

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - CLAM GULCH HEIGHTS 2021 ADDITION

KPB File No.	2021-150
Plat Committee Meeting:	December 13, 2021
Applicant / Owner:	James E. Glendening of Kenai, Alaska Daniel John Sims of Columbia Falls, Montana
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Keener Drive, Bartolowitz Street and Fauerbach Court, Clam Gulch

Parent Parcel No.:	137-370-04, 137-370-05, 137-370-06, 137-370-07
Legal Description:	Lots 4, 5, 6 and 27, Clam Gulch Heights Glendening 1979 Subdivision Plat No 81-135
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat creates three lots from four lots and finalizes a right of way vacation of Fauerbach Court including the associated utility easements.

Location and Legal Access (existing and proposed): The subdivision is located in the Clam Gulch area, near mile 117 of the Sterling Highway. The four parent lots have access from Fauerbach Court, a 60 foot wide right of way that ends in a cul-de-sac. Former Lot 6 has secondary access from Keener Drive.

If approved by the KPB Planning Commission and the KPB Assembly, this plat will finalize the vacation of Fauerbach Court.

The new lot configuration will result in Bartolowitz Street providing access to proposed lots 4A and 27A. Bartolowitz Street is a 60 foot wide right of way that is partially constructed and not maintained by the borough. Proposed Lot 5A is the combination of Lots 5 and 6 and will have access off Keener Drive, a 50 foot wide borough maintained right of way. Both Keener Drive and Bartolowitz Street are located off Russell Avenue, a 60 foot wide borough maintained right of way that connects to the Sterling Highway.

The block is irregular in design. The block does close but some of the lengths exceed code requirements. Sterling Highway, Russell Avenue, Bartolowitz Street, Kizer Avenue, Glendening Street, and Sesame Avenue define the block. Fauerbach Court is a cul-de-sac, intended to remain permanently closed, and does not provide any improvement to the block requirements. ***Staff recommends the Planning Commission concur that an exception is not required, as any required dedications will not improve the block.***

Keener Drive was dedicated on Clam Gulch Heights Glendening 1979 Subdivision, Plat KN 81-135. It was dedicated as a 50 foot wide right of way without a cul-de-sac at the end. Beary Tracts #2, Plat KN 2008-88, provided the cul-de-sac right of way dedication. The cul-de-sac is in alignment with the 50 foot width of Keener Drive.

Keener Drive will provide access to four lots. Three of the four lots have other access available. Keener Drive is constructed and maintained by the Kenai Peninsula Borough. Per KPB Code, right of ways widths shall be a minimum of 60 feet. Additional dedication of 10 feet is required to create a compliant right of way. If this plat were to dedicate 10 feet, or 5 feet with the expectation to receive 5 feet from the lots on the other side of the right of way, it will not align with the platted cul-de-sac. ***Staff recommends that the Planning Commission concur that an exception is not required and additional right of way dedication is not required at this time as KPB already maintains this road, it serves four parcels, and any right of way dedication will not align with the cul-de-sac bulb.***

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

Site Investigation: The subdivision does not contain any low wet areas. Contours are present with shading for the areas with steel slopes over 25 percent. The steeper slopes are not located along the right of ways. The steep slopes will be located within proposed Lot 5A and 27A. The access to Lot 5A will be from Keener Drive.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
-------------------------	---

Staff Analysis The plat will be finalizing a right of way vacation and associated utility easements. The current lot configuration and right of way dedication were created by Clam Gulch Heights Glendening 1979 Subdivision, Plat KN 81-135.

Lot 5 and 6 will be combined along with a portion of the cul-de-sac to create Lot 5A and will be 4.007 acres. Lot 4 and Lot 27 will both receive half of the right of way being vacated. Lot 4 will be Lot 4A and will increase from 1.85 acres to 2.071 acres. Lot 27 will be Lot 27A and will increase from 1.729 acres to 1.953 acres.

A soils report will not be required. Per KPB 20.40.020(A)(2), lots increasing in size by 1,000 square feet or more of area suitable for conventional development, a wastewater system review is not required.

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.

The property is not within an advisory planning commission.

Utility Easements Clam Gulch Heights, Plat KN 72-61, did not grant any utility easements within the proposed subdivision. Clam Gulch Heights Glendening 1979 Subdivision, Plat KN 81-135, granted the area affected by the 20 foot building setback as the limits for the utility easements. A 20 by 30 anchor easement was also granted within Lot 5 off the bulb for Fauerbach Court.

The right of way vacation will include the vacation of the utility easements adjoining Fauerbach Court as well as the 10' x 30' anchor easement. A 20 foot wide utility easement will remain in place adjoining Bartolowitz Street within the vacated right of way. Full 20 foot utility easements will be adjoin Bartolowitz Street and Keener Drive rights-of-way.

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 objections
ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

Addressing	<p>Affected Addresses: 55450 FAUERBACH CT 17635 BARTOLOWITZ ST 17610 KEENER DR 17615 BARTOLOWITZ ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: FAUERBACH CT BARTOLOWITZ ST KEENER DR KIZER AVE</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 55450 FAUERBACH CT will be deleted. 17635 BARTOLOWITZ ST will remain with lot 4A. 17610 KEENER DR will remain with lot 5A. 17615 BARTOLOWITZ ST will remain with lot 27A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No comment</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.

- 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: Update the label for C.G. Wayside to Clam Gulch Road. Provide a label for Clam Gulch Recreational Area that is within sections 20, 28, and 29.

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 report is not required as all lots are increasing by more than 1,000 square feet. Add the required plat note.

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.

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: Provide a plat note for the utility easement of record as recorded in Bk. Misc. 3 Pg. 128a, Kenai Recording District. Comply with 20.60.150.

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.

- Subject to covenants, conditions, and restrictions recorded within the Kenai Recording District in Book 513 Page 542 and amended in Book 536 Page 510.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- 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 Book Misc. 3 Page 128a within the Kenai Recording District. No definite location given.
- WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Within plat note 1, correct the recording number to 81-135.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Make sure the former lots are listed with the signature lines. Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. *Plat must be recorded within one year from Assembly consent or new petition will be required for the right of way vacation.*

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