

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - Rappe Gallant Subd Unit 5 No 2

KPB File No.	2021-064
Plat Committee Meeting:	JUNE 14, 2021
Applicant / Owner:	Stephen Rappe
Surveyor:	Jerry Johnson/Johnson Surveying
General Location:	Nikiski, Halbouty Road

Parent Parcel No.:	013-360-45
Legal Description:	Tract A-1C1 Rappe Gallant Subdivision Unit No 5
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 10 acre parcel into two tracts. Proposed Tract A-3 will be 6.1 acres and proposed Tract A-4 will be 3.8 acres.

Legal Access (existing and proposed): Legal access to the subdivision is from Halbouty Road. Halbouty Road is a 100 foot wide right of way that has been improved and is under the State of Alaska DOT jurisdiction. Any new access drives will require approval from AK DOT. The correct plat note is on the drawing.

This plat is within a block that exceeds the maximum block length. The parent plat was granted an exception to extending Sharp Lane to intersect with Halbouty Road. Sharp Lane, if extended in the future, should align with Hillside Drive so that an offset intersection is not created. The lots to the north are too small to be further subdivided and cannot provide a right of way dedication to Daniel's Lake Road. **Staff recommends** that the committee concur that this platting action does not require an exception to KPB 20.30.170 Block Length as there are not right of way dedications that can be made to help comply due to terrain features, existing material sites, and surrounding development.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	The ROW for Halibouty Road is as shown on Kenai Borough ROW Map MA-21037, sheet 4 of 6, and appears to be shown correctly.

Site Investigation: This subdivision contains undulating terrain but is not affected by any low wet areas. There is one residential structure, which will be on proposed tract A-3. Proposed Tract A-4 appears to be contain a material extraction site.

Floodplain Hazard Review	Not within a floodplain.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

Staff Analysis The parent plat was approved in 2010.

In 2020 a conditional land use permit was granted to operate a sand, gravel, or material site by the KPB Planning Commission. Under permit conditions item 11 it states, *'The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a*

material site and all original permit conditions can be met. The owner will need to work with the KPB Planner, Bryan Taylor, for any modifications to the material site permit.

Proposed Tract A-4 will contain the active material site. Tract A-4 is less than 200,000 sq. ft. and is subject to a wastewater analysis report. Tract A-3 is larger than 200,000 sq. ft. and a wastewater analysis report is not required.

Notice of the proposed plat was mailed to the beneficial interest holder on May 11, 2021. 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.

The property is not within an advisory planning commission.

Utility Easements A 10 foot utility easement exists on the north boundary. The front 10 feet of the 20 foot building setback, and the entire setback within 5 feet of the side lot lines, is a utility easement. Both platted easements of record have been carried forward on the preliminary plat.

This plat is affected by a utility easement of record with no defined location per Bk. 31 Pg. 174 KRD. **Staff recommends** the utility easement of record be depicted or noted on the final plat.

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	Reviewed, no comments.
ENSTAR	No comments or recommendations.
ACS	Reviewed, no comments.
GCI	Reviewed, no comments.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 49636 HALBOUTY RD Existing Street Name Corrections Needed: NORTH KENAI RD should be KENAI SPUR HWY on vicinity map LAMPLIGHT RD should be HOLT LAMPLIGHT RD on vicinity map Comments: 49636 HALBOUTY RD will remain with Tract A-3 NORTH KENAI RD should be KENAI SPUR HWY on vicinity map LAMPLIGHT RD should be HOLT LAMPLIGHT RD on vicinity map
Code Compliance – Eric Ogren	This Property has a CLUP for material extraction. The area site plan and CLUP needs to be considered, if necessary an amended CLUP submitted.
Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat. Conditional Land Use Permit CLUP Resolution Number: CLUP Approval Date: 1/1/0001 Material Site Comments: A permit modification or director's exemption is required for the permit.

Assessing – Adeena Wilcox	No comments.
Nikiski Fire Dept.	Nikiski plats look fine for emergency services access. No other comments.
Advisory Planning Commission	N/A

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.

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: Remove "Alpine Excavation" as this entity is not shown as an owner in the certificate to plat. Remove "Brad Rappe and add Stephen Bradley Rappe who acquired title as Stephan Rappe.

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: Revise "North Kenai Road" to "Kenai Spur Hwy". Add a label for Section 34.

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: Revise lot numbers to the north 4,3,2, and 1 for KN 1731 and relabel as 5, 4, 3 and 2. Add a label "block 6 to KN 1731 to the north.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Tract A-3 is larger than 200,000 sq. ft. and is not subject to the soils analysis report. Tract A-4 is less than 200,000 sq. ft. and is subject to the soils analysis report. An exception has been requested for Tract A-4 to not require a soils analysis report.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

Staff recommendation: final plat submittals must comply with 20.60.

EXCEPTIONS REQUESTED:

KPB 20.40 – Wastewater Review for Tract A-4

Surveyor's Discussion: Lot is being used as a gravel pit and will not generate wastewater.

Staff Discussion: Tract A-4 is 3.817 acres or 166,268 sq. ft. Tract A-4 is 33,731 sq. ft. under the KPB limit for requiring a wastewater review. Moving the north boundary of Tract A-4 approximately 107 feet to the north would make Tract A-4 200,000 sq. ft.

The parcel is currently being used as a material extraction site. Low wet areas do not affect Tract A-4.

The parcel may be used for residential purposes. The parcel is large enough to be further subdivided in the future. Any further subdivision of Tract A-4 would require a soils analysis report.

If denied, there are two options to comply with KPB code. Either an engineer can prepare a soils analysis report for Tract A-4, or Tract A-4 can be adjusted to be at least 200,000 sq. ft. in size.

Findings:

1. Tract A-4 is 3.817 acres or 166,268 sq. ft.
2. Tract A-4 is 33,731 sq. ft. under the KPB limit for requiring a wastewater review.
3. Moving the north boundary of Tract A-4 approximately 107 feet to the north would make Tract A-4 200,000 sq. ft.
4. The parcel is currently being used as a material extraction site.
5. Low wet areas do not affect Tract A-4.
6. The parcel may be used for residential purposes.
7. The parcel is large enough to be further subdivided in the future.
8. Any further subdivision of Tract A-4 would require a soils analysis report.
9. To comply with KPB code, either an engineer can prepare a soils analysis report for Tract A-4 or Tract A-4 can be adjusted to be at least 200,000 sq. ft. in size.
10. Any installation of a septic system must be approved by DEC.
11. There appears to be at least 20,000 sq. ft. of area available for septic installation.

Staff reviewed the exception request and based on findings 1, 2, 3, 6, and 9 does not recommend approval.

If the plat committee chooses to grant the exception request, it appears that findings 4, 5, 7, 8, 10, and 11 support standards 1, 2, and 3.

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;
2. 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;
3. 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.

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:

- 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