E. NEW BUSINESS

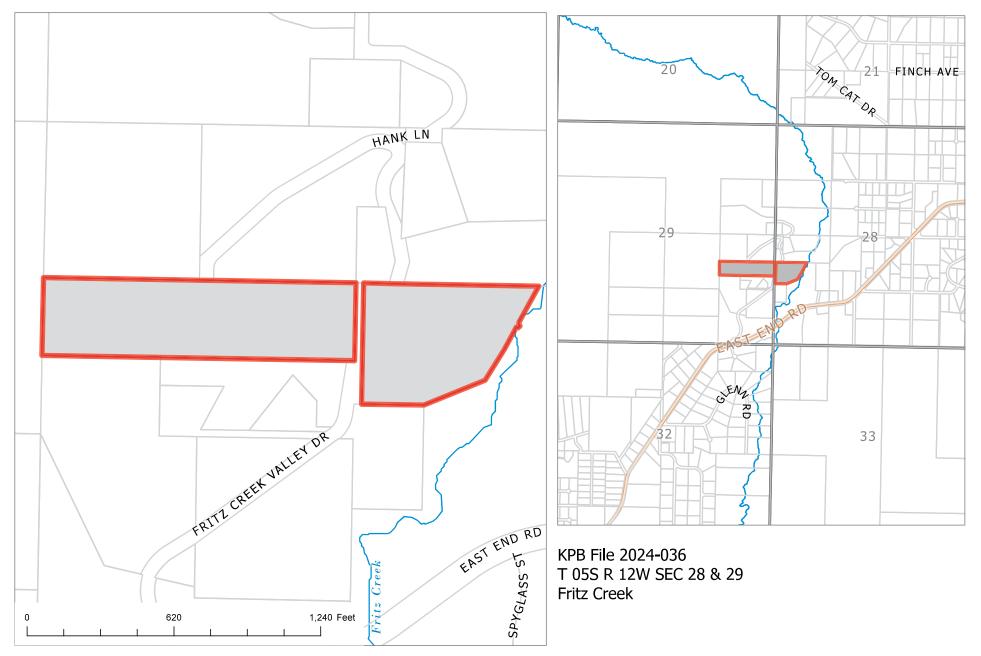
 Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat KPB File 2024-036 Seabright Surveying / Dixon, Huyck Location: Fritz Creek Valley Road Fritz Creek Area / Kachemak Bay APC





5/6/2024

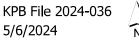
Vicinity Map



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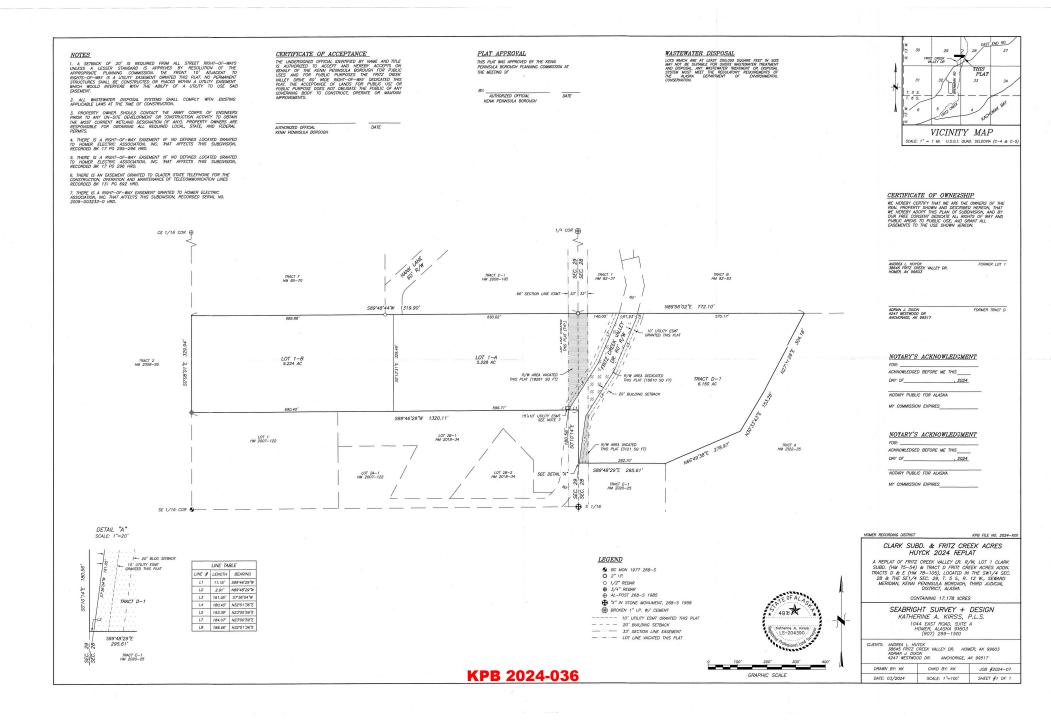


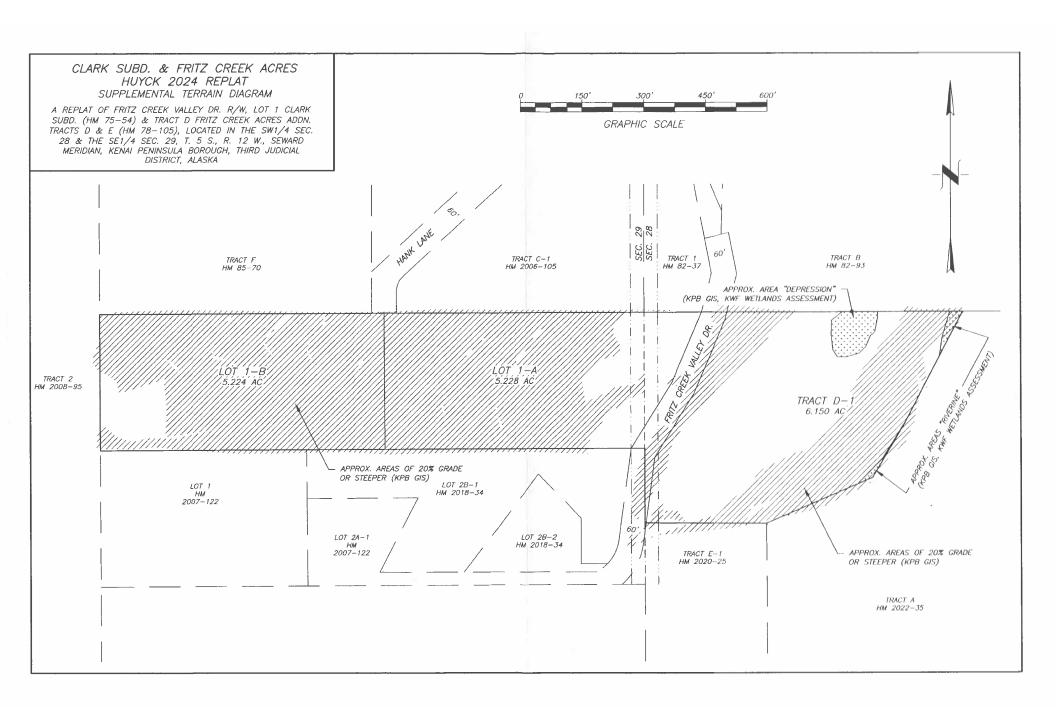


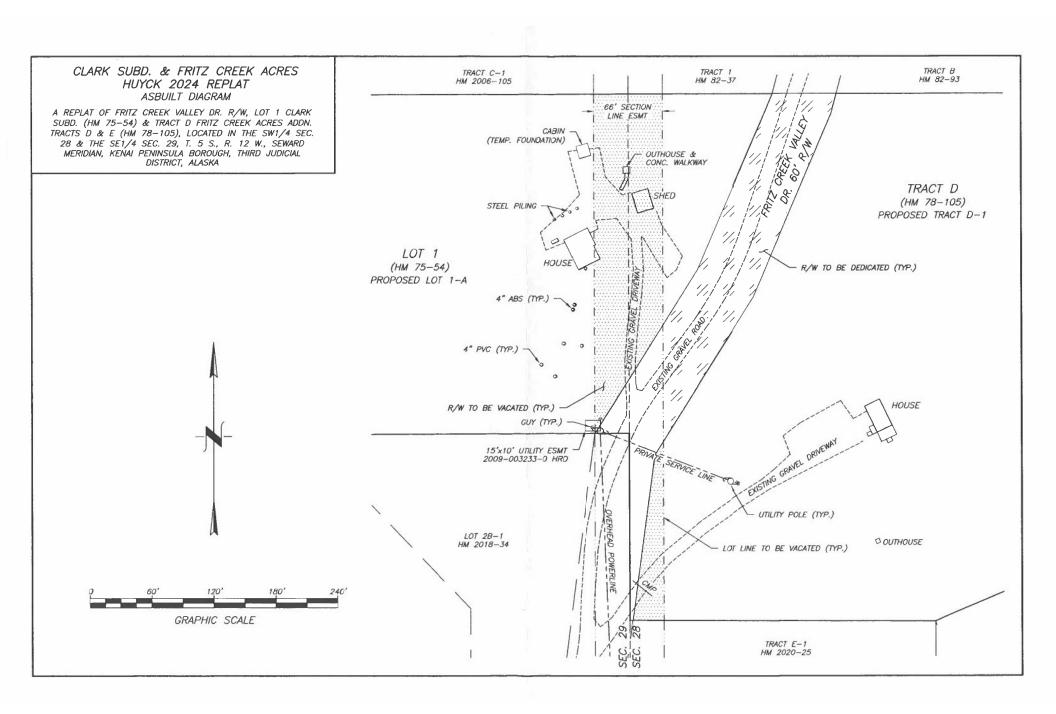




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AGENDA ITEM E. NEW BUSINESS

KPB File No.	2024-036
Plat Committee Meeting:	May 28, 2024
Applicant / Owner:	Andrea L. Huyck of Homer, AK and Adrian J. Dixon of Anchorage, AK
Surveyor:	Katherine A. Kirsis - Seabright Survey + Design
General Location:	East End Road, Homer, Alaska / Kachemak Bay APC
Parent Parcel No.:	172-200-14 & 172-200-18
Legal Description:	A replat of Fritz Creek Valley Drive Right-of-Way, Lot 1 Clark Sub., HM 78-54, & Tract D Fritz Creek Acres Addn. Tracts D & E, HM 78-105, Located in the SW1/4 Sec. 28 & the SE1/4 Sec. 29, T5S, R12W, SM, KPB 3 rd Judicial District, Alaska
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	Onsite
Exception Request	20.30.170

ITEM #9 - PRELIMINARY PLAT Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat

STAFF REPORT

Specific Request / Scope of Subdivision:

The subdivision will combine two parcels and a vacation to create two new lots and a tract along with a dedication which will be finalizing a vacation of Fritz Creek Valley Drive. The vacation is being heard at the Planning Commission meeting at 7:30 May 28th, 2024, and set to be heard at the Assembly meeting of June 4th, 2024.

Location and Legal Access (existing and proposed):

Access to the plat is via Fritz Creek Valley Drive. Fritz Creek Valley Drive is accessed at approximately mile 7.75 of East End Road in Homer, Alaska and crosses several properties to get to the subject area.

With the completion of this proposed replat, the applicants are proposing a new dedication along Fritz Creek Valley Drive. The dedication will follow the existing road that is crossing the properties and after the plat is finalized, it will be the border of the two east parcels.

The properties are affected by 33' section line easements on both sides of the section line that coincide with the right-of-way vacation. The section line easements were not part of the original vacation request and were not being vacated.

The block length along Fritz Creek Valley Drive is not compliant, an exception to KPB 20.30.170 Block – Length requirements has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Griebel, Scott Comments: No RSA comments or objections.
SOA DOT comments	No comments on these plats.

Site Investigation:

There are improvements on the proposed Lot 1-A and Tract D-1 and a driveway that currently travels along the current dedication and borders the two parcels. There is an encroachment of a structure on the current Tract D

from Lot 1 that will be located on Lot 1-A, west of the new dedication when the plat is complete.

The slope of the plat moves steadily downhill from west to east across the proposed plat. The road has been laid out along a contour to be relatively level along the proposed dedication with a rise at the north end where it straightens out. The steep slopes have been shown on the preliminary plat exhibit included in the packet.

There is an area of depression to the northeast of the proposed Tract D-1 that is identified on the preliminary plat exhibit. An area of riverine is also shown.

KPB River Center review	A. Floodplain
	Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area
	Comments: This is within an unmapped area.
	B. Habitat Protection
	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD
	Comments: This parcel does not lie within the 50-foot setback of any of the borough's anadromous streams.
State of Alaska Fish and Game	

Staff Analysis

The proposed Lots 1-A and 1-B were aliquot parts of Section 29 Township 5 South, Range 12 West, Seward Meridian, Homer, Alaska. Clark Subdivision, KN 75-54, subdivided the S ½ NE ¼ SE ¼, Sec 29, T5S, R12W, SM, AK into two 10-acre parcels.

The proposed Tract D-1 was an aliquot part of Section 28, Township 5 South, Range 12 West, SM, Alaska. Fritz Creek Acres, KN 78-105, established Tracts D & E within the W ½ SW ¼, Sec 28, T5S, R 12 W, SM, AK.

Lands to the north, east, and south have been subdivided into mostly large tracts of generally residential designation. To the west is an unsubdivided 40-acre parcel. Most parcels adjacent to Fritz Creek Valley Drive have established residences.

The applicants propose to finalize a dedication of Fritz Creek Valley Drive as a 60' right-of-way along the existing gravel travel way. The proposed subdivision will combine a portion of Tract D, HM 78-105, west of Fritz Creek Valley Drive with previously vacated land and a portion of the 10 acres of Lot 1, HM 75-54, into two lots designated as proposed Lot 1-A and 1-B. The proposed vacation and the remaining portion of Tract D of HM78-105 lying east of the new dedication will become proposed Tract D-1.

A soils report will not be required as this plat is forming 3 lots all larger than 200,000 square feet.

Notice of the proposed plat was mailed to the beneficial interest holder on March 7, 2024. 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.

Kachemak Bay Advisory Planning Commission is currently not meeting.

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan. Utility Easements

Utility easements are being vacated and new 10-foot utility easements are being proposed along the dedication. There are existing utility easements for the benefit of HEA and Glacier State Telephone carried forward from the parent plat as noted and depicted correctly.

HEA has sent comment concerning overhead primary electric lines to be shown and labeled or a plat note added. The comment can be viewed in the packet.

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:

Comments included in packet+
Alaska Communications has no objections.
Approved as shown.

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn
	Affected Addresses:
	38645 FRITZ CREEK VALLEY DR, 38646 FRITZ CREEK VALLEY DR
	Existing Street Names are Correct: Yes
	List of Correct Street Names: FRITZ CREEK VALLEY DR, HANK LN
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
Orde Organization of	Addresses will remain with existing structures.
Code Compliance	Reviewer: Ogren, Eric
Planner	Comments: No comments
	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed
	plat.
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather

	Comments: No comment
Advisory Planning Commission	

STAFF RECOMMENDATIONS CORRECTIONS / EDITS

- Remove plat note 5 as it is a duplicate.
- Add to KPB file no 2024-036.
- Correct date on Plat Approval to May 28, 2024.
- Address in Title Block to be 1044 East End Road.
- Add Range 12 West to the vicinity map.
- Add Section 3 to the map.
- HEA easements for overhead primary electric lines to be depicted and noted on plat as requested.

PLAT NOTES

- 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).

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.

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:*

In Detail "A" label the existing road and area of vacation

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.

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:

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.

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat. Staff recommendation: comply with 20.60.160. Several easements crossing Tract D should be noted on the plat

EXCEPTIONS REQUESTED:

A. KPB 20.30.170 Block – Length requirements

Surveyor's Discussion:

We are requesting an exception to KOB 20.30.170 (Block – Length requirements) for the non-compliant block length along Fritz Creek Valley Drive. Due to the presence of extensive ravines and steep terrain, there is no alternative right-of-way dedication in this subdivision that could be constructed to borough standards. he existing roadway for Fritz Creek Valley Drive as depicted in this application has existed since at least the 1970's and has since been the exclusive roadway serving this community. The purpose of this replat and right-of-way application as a whole is to address the discrepancy between the constructed roadway and the dedicated right-of-way. Additional right-of-way dedication in this area would serve no practical purpose and would be counter to purpose of this platting effort.

Staff Discussion:

Blocks shall not be more than 1,320 feet in length.

Findings:

- 1. The driven road is an existing travel way for over 50 years.
- 2. The plat is being done to put the dedication on the traveled road.
- 3. There is no location reasonable to include a road.
- 4. Structures are spread throughout both properties.
- 5. The surrounding properties are developed.

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 1-3 appear to support this standard.**
- 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, 2 & 4 appear to support this standard.
- 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 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.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

<u>i</u> .

- 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.
- The Plat will be preliminarily approved until the vacation request is approved by the Planning Commission and consent is given by the KPB Assembly.

NOTE: 20.25.120. - REVIEW AND APPEAL.

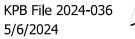
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

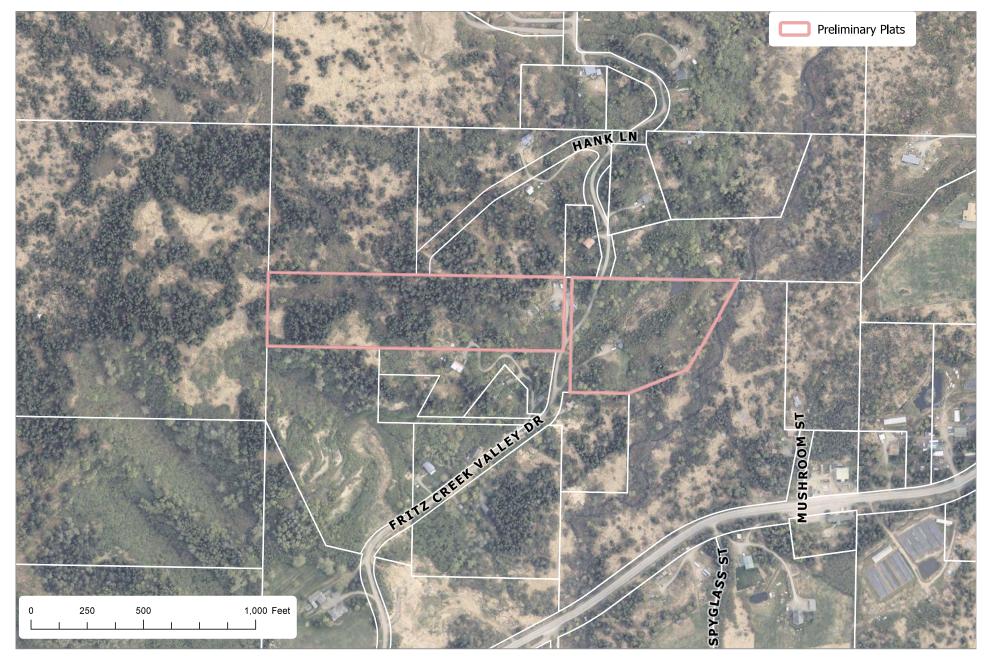
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



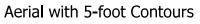


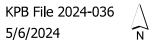


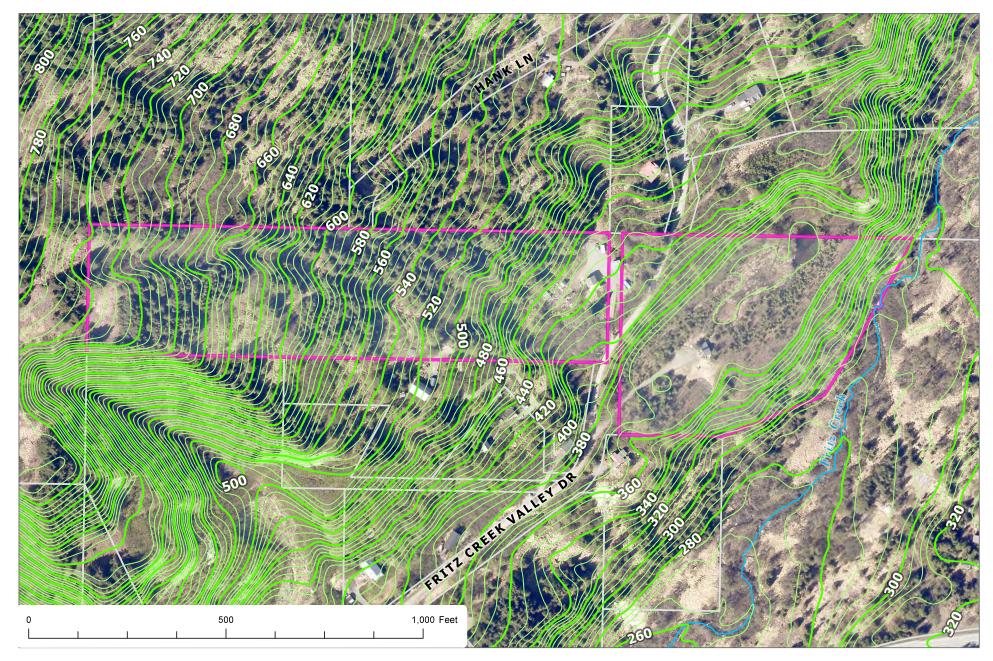


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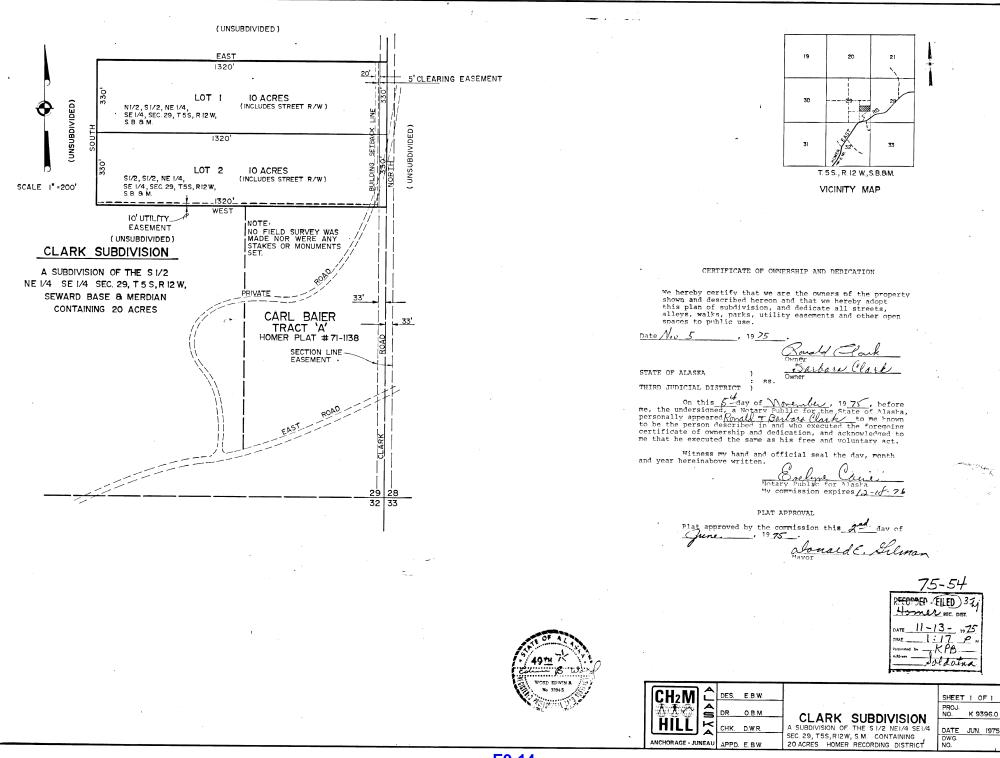




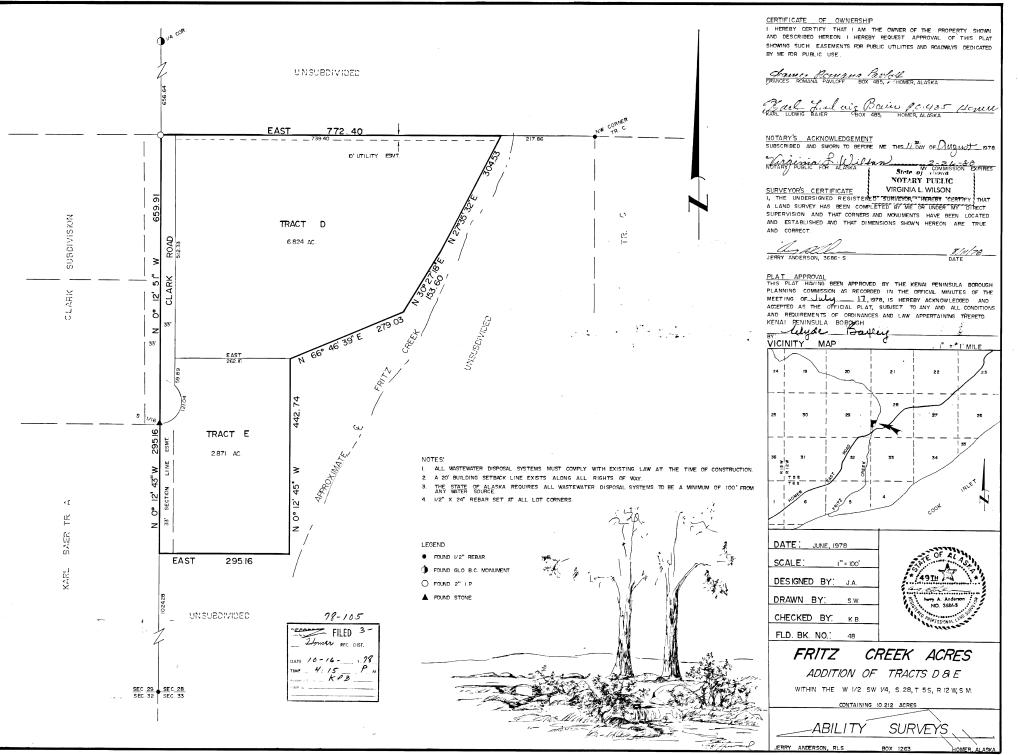


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