

AGENDA ITEM E. NEW BUSINESS

**ITEM 6 – BELUGA BAY ESTATES SUBDIVISION BARTLETT REPLAT**

<b>KPB File No.</b>	2022-008
<b>Plat Committee Meeting:</b>	February 14, 2022
<b>Applicant / Owner:</b>	Kevin Richard Barnett and Annette Marie Thornton-Barnett
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Cetacea Lane, Kalifornsky

<b>Parent Parcel No.:</b>	055-340-27, 055-340-28
<b>Legal Description:</b>	Lots 10 and 11 Block 3 Beluga Bay Estates Subdivision Part Two Amended KN 83-43
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will combine two lots into one lot that will be 2.9 acres.

**Location and Legal Access (existing and proposed):** The lot will front along borough maintained Cetacea Lane. Cetacea Lane provides a connection between State DOT maintained Cannery Road and City of Kenai maintained Set Net Drive. The replat is near mile 14 of state maintained Kalifornsky Beach Road.

Cetacea Lane was dedicated on Beluga Bay Estates Subdivision Part Two Amended, Plat KN 83-43. It was dedicated as a 50 foot wide right of way. Per KPB Code, a full right of way dedication shall be 60 feet wide. This right of way is 10 feet narrower than code allowance. The KPB Roads Department had no comment on this plat.

Similar situations in the past have dealt with this situation by requiring additional right of way dedications with subsequent platting actions. To comply with KPB standards a 5 foot dedication would be required during this platting action with a corresponding 5 foot dedication from the opposite parcels. Nearly all lots in this area have single family homes constructed on them and the ability to receive 5 foot dedications on both sides of the right of way for the entire length of the right of way is unlikely. *Staff recommends the plat committee concur that an exception to 20.30.120 – Streets-Width requirements, or a right of way dedication, is required as the ability to acquire a full 60 foot right of way in unlikely do to the current development and additional right of way was not requested by the KPB Roads Department.*

The subdivision is within a closed block. Cetacea Lane, Bowpicker Lane, Minke Drive, Biscayen Drive, and Cannery Road define the block. The block is irregular in design that results in block lengths that exceed the allowable lengths. Due to wetlands and existing improvements, this plat cannot provide a dedication that will improve the block length. *Staff recommends the plat committee concur that an additional right of way dedication is not required for block length compliance as any dedication will lead to wetlands and will not provide a new block connection.*

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	Comment not received when staff report was prepared.

**Site Investigation:** Per KPB GIS data, there are wetlands present within the southeastern portion of the subdivision. A sloping area affects the southern edge of proposed Lot 10A. The remaining portion of the subdivision

is relatively flat with no low wet areas. **Staff recommends** the wetlands be depicted and a plat note be added that states, 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.

KPB River Center review	<p>A. Floodplain            Reviewer: Carver, Nancy            Floodplain Status: Not within flood hazard area            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>
State of Alaska Fish and Game	No objections. The proposed actions will not affect public access to public lands and waters.

**Staff Analysis** The parent parcels were created in 1977 with the recording of Beluga Bay Estates Subdivision Part Two, KN 77-155. This was a subdivision of a government lot and aliquot divided lands and dedicated right of ways to all new parcels. KN 77-155 was amended in 1983 per KN 83-43.

Per KPB data, Lot 10 is currently vacant and Lot 11 contains a residential improvement. KPB Imagery from 2021 does not indicate any encroachments are present.

Per KPB Code 20.40.020(A)(2), a soils report will not be required; the plat will be increasing the lot size by more than 1,000 square feet.

Per KPB Code 20.60.200(A), a field survey will not be required. Plat note 1 states that a field survey will not be performed and references KPB code.

Notice of the proposed plat was mailed to the beneficial interest holder on January 26, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Kalifornsky 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 granted utility easements in select locations but not adjoining all right of ways. A 30 foot radius anchor easement utility easement was granted centered on the shared lot line of Lots 10 and 11 common with Cetacea Lane right of way. Per plat note 4, this plat will be granting 10 foot utility easements along Cetacea Lane that increase to 20 feet within 5 feet of shared lot lines. **Staff recommends** the radius easement be depicted and noted it was granted by KN 83-43, and depict the newly dedicated utility easements.

An additional easement with no definite location was granted by recorded document to Homer Electric Association. **Staff recommends** a plat note be added with the easement information.

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 comment
ENSTAR	No comments or recommendations
ACS	No objection
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek          Affected Addresses:          37255 CETACEA LN</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:          CETACEA LN</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:          37255 CETACEA LN will remain with lot 10A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric          Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan          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	<p>Reviewer: Wilcox, Adeena          Comments: No comment</p>
Advisory Planning Commission	Comments not received 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**

**Staff recommendation:** *final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.*

- 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:**

- Verify that the intent was to name the replat Bartlett instead of the owners' last name, Barnett.
- The legal description for the parent lots needs the subdivision name to include "Amended" and update the recording number to 83-43.

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 a 50 foot width label to Cetacea Lane.

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:**

- Spell out "River" on the label.
- Provide a label for the Cook Inlet.

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:** Tract B located to the southwest does not have a block designation assigned. Please remove Block 3 from the Tract B label.

---

### 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, joiners 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:** Concur that the 50 foot width for Cetacea Lane is adequate and an exception, or additional right of way dedication, is not required due to the following items.

- The existing improved roadway.
- Additional replats/subdivisions that could provide additional right of way are not expected as all lots have single family residences.
- The inability to obtain a 60 foot wide right of way for the entire length of Cetacea Lane
- The KPB Roads Department did not bring up any issues do the to the right of way width.

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.

B. 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.

**Staff recommendation:** *Depict and label the 20 foot building setback.*

---

#### **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:* 20.40.010 Wastewater disposal.

*Platting Staff Comments:* The plat is combining two lots and creating a new lot that is increasing in size by more than 1,000 square feet. Per KPB 20.40.020(A)(2), a soils report will not be required and an engineer will not need 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.*

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments:* All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

*Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.*

**Staff recommendation:** *comply with 20.60.030.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

**Staff recommendation:** *Provide the acreage of proposed Lot 10A Block 3 within the drawing. Provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.*

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.

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Property is subject to covenants, conditions, and restrictions found in Book 121 Page 407 Kenai Recording District and Amendments found in Book 383 Page 840 Kenai Recording District.
- Subject to an easement for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery granted to Homer Electric Association, Inc. recorded in Book 25 Page 344 Kenai Recording District. No definite location disclosed.
- 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.

Plat note 2 should revise the recording number and subdivision names to include "Amended" and the recording number of "KN 83-43".

---

**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**