

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – ALASKAN WILDWOOD PHASE 1

KPB File No.	2021-126
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Joe Balyeat of Bozeman, MT
Surveyor:	Andre Kaeppele, Buk Saliz / Fixed Height LLC
General Location:	Nikolaevsk / Anchor Point APC

Parent Parcel No.:	165-111-42
Legal Description:	SE1/4 SE1/4 Section 13, Township 4 South, Range 14 West. Parcel 2 of Plat Waiver Resolution 93-26 Amended, Serial Number 93-3636 HRD.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into eight lots that are all 4.6 acres and dedicate multiple right of ways.

Location and Legal Access (existing and proposed): The subdivision is located in Nikolaevsk and will subdivide a 40 acre lot parcel in the southeast corner of section 13. Section line easements affect the east and south boundary. Some Road and Sergief Avenue are partially dedicated right of ways that coincide with the section line easements.

Per KPB GIS imagery, there is currently no improved access to the property. The closest constructed access from the west is Tomski Avenue to Kostino Street, which provide access to Sergief Avenue. Additional constructed access is located to the south, Nikolaevsk Road to Baranof Drive, which connects to unconstructed Kluchevaya Street. The only right of ways maintained by the borough are Tomski Avenue and Nikolaevsk Road.

The plat is proposing to dedicate a 50 foot wide right of way along the south boundary. This will be atop an existing 50 foot section line easement. The southern portion has been dedicated and with this dedication will provide a 100 foot dedication for Sergief Avenue.

A new right of way dedication is proposed within the subdivision. This is proposed as a 60 foot wide dedication named Huntland Street and will provide legal access to all lots in this subdivision. Lot 1 and 8 will also have access via Sergief Avenue.

A 50 foot section line easement affects the eastern boundary of the subdivision and has been depicted on the plat. The section line easement provides access to the four eastern lots. To the north is a 50 foot dedication for Some Road. **Staff recommends per KPB 20.30.030 proposed street layout – projection of right of ways, a minimum 30 foot right of way dedication be provided for the extension of Some Road.**

The subdivision is located within a closed block but the block length is longer than allowed per KPB code. Sergief Avenue, Ramrack Road, Fern Lane, Some Road, and section line easements define the block. The dedication within the subdivision does improve the block length along the south. **Staff recommends a minimum 30 foot wide dedication around the perimeter of the subdivision to comply with KPB 20.30.170 Blocks – Length requirements.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	No comments

Site Investigation: Per GIS Data, there appears to be some wetlands located within the northwest corner of the subdivision.

The terrain generally slopes downward to the west with a 13% grade. The terrain drops approximately 180 feet from the east boundary to the west boundary. There are small sections with steeper slopes or drainages.

Centerline profiles and cross-sections may be required if slopes greater than 10 percent are present along dedicated right of ways, both existing and proposed. **Staff recommends**

- *Depict and label any low wet areas on the final plat.*
- *Depict and label any slopes greater than 20 percent on the final plat*
- *Provide centerline profiles and cross sections for any right of way dedications affected by slopes great than 10 percent.*
- *Place a note on the final plat that reads, "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."*

River Center Review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

Staff Analysis A plat waiver was completed in 1993 to subdivide a 640 acre parcel. Plat Waiver Resolution 93-26 Amended, created Parcel 1 which is the parent 40 acre parcel.

The surveyor and owner are encouraged to contact the Planning Department on any questions or concerns regarding the approval requirements and compliance with KPB subdivision code requirements.

The proposed lots are more than 200,000 square feet, a soils report is not required and an engineer will not need to sign the plat. Based on staff's recommendations and requirements to provide right of way dedications the lots may become smaller than 200,000 square feet. Lots that are less than 200,000 sq. ft. will require a soils analysis report and an engineer to sign the 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.

Anchor Point 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 property has not been subdivided by the typical platting process therefore no utility easements have been dedicated by plat. The certificate to plat does not indicate any utility easements granted by document. Plat note 3 states the intent to grant 10 foot utility easements along dedicated right of ways as well as

20 feet along the side lot lines. **Staff recommends** the easements be depicted on the plat or a detail showing the setback and typical utility easements being granted.

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 objections.
ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	<p>Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SERGIEF AVE SOME RD Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes List of Approved Street Names: HUNT LAND ST List of Street Names Denied:</p> <p>Comments: HUNT LAND ST is approved. No addresses affected by this subdivision.</p>
Code Compliance – Eric Ogren	Comments: No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Comments not available when 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 the description of the parent parcel that is being subdivided to 'Parcel #3 of Plat Waiver 93-26 Amended, Serial No. 1993-3636 HRD'.
- Update the subdivision name to Alaskan Wildwood Subdivision. Phase is a designation used for a portion of a larger approved plan where portions are finalized at different times.
- Provide the KPB file number (2021-126) near or within the title block.
- Within the title block remove the reference to Document No. 2019-002734 as that is a deed and not a document that created the parcel of land.
- Provide the owners name and mailing address within the title block.
- Update the sheet to 1 of 1.

- 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: *Label all section line easements within and abutting the subdivision such as the one within Section 19. Provide a street name label and right of way width for Kluchevaya Street.*
- 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: *The hatching used on the plat is typically used to depict vacations. No hatching is required for ROW dedications. Provide labels that state ROW being dedicated this plat. Update to the subdivision boundary to show the parent parcel as the boundary.*
- 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: *The label to the south should be updated to Kluchevaya Village Subdivision Amended.*
- 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: *Per KPB GIS data, the northwest corner may contain wetlands. Verify during the field survey and depict and label any low wet areas that affect the subdivision.*
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;
Staff recommendation: *Per KPB GIS data, sloping terrain is present within a majority of the subdivision. This may affect the right of way dedications and additional right of way width or easements may be needed.*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation: *Depict and label any steep slopes greater than 20 percent.*

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 a minimum 30 foot dedication along the eastern boundary for the extension of Some Road.*

20.30.060. Easements-Requirements.

A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.
Staff recommendation: *If necessary, provide lateral support (slope) easements for any roadways that are affected by steep terrain so that a road way can be constructed with no more than a 10% grade. Provide road plans with centerline profiles and cross sections to show the roadway limits.*

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Staff recommendation: *Provide road plans with centerline profiles and cross sections to show the roadway limits.*

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

B. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

- C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Within the drawing, depict and label the 20 foot building setback.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots larger than 200,000 sq. ft. will not require soils analysis report. If the requirement to provide right of way dedications reduces the size of the lots to less than 200,000 sq. ft. then a soils analysis, prepared by a licensed engineer, will be required and an engineer will sign the final 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.*

- 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: *A certificate of acceptance for all dedicated right of ways is required to be signed by the Kenai Peninsula Borough.*

- 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: *All lands within the parent parcel are to be within a wider border to define the limits of the proposed plat. This would include any right of way dedications being proposed.*

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.*

- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*

Plat note 1 is duplicated within plat note 3. Remove plat note 1 or remove that portion from plat note 3.

Plat note 5 needs to be worded to match code by removing "or nominal 5 acres".

Plat note 6 refers to a registered trademark. Staff is unsure as to the intent for this note, as there does not appear to be any reference outside of the plat note to Alaska Wildwood Ranch. Remove plat note 6 from the final plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *An acceptance of right of way dedications is required. As there are roads being dedicated, the Certificate of Ownership should read "Certificate of Ownership and Dedication". Comply with 20.60.190.*

KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.

Staff recommendation: *the Notary's Acknowledgement on the final plat must comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *Provide all survey marker cap information for found monuments. Comply with 20.60.200*

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