E. NEW BUSINESS

 Bear Lahai Roi Subdivision Sockeye Run View Addition KPB File 2022-074 Segesser Surveys / Huber Nikiski Area

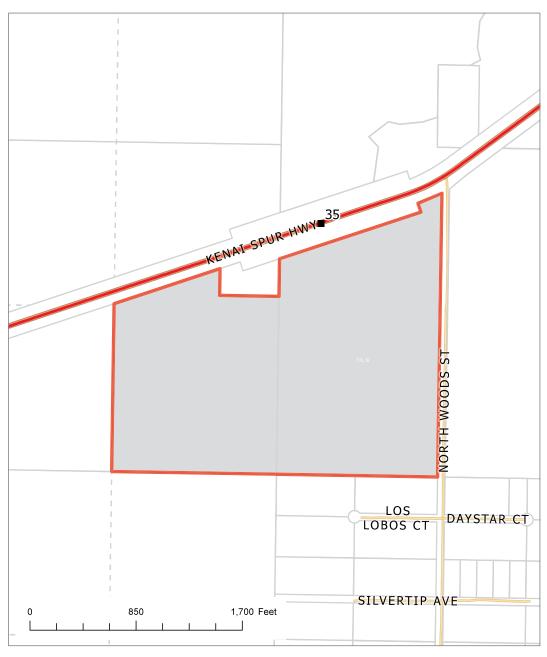


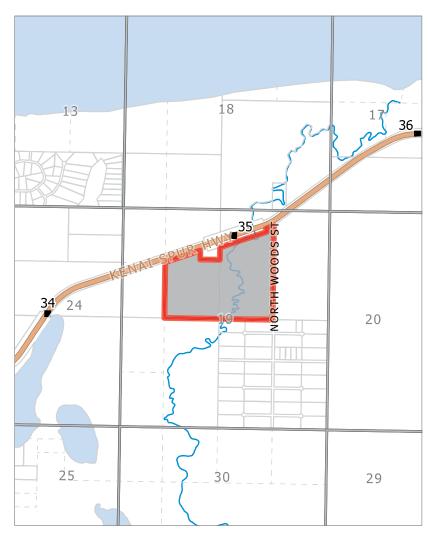
Kenai Peninsula Borough Planning Department

Vicinity Map

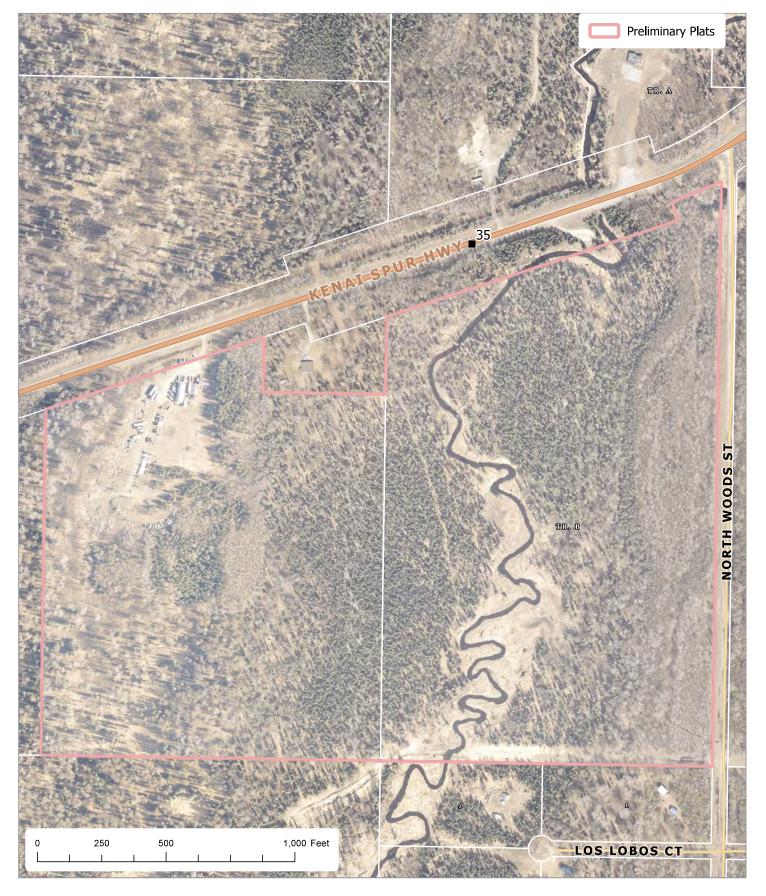
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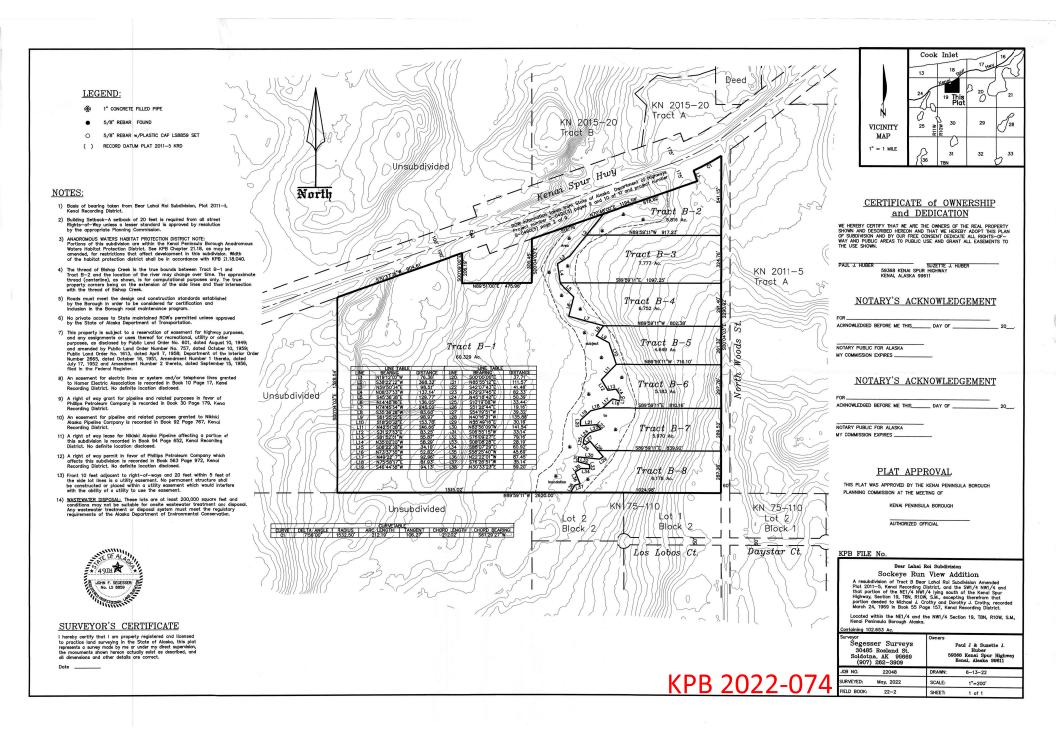






KPB File # 2022-074 S19 T08N R10W Nikiski





AGENDA ITEM E. NEW BUSINESS

ITEM 7 - BEAR LAHAI ROI SUBDIVISION SOCKEYE RUN VIEW ADDITION

KPB File No.	2022-074
Plat Committee Meeting:	July 18, 2022
Applicant / Owner:	Paul and Suzette Huber of Kenai, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Kenai Spur Highway, North Woods Street, Nikiski

Parent Parcel No.:	025-190-26 & 025-190-28
Legal Description:	Tract B Bear Lahai Roi Sub Amended Plat No 2011-5 and the SE1/4 NW1/4 and portion of the NE1/4 SW1/4 lying south of the Kenai Spur Highway T08N R10W S19
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will take two parcels and create eight tracts. The largest tract will be 60.329 acres. The remaining seven tracts will range in size from 4.649 to 7.777 acres.

<u>Location and Legal Access (existing and proposed):</u> The proposed plat is located near mile 35 of state maintained Kenai Spur Highway. The eastern tracts being created will have access from North Woods Street, a 60 foot wide dedication that is maintained by the Kenai Peninsula Borough.

The block length exceeds allowable limits. Exceptions for right-of-way dedications and block length have been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for the Kenai Spur Highway appears to be shown correctly.

<u>Site Investigation:</u> Contours are present on the preliminary plat. There are areas within Tract B-1 that appear to exceed the 20 percent slope. Some steeper slopes appear to also be present within the eastern tracts as they slope towards Bishop Creek and the associated wetlands. **Staff recommends** slopes greater than 20 percent be shown on the final plat as they may impact development.

Bishop Creek is being used as the boundary between Tract B-1 and the other tracts being created. This is an anadromous stream. There are wetlands depicted within the dotted line that are adjacent to the creek. Those low wet areas are classified as Riverine. Additional areas of low wet areas of kettle and discharge slopes are present. **Staff recommends** the creek name be indicated on the face of the plat as it is mentioned in notes and all low wet areas be depicted and a wetlands determination note be added.

There are some improvements located off the Kenai Spur Highway and will remain on Tract B-1. There does not appear to be any encroachment issues.

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 totally or partially within HPD
	Comments: KPB\maldridge
	C. State Parks
	Reviewer: Russell, Pam
	Comments: No Comments
State of Alaska Fish and Game	No objections

<u>Staff Analysis</u> The proposed replat is a subdivision of an aliquot piece of land and a replat of a previously created tract.

The tracts being created are all over 200,000 square feet and a soils report will not be required.

Notice of the proposed plat was mailed to the beneficial interest holder on June 7, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

<u>Utility Easements</u> The parent plat of the eastern portion of property granted 10 foot wide utility easements along the dedicated rights-of-way, Kenai Spur Highway and North Woods Street. Per plat note 13, this plat will be granting 10 foot utility easements along the rights-of-way in addition will be granting 20 foot wide utility easements within 5 feet of the side lot lines. **Staff recommends** due to the scale a typical detail be added to the plat to show the setbacks and utility easements along the rights-of-way and within the side lot lines.

Several recorded easements have been granted and are noted within the plat notes. Several of the easements have location descriptions present within the documents. **Staff recommends** any known locations of easements be shown on the plat with a reference to the plat note or the document granting the easement be added.

The parent plat, Bear Lahai Roi Subdivision Amended, KN 2011-5, granted and depicted numerous utility easements. **Staff recommends** all easements from the parent plat be carried over unless it can be demonstrated that the easements no longer exist.

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	Depict and label the existing overhead primary electric line and provide a 30 foot wide easement centered on the existing overhead line.	
ENSTAR	No comments or recommendations	
ACS	No objections	
GCI	Approved as shown	

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KPB department / agency review:

KPB department / agency review	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	59368 KENAI SPUR HWY
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	KENAI SPUR HWY
	NORTH WOODS ST
	LOS LOBOS CT
	DAYSTAR CT
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Approved offect Names.
	List of Street Names Denied:
	Comments:
	59368 KENAI SPUR HWY will remain on tract B-2.
Code Compliance	Reviewer: Ogren, Eric
	Comments: Caution is needed when developing along a water way and
	may need permits from KPB River Center.
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
7.00000iiig	Comments: No comment
	T Commonder the Commond

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.

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Staff recommendation: Update the description of the aliquot description to "SE1/4 NW1/4".

- 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: Include a depiction and label for the Kenai National Wildlife Refuge.
- 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: The excluded lot should be labeled. The lot to the southeast, along Daystar Court, has been replatted and the depiction and label should be updated. A plat has been submitted to the east of North Woods Street. Prior to printing the mylar the status should be reviewed to determine if the depiction and labels need to be updated.

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: Tracts are all proposed to be over 200,000 square feet. Soils analysis report will not be 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.

20.60.180. 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.
 - 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.
 - Add a note for any exceptions granted.

Plat note 4 should be revised as there are additional tracts than what is listed in the note. Label Bear Creek as such and add note to (see note #4)

Plat note 5 may be removed unless rights-of-way are dedicated.

Plat note 12 had an additional assignment that should be added, serial number 2017-00133-0, KRD. Line labels L2 and L28 should be divided for the two lots being crossed.

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EXCEPTIONS REQUESTED:

A. KPB 20.30.030 - Proposed street layout-requirements and KPB 20.30.170 - Blocks-length requirements

Surveyor's Discussion:

<u>Staff Discussion:</u> KPB Code requires rights-of-way be provided for the continuation and appropriate projection of streets in the surrounding area to provide access for surrounding tracts. The dedications should be done so that the block is within 330 feet to 1,320 feet in length.

Findings:

- 1. The block is not complete and exceeds allowable limits.
- 2. A 142 acre CIRI parcel is located to the southwest.
- 3. The CIRI parcel only has access via section line easements.
- 4. Bishop Creek is located in a location that will make it difficult to create two compliant blocks if a north-south dedication is required.
- 5. A north-south dedication along the western boundary would improve the block and still be compliant with the section line easement located further west.
- 6. An east-west dedication along the southern boundary would improve the block length.
- 7. An east-west dedication anywhere within the subdivision will require crossing an anadromous stream.
- 8. Some steep terrain is located within the subdivision and will make east-west dedication more difficult.
- 9. Wetlands are present that any east-west dedication would have to cross.
- 10. Tract B-1 will be large enough to be further subdivided.
- 11. Improvements are located in the lots south of the subdivision off of Los Lobos Court.
- 12. A dedication along the south of Tract B-8 will make Lot 2 Block 2 to the south non-compliant as it will have double frontage.
- 13. A dedication along the south of Tract B-8 will improve the block as Los Lobos Court is a cul-de-sac that does not help close the block but will result in two rights-of-way with only about 300 feet between the intersections.

If the exception request is denied additional rights-of-way will be required to improve the block and the Plat Committee can state where they would like to see the required dedications.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

- 1. That special circumstances or conditions affecting the property have been shown by application; Findings 4 and 7-13 appear to support this standard.
- 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;

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Findings 4 and 7-13 appear to support this standard.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

Findings 4 and 7-13 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

KPB 20.30.190 - Lots-Dimensions (3:1 depth to width ratio for Tract B-3, Tract B-4, and Tract B-8. В.

Surveyor's Discussion:

Staff Discussion: KPB Code states that the average depth shall be no greater than three times the average width.

Findings:

- 1. Tract B-3 depth to width ratio is 3.2:1.
- 2. Tract B-4 depth to width ratio is 3.13:1.
- 3. Tract B-8 depth to width ratio is 3.8:1.
- 4. The western portions of the tracts contain wetlands and an anadromous stream.
- 5. The three tracts that fail to meet the 3:1 requirement are 6.178 acres or larger.

If the exception request is denied the plat will require a redesign to make all the tracts compliant.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

- That special circumstances or conditions affecting the property have been shown by application; 1. Findings 4 and 5 appear to support this standard.
- 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
 - Findings 4 and 5 appear to support this standard.
- 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
 - Findings 4 and 5 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

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.

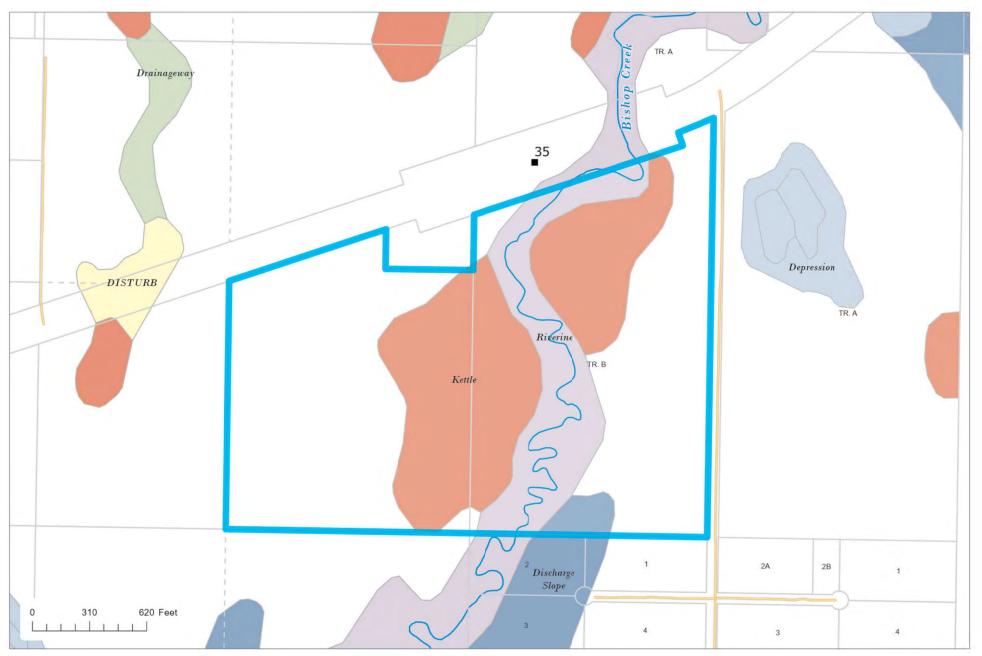
END OF STAFF REPORT



KPB File Number 2022-074

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