

AGENDA ITEM E. NEW BUSINESS

ITEM 8 - Horse Creek Subdivision 2021 Addition

KPB File No.	2021-099
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Shawn and Marnie Deford of Hope, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Hope/Hope APC

Parent Parcel No.:	035-101-08
Legal Description:	Tract A5, Horse Creek Subdivision, Plat SW 2004-5.
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 4.99 acre parcel into two lots that will be 2.54 acres and 2.46 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. No other dedicated access is available to the proposed subdivision as the western boundary abuts the Chugach National Forest.

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. Any dedication will provide access to Chugach National Forest and not benefit private land owners.

An exception for block length was granted to the parent subdivision on November 24, 2003. Some of the findings supporting that decision were:

1. United States Forest Service owns the large parcel to the west.
2. The Forest Service has provided a letter indicating they have sufficient public access to their parcel.
3. The subdivision lots are between 420 to 515 feet deep.
4. Resurrection Creek lies close to the western boundary of the subdivision.
5. Looped access to Resurrection Creek Road may be possible through the land to the east if it is ever subdivided.

The USDA Forest Service has been provided notification and may submit comment. **Staff recommends** the plat committee concur that no changes in the area have occurred since the last platting action in 2004 that would require a dedication and that any dedication required will not improve the block length, thus an exception to KPB 20.30.030 projection of right of way and KPB 20.30.170 Block Length is not required at this time.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comment

Site Investigation: KPB GIS does not have contour data for this area. The surveyor did state there are gentle slopes within the subdivision that do not exceed 5 percent. The subdivision is near Resurrection River and various

creeks but is not within an Anadromous Waters Habitat Protection District. A portion of the subdivision does fall into the Floodplain designation "C", which is minimal flood risk. The subdivision, per KPB GIS data, does not have any low wet areas and the surveyor has confirmed this in plat note 3.

Floodplain Hazard Review	Is in flood hazard area. Flood Zone C. Map Panel: 020012-1125A
Anadromous Waters Habitat Protection District Review	Is not within HPD
State Parks Review	No comments
SOA Fish and Game	No objections as will not affect public access to public lands and all other easements are accurately depicted.

Staff Analysis The proposed subdivision will be dividing a 5 acre tract into two lots that will be 2.54 and 2.46 acres. The parent parcel was created with Horse Creek Subdivision, SW 2004-5, which was a subdivision of U.S. Survey 2761 US Survey 2761 was completed in 1951. The U.S. Survey showed a tract centered on Resurrection Creek Road at a width of 66 feet.

The subdivision is located in the Hope area and is within the Hope Advisory Planning Commission boundary. Resurrection Creek Road continues south and provides several pull off areas for access to the Chugach National Forest, Resurrection Creek, other creeks, and the Resurrection Trail.

KPB GIS data shows the property within the boundary of the 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.

The proposed lots are smaller than 200,000 square feet and water and wastewater disposal will be on-site. 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 the property is affected by beneficial interest holders.

Hope Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

Utility Easements The U.S. Survey did not grant any utility easements. The parent plat SW 2004-5, granted utility easements, which will be carried forward with this platting action. Plat note 1 states this plat will grant 20 foot utility easements within 5 feet of the new side lot lines.

Staff recommends the utility easements be depicted on the plat and the utility easement portion on plat note 1 should be reworded. "Plat SW 2004-5 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 objections
GCI	No comments
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.

KPB department / agency review:

Addressing – Derek Haws	Affected Address: 63129 Resurrection Creek Road (address will be deleted) Existing street names are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with the proposed plat.
Assessing – Adeena Wilcox	No comment
Hope Advisory Planning Commission	Comments not received 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

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:

- Update KPB File number from 2018-120 to KPB 2021-099.
- Correct the spelling of parent subdivision to "Creek".
- The subdivision is located in the SE1/4 of Section 4. Remove "NE1/4" and replace with "SE1/4".
- Revise Section 9 to Section 4 per CTP.
- Capitalize "K" in "AK" for the surveyor's address.

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: Add width of Resurrection Creek Road "66".

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:

- Revise the location of "This Sub" from Section 9 to Section 4 (SE1/4).
- 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.

- 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:

- To the south, update Tract A6 to Tract A6A. Either list the subdivision name or recording number, staff just recommends it be consistent among all adjacent land labels.
- To the east of Resurrection Creek Road, Tract B2 needs updated to Tract B2A. List either the subdivision name or recording number to be consistent to other labels.
- Add a label to the west for Chugach National Forest.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report is required for review and a licensed engineer will be required to sign the plat.

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.*

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