# **E. NEW BUSINESS**

4. S & S Subdivision 2023 Replat KPB File 2023-016



# Kenai Peninsula Borough Planning Department

Vicinity Map DREAMA CT INUKSHUK CY MAR CHERREN CONTRACTOR HEATH CIP JAKES CIR RIGGS AVE HEATH ST KPB File 2023-016 21 23 T 05N R 10W SEC 22 Ridgeway

2/5/2023

0 400 800 Feet

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.

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# Kenai Peninsula Borough Planning Department



Aerial View

KPB 2023-016 2/5/2023



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#### LEGEND:

- 3 1/4" ALUM. CAP MON. LS5152 1984 RECORD
- 2" ALUM. PIPE NO CAP RECORD
- 5/8" REBAR RECORD
- ( ) RECORD DATUM PLAT 86-112 KRD
- [ ] COMPUTED DATUM PLAT 83-112 KRD

#### NOTES:

- This is a paper plat. A field survey was not performed in accordance with KPB 20.60.200(A).
- Basis of bearing talen from S & S Subdivision, Plat 86-112, Kenai Recording District.
- Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 4) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association inc is recorded in Misc. Book 7 Page 7, Kenai Recording District. No definite location disclosed.
- There is a 10 foot (10 FT) wide natural gas easement centered on the existing service line per KN 2021-98.
- 6) A right-of-way permit for pipeline and reloted services granted to Alaska Pipeline Company is recorded in Miss. Book 5 Page 165, Kerai Recording District. No definite location disclosed.
- 7) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or glaced within a utility easement which would interfere with the ability of a utility to use the easement.
- 8) <u>WASTWATER DISPERAL</u>: The porent subdivision for lots resulting from this plotting oction was approved by the Alaska Department of Environmental Conservations on AJAE ILEBILE. Wastenets treatment and dispsaid systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

PLAT APPROVAL

#### THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.040.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL



#### SURVEYOR'S CERTIFICATE I hereby certify that I am properly registered and licensed to procibe land surveying in the State of Alaska, this plat represents a survey mode by mar or under my direct superkillor, the monuments shown herein or cludy wait is described, and all dimensions and other details are correct

KPB 2023-016

Date





## AGENDA ITEM E. NEW BUSINESS

KPB File No.	2023-016
Plat Committee Meeting:	February 27, 2023
Applicant / Owner:	Cole and Jessica Young of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Riggs Avenue, Heath Circle, Ridgeway
Parent Parcel No.:	058-033-03, 058-033-04, 058-033-05, and 058-033-19
Legal Description:	Lots 1 and 4 of S&S Subdivision KN 86-112, Lot 2A of S&S Subdivision Young
	Replat KN 2021-098, and E1/2 W1/2 SW1/4 SW1/4 in Section 22, Township 5
	North, Range 10 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

#### ITEM #4 - S & S SUBDIVISION 2023 REPLAT

## STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will combine four parcels into one lot that will be 9.745 acres.

Location and Legal Access (existing and proposed): The subdivision is located on borough maintained Riggs Avenue, a 66 foot dedicated right-of-way atop a section line. Riggs Avenue is located off state maintained Mackey Lake Road, which intersects state maintained Sterling Highway near mile 92.5. Riggs Avenue continues to the west past the subdivision where it connects to Heath Street and Heath Circle. Heath Circle is constructed but not currently maintained by the borough. Heath Circle goes north from Riggs Avenue and veers to the east to avoid some wet terrain. An approximate 220 feet of Heath Circle is adjacent to the subdivision along the western boundary.

The City of Soldotna city limits are within the Riggs Avenue dedication. The city limits continue to the south of Riggs Avenue. This subdivision is not within the City of Soldotna.

Constructed access is currently off Riggs Avenue to parent lot 2A. Parent Lots 1 and 4 are currently sharing that same access. Shane Rae Circle was a right-of-way dedication that was between Lots 1 and 4 and former Lots 2 and 3 of S & S Subdivision, Plat KN 86-112. S & S Subdivision Young Replat, Plat KN 2021-098, finalized the approved vacation of Shane Rae Circle and combined Lots 2 and 3. The right-of-way was vacated to allow the owners of Lots 2 and 3 to block off the right-of-way to protect assets. Lot 1 still had access from Riggs Avenue while Lot 4 and the northern unsubdivided property had access to Heath Circle.

The new lot will still be able to continue to access off Riggs Avenue with the already existing driveway. Heath Circle may be used for access with the proper permitting from the Kenai Peninsula Borough Roads Department.

The block is not compliant. There are several dedications in the area but many are cul-de-sacs and do not provide through dedications to provide for closed and compliant block lengths. Mackey Lake Road, Riggs Avenue, a portion of Heath Circle, section line easements, Brenda Way and Delcie Drive define the current block. There are low wet areas to the west of the subdivision and with the current development in the area it will be difficult to continue any road dedications through to improve the block. The parent subdivision, S & S Subdivision Young Replat, received an exception to KPB 20.30.170 block length at the October 25, 2021 Plat Committee meeting. *Staff recommends* the plat committee concur that an exception is not required as new dedications will not improve the overall block.

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

<u>Site Investigation</u>: The terrain is relatively flat within the subdivision boundary. There does appear to be some low wet areas within the northwest corner of the subdivision that have been designated as Kettle. **Staff recommends** the low wet areas be added to the final plat and a wetland determination plat note be added.

There are multiple structures on several of the lots with the back aliquot lot appearing to be vacant land. It does not appear that there are any existing encroachment issues and any that are present between the lots within the subdivision will be remedied by the combining of lots.

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	

**<u>Staff Analysis</u>** Staff would like to note that the preliminary subdivision was submitted under KPB Code 20.10.040 – Abbreviated plat procedure. Upon review staff found that the preliminary design did not comply with the abbreviated plat procedure as the depth to width ratio does not comply for the new lot.

The northern portion of the subdivision is aliquot land that has not been part of a previous plat. The southern portion of the aliquot land was originally subdivided by S & S Subdivision, KN 86-112. That plat created four lots and dedicated Shane Rae Circle. The two eastern lots were combined with the vacated area of Shane Rae Circle by S & S Subdivision Young Replat, KN 2021-098.

The proposed plat will combine the four parcels into one lot. Per KPB Code 20.30.190, the average depth shall be no greater than three times the average width. As the proposed lot will be at a ratio of 3.9:1, staff cannot recommend approval as the design does not meet code requirements.

The proposed lot will be increasing in size. S & S Subdivision, Plat KN 86-112 was signed by Alaska Department of Environmental Conservation. A soils report will not be required and the correct plat note is present.

Notice of the proposed plat was mailed to the beneficial interest holder on February 6, 2023. 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.

<u>Utility Easements</u> 10 foot utility easements were granted along Riggs Avenue, originally named Spruce Avenue, and along the western boundary of Shane Rae Circle by S & S Subdivision, Plat KN 86-112. That plat also granted a 10 x 10 easement centered on the lot lines for Lot 3 and Lot 3. S & S Subdivision Young Replat, Plat KN 2021-98, continued the 10 foot dedication along Riggs Avenue within the Shane Rae Circle vacation. The plat also granted an easement over an existing ENSTAR line. And provided an additional easement to connect the easement within the western lots to the 10 x 10 easement. That plat also increased the 10 foot utility easement to 20 feet within 5 feet of the side lot lines. The plat note present indicates the front 10 feet along the rights-of-way that increase to 20 feet within 5 feet of the side lot lines. *Staff recommends* the depiction be verified that the 20 feet is included within 5 feet of the western property line.

Heath Circle was dedicated after the creation of S & S Subdivision and thus no setbacks or utility easements are present to carry over. **Staff recommends** a 10 foot utility easement will be required to be granted along Heath Circle and should 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	No comment
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

#### KPB department / agency review:

A Line in a gency levie	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	42960 RIGGS AVE
	42924 RIGGS AVE
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	RIGGS AVE
	HEATH CIR
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Approved Street Names:
	List of Street Names Denied:
	Comments
	MQUAINTON: This platting action could result in a new address request
	after plat is finalized.
Code Compliance	Reviewer: Ogren, Eric
Code Compliance	Comments: No comments
Diaman	
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: Windsor, Heather Comments: No comment

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 Soldotna Creek.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
  Staff recommendation: Area within northwest corner should be depicted as wetlands.

## **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: The lot does not comply with 3:1. The ratio is 3.9:1.

20.30.230. Lots-Double frontage prohibited when. Double frontage lots with depths less than 250 feet will not be approved except where necessitated by topographic or other physical conditions, or to provide reverse frontage along arterial streets. Corner lots are not subject to the double frontage prohibition.

**Staff recommendation:** The lot has double frontage due to the location of Heath Circle. The depth of the lot whether viewed from Riggs Avenue or Heath Circle, exceeds 250 feet. Staff finds that this complies with the requirement.

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: Setback required along Heath Circle and requires depiction.

## 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 is increasing in size and will not require a soils analysis report. Portions of the subdivision did receive approval from DEC with a prior platting action. **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 plat note for any exceptions granted.

## 20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

- 1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
- 2. Final approval by the commission was a condition of preliminary approval; or
- 3. The planning director determines there are other conditions to support referral to the commission.

#### **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.

If no exception is received you may need to get with Walker on this portion but here is a suggestion

#### **STAFF RECOMMENDS:**

• DENIAL OF THE PRELIMINARY PLAT DUE TO FAILURE TO COMPLY WITH KPB CODE 20.30.190(A).

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

# Kenai Peninsula Borough Planning Department



Aerial View



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Page lob1



E4-12