

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - HANSEN'S SALMON RUN SUBDIVISION

KPB File No.	2021-168
Plat Committee Meeting:	January 24, 2022
Applicant / Owner:	Kim M. Hansen of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Salmon Run Drive, Wanda Avenue and Iceberg Street, Funny River

Parent Parcel No.:	066-270-02 and 066-330-03
Legal Description:	Lot 3, Block 4, King Rapids Subdivision, Plat No. 76-173 and Lot 2-D, Brown's Lake Subdivision, Plat No 77-166, Kenai Recording District
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat reconfigures two lots by finalizing a right of way vacation with the vacated area attaching to the adjoining lots. The plat will also dedicate right of way for turnaround areas. The northern lot will increase from 2.52 acres to 2.69 acres and the southern lot will increase from 2.17 acres to 2.29 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located in the Funny River area. The access to the subdivision is from Salmon Run Drive which is located at mile 17 of state maintained Funny River Road. Salmon Run Drive is a 100 foot wide right of way and is maintained by KPB.

Other access to the subdivision is from Wanda Avenue. Wanda Avenue is an east-west 60 foot wide right of way located between Sirius Street and Iceberg Street. Sirius Street and Iceberg Street are dedicated as 60 foot wide north of Wanda Avenue and 30 feet wide south of Wanda Avenue. Sirius Street appears to be partially cleared but neither it nor Iceberg Street are maintained. Wanda Avenue is not constructed.

Although Wanda Avenue will not be a through connection, it will provide legal access to the lots located to the east and west of this subdivision.

The plat will dedicate a turnaround area at each end of Wanda Avenue. Those proposed dedications will be 30 foot by 40 foot right of ways on the south side of Wanda Avenue which will provide an offset hammerhead type turnaround. Improvements exist within, and on the north side of, Wanda Avenue the limit the area where a right of way can be dedicated. ***Staff recommends that the plat committee concur that an offset hammerhead type turnaround will be acceptable to provide a turnaround area as there are improvements located on the north side of Wanda Avenue that limit the area available to be a turnaround.***

The vacation will change the design of the block due. Salmon Run Drive, Iceberg Street, Kara Megan Avenue, and Sirius Street will define the new block. The new block will be closed and all block lengths are compliant to KPB Code.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: The RSA has no comment at this time.
SOA DOT comments	No comment

Site Investigation: The plat contains contour information. Steep slopes appear to be present within the northeast portion of Lot 3A, within the proposed vacation area, and within the southern portion of Lot 2E.

A low wet area is depicted and labeled within the southeastern portion of Lot 2E.

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

Staff Analysis Wanda Avenue was granted by two different plats. Brown's Lake Subdivision, Plat KN 76-55, granted the southern 30 feet of the entire length of Wanda Avenue. King Rapids Subdivision, Plat KN 76-173, granted the northern 30 feet of the entire length of Wanda Avenue and created the northern parent parcel, Lot 3. Plat KN 77-166 further subdivided the lots created by Brown's Lake Subdivision, Plat KN 76-55 and created the current configuration of parent Lot 2-D.

Per the vacation petition, an improvement is either within or very close to the right of way. The Planning Commission will hear the vacation on January 24, 2022. If approved the vacation will be forwarded to the Kenai Peninsula Borough Assembly for hearing on February 15, 2022.

The vacated portions of Wanda Avenue attached back to the parcels from which the land was dedicated from. Additional right of way dedications will be granted from the southern lot to allow offset hammerhead type turnarounds.

A soils report will not be required, as both lots will be increasing in size by more than 1,000 square feet.

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.

Funny River Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

The subdivision is affected by private covenants and it has been noted on the plat.

Utility Easements The petition to vacate the right of way includes the associated utility easements but when reviewing the parent plats, it does not appear that any utility easements were granted by plat on the parcels involved.

The certificate to plat does indicate an easement has been granted to Homer Electric Association with not defined location. The easement is referenced within plat note 4.

Per plat note 2, 15 foot utility easements will be granted along all dedicated right of ways. **Staff recommends to depict and label all utility easements with known locations.**

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	No objections
GCI	Approved as shown.

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 32351 SALMON RUN DR</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SALMON RUN DR WANDA AVE</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: 32351 SALMON RUN DR will remain with lot 3A.</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: Bruns, Matthew Comments: Assessing concern that adjacent parcel 06633004 will have narrow road ROW access from Iceberg St (currently platted) that could affect KPB road maintenance standards.</p>
Advisory Planning Commission	Comments not received when staff report was prepared.

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

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:

- The subdivision is of two parent surveys with different survey names. Staff requests that one of the parent subdivision names be used as the primary subdivision name. Comparing the subdivisions with names starting with King versus Brown, staff recommends "King Rapids Subdivision Hansen's Replat" or "King Rapids Subdivision Hansen's Addition".
- Include with the description that this platting action will be finalizing the vacation of Wanda Avenue.
- Adjust the total acreage.
- The scale is off and appears to be 1"=40'.

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Provide a block label for Lot 3A.

N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: Existing improvements are encroaching within the right of way. The vacation and replatting will resolve the 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.

20.30.100. Cul-de-sacs.

A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.
Staff recommendation: Concur that an offset hammerhead type turnaround will be adequate for each end of Wanda Avenue as improvements exist to the north that limit the area available to be a right of way and the KPB Roads Dept. reviewed the vacation and plat and had no comments.

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: Per 20.40.020(1)(2), a wastewater review is not required as both lots are increasing in size by more than 1,000 square feet.

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.

20.60.030. 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 an acceptance certificate for the Wanda Avenue right of way dedications (turnarounds).

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat. The borough will not enforce private covenants, easements, or deed restrictions. The borough will not enforce private covenants, easements, or deed restrictions.

C. The plat must adhere to the requirement of the local option zone, where applicable.

Staff recommendation: Add to the existing plat note 5 that the borough does not enforce private covenants per KPB 20.60.170(B). Comply with 20.60.170.

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.
- 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.

Revise plat note 3 by changing Plat KN 77-166 to KN 76-55, which is the plat that dedicated a portion of the right of way. Add to plat note 3 that the vacation received consent by the Assembly and the Assembly meeting date.

Add to Plat Note 4 that there is no definite location disclosed for the utility easement granted to HEA.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Within the certificate of ownership, change in the first line to "owner". The owner assumed title on the lots differently. Her signature line will need to include both names. This may be done as "Kim Hansen who also took title as Kim M. Hansen." Comply with 20.60.190.*

KPB 20.70 – Vacation Requirements

Staff recommendation. *Plat must be recorded within one year of assembly consent.*

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