

AGENDA ITEM E. NEW BUSINESS

**ITEM 4 - Woody Acres 2022 Replat**

<b>KPB File No.</b>	2022-006
<b>Plat Committee Meeting:</b>	February 14, 2022
<b>Applicant / Owner:</b>	Keith Daniel and Kaycee Shea Edens of Homer, Alaska
<b>Surveyor:</b>	Stephen C. Smith / Geovera, LLC
<b>General Location:</b>	Melody Way and Old Sterling Highway / Anchor Point

<b>Parent Parcel No.:</b>	171-440-01 and 171-440-13
<b>Legal Description:</b>	Tract 2, Woody Acres No. 3 Plat HM 82-11 Lot 1, Block 1, Windsong Amended Plat HM 79-38
<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 to create one tract that will be 11.6 acres.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located along the Old Sterling Highway between Anchor Point and Homer, northeast of the intersection with Melody Way.

The Old Sterling Highway is a state maintained right of way by a Public Land Order (PLO) easement. The plat as submitted depicts a 150 foot wide PLO. Per comments received from State of Alaska Department of Transportation, a 100 foot PLO is in existence. **Staff recommends the surveyor work with Alaska DOT to determine the correct width and depict the correct easement width.**

Melody Way is a 60 foot wide right of way. A deed granted a portion of Lot 1 and Lot 2 of Windsong Amended, HM 79-38, that portion was then dedicated as right of way for Melody Way on Woody Acres, HM 80-86. Only the eastern portion is constructed and used for access for Tract 3 located south of Melody Way. Melody Way is not a maintained road.

The new lot will have legal access from Old Sterling Highway and Melody Way. Access approval will be subject to Alaska DOT or KPB Roads Department.

The block is not compliant. There are large acreage lots in the area that have not been subdivided. The block along Melody Way is approximately 1,490 feet. Alaska State Land Survey No. 2018-30, HM 2021-35, received an exception not to continue Taylor Street due to wetlands and terrain. The exception allowed the block to stay out of compliance. The block would be improved if Taylor Street had been dedicated to the north. Lot 1 is a long narrow lot and the intent of this platting action is to combine two lots. A dedication along the western boundary would result in a right of way crossing a wetland area. **Staff recommends the plat committee concur that an exception is not required, as a dedication will not provide a closed block, the block length is only 170 feet too long, and any additional right of way dedication will be affected by wetlands.**

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	The PLO Easement for Old Sterling Highway appears to be shown incorrectly. Based on the application date for the N1/2SE1/4 of Sec 20 T5S R14W of August 12, 1952, the September 15, 1956 amendment to SO2665 that changed Sterling Highway from a Feeder (200') to a Through (300') road wouldn't apply to this property. I believe the easement width should be 200' (100' from centerline) rather than 300' (150' from centerline) as shown currently.
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**Site Investigation:** Hilly terrain affects the subdivision and the areas with slopes greater than 20 percent have been depicted on the drawing. Low wet areas are present and depicted on the plat. The appropriate plat note for wetlands is present.

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

**Staff Analysis** Parent Tract 2 was created in 1979 with the recording of Woody Acres, HM 79-107 which was amended with plat HM 80-86. This plat subdivided an aliquot parcel and dedicated Melody Way and Taylor Street. A field survey was not performed for HM 80-86. Woody Acres No. 3, HM 82-11, resurveyed the property and a field survey was performed and created the current boundary information for Tract 2. Parent Lot 1 Block 1 was created in 1977 with the recording of Windsong HM 77-87 which was amended with plat HM 79-38. This plat subdivided an aliquot parcel and dedicated the right of way for the Old Sterling Highway and Melody Way to the west.

This platting action will be 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.

No improvements appear to be present within this subdivision.

Per KPB 20.60.200(A), a field survey is not required if it is only eliminating existing property lines. Plat note 4 states a field survey is not being performed.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Anchor Point 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** Windsong Amended, Plat HM 79-38, did not grant utility easements along the right of way. It did grant a 10' x 30' anchor easement adjacent to the Old Sterling Highway within the southern portion of Lot 1. That easement is now within the Melody Way dedication. Woody Acres Amended, Plat HM 80-86, granted 5 foot utility easements along the southern boundary of Tract 2 and a 30' radius anchor easement. There were no additional utility easements granted by that plat. Woody Acres No. 3, Plat HM 82-11, granted a 20 foot utility easement centered on an existing powerline.

A utility easement was granted by document to Homer Electric Association and is noted within plat note 8. KPBB Code requires a minimum 10 foot utility easement be granted along dedicated right of ways. **Staff recommends the following:**

- *Depict and label the 10 foot utility easements along the right of ways to be granted by this plat.*
- *Include a plat note that reads, "Plat HM 80-86 granted 5 foot utility easements along a portion of Melody Way and a 30 foot radius anchor easement. This plat will be granting an additional 5 foot utility easement for a 10 foot wide utility easement. This plat will be granting 10 foot utility easements along all the right of ways."*
- *Correct the label for the 5 foot utility easement and anchor easement to reference Plat HM 80-86.*

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 objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  69288 MELODY WAY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  OLD STERLING HWY  MELODY WAY</p> <p>Existing Street Name Corrections Needed:  All New Street Names are Approved: Yes  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  69288 MELODY WAY will remain with tract 2-A</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	Reviewer: Wilcox, Adeena Comments: No comment
Advisory Planning Commission	Minutes not received when the 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:** Within the description for Lot 1 include "Excepting South 30 Feet per Book 109 Page 306 HRD"

- 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 to the northwest should be revised to include "Block 4" and the recording number updated to "2021-35"
- Lot 2 located south of Melody Way should be revised to "Lot 2A" and the recording number updated to "2017-088".

**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:** 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.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100 feet. The drawing shall be plotted on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, legible, and in black ink. The minimum text size should be 10 point (0.1") font or the equivalent. Where necessary, 8 point (0.08") capitalized font or the equivalent can be used to label

features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

**Staff recommendation:** *The preliminary plat scale is 1 inch equals 120 feet. The scale must be revised for the final. Comply with 20.60.070.*

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."*
- *"Plat HM 80-86 granted 5 foot utility easements along a portion of Melody Way and a 30 foot radius anchor easement. This plat will be granting an additional 5 foot utility easement for a 10 foot wide utility easement. This plat will be granting 10 foot utility easements along all the right of ways."*

*Revise plat note 4, "No field survey was performed for this replat as permitted by KPB 20.60.200(A). Monuments and dimensions shown are per the record plats."*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *The owners took title with two variations of their names. For their Certificate of Ownership please provide an "AKA..." or "Also took title as..." Comply with 20.60.190.*

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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**