoning:	City of Kenai Zoning – Rural Residential
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 45 acre parcel into two tracts ranging in size from 7.6 to 37.6 acres.

Location and Legal Access (existing and proposed): This subdivision is located within the City of Kenai. Legal access is from the Kenai Spur Highway and Silver Salmon Drive. The Kenai Spur Highway is maintained by the State of Alaska (SOA) DOT and Silver Salmon Drive is maintained by the City of Kenai. A 66 foot wide section line easement bisects the eastern portion of the subdivision in a north-south direction. No additional right of way dedication is proposed with this plat.

A 60 foot wide public access easement, granted per KN 2002-91, adjoins the south boundary and provides legal access to the south boundary of Tract B and Tract A, as well as the two parcels to the south.

Per document KN 2019-004445-0 SOA DOT acquired by warranty deed an approximate 100 foot strip of land on the eastern boundary for the Kenai Spur Highway improvement project. **Staff recommends** the portion of land acquired by SOA DOT be shown as the boundary with the Kenai Spur Highway and the acreage be updated accordingly.

A road easement granted to the SOA coincides with Silver Salmon Drive and has been noted on the plat.

Staff recommends a reference to the DOT Right of Way map be provided within a plat note or within a label within the right of way depiction for the Kenai Spur Highway.

The subdivision is located in an open block that is longer then subdivision code standards. **Staff recommends** that the plat committee concur that an exception to KPB 20.30.030 Proposed Street Layout and KPB 20.30.170 Block length is not required as the section line easement, the 60 foot public access easement to the south, and dedicated right of ways provide legal and practical access to all tracts. The owner is put on notice that any further subdivision of the large tracts may require additional right of way dedication to comply with KPB subdivision standards.

KPB Roads Dept. comments	Out of Jurisdiction: Yes
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	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Kenai Spur Hwy is as shown on DOT Right of Way Map F-22-1(6) Kenai Spur Highway Mile 2.8 to 10.6 (Plat 2007-7, KRD) and appears to be shown correctly. No direct access Kenai Spur. All access to Silver Salmon. Suggest internal circulation be planned early.

Site Investigation: Per the Kenai Watershed Forum wetland mapping, the subdivision is affected by riverine and depression ecosystems.

The subdivision is generally flat with steep terrain located on the east side and the ground gently sloping to the west.

An anadromous waters drainage bisects the subdivision in an east-west direction. **Staff recommends** that the anadromous water drainage be depicted and labeled on the drawing and the Anadromous Waters Habitat Protection District note be added to the plat.

The subdivision is affected by flood zones but the City of Kenai does not participate in the FEMA floodplain program. No note or

KPB satellite imagery indicates this property may contain wet areas. The correct plat note is on the plat that indicates 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	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldrige C. State Parks Reviewer: Russell, Pam Comments: No Comments
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Staff Analysis The parent parcel is a remnant parcel that has not been approved by the platting authority. This platting action will define the boundary of the parent parcel as well as subdivide it into two large tracts. Both tracts are larger than 200,000 sq. ft. and a soils analysis report is not required.

The City of Kenai reviewed the plat at their October 27th, 2021 Planning and Zoning Commission meeting. The staff report states that water and sewer lines are not available on the area and an installation agreement is not required. A resolution was adopted that recommended approval of the preliminary plat subject to

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Utility Easements Several utility easements of record, with no definite location, affect this subdivision. The utility easements of record have been correctly noted on the plat.

Per KN 2019-004446-0, The SOA DOT acquired utility easements that adjoin the new Kenai Spur Highway right of way. The utility easements have been correctly depicted and labeled.

Staff recommends the 10 foot utility easement that is being granted which adjoins the Kenai Spur Highway be depicted and labeled on the plat.

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	Reviewer: Haws, Derek Affected Addresses: 3823 KENAI SPUR HWY Existing Street Names are Correct: Yes List of Correct Street Names: KENAI SPUR HWY SILVER SALMON DR CHINOOK CT Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: City of Kenai will advise on affected address.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Taylor, Bryan 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. Review Not Required
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.

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: *Update the total acreage after the boundary is updated to reflect the current Kenai Spur Highway boundary.*

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.*

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

Staff recommendation: *Provide the Anadromous Waters Habitat Protection District note on the final plat. Comply with 20.30.290.*

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: Both tracts are larger than 200,000 sq. ft. and a soils analysis report is not required.

Staff recommendation: *comply with 20.40.*

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.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Update the Certificate of Ownership and Dedication owner information to read,*

Steven T. Oberts
Member manager

Steven T. Oberts for
The Estate of Leo T. Oberts
Member manager

LTO Limited Partnership
By it's general partner,
LTO Kenai Management LLC.

Comply with 20.60.190.

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