

AGENDA ITEM E. NEW BUSINESS

ITEM 10 - THE STORDAHLE SUBDIVISION

KPB File No.	2021-161
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Shane Holt of Anchorage, AK
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Sterling Highway and Three Johns Street, Sterling

Parent Parcel No.:	065-322-05
Legal Description:	SE1/4 NE1/4 Section 13 Township 5 North, Range 8 West, lying north of the of the right of way line of the Sterling Highway
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 25 acre parcel into one lot and one tract. The lot will be .918 acres and the tract will be 22 acres. A 33 foot wide dedication for Three Johns Street is proposed.

Location and Legal Access (existing and proposed): The subdivision is located at milepost 76 of the Sterling Highway on the corner of the Sterling Highway and Three Johns Street. Three Johns Street is a 33 foot wide section line easement.

The preliminary plat will dedicate a 33 foot wide right of way that will coincide with the section line easement. Right of way dedications for the right of way have been provided extending from the northeast corner of the subdivision. Three Johns Road is constructed over the southeast corner of the parcel. The Kenai National Wildlife Refuge borders to the east. Construction of a roadway within the refuge boundary is not possible. **Staff recommends a full 60 foot wide dedication be granted along the eastern boundary unless documentation can be provided that demonstrates a roadway can be constructed within the Kenai National Wildlife Refuge. Staff recommends that the right of way dedication encompass the existing roadway in the southeast corner.**

The subdivision is within a closed block defined by the Sterling Highway, Three Johns Street, Akeve Avenue, and Adkins Road. Three Johns Street and Adkins Road are approximately 2,250 feet and Akeve Avenue and Sterling Highway are approximately 5,260 feet. Per KPB 20.30.170, blocks shall not be less than 330 or more than 1,320 feet.

Dedications along the west and the north boundary will place the subdivision within a closed block with compliant block lengths of 808 feet and 1,316 feet.

A access easement is reserved on the 26 acre parcel to the west that allows legal access to the parcels located to the northwest of this subdivision.

A lease for a communications tower exists in the northeast corner of the parcel. Steep terrain is located along the north boundary. Akeve Avenue is located 1,320 feet to the north and provides an east-west right of way connection.

Parcels to the north and west are large enough to be further subdivided and will be required to provide a matching right of way dedication in the future. **Staff recommends to comply with code requirements for block length by dedicating a minimum 30 foot wide half width right of way dedication along the west boundary. Staff recommends that the Plat Committee concur that a dedication on the north boundary is not required at this time due to the lease**

area for a communications tower, steep terrain on the north boundary, and Akeve Avenue providing an east-west right of way connection. The owner is put on notice that any further subdivision of Tract A may require right of way dedications to comply with KPB subdivision standards.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: The RSA has no comment at this time.
SOA DOT comments	The ROW for Sterling Highway is as shown on Sterling Highway MP 58-79 (IM-OA3-3(14)/54990) sheet 20 of 62 (Plat 2014-34 KRD), and appears to be shown correctly.

Site Investigation: There does not appear to be any low wet areas present on the property. The land is relatively flat.

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 subject parcel is a portion of an aliquot lot that lies north of the Sterling Highway. This subdivision will create Lot 1 which will encompass the communication tower lease area. A soils report will be required for Lot 1 and an engineer will sign the final plat.

The parcel is vacant and not affected by any residential structures.

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.

Utility Easements Per plat note seven, utility easements will be granted along all dedicated right of ways as required by KPB code. **Staff recommends** all utility easements be depicted on the plat and that plat note seven include "granted by this plat".

An additional easement with no defined location was granted Homer Electric Association by recorded document and is noted within plat note 6.

This plat was originally proposed to be reviewed under the Abbreviated Plat process. Homer Electric Association reviewed it at that time and requested a 30 foot by 660 foot utility easement on the north boundary from the northwest corner of Lot 1 to the existing powerline. This easement depiction has been depicted on the preliminary plat. **Staff recommends** provide the easement as requested by HEA and include in the description “granted by this plat”.

HEA also commented that the existing overhead powerline should be covered under the existing easement granted by recorded document and noted in plat note 6. **Staff recommends** the powerline depiction reference the plat note with the easement information or a new easement be granted centered over the existing powerline.

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	HEA requests that the plat provide a 30 foot wide by approx. 660 foot long utility easement along the north property line of Tract A connecting to the proposed Lot 1 of the subdivision as shown on the attached site plan. The attached site plan also makes reference to the blanket ROW easement granted to HEA which should cover the existing overhead (OH) power lines. It would be beneficial to represent the OH Power lines and note the existing blanket easement.
ENSTAR	No comments or recommendations.
ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 28210 STERLING HWY 37709 THREE JOHNS ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STERLING HWY THREE JOHNS ST ZENITH ST</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 28210 STERLING HWY will remain with Tract A. 37709 THREE JOHNS ST will remain with Lot 1.</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	Reviewer: Bruns, Matthew

Comments: No concerns from Assessing Dept.
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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: *Include in the description that it is "SE1/4 NE1/4 north of the Sterling Highway" Verify the total acreage.*

G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation: *Revise the lot to the from Tract 2A to Tract 3 of KN 94-65. The lot to the northwest is currently labeled as unsubdivided. Update the label to Parcel 1 Plat Waiver Resolution 98-15.*

L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;

Staff recommendation: *Staff has provided a contour map in the packet.*

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: Verify the location of Three Johns Street as it appears to cross across the corner of proposed Tract A. Verify that the right of way dedication to encompass the constructed right of way. Provide a 30 foot wide right of way dedication on the west boundary.

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: Provide a 60 foot wide dedication for Three Johns Street unless documentation is provided that show that a roadway can be constructed within the Kenai National Wildlife Refuge.

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: Block lengths exceed allowable lengths. Dedications on the west boundary is required. **Staff recommends** that the Plat Committee concur that a dedication on the north boundary is not required at this time due to the lease area for a communications tower, steep terrain on the north boundary, and Akeve Avenue providing an east-west right of way connection. The owner is put on notice that any further subdivision of Tract A may require right of way dedications to comply with KPB subdivision standards.

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 building setbacks adjoining all dedicated right of ways.

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: Lot 1 will require a soils analysis report and signature from an engineer. Tract A does not require a soils analysis report. Provide a wastewater disposal note for Tract A that complies with 20.50.030.

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.*

20.60.040. 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 Three Johns Street and any other dedications to be signed by the Kenai Peninsula Borough.*

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.*

Add a note for any exceptions granted.

If a wastewater review is not performed for Tract A, designate the current note on the plat for Lot 1 and add for Tract A "WASTEWATER DISPOSAL: Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation."

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