

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - MURRAY SUBDIVISION 2022 REPLAT

<b>KPB File No.</b>	2021-154
<b>Plat Committee Meeting:</b>	February 14, 2022
<b>Applicant / Owner:</b>	Marshall W. Martin of Soldotna, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys, Inc.
<b>General Location:</b>	Koto Court and Murray Lane, Sterling

<b>Parent Parcel No.:</b>	063-460-30 and 063-460-31
<b>Legal Description:</b>	Lot B1 and Lot B2, Murray Subdivision, Buck Addition Plat KN 2017-59
<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 and finalize a right of way vacation. The new lot will be 3.047 acres.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located on Murray Lane, a 100 foot wide right of way maintained by the State of Alaska DOT. Murray Lane is located near mile 89 of the Sterling Highway. The new lot will have access via Murray Lane.

A petition to vacate the Koto Court right of way was approved by the Kenai Peninsula Borough Planning Commission at the December 13, 2021 meeting. The Kenai Peninsula Borough Assembly consented to the vacation at their January 4, 2022 meeting. Koto Court provided legal access to Lot B2 and provided an additional access for Lot B1 and Lot 2D. The combining of Lots B1 and B2 will remove the need for Koto Court as an access. Lot 2D has an existing access via Murray Lane.

The block is not closed and the block length is not compliant. Murray Lane, Dudley Avenue, Dayspring Street, and Hallelujah Drive define the block. A vacation has removed the section line easements that would have provided a closed and compliant block. Murray Lane ends at an intersection with Lakeshore Drive while Hallelujah Drive ends at a lot. This block is bordered by Longmere Lake and the ability to obtain a closed block will be difficult due to existing structures and low wet areas. The distance along Dayspring Street exceed allowable lengths. **Staff recommends the plat committee concur that an exception to block length requirements is not required as this subdivision will not be able to provide right of way dedications to improve the block length.**

KPB Roads Dept. comments	Out of jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments.
SOA DOT comments	The ROW for Murray Lane is labeled as 60' wide, however plat 2018-18 shows Murray Lane as a 100' ROW width at this location.

**Site Investigation:** The subdivision is not affected by low wet areas or steep terrain.

KPB River Center review	A. Floodplain  Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
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	<p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan  Habitat Protection District Status: Is NOT within HPD  Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam  Comments: No Comments</p>
State of Alaska Fish and Game	The proposed actions will not affect public access to public lands and waters. No objections.

**Staff Analysis** The property was first subdivided by Murray Tract “A”, Plat KN 76-26. Multiple subdivisions and replats have occurred involving the property. Murray Subdivision Buck Addition, Plat KN 2017-59, created the current configuration and dedicated Koto Couth.

The preliminary plat will be combining two lots and attaching the land from the vacated right of way back to the property from which is was dedicated from.

Per KPB 20.40.020(A)(1)(a), a wastewater review will not be required as the plate increased the lot by 1,000 sq. ft. or more of area available for wastewater disposal. A soils analysis report was reviewed and approved by the Kenai Peninsula Borough Planning Department for the parent subdivision. The correct plat note is present on the plat.

Per KPB Code 20.60.200(A), a field survey is not required as this is only eliminating existing property lines. This is noted in plat note 1.

Per KPB GIS Imagery, possible encroachments may be present on the shared lot line with Lot 2A Murray Subdivision Martin Addition No. 3, Plat KN 2013-124. KPB Assessing records indicate that the owner of Lot 2A is the same owner of the property within this replat. A field survey is not required for this platting action so the encroachment will not be verified. **Staff recommends the plat note be added, “Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.”**

The building setback is noted on the plat. **Staff recommends depiction of the building setback be added and if it interferes with the legibility of the plat add a typical lot depiction.**

The property is not within an advisory planning commission.

**Utility Easements** The original survey, Murray Tract “A” (Plat KN 76-26), did not grant utility easements that affect the subject properties. When the property was resubdivided by Murray Tract “A” Martin 1982 Subdivision (Plat KN 83-276) the 20 foot building setback along Murray Lane became the limit of utility easements. Murray Subdivision Replat of Lot 2 & Martin 1986 Subdivision of Tract A-1 & Replat of Tract D (Plat KN 88-38) granted a 20 foot utility easement centered on the shared lot line of what is now the northern boundary of the proposed subdivision.

Murray Subdivision Buck Addition (Plat KN 2017-59) dedicated Koto Court with associated utility easements. The dedication of Koto Court was atop the previously granted 10 foot utility easement. The dedication did not vacate or void the easement. The vacation of Koto Court included associated utility easements that were granted with the dedicaiton. The petition was viewed that the vacation would include the 10 foot utility easement within Koto Court but the portion within the lot, as granted by Plat KN 88-38, still exists. If the owners wish to leave the easement intact along the entire length of the property line or a utility provider requests the easement remain it should be depicted and noted. **Staff recommends the following,**

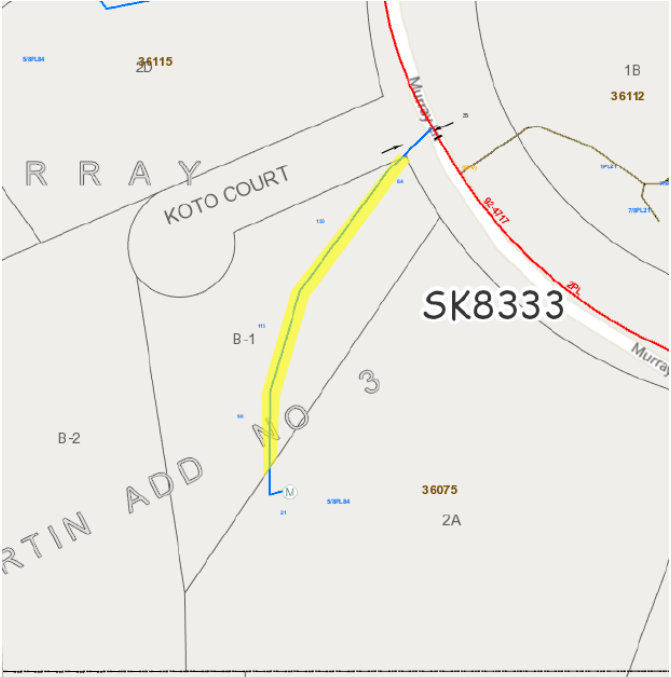
- Provide a depiction of the 20 foot setback along Murray Lane and include a note stating the setback is the limit of the utility easements.

- Update plat note 5 to reflect the correct utility easements as granted by KN 83-276.
- Depict and label the existing 10 foot utility easement along the northern property line from the northwest corner to the vacated portion of Koto Court.
- Depict and label the utility easement associated with Koto Court that is being vacated with this platting action.
- Provide a plat note that states, "the 10 foot utility easement granted per KN 88-38, where located within Koto Court, will be vacated with the recording of this plat.

The certificate to plat indicates a recorded easement granted to Homer Electric Association has been issued. **Staff recommends** a plat note be added to note the easement of record.

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	
ENSTAR	<p>ENSTAR Natural Gas Company has reviewed preliminary plat Murray Subdivision 2022 Replat (KPB Case # 2021-154) and advises that there is an existing natural gas service line which appears to cross proposed Lot B1A to serve Lot 2A. Attached is an approximate ENSTAR as-built for your reference. ENSTAR objects to this plat unless one of the following scenarios is met:</p> <ol style="list-style-type: none"> <li>1. Add a note which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing service lines." And draw in the approximate location of the service line on the map and add, "Approximate location of natural gas service line and centerline of ten foot (10 FT) wide natural gas easement".</li> <li>2. Owner signs an ENSTAR Natural Gas Easement document for a ten foot (10 FT) wide natural gas easement centered on the service line at this location.</li> </ol> 
ACS	No objections.
GCI	Approved as shown.

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: None  Existing Street Names are Correct: Yes  List of Correct Street Names: KOTO CT MURRAY LN  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: No addresses affected by this subdivision.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Aldridge, Morgan 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: Wilcox, Adeena Comments: No comment
Advisory Planning Commission	

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:** *Revise the description to read, ‘... and the vacation of Koto Court and associated utility easements.’ Update the total acreage.*

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:**

- *Remove or label the line through sections 24, 13, 18, 7, 8, and 9.*
- *Provide the suffix “Road” to Robinson Loop Road.*
- *Add the location of the subject subdivision.*
- *Provide the township and range labels.*
- *Either remove the Soldotna Creek label or add the depiction of the creek.*
- *Add a label for the Kenai River in section 28.*

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:** *Correct the width for Murray Lane to 100 feet.*

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:**

- *Update the recording number for Lot 1B to KN 2018-18*
- *Update the labels for the lot to the northwest, Lot 4 KN 88-38*
- *Update the labels for the lot to the south, Lot B3 KN 2017-59*
- *Provide a label to the lot located southeast, Lot B4 KN 2017-59 (this lot is within 100 feet of the subdivision boundary)*

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### **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.*

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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: Soils analysis not required as it is increasing the lot size.*

**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.*

20.60.130. 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:** *Depict the former right of way boundary with a broken or dotted line style.*

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.*

- *“No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.”*
- *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. in Misc Book 7 Page 37 of the Kenai Recording District. No definite location disclosed.*
- *Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.*

*If the plat does not intend to leave the 10 foot utility easement along the northern boundary, add the plat note “The 10 foot utility easement granted per KN 88-38, located within Koto Court, will be vacated with the recording of this plat.”*

*Update plat note 4, “The vacation of Koto Court and associated utility easements was approved by the Planning Commission at the meeting of December 13, 2021. The Kenai Peninsula Borough Assembly consented to the vacation at the meeting of January 4, 2022.”*

*Revise plat note 5, “Front 20 feet adjacent to right of ways is a utility easement per KN 83-276. No permanent...”*

KPB 20.70 – Vacation Requirements

**Staff recommendation.** *Must be recorded within one year of Assembly consent received on January 4, 2022.*

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**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**

