E. NEW BUSINESS

7. Common Ground Subdivision; KPB File 2022-066 Segesser Surveys / Kenai Peninsula Borough Location: School Ave., Birch St. & Old Sterling Hwy. Anchor Point Area / Anchor Point APC











KPB File # 2022-066 S04 T05S R15W Anchor Point

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial Map





The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



E7-3



CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE KENAI PENINSULA BOROUGH IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE KENAI PENINSULA BOROUGH, I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHARLIE PIERCE, MAYOR KENAI PENINSULA BOROUGH 144 N BINKLEY STREET SOLDOTNA, ALASKA 99669

NOTARY'S ACKNOWLEDGEMENT

20

FOR

ACKNOWLEDGED BEFORE ME THIS ____ DAY OF __

NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

Common Ground Subdivision

A subdivision of that portion of the S1/2 NE1/4 Section 4 A subdivision of that portion of the S1/2 NE1/4 Section 4 T5S, R15W, S.M., as per Commissioner's Quit Claim Deed recorded as serial number 2002-006119-0, Homer Recording District. Located within the S1/2 NE1/4 Section 4, T5S, R15W, S.M., Kenai Peninsula Borough, Alaska.

Containing 16.259 Ac.

KPB FILE No.

| Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909 | | Owner Kenai Peninsula Borough 144 N. Binkley Street Soldotna, Alaska 99639 | | |
|---|-------------|---|---------|--|
| JOB NO. | 22030 | DRAWN: | 5-17-22 | |
| SURVEYED: | April, 2022 | SCALE: | 1"=100' | |
| FIELD BOOK: | 22-2 | SHEET: | 1 of 1 | |

AGENDA ITEM E. NEW BUSINESS

| KPB File No. | 2022-066 | |
|--|--|--|
| Plat Committee Meeting: June 13, 2022 | | |
| Applicant / Owner: | Owner: Kenai Peninsula Borough of Soldotna, AK | |
| Surveyor: | John Segesser / Segesser Surveys | |
| General Location: | School Avenue, Old Sterling Highway, Anchor Point / Anchor Point APC | |
| | | |
| Parent Parcel No.: | 169-050-67 and 169-050-71 | |
| Legal Description: Portion of S1/2 NE1/4 Section 4, Township 5 South, Range 15 West, per | | |
| | 2002-006119-0, HRD | |
| Assessing Use: | Assessing Use: Residential / Industrial Mining | |
| Zoning: | Rural Unrestricted | |
| Water / Wastewater | On site / Community | |

ITEM 7 - COMMON GROUND SUBDIVISION

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure two parcels into one tract and four lots. The tract will be 9.873 acres. One of the lots will be 3.516 acres and the other three lots will be .5 acres. Dedications for School Avenue, Birch Street, and Spinnaker Avenue are proposed.

Location and Legal Access (existing and proposed): The proposed plat is located along School Avenue and Birch Street in the Anchor Point area. There is an approximate 82 foot access to the Old Sterling Highway from the subdivision. The Old Sterling Highway is a varying width state maintained right-of-way. School Avenue is a varying width borough maintained right-of-way. Both of these roads intersect the Sterling Highway near mile 157. Birch Street appears to be constructed but is not currently maintained and the width varies. Spinnaker Avenue connects Birch Street and Nelson Street. It is a short right-of-way that is currently maintained by the Kenai Peninsula Borough.

Tract A is the current site for the Anchor Point Transfer Site. It currently has access from the Old Sterling Highway. Access will also be available from School Avenue and Spinnaker Avenue. Lot 4 will have access from Spinnaker Avenue and School Avenue. Lots 1 through 3 will all have access from Birch Street with Lot 1 having additional access to School Avenue and Lot 3 having access from Spinnaker Avenue.

One of the current parcels is a narrow strip of land located along School Avenue. A portion of that is proposed to be dedicated as a 30 foot width strip of School Avenue to bring this portion of the right-of-way into compliance for width. There is a utility easement within the area proposed to be dedicated for School Avenue. This easement is noted within plat note 7.

A 30 foot dedication is proposed for Birch Street. This will bring the width for the right-of-way into compliance for this portion. A roadway easement is already in place for a 25 foot width of the proposed dedication and is noted in plat note 4.

A 60 foot wide dedication is proposed for Spinnaker Avenue. There is an existing 30 foot dedication for Spinnaker Avenue and this will bring the dedication to 90 feet wide. Tract A is proposed to have a flag that is 235 feet which exceeds code allowance for any width less than 60 feet. The panhandle portion of Tract A is proposed at 60 feet wide and will be in line with the new proposed dedication of Spinnaker Avenue.

The block length along School Avenue is approximately 1,720 feet and exceeds the allowable length. The block is not complete in this area. To the south is a prior existing use material site that limits the ability to provide dedications through to have a closed block. Tract A is the Anchor Point Transfer Site and any dedications at this time may

cause some restrictions. The new dedication of Spinnaker Avenue and the flag portion of Tract A are in line with the current access to Old Sterling Highway. Tract A could be further subdivided in the future and provide a dedication of Spinnaker Avenue to help improve the block. *Staff recommends* the plat committee concur that an exception or dedication for block length is not required at this time.

It does currently appear that Spinnaker Avenue and Birch Street may be built outside of the right-of-way dedication. During the field survey it should be determined if the existing roadway will be within the dedications. **Staff recommends** the surveyor inform staff of the status found of the existing roadway and if needed review dedications or easements for resolution.

| KPB Roads Dept. comments | Out of Jurisdiction: No | |
|--------------------------|---|--|
| | Roads Director: Uhlin, Dil | |
| | Comments: No comments | |
| SOA DOT comments | The ROW for Old Sterling Highway is generally as shown on sheet 4 of 4 of DOT | |
| | Right of Way Map F-021-1(35) and appears to be shown correctly. | |

<u>Site Investigation</u>: There does not appear to be any low wet areas present within the proposed plat. There are some steep slopes found within proposed Tract A. These are mostly found within the southern portion and northeast corner of the tract. **Staff recommends** the steep slopes do not impact any property other than the property used for the transfer site and the depiction of steep slopes will not be required.

| 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 | |
| State of Alaska Fish and Game | No objections | |

Staff Analysis This is a subdivision of Kenai Peninsula Borough lands acquired through a Commissioner's Deed from the State of Alaska. Kenai Peninsula Borough Resolution 2021-075 was enacted by the Borough Assembly on October 12, 2021. The resolution classified the lands within this subdivision as waste handling/institutional/residential/utility transportation. That resolution will allow for the proper classification for the management of the Solid Waste Transfer Site. This will also allow for the potential institutional use of proposed Lot 4. The three smaller lots are classified as residential. The utility transportation classifications apply to the areas proposed for dedication.

Per some documents within the certificate to plat and some additional land management documentation, there is potentially some wells within the property. It is believed these were test wells as portions of this property had been formally used by DOT for gravel. The status of these wells should be verified so that it may be determined if additional depictions, notes, or any issues needing resolved can be reviewed. **Staff recommends** the location of the wells be verified and that it be determined that they have been capped and are not in use.

Tract A will not require a soils report based on the size of the lot. The four lots will require a soils analysis report and an engineer will need to sign the plat. **Staff recommends** the existing wastewater disposal notes be revised to indicate which lots or tracts the notes pertain.

Lots 1-3 are proposed to be .5 acres. This is approximately 22,085 square feet and 22,041 square feet. Per KPB 20.30.200(B), lots shall be a minimum of 40,000 square feet if onsite well and wastewater disposal are to be located on the lot. Per KPB 20.30.200(C), this area may be reduced to 20,000 square feet if public water or wastewater disposal systems are available. The application did not indicate the intent for water and wastewater disposal. The Anchor Point area does have a water system, the Anchor Point Safe water Corporation Public Water System. If the proposed lots will be connecting to this system **Staff recommends** documentation be provided to show that the new lots are approved, or have been approved, to connect to the existing water system and that the water system will support the additional lots.

If the lots will not be able to connect to the existing community water system, the plat, along with the soils analysis report, will go back to the plat committee to review the lots sizes proposed or a new design will be required to bring the lots into compliance.

Tract A will have a panhandle that will be 60 feet wide thus requiring a 20 foot building setback within Lot 4 for the panhandle portion of the tract. **Staff recommends** the 20 foot building setback be extended in Lot 4 and the appropriate plat notes be added.

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.

Anchor Point 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.

<u>Utility Easements</u> There have been multiple easements granted by recorded documents within the boundary of this subdivision. The easement within plat notes 5 and 6 have defined areas that should be depicted on the plat with a reference to the plat note. The easement within plat note 7 is now going to be within the School Avenue dedication or within the adjacent utility easement. **Staff recommends** the location of the easement be determined and a note be added to refer to note 7.

The plat is proposing to grant utility easements within the front 10 feet adjacent to rights-of-way that will increase to 20 feet within 5 feet of the side lot lines. **Staff recommends** the note include "granted by this plat", a depiction of the easements be added, if the depiction interferes with required information add a typical detail, and extend the utility easement along the eastern boundary of Spinnaker Avenue within Tract A.

Staff recommends the easement found in plat note 8 be depicted.

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 | |
| ACS | No objections |
| GCI | |

KPB department / agency review:

| Addressing | Reviewer: Haws. Derek |
|------------|-----------------------|
| 5 | |
| | Affected Addresses: |

| | 34401 OLD STERLING HWY | | |
|-----------------|---|--|--|
| | Existing Street Names are Correct: Yes | | |
| | List of Correct Street Names: | | |
| | OLD STERLING HWY | | |
| | NELSON ST BIRCH ST | | |
| | SCHOOL AVE | | |
| | SPINNAKER AVE | | |
| | Existing Street Name Corrections Needed: | | |
| | All New Street Names are Approved: No | | |
| | List of Approved Street Names: | | |
| | List of Street Names Denied: | | |
| | Comments: 34401 OLD STERLING HWY will remain with TRACT A. | | |
| Code Compliance | Reviewer: Ogren, Eric | | |
| Diamar | Comments: No comments | | |
| Planner | Reviewer: Raidmae, Ryan 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. | | |
| Assessing | Reviewer: Wilcox, Adeena | | |
| | Comments: No Comment | | |

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

STAFF RECOMMENDATIONS CORRECTIONS / EDITS

The code only requires depiction to 100 feet from the subdivision. Some of the depictions exceed that area but do not include labels. **Staff recommends** adding some additional labels or removing some of the area lot depictions.

Within the legend, update the recording district for the record source.

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 width label or a width varies label for the Old Sterling Highway. Provide a label for the project map information or add a plat note.

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: Provide street name labels for the rights-of-way north of School Avenue. Lot 1 shown to the east of Old Sterling Highway should be updated to Lot 1-A of HM 85-7

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.

20.30.190. Lots-Dimensions.

A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Staff recommendation: place the standard note on the plat for the flag lot(s): "No structures are permitted within the panhandle portion of the flag lot."

The setback will need to be put in place along the panhandle within Lot 4.

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.

A. 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.

B. 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.

C. 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: Update the line style used for the setback as the setback along the Old Sterling Highway appears as a solid line. Extend the setback into Lot 4 along the panhandle.

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: Tract A will not require a soils analysis report based on size. All other lots will require a soils analysis report. The notes currently shown will need to be revised to designate which lots they are for.

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: All rights-of-way will need to be added to an acceptance to be signed by the Kenai Peninsula Borough.

20.60.090 Improvements-Other public systems. A final plat of a subdivision outside city limits served by a public or existing ADEC approved water or wastewater disposal system shall not be approved prior to provision of documentation from the owner of the system that service to the system is installed and available to each lot in the subdivision, and that connection to all lots will not exceed the capacity of the system. *Staff recommendation:* Lots 1-3 are smaller than allowed by code for onsite wastewater and water. If

these lots are to be connected to the Anchor Point Safe Water system documentation will be require that they are connected or that the system will allow them to be connected. Additional plat notes will be required.

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





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KPB File Number 2022-066

6/6/2022

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Aerial with 5-foot Contours



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| Introduced by: | Mayor |
|----------------|-----------------------|
| Date: | 10/12/21 |
| Action: | Adopted |
| Vote: | 9 Yes, 0 No, 0 Absent |

KENAI PENINSULA BOROUGH RESOLUTION 2021-075

A RESOLUTION CLASSIFYING CERTAIN PARCELS OF BOROUGH OWNED LAND IN THE ANCHOR POINT AREA

- WHEREAS, the Kenai Peninsula Borough ("Borough") is the title owner of the subject land; and
- WHEREAS, pursuant to KPB 17.10.080 classification provides guidance for the management of borough land; and
- WHEREAS, public notice was published and notification was sent to land owners and/or leaseholders of record within a one-half mile radius of the land proposed for classification, including applicable borough departments, government agencies, and interested parties; and
- WHEREAS, the Anchor Point Advisory Planning Commission, at its meeting held on September 9, 2021, did not recommend approval; and
- WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of September 27, 2021 recommended approval;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. Based on the findings of fact, analysis, and conclusions contained in the staff report of September 27, 2021 the following classifications for borough lands described below are compatible with the surrounding land use and shall be classified as follows consistent with the Plan of Classification map contained in the staff report:

| Assessor's Parcel No. | General Location | Legal Description | Acres | Classification |
|--------------------------|---------------------|---|-------|--|
| 169-050-71 | Anchor Point | That portion of S1/2 NE1/4 as per WD Book 143, Page 830 Homer Recording District, Excluding that Portion as per Commissioners QCD Book 194, Page 990 T5S, R15W. S.M. | 14.43 | Waste Handling/ Institutional/ Residential/ Utility Transportation |
| 169-050-67 | Anchor Point | That portion of S1/2 NE1/4 as per QCD Book 194, Page 985 Homer Recording District, T5S, R15W. S.M. | 1.49 | Waste Handling/ Institutional/ Residential/ Utility Transportation |

SECTION 2. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 12TH DAY OF OCTOBER, 2021.

Brent Hibbert, Assembly President

ATTEST:

Jonni Blankenship, MMC, Borough Clerk



Yes:

Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert

No: None

Absent: None

Land Classification Plan 16.2 Acres in Anchor Point, Alaska Kenai Peninsula Borough Land Management Division



| 0 | 60 | 120 | 240 | 360 Feet |
|---|-----|-------|-----------|----------|
| H | + + | + + + | + + + + + | ┝╼╪╼┥ |

Classification Plan

- Right of Way (Utility/Transportation)
- Waste Handling
- Residential
- 📃 Institutional

Land Classification Vicinity Map Anchor Point, Alaska Kenai Peninsula Borough Land Management Division



Waste Handling
Residential

Institutional