

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - Melickian Subdivision 2021 Addition

KPB File No.	2021-094
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Neil Waggoner and Marisa Jaso of Anchorage, Alaska Henry Munter and Kelly Rinck of Girdwood, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Hope

Parent Parcel No.:	035-101-37
Legal Description:	Tract B2F, Melickian Subdivision 2013 Addition, Plat SW 2014-18.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site/On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.68 acre parcel into three lots ranging in size from 1.335 acres to 2.010 acres.

Legal Access (existing and proposed): Resurrection Creek Road, a Kenai Peninsula Borough maintained right of way, will provide access to both lots. The width of Resurrection Creek Road varies in locations. Adjoining this subdivision, it is 66 feet wide.

Resurrection Creek Road intersects with the Hope Highway, a state maintained right of way, near mile post 16. Resurrection Creek Road is a long right of way that extends south from the Hope Highway and provides access to the Resurrection Creek trail.

Proposed Lot 1 will have access from Resurrection Creek Road. Lot 3 is on the corner of Resurrection Creek Road and Katday Court. Lot 2 will have access by Katday Court. Katday Court is a 60 foot wide cul-de-sac that appears to be constructed but not maintained by the Kenai Peninsula Borough. It appears an access has been developed off Resurrection Creek Road onto Lot 1 and Lot 3 has a drive from Katday Court.

The subdivision is within an open block that does not comply with block length requirements. Due to Chugach National Forest surrounding the areas that are developed the ability to provide a closed block will be difficult.

Katday Court is a closed cul-de-sac that provides access to the lots from the parent subdivision, which abuts the Chugach National Forest. Plat SW 2007-11, Melickian Subdivision, was granted an exception to block length. The exception was not carried forward to Melickian Subdivision 2013 Addition (SW 2014-18) and an exception was not granted as the dedications on that plat improved the block length. It was discussed that due to the creeks and slopes adjoining the Chugach National Forest the dedication of a through street in this area was not an appropriate projection. The USDA Forest Service is being provided notification and may submit comment. **Staff recommends** the plat committee concur that any dedications required will not improve the block and due to terrain and proximity to the Chugach National Forest, an exception and dedications are not required at this time unless requested by USDA Forest Service.

Parent plat SW 2014-18 contained a note regarding driveways on a state right of way. Resurrection Creek Road was at one time maintained by the State of Alaska but jurisdiction has been given to the Kenai Peninsula Borough. **Staff recommends** the plat note not be carried over and any notes requested by State of Alaska DOT be placed on the plat.

KPB Roads Dept. comments	Within jurisdiction, no comments
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SOA DOT comments	No comment
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Site Investigation: KPB GIS does not have contour data for this area. The surveyor did state there are no grades exceeding 3 percent on the property. The subdivision, per KPB GIS data, does not have any low wet areas and the surveyor has confirmed this on the plat. A creek runs through the subdivision. The creek is shown on the plat and plat note 3 refers developers to contact the Corps of Engineers.

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

Staff Analysis The proposed plat will divide a 4.68 acre lot into 3 lots. Two of the lots will be 1.335 acres each. These lots both adjoin Resurrection Creek Road and one is a corner lot with frontage on Katday Court. The third lot is 2.010 acres with frontage on Katday Court. A seasonal creek is shown crossing through the middle of Lot 2.

The property was originally part of U.S. Survey 2761. Melickian Subdivision, SW 2007-11, further subdivided tract B from U.S. Survey 2761. The current parent lot configuration was created with Melickian Subdivision 2013 Addition, SW 2014-18.

KPB GIS data shows the property within Chugach National Forest. This is common and is considered a private inholding and the laws and regulations within the Chugach National Forest do not apply to the property.

All lots proposed are under 200,000 square feet and water and wastewater disposal will be on-site. A creek divides proposed Lot 2 and will need to be taken into account for the soils analysis. A soils report will be required and an engineer will sign the final plat.

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 beneficial interest holders affect the property.

The property is not within an advisory planning commission.

Utility Easements The U.S. Survey did not grant any utility easements. The parent plats did grant the front 10 feet of the 20 foot building setback as well as the full setback within 5 feet of side lot lines as a utility easement. **Staff recommends** the utility easements be depicted on the plat.

Staff recommends the utility easement portion of plat note 1 be reworded. "Plats SW 2007-11 and SW 2014-18 granted the front 10 feet of the setback as a utility easement along with the full setback within 5 feet of the side lot lines. This plat will grant additional 20 foot utility easements within 5 feet of the new side 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:

ENSTAR	No comments or recommendations
ACS	No objection.
GCI	Approved as shown.
SEWARD ELECTRIC	Comments not received when the staff report was prepared
CHUGACH ELECTRIC	Comments not received when the staff report was prepared

TELALASKA	Comments not received when the staff report was prepared
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KPB department / agency review:

Addressing – Derek Haws	No addresses affected by this subdivision. Existing street names are correct.
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 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.

- 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:** KPB Assessing records show a PO Box for Henry Munter and Kelly Rinck. The surveyor should verify the owners mailing address. If the address of record differs than KPB records, the owners should contact the Assessing Department to update their information.
Add the KPB File number of 2021-094.
- 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 states labels for the lots on the west side of Resurrection Creek Road.
- 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
- Depict and label the boundary for Chugach National Forest.
 - The typical scale used is 1 inch equals 1 mile. We have also accepted different scales for vicinity maps but 1 inch equals 1.33 miles is an odd measurement. Please revise the scale of the vicinity map to 1 inch equals 1 mile, 1 inch equals 1.5 miles, or 1 inch equals 2 miles.
 - The depiction of the subdivision seems a little off as it appears to be centered on the section line. This subdivision is close but does not abut or cross a section line.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis report required for review and an engineer will need to sign the plat. Provide the correct wastewater disposal note.

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.

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

Staff recommendation: The boundary line along the cul-de-sac needs to be revised to match the symbol used on the rest of the boundary.

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.

- Unless provided a different note by KPB Roads or State DOT add "Resurrection Creek Road ROW is as shown on USS 2761" or provide note regarding source.

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