

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - CAUSEWAY SUBDIVISION 2021 REPLAT

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| <b>KPB File No.</b>            | 2021-138   |
| <b>Plat Committee Meeting:</b> | October 25, 2021                                 |
| <b>Applicant / Owner:</b>      | Christopherson Family Trust of Anchorage, Alaska |
| <b>Surveyor:</b>               | James Hall / McLane Consulting, Inc.             |
| <b>General Location:</b>       | Hope / Hope-Sunrise APC                          |

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| <b>Parent Parcel No.:</b> | 035-070-19, 035-070-20, 035-070-21, 035-070-22, 035-070-23, 035-070-27, 035-070-28, 035-070-29, 035-070-30, and 035-070-31 |
| <b>Legal Description:</b> | Lots 19-23 and Lots 27-31 Causeway Subdivision Plat No SW-33   |
| <b>Assessing Use:</b>     | Residential  |
| <b>Zoning:</b>            | Rural Unrestricted   |
| <b>Water / Wastewater</b> | On site  |

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will remove property boundaries to combine 6 lots into a 2.8 acre parcel and combine 4 lots into a 1.9 acre parcel.

**Location and Legal Access (existing and proposed):** The subdivision is located in the Townsite of Hope. The access is located near mile 16.5 of the Hope Highway, a state maintained right of way. Second Street, a borough maintained right of way, intersects the Hope Highway. Shortly after the intersection is Fifth Street, a 30 foot wide dedicated right of way and Fourth Street, a 30 foot wide dedicated right of way. Fifth Street and Fourth Street border each side of the subdivision and will provide two access routes for the new lots. Both right of ways are maintained by the borough and end in cul-de-sacs.

An exception for right of way width has been requested for Fourth Street and Fifth Street.

The block does not close but the distances are compliant. An unnamed right of way did exist that connected Fourth Street and Fifth Street. Plat SW 83-10 vacated that right of way and dedicated cul-de-sacs at the end of Fourth Street and Fifth Street. To the north is Turnagain Arm and floodplains. Other roads in the area are dedicated into the floodplain but not constructed or the roads end in cul-de-sacs south of the wetlands. **Staff recommends the plat committee concur that an exception or dedication is not required as a vacation of right of way occurred in 1983 to remove a right of way that connected Fifth Street and Fourth Street.**

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| KPB Roads Dept. comments | No comments |
| SOA DOT comments         |             |

**Site Investigation:** There is no contour information available for the area but this area is not affected by steep terrain. There are no low wet areas within the subdivision. The subdivision is within Floodplain C, a non-regulatory minimal flood risk zone.

Per KPB GIS data, an unnamed anadromous stream runs through former lots 19-21. **Staff recommends an approximate location of the stream be added to the plat in addition to required plat notes.**

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| KPB River Center review | A. Floodplain<br>Reviewer: Carver, Nancy<br>Floodplain Status: Not within flood hazard area<br>Comments: No comments |
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|  | <p>B. Habitat Protection<br/>Reviewer: Aldridge, Morgan<br/>Habitat Protection District Status: IS totally or partially within HPD<br/>Comments: KPB\maldrige</p> <p>C. State Parks<br/>Reviewer: Russell, Pam<br/>Comments:<br/>No Comments</p> |
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**Staff Analysis** The preliminary plat will be reconfiguring ten lots into two lots. The current lots were created with Causeway Subdivision, SW 33, which was recorded in 1962. The parent plat dedicated 30 foot wide right of ways on either side of the block containing the lots within this proposed subdivision. The proposal will combine former Lots 19, 20, 30, and 31 into one 1.91 acre lot and Lots 21-23 and 27-29 into one 2.866 acre lot.

Locations of structures are not shown on the proposed plat. Per KPB GIS imagery from 2020 there are several structures built on the lots. While it is unknown if any of the structures are encroaching or crossing current lot lines several appear to be close. If there are any encroachment issues, the reconfiguration should resolve those matters.

As this platting action will be increasing lot size, a soils report will not be required and an engineer will not need 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.

Hope/Sunrise 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 parent plat did not grant any utility easements. As required by KPB Code, 10 foot utility easements will be granted along dedicated right of ways. A 10 foot utility easement will also be granted by this plat within proposed Lot 21A.

A right of way easement was granted to Chugach Electric Association by document located at Book 45R Page 142 in the Seward Recording District. The document, recorded in 1968, granted a 20 foot utility easement centered on the shared lot lines running north and south within the block as well as additional lots within Causeway Subdivision. Chugach Electric Association recorded a release of right of way in 2021, serial number 2021-001092-0, Seward Recording District. The release specifically released the easement affecting the east 10 feet along lots 19, 20, 21, and 22 and the west 10 feet along lots 28, 29, 30, and 21.

A submittal was received to go through the utility easement alteration procedures. It was determined the easements listed within the release no longer exist as of the recording date. A 20 foot utility easement will remain within the southern portion of Lot 21A along the former lot lines of Lots 23 and 27. **Staff recommends** *remove the hatching, the leader, and label stating the easement is vacated by this plat, and update the legend.*

The existing easement was issued to specifically to Chugach Electric Association by document. **Staff recommends** *the remaining easement be updated to read "20' utility easement per B45R, PG142 SRD".*

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:**

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|---------------------|--------------------------------|
| HEA                 |                                |
| ENSTAR              | No comments or recommendations |
| ACS                 |                                |
| GCI                 |                                |
| SEWARD<br>ELECTRIC  |                                |
| CHUGACH<br>ELECTRIC |                                |
| TELALASKA           |                                |

**KPB department / agency review:**

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|------------------------------|---|
| Addressing                   | <p>Reviewer: Haws, Derek<br/> Affected Addresses:<br/> 64850 FOURTH ST<br/> 64835 FIFTH ST<br/> 64811 FIFTH ST</p> <p>Existing Street Names are Correct: Yes<br/> List of Correct Street Names:<br/> SECOND ST<br/> FOURTH ST<br/> FIFTH ST</p> <p>Existing Street Name Corrections Needed:<br/> All New Street Names are Approved: No<br/> List of Approved Street Names:<br/> List of Street Names Denied:</p> <p>Comments:<br/> 64850 FOURTH ST and 64835 FIFTH ST will remain with Lot 19A.<br/> 64811 FIFTH ST will remain with Lot 21A.</p> |
| Code Compliance              | <p>Reviewer: Ogren, Eric<br/> Comments: No comments</p>   |
| Planner                      | <p>Reviewer: Taylor, Bryan<br/> There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:<br/> There are not any material site issues with this proposed plat.</p>  |
| Assessing                    | <p>Reviewer: Bruns, Matthew<br/> Comments: No concerns from Assessing Dept.</p>   |
| 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 20.30 – Subdivision Design Requirements**

**Staff recommendation:** final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
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 reasonably be expected to be dedicated in the future.
  2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoining to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

**Staff recommendation:** *An exception for right of way width has been requested.*

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

**Staff recommendation:** *Depict and label the anadromous stream and add the required note. Comply with 20.30.290.*

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**KPB 20.40 – Wastewater Disposal**

**Staff recommendation:** *final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.*

20.40.010 Wastewater disposal.

**Platting Staff Comments:** *As the lots are increasing in size a soils analysis report is not required. The correct plat note is located on the plat.*

**Staff recommendation:** *comply with 20.40.*

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**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.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Update the Certificate of Ownership and Dedication to plural pronouns. Documentation is required that shows the trustees have authority to sign the plat on behalf of the Christopherson Family Trust. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

**Staff recommendation:** *This will be a paper plat prepared from data. If any information is computed, provide appropriate labeling to indicate as such. Comply with 20.60.200*

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**EXCEPTIONS REQUESTED:**

**A. KPB 20.30.120 – Streets-Width Requirements**

**Staff Discussion:** Fourth Street and Fifth Street are 30 feet wide. Per KPB Code 20.30.120, the minimum width shall be 60 feet.

Denial of the exception request will require right of way dedications for Fourth Street and Fifth Street.

If the exception is denied it should be determined by the Plat Committee the width they wish to require for each right of way. The current right of way width is 30 feet with a bulb at the end. A 15 foot right of way dedication will allow future subdivisions on the opposite side of the right of way to provide a matching 15 feet, for a full 60 foot width. A 30 foot right of way dedication will provide a full dedication width for this section and will require all future dedications to come from lots within the subdivision block so that the right of way is not offset.

**Surveyor's Findings:**

1. Fourth and Fifth Streets are improved 30' wide dedicated rights-of-way (per Plat SW 33-1962) with current maintenance.
2. Lots to North, South, East, & West of this replat are undersized and unlikely to accommodate future matching R/W dedications.
3. R/W dedications per this replat would create multiple encroachment issues. Improvements were constructed to current R/W width of 30'.

**Staff Findings:**

4. The Kenai Peninsula Borough maintains the right of ways.
5. No comments were made by the Kenai Peninsula Borough Roads Department.
6. Right of ways in the area that were created by the Hope Townsite Survey No. 1485 (done in 1923), were widths of 30, 40, or 50 feet.
7. Fourth Street and Fifth Street are cul-de-sacs.
8. The right of ways currently provide access to thirty-three lots.
9. Seven of the lots that have Fourth Street for access have additional access.
10. If the subdivision is approved the number of lots using Fourth Street and Fifth Street for access will be reduced to twenty-five lots.
11. The ability to obtain matching right of way from adjacent lots will be difficult due to their lots sizes and improvements.
12. Other lots have been combined on Fourth Street and additional dedications were not required. (It was not discussed in the minutes from 1994).
13. The road widths fit with the design and feel of the community.
14. Allowing the road widths to remain will comply with the Kenai Peninsula Borough Comprehensive Plan as part of Historic Preservation to maintain the character of the historic town.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-5, 9-14 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-5, 9-14 appear to support this standard.**

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

**Findings 1-5, 9-14 appear to support this standard.**

**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

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**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, 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**