

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - Oberts Subdivision No 2

KPB File No.	2021-082
Plat Committee Meeting:	June 28, 2021
Applicant / Owner:	Gary P. Oberts of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Adkins Road and Akeve Avenue, Sterling

Parent Parcel No.:	065-075-33
Legal Description:	Tract A, Oberts Subdivision, Plat No 2014-96
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 63.3 acre parcel into five tracts. Four of the tracts will be 9.2 acres and one will be 23.3 acres. A 30 foot right of way dedication is proposed on the east boundary to connect Oberts Street to Akeve Avenue. A 60 foot right of way is proposed that will connect between Oberts Street and Adkins Road.

Legal Access (existing and proposed): The proposed subdivision is located on Adkins Road which is improved and maintained by KPB. Adkins Road coincides with section line easements and the dedicated width varies but the minimum width is 66 feet. Adkins Road is on the north side of the Sterling Highway at mile post 77.

Akeve Avenue is a 66 foot wide SLE/ROW access along the southern boundary of the subdivision. It appears to be cleared but is not improved or maintained by the Kenai Peninsula Borough. The lot to the south is 80 acres and can be expected to provide a matching right of way dedication in the future.

Oberts Street, a 30 foot wide right of way, is located at the northeast corner and will be extended along the eastern boundary. It connects to Bunno Road off of Adkins Road. Oberts Street is not constructed at this time. One parcel to the east is 86 acres and is large that future dedications can be expected when it is subdivided. One parcel is 5 acres in size and it may not be reasonable to expect this parcel to be subdivided in the future. **Staff recommends** that a 60 foot wide right of way be dedicated where adjoining the 5 acre deed parcel at the southeast corner. **Staff recommends** that the centerline alignment of Oberts Street have no more than a 10 percent deflection angle or provide centerline curves with at least a 200 foot radius.

An existing private drive across Tract A1 is depicted on the plat. If this road is to provide private access it should be noted as a private drive.

This plat will bring the block into compliance with the proposed right of way dedications.

KPB Roads Dept. comments	Additional ROW dedication would be beneficial to the RSA. Per 14.06.100 Road Construction Standards Minimum Right-of-Way width shall be 60 feet.
SOA DOT comments	No comments

Site Investigation: Some low wet area are depicted along Adkins Road within Tract A1. Per KPB GIS data, there are several areas along the eastern boundary with wetlands. Staff prepared a map that shows the National Wetlands Inventory and the Kenai Watershed Forum Wetlands Assessment. Per the National Wetlands Inventory there is Freshwater Emergent Wetlands across the eastern border where Oberts Street is proposed to be dedicated and within proposed Tract A3. Per the Kenai Watershed Forum Wetlands Assessment there is a depression area

along the eastern boundary in the area of Tract A3 that Oberts Street will cross. Any low wet areas should be depicted. If wetlands are found to impact potential right of way construction, adjustments to road alignment or additional easements may be needed.

There does not appear that there are steep slopes present within the proposed subdivision.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Is not within a AWHPD
State Parks Review	No comments

Staff Analysis The proposed subdivision will be subdividing Tract A of Oberts Subdivision, Plat KN 2014-096, which was a subdivision of an aliquot part. Tract A is a 63 acre lot which will be split into 5 tracts. 4 of the tracts will have equal acreage while one will contain 23 acres.

Due to the size of the lots a soils analysis report is not required and an engineer will not need to sign the plat. The current plat note needs to be revised to reflect current code. Remove "or nominal 5 acres".

A soils analysis report was done in 2014 for the parent plat, Oberts Subdivision, for the lots located to the north of the proposed subdivision. Tract A did not require soils testing but the soils for the 5 lots were determined to be suitable for conventional onsite wastewater treatment and disposal.

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 The parent plat granted the front 15 foot of the 20 foot building setback as a utility easement along with the full setback within 5 feet of side lot lines. This plat contains the same wording and new utility easements will be created along the new dedications and the full setback 5 feet on the new lot lines.

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 comments
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 38250 Adkins Road (will remain with Tract A2) Existing street names listed are correct New street name should be assigned to new 60' ROW
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are no Local Option Zoning District or material site issues with this proposed plat.
Assessing – Adeena Wilcox	No comments
Advisory Planning Commission	N/A

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.

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: *Legal description needs to be updated to include the parent information, Tract A of Oberts Subdivision, Plat KN 2014-96.*

KPB Assessing information has a different mailing address for the owner. The address should be verified with the owner. If the address listed on the plat is correct the owner should contact the Assessing Department to update their information.

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: *Revise as listed below.*

- *Canoe Avenue E is cut off, revise to show full name of Canoe.*
- *Label the width of Oberts Street north of the subdivision.*
- *Adkins Road is 66 feet wide north of Tract D of Cohee Subdivision.*
- *Adkins Road is 83 feet wide along Tract D of Cohee Subdivision.*
- *Adkins Road is 66 feet wide south of Wilbur Avenue.*
- *Adkins Road is 33 feet wide south of Canoe Avenue E.*
- *Akeve Avenue is 33 feet wide bordering the subdivision.*
- *South of Akeve Avenue there is a 33 foot section line easement along Adkins Road.*
- *Depict and label the 33 foot section line easement that adjoins the south boundary of Akeve Avenue.*

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 Skilak Lake Road. Depict and label the boundary for Kenai National Wildlife Refuge that is within the entire eastern portion of the vicinity map.*

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

Staff recommendation: *A KPB approved street name will be required for the new dedication. Work with the KPB Addressing Officer for an approved name.*

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 subject to inundation is depicted along Adkins Road. Per KPB GIS data, additional wetlands may be present along the eastern boundary and within the Oberts Street dedication as well as an additional wet area within proposed Tract A3. All low wet areas will need to be depicted. If it is*

found to impact potential right of way construction, adjustments to road alignment or additional easements may be needed.

- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

Staff recommendation: *A road is being used to access a gravel pit through proposed Tract A1. Label the existing road as a private drive.*

KPB 20.30 Design Requirements

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise 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: *Provide an Acceptance Certificate for KPB to accept the right of ways that this plat is dedicating.*

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: *The remaining right of way cannot reasonably be expected from the 5 acre parcel located at the southeast corner. Provide a 60 foot wide right of way for Oberts Street where adjoining the 5 acre parcel located at the south east corner. Provide a centerline alignment to have a deflection angel of less than 10 degrees or a centerline curve with a 200 foot radius.*

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

Staff recommendation: *An approved name is required for the proposed dedication.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: *The wastewater disposal needs updated to reflect current code by removing "or nominal 5 acres".*

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 to be signed by an Authorized Official of the Kenai Peninsula Borough.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Verify the owner's address and comply with 20.60.190.

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