

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - Shady Acres Lot 14 Plat Waiver

KPB File No.	2021-149
Plat Committee Meeting:	December 13, 2021
Applicant / Owner:	Rebecca A. Turner of Homer, Alaska Sheryl Combs, Sheela Lloyd, and Joyce Matthews all of Anchorage, Alaska
Surveyor:	None
General Location:	Wahoo Street, Leann Avenue, Solitude Street and Ashley Avenue / Funny River

Parent Parcel No.:	066-050-26
Legal Description:	Lot 14 Shady Acres, Plat No KN 2003-100
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat waiver will subdivide a 23.568 acre lot into four aliquot lots being 5.9 acres more or less.

Location and Legal Access (existing and proposed): The parent lot is 24 acres with dedicated right of way bordering along all sides. Leann Avenue (60 feet wide), Solitude Street (60 feet wide), Ashley Avenue (30 feet wide), and Wahoo Street (60 feet wide) define the block and surround the lot.

Some clearing appears to exist within portions of the right of ways. Per KPB GIS data, none of the right of ways are maintained. Leann Avenue is located near mile 14 of Funny River Road, a state maintained right of way. To the west of the subdivision, Ashley Avenue intersects Rabbit Run Road, a state maintained right of way that intersects with Funny River Road and Leann Avenue.

An 80 acre private parcel is located to the south of Ashley Avenue and will be required to provide a matching dedication when subdivided in the future.

A 33 foot section line easement is located within the area of the Leann Avenue right of way and will affect Lot 14A and 14B.

The block is closed and compliant to length requirements.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
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Site Investigation: The subject area is relatively flat and contains no low wet areas.

Improvements appear to be in place within the area that will be designated as Lot 14A.

The property north of Leann Avenue has been subdivided and is the Funny River Grove local option zoning district. The subject property is not within a local option zoning district.

The parcel is not affected by a material site.

KPB River Center review	A. Floodplain
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	<p>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>
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Staff Analysis The proposed plat waiver will subdivide a 23.57 acre lot into four aliquot parcels. The parent parcel is Lot 14 of Shady Acres, Plat KN 2003-100. Shady Acres was a subdivision of an aliquot parcel that was 80 acres in size. That subdivision dedicated the 60 foot wide Wahoo Street as well as 30 foot wide dedications for Leann Avenue, Solitude Street, and Ashley Avenue.

Each of the proposed lots are over 200,000 square feet. A soils analysis report is not required.

Funny River 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.

The 20 foot building setback per KN 2003-100 will carry forward with the plat waiver.

Lot 14 will be subdivided by aliquot division with the boundary lines established at the midpoint of the north, east, south and west boundaries and extended to the opposite boundary midpoint location. Lot 14A will be the northwest aliquot division, Lot 14B will be the northeast aliquot division, Lot 14C will be the southwest aliquot division, and Lot 14D will be the southeast aliquot division.

Utility Easements Shady Acres, Plat KN 2003-100, granted 10 foot utility easements adjoining the dedicated right of ways. An additional 100 foot wide electrical transmission line easement is within the lot and will remain within proposed Lot 14D. No new utility easements will be granted and all existing utility easements will remain in place.

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 34475 LEANN AVE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: LEANN AVE WAHOO ST ASHLEY AVE SOLITUDE ST</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:</p>
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	34475 LEANN AVE will remain with lot 14A.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	
Assessing	Reviewer: Wilcox, Adeena Comments: No comment
Advisory Planning Commission	Comments not received when staff report was prepared

The applicants wish to replat a 23.57 acre lot into four 5.90 +/- acre lots. If the Plat Waiver is approved, staff recommends the sketch be recorded with the resolution, as an attachment to and as the final page of the resolution. The following are the requirements to qualify for a plat waiver as outlined in KPB Code.

KPB 20.10.050 – Plats-Required when – Waivers

- A. Waiver standards. A plat, prepared and submitted in accordance with the applicable provisions of this title, is required for all subdivisions of land, except for subdivisions which qualify under the provision of AS 29.40.090(b), provided an application is submitted with satisfactory evidence to support a finding that:
1. A single existing division of property is not subdivided into more than four lots.
The sketch shows four lots. This condition has been met.
 2. Legal and physical access is provided to a public highway or street for each lot created by the subdivision.
The property adjoins Wahoo Street (60'), Leann Avenue (60'), Solitude Street (60') and Ashley Avenue (30') as dedicated by the parent plat (KN 2003-100). The right-of-way match for Ashley Avenue will be obtained with the 80 acre parcel to the south when subdivided. This condition has been met.
 3. The subdivision does not contain or require a dedication of a street, public right-of-way, or other area.
No additional public right-of-way or other area is required to be dedicated. This condition has been met.
 4. The subdivision does not require a vacation of a public dedication of land.
The subdivision is not vacating a public dedication of land. This condition has been met.
 5. The subdivision does not require a variance from KPB Title 20 Subdivision regulations.
No exceptions to KPB Code are required. This condition has been met.
 6. Each lot created by the subdivision is five acres or larger.
Each new parcel will be 5.90 +/- acre lots. This condition has been met.
- B. Notice. In addition to the requirements for notice by publication in this title, all beneficial interest holders in the land subject to the plat waiver application who have not provided written non-objection to the plat waiver shall be given notice of the waiver application and the planning commission hearing at least 30 days prior to the planning commission meeting where the waiver will be considered. Applications for plat waivers within a city shall be submitted to the city by the subdivider for comment at least 30 days prior to submittal to the borough for planning commission consideration.
Platting staff comments: *The property is not within a city. The Certificate to Plat did not contain any beneficial interest holders.* This condition has been met.
- C. All plat waivers must meet the following requirements:

1. A certificate of ownership for plat waiver, which meets the requirements of KPB 20.60.190(A)(2) for a certificate to plat, shall be submitted with the application. The certificate of ownership shall be updated and be current to no earlier than three business days prior to the planning commission meeting where the waiver is scheduled for consideration.

Platting staff comments: *A Certificate to Plat was provided with the submittal. This condition has been met.*

2. A certificate from the borough finance department must be obtained indicating that all taxes due and payable on the land subject to the waiver application have been paid.

Platting staff comments: *The 2021 borough property taxes have been paid. If the resolution is not recorded prior to December 31, 2021, the estimated taxes for 2022 will be required to be paid in full prior to recording of Plat Waiver Resolution 2021-36. This condition has been met.*

- D. Upon satisfactory showing by the subdivider that all provisions of KPB 20.10.050 (A), (B), and (C) have been met a waiver of the preparation, submission for approval, and recording of a plat shall be granted by resolution of the commission which shall be recorded in the appropriate district within 30 days after adoption or the waiver shall lapse. The applicant shall pay a plat waiver fee in the amount listed in the current Kenai Peninsula Borough Schedule of Rates, Charges and Fees, and recording fees. **All of the requirements of KPB 20.10.050 have been met.**

Staff recommendation: the Planning Commission adopt KPB PC Resolution 2021-36, thereby approving the requested plat waiver, subject to:

1. Submittal of a certificate from the borough finance department that all taxes due and payable on the land subject to the waiver application have been paid.
2. Submit an updated Certificate to Plat current to no earlier than three business days prior to the planning commission meeting and is valid for 30 days.
3. The Planning Department is responsible for filing the Planning Commission resolution.
4. The applicant will provide the recording fee for the resolution and exhibit drawing to the Planning Department.
5. File the PC Resolution, with the exhibit drawing, in the appropriate recording district after the deadline to appeal the Planning Commission's approval has expired (15 days from the date of the notice of decision) unless there are no parties with appeal rights.
6. The Plat Waiver will be recorded within 30 days after adoption or the waiver shall lapse.
7. The Plat Waiver is subject to all notes, easements, set-backs, and dedications as delineated on Plat No. 2003-100.

Staff Note: A plat waiver does not constitute a survey. A field survey and monumentation of lot lines is not performed. A Record of Survey will be required to find true property boundaries.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

GRANT APPROVAL OF THE PLAT WIAVER SUBJECT TO STAFF RECOMMENDATIONS AND SUBJECT TO THE CONDITIONS LISTED.

NOTE: 20.25.120. - REVIEW AND APPEAL.

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