

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - Spruce Woods Subdivision 1975 Addition Tract 1 Replat

KPB File No.	2021-091
Plat Committee Meeting:	July 12, 2021
Applicant / Owner:	Linda and Mark Roth of Homer, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Saber Avenue E, Yukon Street and East End Road, mile post 8.75 East End Road, Fritz Creek area

Parent Parcel No.:	172-131-21
Legal Description:	Tract 1, Spruce Woods Subdivision 1975 Addition, Plat No 75-12
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 10.9 acre parcel into three lots ranging in size from 2.0 to 6.3 acres. A right of way dedication is also proposed at the intersection of Yukon Street with East End Road. This dedication will make the intersection compliant to KPB Code.

Legal Access (existing and proposed): The subdivision is located at the corner of East End Road and Yukon Street. East End Road is a state maintained right of way with a 100 foot width in this area. Yukon Street is a 60 foot dedicated right of way that is a gravel road maintained by the Kenai Peninsula Borough. North of the subdivision is Saber Avenue E. Per KPB GIS data, this right of way is not constructed. The width of Saber Avenue E varies as several lots to the north have not been subdivided to provide the matching 30 feet. Spruce Woods Subdivision 1985 Addition, Plat HM 75-12, granted a 30 foot wide dedication for Saber Avenue E.

Staff recommends a reference to the state right of way map be added to the plat. This may be done within the depicted East End Road right of way or added to a plat note. The record information is per Homer: East End Road, M.P. 3.75-12.2, Kachemak Drive to McNeil Canyon (0414(10)/Z524770000) sheets 29 & 30 of 53, HM 2016-3.

The proposed subdivision is within a closed block. The block is defined by East End Road, Yukon Street, Saber Avenue E, and Greer Road. The block length along Yukon Street and Greer Road are in compliance with Kenai Peninsula code. The block length along Saber Avenue E and East End Road does exceed code required lengths. In order to bring the block into compliance a dedication would be required that would connect Saber Avenue E and East End Road. A dedication along the eastern boundary of the subdivision will create a compliant block for this subdivision, would need to go through steep terrain and wetlands, and would result in the block to the east still being out of compliance. The eastern block would be required to be split into two blocks in order to be compliant. That would result in three small compliant blocks for 7 lots. Including Lot 1A of this subdivision there would be three lots over 5 acres. This will also create additional intersections with a state right of way. **Staff recommends** that the Plat Committee concur that an exception to block length is not required due to existing development, terrain, wetlands, and multiple intersections on a State highway and a right of way dedication is not requested at this time.

KPB Roads Dept. comments	Within jurisdiction; The Road Service Area has no comments at this time.
SOA DOT comments	The ROW for Homer East/East End Road is shown on Homer: East End Road, M.P. 3.75-12.2, Kachemak Drive to McNeil Canyon (0414(10)/Z524770000) sheets 29 & 30 of 53, and appears to be shown correctly.

Site Investigation: The plat depicts the low wet areas located in the northern portion of the subdivision within proposed Lot 1A. There are also various areas with slopes greater than 20 percent that are shown with grey

shading.

The appropriate note is on the plat to contact the U.S. Army Corps of Engineers prior to development.

Proposed Lot 1B will contain the existing building and residential improvements.

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

Staff Analysis The proposed plat is a subdivision of Tract 1 created by Spruce Woods Subdivision 1975 Addition, Plat KN 75-12.

Staff recommends the name of the subdivision be shortened. Suggestions would be Spruce Woods Subdivision 2021 Replat or Spruce Woods Subdivision Roth Addition. Other names will require approval by Kenai Peninsula Borough staff.

A soils report will be required for Lot 1B and Lot 1C and an engineer will sign the final plat. Lot 1A is greater than 200,000 sq. ft. and will not require a soils analysis report. The appropriate plat notes will need to be added to the plat.

Notice of the proposed plat was mailed to the beneficial interest holder on June 21, 2021. 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.

Utility Easements A 10 foot utility easement was granted along the eastern boundary of Tract 1 by Spruce Woods Subdivision 1975 Addition, Plat HM 75-12. This easement is depicted and labeled on the plat and will be within proposed Lots 1A and 1B. In addition, plat note 2 is granting 10 foot utility easements along the right of ways. This is not depicted and should be if it will not interfere with required information.

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 comment or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 55320 East End Road and will remain with Lot 1B. Existing Street Name Corrections Needed: Homer East Road should be East End Road, Sabre Avenue E should be Saber Avenue E
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Adeena Wilcox	No comments
Advisory Planning Commission	Kachemak Bay APC comments / minutes were not available when the 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

The subdivision boundary appears to be creating an overstrike on some of the marker symbols. Adjust so overstrikes are not created.

KPB 20.25.070 - Form and contents required.

- 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 of 60' for Bonnie*
- *Saber Ave. E. north of the subdivision is misspelled as "Sabre".*
- *The width of Saber Avenue E varies. Abutting the subdivision, the western portion is 30 feet wide while the eastern is 60. Update the depiction of the right of way with correlating width labels.*
- *Provide a street label and width for Tok Avenue.*
- *Correct the label for East End Road.*
- *Remove the overstrike on the label for Yukon Street.*

- 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:

- *Add adjacent parcel information for lots north of Saber Ave. E.*
- *The lots from HM 77-8 are within Block 1. Add a Block 1 label.*

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:*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: *In accordance with 20.40.040 a soils analysis report is required for proposed Lot 1B and Lot 1C and an engineer must sign the plat.*

Staff recommendation: *Provide the correct wastewater disposal note for all lots. 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 comments: KPB legal and planning department has determined the KPB shall sign the plat to accept right of ways that will be under KPB jurisdiction.

Staff recommendation: *Provide a certificate of acceptance for KPB to accept the ROW being dedicated with this plat.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Provide a right of way acceptance for KPB to sign. 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