

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - RIGHT OF WAY ACQUISITION SEWARD AIRPORT IMPROVEMENTS

<b>KPB File No.</b>	2021-047
<b>Plat Committee Meeting:</b>	October 25, 2021
<b>Applicant / Owner:</b>	State of Alaska DOT & PF
<b>Surveyor:</b>	State of Alaska DOT & PF
<b>General Location:</b>	Seward Airport

<b>Parent Parcel No.:</b>	145-02-401 ROW take parcels 145-022-21 Civil Air Patrol 145-024-04 Leirer Enterprises, LLC Resurrection Bay – Alaska Tidal Survey 174
<b>Legal Description:</b>	T 1N & 1S R 1W SEC 34 35 2 & 3 SEWARD MERIDIAN SW THAT PTN KNOWN AS THE SEWARD AIRPORT
<b>Assessing Use:</b>	Leased commercial
<b>Zoning:</b>	Industrial
<b>Water / Wastewater</b>	Municipal water and sewer service

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed right of way acquisition plat is for a new ROW for Runway 16/34, which will be shifted, lengthened, and raised above the 100-year flood level. The approval of the Right of Way acquisition plat will allow DOT to work with the land owners to obtain additional Airport Right of Way property.

**Location and Legal Access (existing and proposed):** The location is at the Seward Airport. Legal access is from Airport Road which is not a dedicated right of way but is constructed and maintained by the State of Alaska (SOA). Airport Road is within the State property as well as within Tract 9. The Alaska Railroad Corporation owns Tract 9 which is affected by the airport and Airport Road.

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

**Site Investigation:** The area is located along the alluvial fan of Resurrection River. The airport property is affected by riverine and tidal ecosystems.

Per KPB 21.18.025, all portion of waterways found within the Seward – Bear Creek Mapped Flood Service Area (SMFDA) are exempt from KPB 21.18.

No steep terrain affects the airport.

**Staff Analysis**

Notice of the right of way acquisition plat was provided to 2 landowners from whom right of way or easements are being acquired. The plat was also sent to utility providers, City of Seward, Seward EMS, KPB Seward office, and various State offices.

The Seward Planning and Zoning Commission heard the plat at their September 7, 2021 meeting. It was originally scheduled to be heard on July 6, 2021 but was hold a joint work session with the Commerce Advisory Board and the Seward Bear Creek Flood Board. The Seward Planning and Zoning Commission approved Substitute Resolution 2021-014 with the following conditions:

1. Public access to the beach to the south of the Airport property is provided.
2. A fire hydrant is installed on the Airport property.
3. Water and sewer are brought to the Airport facilities.

Per the Seward Planning and Zoning Commission minutes, several people spoke in opposition to the project. Prior to the voting of their approval of the resolution it was clarified they were voting only on the acquisition plat and not the other aspects of the project.

One of those that spoke is the owner of the proposed acquisition of 1.986 acres. The owner is not willing to only sell that portion and it would need to be the entire parcel. This is an aspect that will need to be worked on through the DOT acquisition process. **Staff recommends** *provide an updated depiction for lands acquired if they differ from what is presented.*

The plat is reviewed and approved under KPB 20.10.070, Right of way Acquisition Plat. Preliminary approval of the plat shall be for a period of 24 months. Additional time extensions may be granted by the Planning Director for specified time periods upon finding that it is in the public interest to do so.

The SOA has prepared three alternatives which were evaluated during the scoping and environment process. Alternative 2.2 was chosen at the design to move forward with.

From the State of Alaska DOT & PF Seward Airport Improvements summary.

### **Project Need**

*The Main Runway (13/31) at Seward Airport is frequently overtopped by the Resurrection River, often several times a year, forcing repeated closure and repair of the Main Runway. Recurrent flooding has resulted in a weakened runway embankment, prompting the department to reduce the loading on the runway to service only light aircraft.*

*The frequency and severity of flooding has been steadily increasing. The river is directly adjacent to the Main Runway for over half the runway length. Floodwaters flow over the runway and threaten to cut through the runway embankment during high water.*

*Pavement on aprons and taxiways is old with evident ponding and cracking. The airfield lighting system is beyond its useful life and needs to be replaced.*

### **Project Description**

*The purpose of this project is make improvement that protect the airport from further flood damage while upgrading the airport to current FAA standards.*

*Improvements include:*

- *shift and lengthen Runway 16/34 to 75' x 3,300';*
- *Raise Runway 16/34 above the design flood elevation and provide armor protection;*
- *Close Runway 13/31;*
- *Reconstruct taxiways to meet the new runway elevation, and eliminate taxiways within the center 1/3 of the runway, per FAA guidance;*
- *Install new airfield edge lighting and electrical enclosure building;*
- *Install new airport beacon, segmented circle, and wind cones;*
- *Repave the existing aprons and taxiway;*
- *Improve airport drainage;*
- *Purpose property for airspace.*

DOT is currently in the process of obtaining approval of the Right of Way acquisition plat and appraisals on the land that may need to be obtained. After this, DOT can contact the land owners with a request to purchase and proceed

with negotiations as needed. The size and location of the parcels may be adjusted during the negation process. The final right of way plat will show the updated boundary.

**Utility Easements** The City of Seward provides road, water, sewer, electric, and other utilities. 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 objection or comment.
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  2310 AIRPORT RD, 2300 AIRPORT RD, 2210 AIRPORT RD, 2208 AIRPORT RD, 2202 AIRPORT RD, 2110 AIRPORT RD, 2106 AIRPORT RD, 2104 AIRPORT RD, 2102 AIRPORT RD, 2101 AIRPORT RD</p> <p>Existing Street Names are Correct: Yes  List of Correct Street Names:  SEWARD HWY</p> <p>Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  City of Seward will advise on affected addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan  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.  Review Not Required</p>
Assessing	<p>Reviewer: Bruns, Matthew  Comments: No concerns from Assessing Dept.</p>
KPB Roads Department	<p>Out of Jurisdiction: Yes</p> <p>Roads Director: Uhlin, Dil  Comments: No comments</p>
State Department of Fish & Game	Not available when the staff report was prepared.
River Center	A. Floodplain

	<p>Reviewer: Carver, Nancy Floodplain Status: Within City of Seward Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

### **STAFF RECOMMENDATIONS** **CORRECTIONS / EDITS**

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.10.070 AS FOLLOW:

This is an acquisition plat. The depictions of avigation, hazard or clearing easements should be removed as they do not pertain to the acquisition of property. Lease and interagency transfer designations should also be removed. Depictions of neighboring lots with labels should be shown. ***Staff recommends these depictions be removed from all sheets and provide accurate depiction of neighboring lots.***

On the last sheet is a table that refers to property status. The designations used are "Tract" or "parcel". A parcel designation is acceptable but not Tract. Tract is a legal designation for some of the parcels in the area. A different project designation should be used and the only "Tract" labels should refer to legal tract designations given by the recording of a plat. ***Staff recommends the labels be updated/removed on all sheets.***

1. Correct the following status labels:

#### **SHEET 1**

- Remove the Lot 4 USS 9000 label. This has now been dedicated or acquired as right of way.
- The parcel labeled "Tract IX" should be shown as "Tract 9" as that was the designation given on the parent plat.

#### **SHEET 2**

- Remove the Lot 4 USS 9000 label. This has now been dedicate or acquired as right of way. Provide a reference to the highway project map and the sheet that contains this portion of the project.
- Provide right of way names for the right of way that goes through what is shown as Tract II.
- The depiction of Crawford Subdivision is small but provide a few of the major right of way names within the subdivision or those that abut the project.

#### **SHEET 3**

- The parcel labeled "Tract IX" should be shown as "Tract 9" as that was the designation given on the parent plat.
- Provide some of the street names within Crawford Subdivision.

#### **SHEET 4**

- Remove the Lot 4 USS 9000 label. This has now been dedicate or acquired as right of way. Provide a reference to the highway project map and the sheet that contains this portion of the project.
- Depict the right of way that goes through what is currently labeled Tract II and provide a street name label.

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**STAFF RECOMMENDATIONS:** Grant a two-year approval of the preliminary plat subject to any above recommendations, and KPB code:

**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