

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – MOOSE RANGE MEADOWS PENNY'S PLACE

KPB File No.	2021-167
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Salamatof Native Association Inc. of Kenai, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Carty Lane and Johnsons Drive, Funny River

Parent Parcel No.:	135-253-37
Legal Description:	Tract A-1 Moose Range Meadows, South Blocks 4 and Portions of 2 Amended, Plat KN 85-40
Assessing Use:	Industrial Mining
Zoning:	Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 6.13 acre parcel into five lots ranging in size from 1.1 to 1.3 acres.

Location and Legal Access (existing and proposed): The subdivision is located on Carty Lane and Johnsons Drive. Both right of ways are 60 foot wide dedications that are maintained by the Kenai Peninsula Borough. Carty Lane is located at the end of Mann Road, a 60 foot wide borough maintained right of way. Mann Road is off state maintained Funny River Road near mile 4.

Proposed Lots 1-3 will have access via Carty Lane. Lot 4 will be a corner lot with access from Carty Lane and Johnsons Drive. Lot 5 will have access from Johnsons Drive.

Mann Road ends at the intersection with Carty Lane. Per 20.30.030, a continuation of Mann Road would be required. Salamatof Native Association owns several large acreage parcels surrounding this subdivision. Steep slopes are present through portions of the large acreage parcels south of the existing Mann Road and south of the projected continuation. An unsubdivided remainder lot that is approximately 9 acres exists south of the subdivision. There is currently no dedicated access to the parcel and access is through other parcels owned by Salamatof Native Association. ***Staff recommends that the Plat Committee concur that an exception to KPB 20.30.030 extension of right of way is not be required by this plat based on the following.***

- *Large acreage tracts owned by the same owner surround the area and can provide right of way dedications when further subdivided.*
- *Steep terrain is present south of the subdivision and road dedications will need to occur in locations that are feasible and meet the future needs of the area.*
- *No lots are denied access.*

If the plat committee does not concur with staff's recommendation, staff would advise that a 15 foot dedication be required on the south boundary of proposed Lot 1 as Mann Road is slightly offset. A 15 foot dedication will provide legal access, will allow for the extension of Mann Road to align, and future subdivisions to the south can grant the remaining 45 feet.

Due to the terrain and large acreage unsubdivided and remainder parcels in the area, the block does not close and is not compliant. A dedication along the eastern boundary will create a block length that is less than minimal lengths. A dedication along the south will not improve the block until additional subdivisions occur to the east. ***Staff recommends the plat committee concur that an exception to KPB 20.30.170 Block Length is not required, as any right of way dedication will not improve the block length requirements.***

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

Site Investigation: The plat contains contour information. The area within the subdivision and in the immediate vicinity is relatively flat. Steep slopes occur to the south. KPB GIS data does not have Kenai Watershed Forum wetland information for the area as it is within the boundary of the Kenai National Wildlife Refuge. Per the National Wetlands Inventory, there are no low wet areas present within the proposed subdivision or near the subdivision on neighboring lots. Some wetlands are present north of Mann Road and west of Carty Lane that should not affect the proposed subdivision. **Staff recommends** if any low wet areas or drainage ways are found during the field survey that they be depicted on the final plat and the standard plat note regarding the Corps. of Engineers be placed on the plat.

The subdivision is partially within floodplain Zone C. Zone C is a minimal risk designation that is not regulated. The parent plat contained a note regarding the floor of structures and flood lines. **Staff recommends** the plat note not be carried over from the parent plat.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

Staff Analysis Moose Range Meadows, South Blocks 1 and 2, Plat KN 84-93, originally created what was known as Tract A. That plat also dedicated Carty Lane. Tract A was a 9.7 acre parcel that extended to the north and was adjacent to the Kenai River. Moose Range Meadows, South Blocks 4 and Portions of 2, Plat KN 84-277, created the current parent lot, Tract A-1 and dedicated the continuation of Johnsons Drive. Plat KN 85-40 amended the plat to correct the title block and the lot configuration did not change.

The proposed lot configurations comply with KPB Code. The depth to width ratio for Lots 1-3 is 2.9:1.

KPB GIS data shows the property within the boundary of the Kenai National Wildlife Refuge. This is common and is considered a private inholding and the laws and regulations within the Kenai National Wildlife Refuge do not apply to the property.

A soils report will be required and an engineer will sign the final plat.

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.

The property is not within an advisory planning commission.

The parcel is currently being shown as tax exempt. Per the KPB Assessing Department this parcel will be subject to tax recapture. The tax recapture amount will be required to be paid prior to the issuance of the required tax certificate. **Staff recommend** that the owner and surveyor work with the Assessing Department with any questions regarding tax recapture.

The Kenai Peninsula Borough Assessing Department has the usage on this parcel listed as Industrial Mining. Per KPB GIS data, there are no material sites present on the property and per imagery, it appears to be undisturbed.

Utility Easements The parent plats did not grant utility easements within this subject property nor was a plat note included to grant along the right of ways. Per plat note 3, utility easements will be granted in compliance with borough code adjoining all dedicated right of ways.

Plat note 5.1 refers to a recorded easement. This easement did not appear on the certificate to plat. Staff pulled the easement and determined that the legal description given did not apply to this property. **Staff recommends plat note 5.1 be removed unless research proves the property is subject to the easement then work with the title company to add to the Certificate to 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	No comment
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: MANN RD CARTY LN JOHNSONS DR</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: No addresses affected by this subdivision.</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:</p>

	There are not any material site issues with this proposed plat.
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.

- 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 a label for the Kenai National Wildlife Refuge

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.

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 will be required and an engineer will be required to sign the plat.

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.

20.60.180. 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:

It appears that plat note 5.1 does not apply to this subdivision. It was not on the Certificate to Plat and staff pulled up the document to find it in another TRS.

Staff recommends rewording plat note 3, "The front 10 feet adjoining dedicated right of ways and increasing to 20 feet within 5 feet of the side lot lines is a utility easement hereby granted."

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