

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - KUCHTA ESTATES HANSEN ADDITION

KPB File No.	2021-119
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Daniel Hansen and Hara MK Biesiot-Hansen of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	Nikiski

Parent Parcel No.:	013-370-05, 013-370-14, 013-370-15
Legal Description:	Lot 4 Block 4 Kuchta Estates Subdivision Part 1 KN 77-33 and Lots 4 and 5 Block 3 Kuchta Estates Subdivision Part 2 KN 77-189 and vacation of Kuchta Street
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots and finalize a right of way vacation to create an 8.65 acre lot. The plat will also dedicate a 60 foot wide right of way on the north boundary and a 30 foot wide right of way on the east boundary.

Location and Legal Access (existing and proposed): This is located in the North Kenai / Nikiski area on Kuchta Street. Kuchta Street, a 60 foot right of way with the northern portion maintained by the borough, is located off Baun Drive. Baun Drive is located near mile 2.5 of state maintained Holt Lamplight Road.

Additional access is available from the Escape Route Road via Muskrat Street and Betty Warren Avenue/Lynx Avenue. Betty Warren Avenue/Lynx Avenue is an unconstructed east-west right of that is not constructed. Muskrat Street is a right of way that runs north-south and is not constructed south of Betty Warren Avenue/Lynx Avenue.

A petition has been received to vacate the portion of Kuchta Street between Lot 4 Block 3 and Lot 4 Block 4. The vacation has been scheduled to be reviewed by the Planning Commission on the September 13, 2021 meeting. Approval of the vacation will require the plat to be finalized within one year of vacation consent. The right of way currently has structures encroaching within the right of way. The proposed plat indicates the intention to dedicate two new right of ways. Biesiot Avenue, a 60 foot wide right of way that extends east at the end of the remaining portion of Kuchta Street. At the end of Biesiot Avenue, a proposed 30 foot wide dedication extending south will connect to the end of the Lynx Avenue dedication. Both of those streets will required name approval by the Kenai Peninsula Borough Addressing Officer.

Per staff records, a 33 foot section line easement is located south of Lynx Avenue that runs from the Muskrat Street dedication and to the east. A 50 foot section line easement is present to the east of the subdivision running east-west.

Lot 4 Block 4 is currently within a compliant and closed block. Lot 4 and 5 Block 3 are not within a closed block. The proposed vacation and dedication will result in the subdivision being within a compliant and closed block that will be defined by Muskrat Street, Baun Drive, Kuchta Street, the two newly dedication right of ways, and Lynx Avenue.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	No comments.

Site Investigation: The area is relatively flat and does not contain any low wet areas.

KPB River Center Review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis Kuchta Estates Subdivision Part One, Plat KN 77-33, created Lot 4 Block 4 and dedicated the 30 foot western portion of Kuchta Street. A 5 foot utility easement was granted along Kuchta Street and Lynx Avenue. Kuchta Estates Subdivision Part Two, Plat KN 77-189, created Lot 4 and Lot 5 Block 3 and dedicated the 30 foot eastern portion of Kuchta Street. A 5 foot utility easement was granted along Lynx Avenue. Both of these subdivisions were subdivisions of government lots and an aliquot parcel of land.

The preliminary plat will combine three lots, and include the portion of the right of way vacation, into a single lot. Per KPB GIS imagery, there may be structures within the right of way that limits public use of the right of way. The owners are proposing to grant new right of ways along the northern and eastern boundary of their property to allow public access around their property that will connect to Lynx Avenue.

Per KPB 20.040.20(A), a soils analysis report is not required.

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.

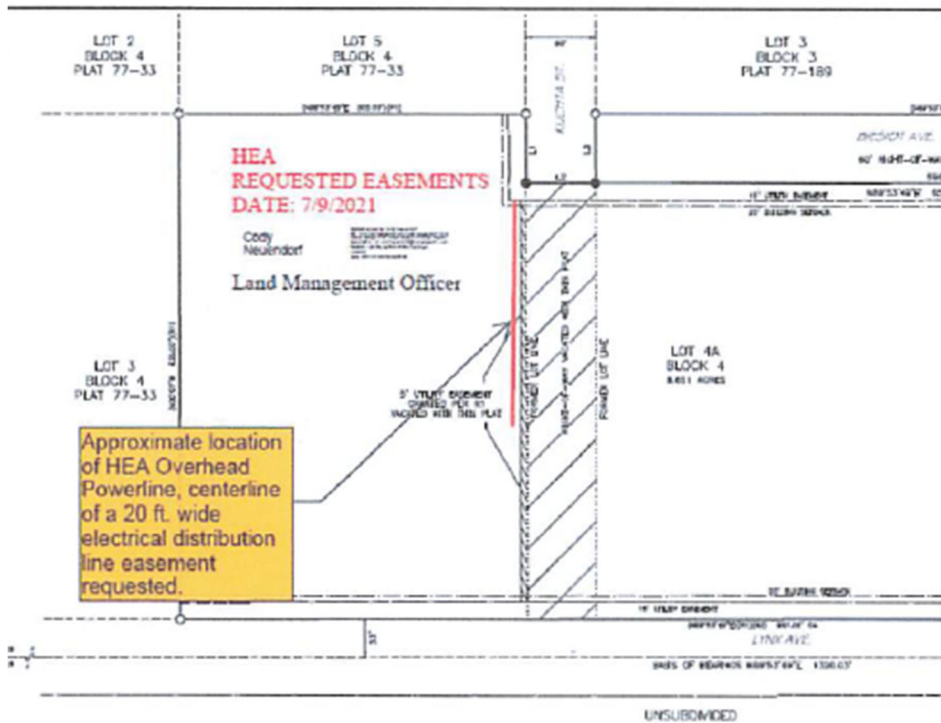
The property is not within an advisory planning commission.

An exception has been requested by the surveyor for 20.30.120 – Streets-Width requirements. Per 20.30.120(A)(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 be reasonably be expected to be dedicated in the future.” Due to the 40 acre lot to the east of the proposed 30 foot wide right of way dedication, it can be reasonably expected that any future subdivision of that lot will be required to dedicate the matching 30 foot dedication. Additionally, the proposed dedication does not need fulfill a requirement of continuation or will result in an offset intersection or roadway if a full width is not granted at this time. ***Staff recommends the plat committee concur that the exception requested is not required and a 30 foot wide dedication complies with KPB platting standards.***

Utility Easements Lot 4 Block 4 has a 5 foot utility easement granted along Lynx Avenue and Kuchta Street. Lot 4 Block 3 had a 5 foot utility easement granted along Lynx Avenue but none along Kuchta Street. The proposed right of way vacation of Kuchta Street included the associated utility easements, the 5 foot easement from plat KN 77-33.

The plat is proposing to grant 15 foot utility easements along all dedicated right of ways. Homer Electric Association reviewed the right of way vacation petition and stated that an existing distribution line runs along or within the Kuchta

Street right of way. They have requested a 20 foot utility easement centered on the line. Per plat note 3 the preliminary plat will be granting that easement.



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	Approximate location of HEA overhead powerline, centerline of a 20 foot wide electrical distribution line easement requested.
ENSTAR	Approved as shown.
ACS	No objections.
GCI	No objection.

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses: 47071 KUCHTA ST 47050 KUCHTA ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KUCHTA ST LYNX AVE</p> <p>Existing Street Name Corrections Needed:</p>
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	<p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: BIESIOT AVE</p> <p>List of Street Names Denied: CARIBOU RUN is denied because CARIBOU is on the prohibited names list.</p> <p>Comments: 47071 KUCHTA ST will be deleted 47050 KUCHTA ST will remain with new Lot 4A CARIBOU RUN is denied, please contact dhaws@kpb.us for any questions regarding street naming.</p>
Code Compliance – Eric Ogren	<p>Reviewer: Hindman, Julie</p> <p>Comments: Code Compliance review not available</p>
Planner – Bryan Taylor	<p>Reviewer: Taylor, Bryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing – Matt Bruns	<p>Reviewer: Bruns, Matthew</p> <p>Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	

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:**
- Adjust the wording to be "AND PORTION OF KUCHTA STREET RIGHT OF WAY VACATION AND ASSOCIATED UTILITY EASEMENTS".
 - Correct the owner's last name to "Biesiot-Hansen"
- 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:** Update the label to read "Escape Route Road".

- 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: Names will require approval by the Addressing Officer.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: The combining of lots will resolve current encroachment issues.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Per KPB 20.40.020(A), a soils analysis report is not required as the lot sizes are increasing.

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: The acceptance will need to be updated for the correct street names.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

Staff recommendation: A distance should be added for the tie to monument "1". Comply with 20.60.110.

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:

Update plat note 2, "Plats KN 77-33 and KN 77-189 granted 5 foot utility easement along Lynx Avenue. Per this plat the front 15 feet adjacent to dedicated rights-of-way is a utility easement. No permanent structure shall be..."

Please remove plat note 4 as the exception is not required.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: The street names are not required to be listed within the Certificate of Ownership and Dedication but if they are left they names must be updated to approved names. Update the owner's

last name to Biesiot-Hansen on the signature line and within the notary acknowledgment. Adjust the location of "Kenai Peninsula Borough" in the Plat Approval. comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. *Must be finalized within one year of consent.*

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