

AGENDA ITEM E. NEW BUSINESS

ITEM 7 – MOUNTAIN VISTA ESTATES 2022 REPLAT

KPB File No.	2021-147
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Richard A. and Lourdes L. Link of Soldotna, AK Ronald Zahacefski Jr and Elizabeth Churney of Kasilof, AK
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Chip Court, Missing Link Road and Ludy Avenue / Kalifornsky

Parent Parcel No.:	131-420-04, 131-420-31
Legal Description:	Lot 2 Block 4 Mountain Vista Estates Block 4, Plat KN 77-15 and Lot 3A Mountain Vista Estates Link Replat, Plat KN 2008-37
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat reconfigures the shared lot line between two lots. Lot 2A Block 4 will increase from 2.05 acres to 2.140 acres. Lot 3B will decrease from 41.51 acres to 41.42 acres.

Location and Legal Access (existing and proposed): The subdivision is in the Kalifornsky census area near mile 101 of the Sterling Highway. Legal access to the subdivision is from state maintained right of way Sterling Highway to Arc Loop Road to Tobacco Avenue to Missing Link Road. Tobacco Avenue and Missing Link Road are both improved and maintained by the Kenai Peninsula Borough. Lot 2A Block 4 has direct access to Missing Link Road. Chip Court, Swamp Street, Ludy Avenue, and Missing Link Road all provide legal access to Lot 3B with Missing Link Road being the only developed right of way.

Swamp Street is an unconstructed 33 foot right of way dedication that coincides with a 33 foot section line easement. A 50 foot section line easement abuts to the east on State of Alaska DNR land. Any subdivision of the State lands will require a right of way dedication atop the section line easement.

Ludy Avenue is an unconstructed 33 foot wide right of way dedication that coincides with a section line easement. A 50 foot section line easement abuts the dedication and is located within unsubdivided land owned by the Salamatof Native Association. Any future dedication of right of way may be obtained if the lot is subdivided in the future. The eastern portion contains low wet areas and Slikok Creek crosses the right of way. Steep slopes are also present within the right of way.

Chip Court is a 60 foot wide right of way cul-de-sac at the northwest corner of Lot 3B. Per KPB GIS data, it does not appear Chip Court is constructed.

Additional right of way dedications are not being requested at this time. Missing Link Road and Chip Court are full dedications that do not currently require additional width. There are some areas with steep terrain but no slope easements are being requested at this time. Ludy Avenue and Swamp Street have additional widths due to the section line easements. The lot is large enough to be further subdivided to provide additional easements or dedications as needed for future developments.

Brigantine Avenue, Swamp Street, Ludy Avenue, and Missing Link Road provide a closed block. The block lengths do not comply with KPB Code. ***Staff recommends the plat committee concur that an exception is not needed for block length as all lots front on dedicated right of way, any further subdivision can provide right of way dedications, and dedications to improve the block are not needed at this time.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

Site Investigation: There are steep slopes within the subdivision and the top of the steep slopes is depicted. Per KPB GIS contour data, the steep slope continues into Lot 2A Block 4. **Staff recommends the steep slope within Lot 2A Block 4 be verified during the field survey and if existing be depicted on the final plat.**

The eastern portion of Lot 3B is marked as area subject to inundation. Per KPB GIS data, the wetlands may be present further to the west than what is depicted on the preliminary plat. A small pond also appears to be present within Lot 3B. The water body and wetlands should be verified and depicted. **Staff recommends that the wetlands information be verified and an accurate depiction be shown and label the small open body of water located on Lot 3B.**

Slikok Creek is an anadromous stream that has its approximate location depicted and labeled. **Staff recommends the required Anadromous Waters note be added to the plat as well as a note stating a wetland determination may be required for development of the property.**

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 totally or partially within HPD Comments: KPB\maldridge</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis This plat will reconfigure a portion of a shared lot line between two lots. KPB GIS imagery shows that there may be improvements near the lot line. Based on that information and the unusual reconfiguration it appears this platting action may be to resolve an encroachment issues or provide additional area around the residence on Lot 2A Block 4.

Current Lot 2 was originally created with the Mountain Vista Estates Block 4 Subdivision, Plat KN 77-15. Lot 3A is a combination of lots from that same plat as well as Tract C from Mountain View Estates Plat KN 78-163. Those plats granted the right of ways for Ludy Avenue, originally named Vista Avenue, and Swamp Street, originally named Woody's Road.

Per KPB Code 20.40.020(A)(2), a wastewater system review is not required as the lot size for Lot 2A is increasing by more than 1,000 square feet and Lot 3B is larger than 200,000 sq. ft. **Staff recommends** that the wastewater

disposal note be removed and the appropriate wastewater disposal note per KPB 20.40.020.B.2 be added to the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on November 8, 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.

Kalifornsky 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 Plat KN 77-15 depicted the 100 foot Homer Electric Association easement for a transmission line. The depiction is being carried forward. The origins of that easement are not disclosed.

An additional easement was granted to Homer Electric Association by a separate recorded document with the location of the easement undefined. The utility easement of record is identified in plat note 4.

Plat KN 77-15 granted a 10 foot utility easement adjoining Ludy Avenue in the southwest portion of proposed Lot 3B in what was formerly Lot 5. Plat 78-163 granted 5 foot utility easements along Ludy Avenue in the eastern portion of proposed Lot 3B and a 5 foot utility easement along the eastern boundary along Swamp Street in what was known as Tract C. Plat KN 2008-37 carried over the 5 foot utility easement along Swamp Street and provided a 10 foot utility easement along the entire length of Ludy Avenue. Plat KN 2008.37 also granted by plat note a 10 foot utility easement within the building setback that increase to 20 feet within 5 feet of the side lot lines. This provided 10 foot utility easements along the bulb of Chip Court, Swamp Street, and along Missing Link Road within Lot 3-A. With plat note 5, additional 10 foot utility easements will be granted along Missing Link Road within proposed Lot 2A. **Staff recommends** to depict and label the utility easements along Missing Link Road and Chip Court and increase the easement along Swamp Street to 10 foot per KN 2008-37.

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	No comments or recommendations.
ACS	
GCI	Approved as shown.

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 30040 MISSING LINK RD 30078 MISSING LINK RD 30170 MISSING LINK RD Existing Street Names are Correct: Yes List of Correct Street Names: MISSING LINK RD HOOK LN CHIP CT LUDY AVE Existing Street Name Corrections Needed:
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	<p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:</p> <p>30040 MISSING LINK RD will remain with LOT 3B</p> <p>30078 MISSING LINK RD will remain with LOT 3B</p> <p>30170 MISSING LINK RD will remain with LOT 2A</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:</p> <p>There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Bruns, Matthew</p> <p>Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	<p>Comments not received when staff report was prepared.</p>

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.

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation: Ludy Avenue is only dedicated as a 33 foot right of way. KPB information shows a 50 foot section line easement abutting to the south on the Salamatof Native Association lands. Verify the status of the section line easement to the south and depict and label the section line easement on the plat.
- 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:
- Add "Road" to the Arc Loop Road label.
 - The Kenai National Wildlife Refuge is within sections 25 and 36. Depict the boundary and provide a label. KNWR may be used.
 - The subdivision must be depicted with a label such as "This Plat" or "Subject Plat".
- 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:
- The lot on the corner of Missing Link Road and Hook Lane is Lot 14 not 149.

- The recording number for Lot 1 Block 4, adjacent to the subdivision, has a recording number of 77-15.

H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

Staff recommendation:

- The depiction of the low wet areas do not match KPB GIS data. It does appear to match previous plats. Verify the wetlands and provide an accurate depiction.
- Per KPB GIS imagery, a small pond or lake appears to be present near Ludy Avenue within proposed Lot 3B. An approximate boundary of the water body should be depicted. A label should be included to note if it is a seasonal waterbody, small pond, lake, etc.

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.

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

Platting Staff Comments: Slikok Creek is an anadromous stream.

Staff recommendation: Provide the above note. Comply with 20.30.290.

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: Wastewater review not required as Lot 3B is larger than 200,000 square feet and per 20.40.020(A)(2), Lot 2A is adding more than 1,000 square feet, approximately 4,300 square feet.

Staff recommendation: Provide the correct wastewater disposal note per KPB 20.40.020.B.2 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.

20.60.180. 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:

Add the following plat note "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."

Add the required Anadromous Waters Habitat Protection District plat note.

Update the following plat notes.

- Note 3 needs the code reference updated to 20.60.170.
- Wastewater disposal note currently in place may be removed and the following placed.
 - o WASTEWATER DISPOSAL Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: The Certificate to Plat indicates the Link's signature lines should include "AKA Richard Link" and "AKA Lourdes Link" comply with 20.60.190.

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
