# **E. NEW BUSINESS**

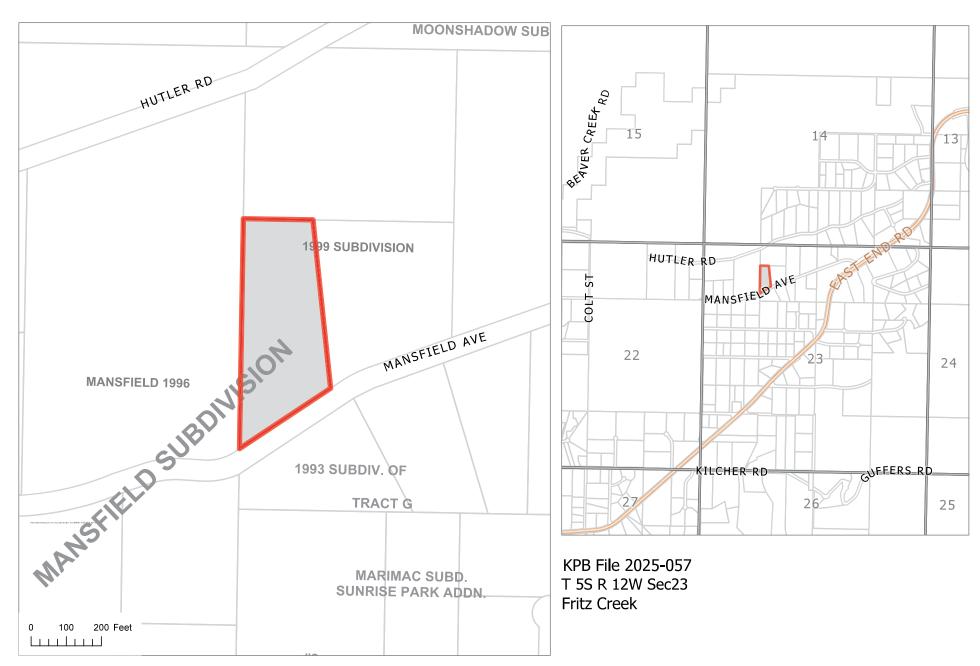
2. Mansfield 1999 Subdivision Lot 2-A Replat KPB File 2025-057

**Seabright Surveying / Alpe** 

**Location: Mansfield Drive off East End Road** 

**Fritz Creek Area** 

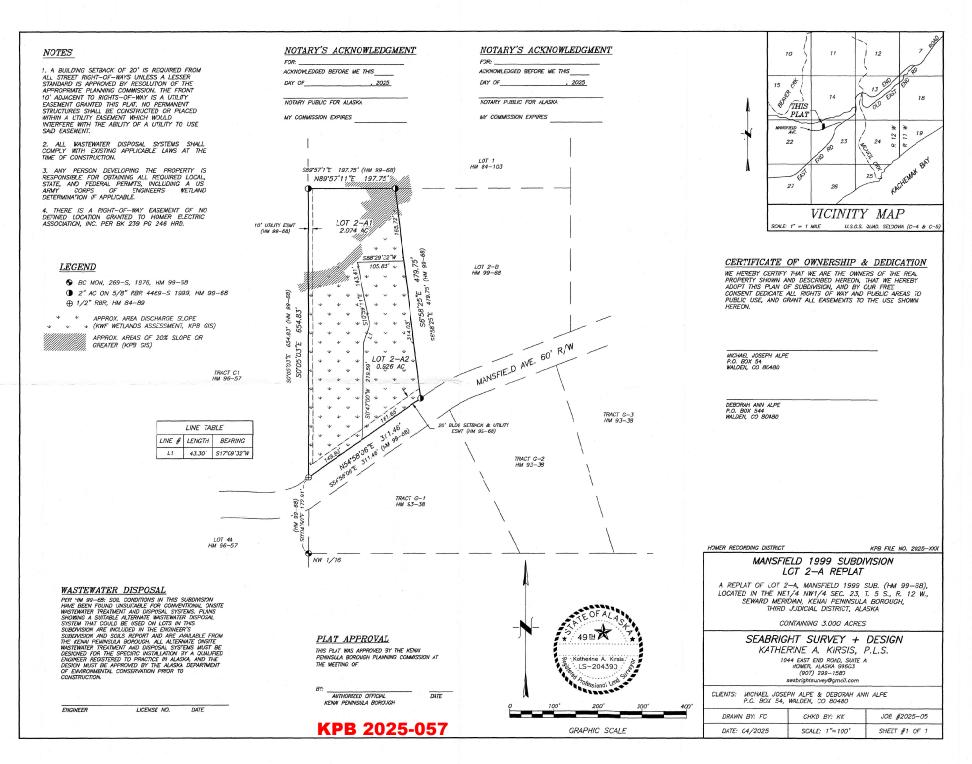
Vicinity Map 4/18/2025



Aerial Map







# ITEM #2 - PRELIMINARY PLAT MANSFIELD 1999 SUBDIVISION LOT 2-A REPLAT

KPB File No.	2025-057
Plat Committee Meeting:	May 27, 2025
Applicant / Owner:	Michael Jospeh Alpe and Deborah Ann Alpe of Homer, Alaska
Surveyor:	Katie Kirsis, Seabright Survey + Design
General Location:	Mansfield Avenue, Fritz Creek Area

Parent Parcel No.:	172-250-29
Legal Description:	Lot 2-A, Mansfield 1999 Subdivision, Plat HM 99-68, Township 5 South, Range
	12 West, Section 23, Seward Meridian
Assessing Use:	Residential Dwelling
Zoning:	Rural Unrestricted
Water / Wastewater	On-site / On-site
Exception Request	None Requested

#### **STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 3.000 acre lot into two lots: one of 0.926 acres and one of 2.074 acres.

#### Location and Legal Access (existing and proposed):

Legal access to the proposed plat is by Mansfield Avenue on the south. Mansfield Avenue is a 60-foot boroughmaintained road that connects to East End Road to the northeast and terminates as it goes to the west.

The block consists of Mansfield Avenue on the south, East End Road to the east and Hutler Road to the north. Block length exceeds allowable limits per KPB 20.30.170. Dedication of roads to comply with code would require dedications through wetlands and steep terrain and is not the best location on existing Mansfield Avenue. **Staff recommends** the plat committee concur that due to the location, a dedication at this time is not advised and an exception is not required.

No section line easements or patent easements affect the proposed plat.

No vacations or dedications are requested with this platting action.

KPB Roads Dept RSA review	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil Comments: RSA has no objection at this time
SOA DOT comments	No comment

# Site Investigation:

According to the KPB GIS imagery and KPB Assessing records, improvements are located on the affected property. The surveyor did not depict the structures on the plat. Staff reviewed the imagery and the preliminary plat and it appears that the major improvements will be located on Lot 2-A1 and small structures on proposed Lot 2-A2. One small structure looks to possibly be near to the line identified as L1 on the plat. **Staff recommends** the surveyor confirm the small structure is not encroached on the lot lines. There is one driveway from Mansfield Avenue to the dwelling that will be crossing Lot 2-A2. **Staff recommends** an access agreement be recorded granting shared access of the driveway. Per KPB 20.60.160, private easements may not be granted on the plat. A separate

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document can be created for the shared access easement.

KWF Wetlands Assessment indicate wetlands on the affected property, identified as a discharge slope, and is located on the majority of the proposed plat. The surveyor has identified the wetlands on the preliminary plat.

Steep slopes affect the platting area according to the KPB GIS terrain viewer. Slopes exceeding 20% are shown as shaded areas on the preliminary plat. **Staff recommends** that it is the surveyor's discretion to keep or remove the shaded area on the final plat submittal per KPB 20.60.010.

This platting action is not within a Flood Hazard Zone or a Habitat Protection Area per the KPB River Center Review.

KPB River Center review	A. Floodplain
	Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection
	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	No Response

# **Staff Analysis**

Originally, the land was an aliquot part of the NW1/4 of Section 23, Township 5 South, Range 12 West, Seward Meridian, Alaska. Mansfield Subdivision (HM 78-94) subdivided the land into 8 Tracts and dedicated Mansfield Avenue. In 1984, Mansfield Subdivision 1984 Subdivision of Tract D (HM 84-103) further subdivided Tract D into two lots. Mansfield 1999 Subdivision (HM99-68) then subdivided Lot 2 into Lots 2-A and 2-B. The proposed plat will subdivide Lot 2-A into two more lots.

There is a soils report on file with the KPB for Mansfield 1999 Subdivision (HM 99-68); however, this platting action is dividing Lot 2 and increasing the developable units of the lot, which is contrary to KPB 20.40.020.(A)(1)(c). Therefore, a soils report will be required and an engineer will sign the final plat as this plat is increasing the number of developable lots and does not meet code KPB 20.40.020(A)(1)(c):

"Moving one or more lot lines <u>without increasing the number of developable lots</u>, while maintaining a minimum of 20,000 square feet of contiguous area, as described in KPB 20.40.040(A)(4)(a), for each lot affected by the lot line movement."

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

This plat is within the Kachemak Bay APC which is currently inactive.

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

Per KPB 20.60.160, private easement may not be granted on the plat.

#### **Utility Easements**

Mansfield Subdivision (HM 78-94) granted a 20-foot utility easement on the west boundary line of the original tract. This easement was 10-feet on either side of the lot line and was carried forward on the future plats. **Staff recommends** the surveyor modify the label on the west boundary line of Lot 2-A1 to reflect the parent plat which granted the easement (HM 78-94).

Mansfield Subdivision (HM 78-94) granted a 5-foot underground utility easement or overhead clearing easement along all rights-of-way. In 1984, Mansfield Subdivision 1984 Subdivision of Tract D (HM 84-103) extended the utility easement width to the entire width of the 20-foot building setback along all rights-of-way. This easement was carried forward to the most recent parent plat, Mansfield 1999 Subdivision (HM 99-68). **Staff recommends** the surveyor modify the label on the south boundary line to reflect the parent plat which granted the easement (HM 84-103) and modify plat note number 1 to reflect the building setback line as the limit of utility easements along the street.

The Certificate to Plat included a right-of-way easement granted to HEA as recorded in Book 239, Page 246. The document states this easement was for the east 15 feet of former Lot 2 (plat 84-103). This easement does not affect this plat. **Staff recommends** the surveyor remove plat note number 4 from the parent plat and ask the title company to remove the easement when ordering the final Certificate to Plat.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

HEA sent a comment that is included in the packet. The comment included the corrections noted in the staff report.

#### **Utility provider review:**

HEA	See Comments	
ENSTAR	No comments or recommendations	
ACS	No Response	
GCI	No Response	

# KPB department / agency review:

KPB department / agency review	
Addressing Review	Reviewer: Leavitt, Rhealyn
	Affected Addresses:
	53726 MANSFIELD AVE
	00/20 1111 110/11/22 7 11/2
	Existing Street Names are Correct: Yes
	Existing offect Names are contest. 163
	List of Correct Street Names:
	MANSFIELD AVE
	WANSFIELD AVE
	Eviating Street Name Corrections Needed
	Existing Street Name Corrections Needed:
	All New Ctreet Nemes are Apprecial Ne
	All New Street Names are Approved: No
	List of Ammusical Chroat Names
	List of Approved Street Names:
	List of Otros Allows a David
	List of Street Names Denied:
	Comments:
	53726 MANSFIELD AVE WILL REMAIN
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
LOZMS Review Planner	Reviewer: Raidmae, Ryan

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	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 Review	Reviewer: Windsor, Heather
	Comments: No comment

#### STAFF RECOMMENDATIONS

# **CORRECTIONS / EDITS**

Plat note 1 needs to be corrected to the entire building setback being a utility easement.

Plat note 4 does not affect this plat and can be removed.

Plat Approval certificate needs the date of May 27, 2025 added.

Revise address in the Certificate of Ownership & Dedication to Box 544

#### PLAT NOTES TO ADD

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.

# 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:

- Modify the KPB File Number to 2025-057
- Modify the mailing address within the title block to PO Box <u>544</u>, Walden, CO 80480
- 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:

- o Provide a label for Hutler Road
- Add "East" to the East End Road label on the eastern portion of the vicinity map (sections 13 and 7 say "End Road"
- Add a label for Township 5S

# **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.

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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.

20.60.110. Dimensional data required.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: comply with 20.60.110.

- Modify the north boundary recorded bearing to S89-57-11 (HM 99-68)
- o Modify the south boundary recorded distance and bearing to S54-58-06W 311.47 feet (HM 99-68)

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

- o Modify the mailing address for Michale Joseph Alpe to PO Box 544, Walden, CO 80480
- o Include the meeting date of May 27, 2025 to the Plat Approval

# **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: KPB 20.25.120. - REVIEW AND APPEAL.

IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.

A DECISION OF THE PLAT 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**

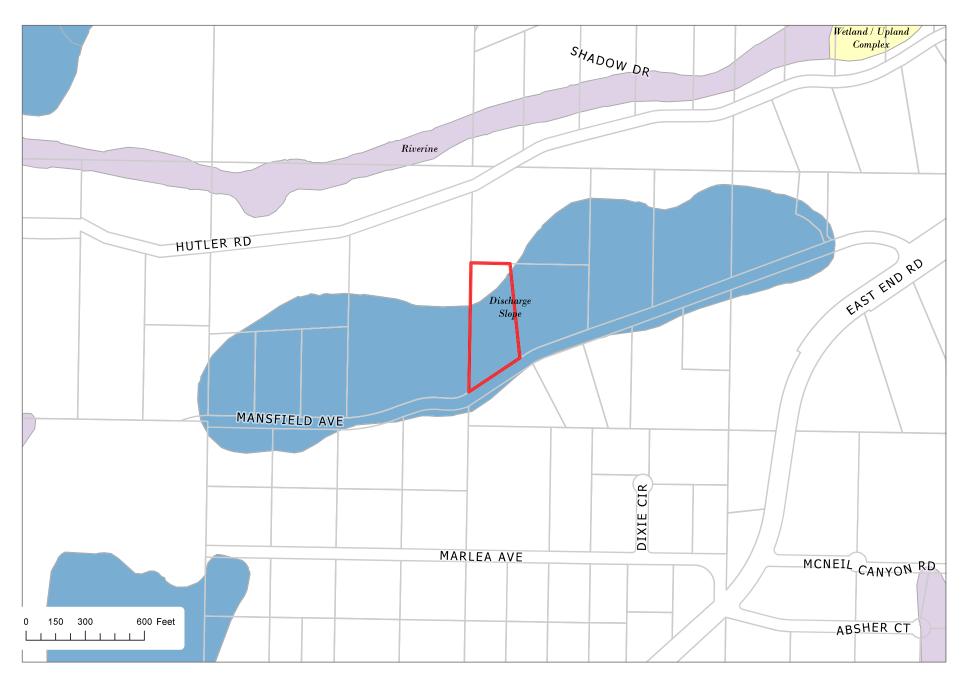
Aerial Map





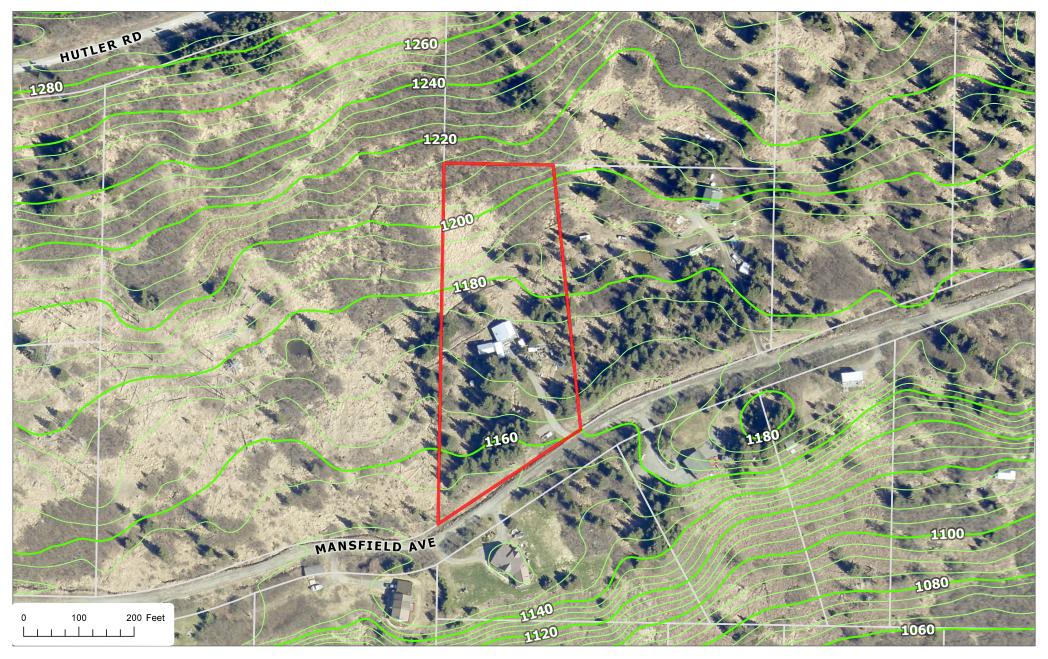
Wetlands

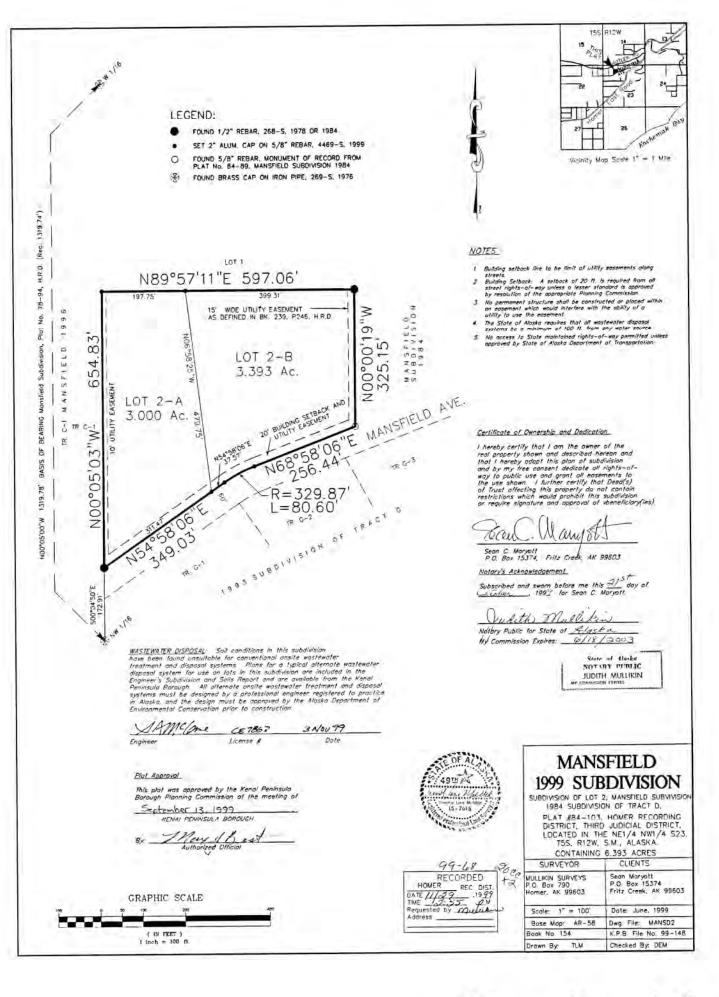


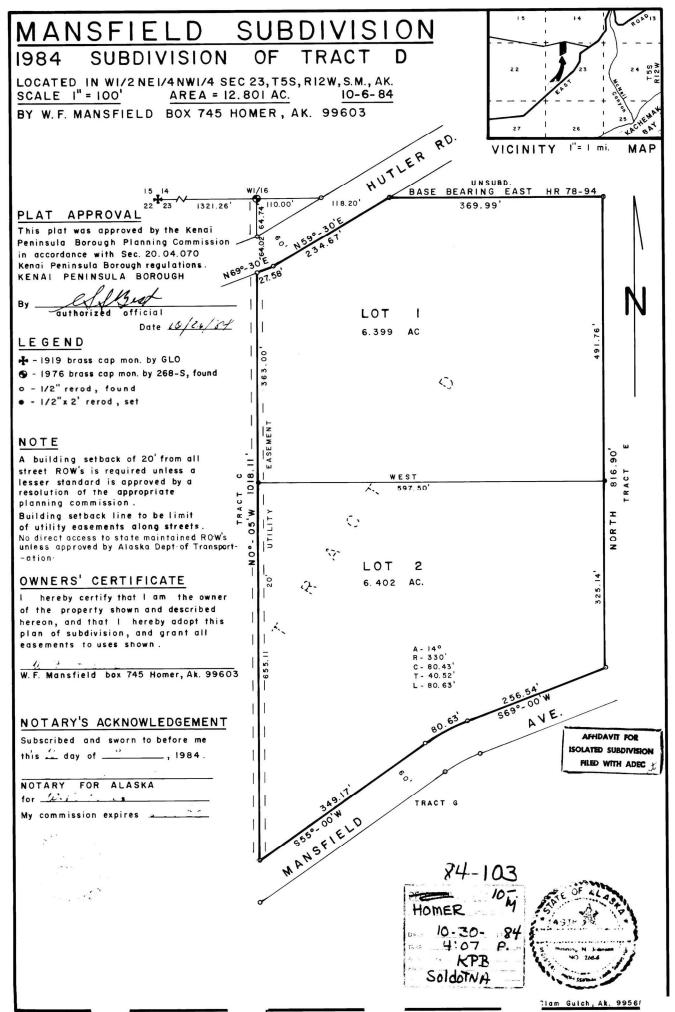


Aerial with 5-foot Contours









E2-13

801-48

WH

