

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - BARABARA HEIGHTS SUBDIVISION GRIFFITH ADDITION

<b>KPB File No.</b>	2021-156
<b>Plat Committee Meeting:</b>	January 10, 2022
<b>Applicant / Owner:</b>	Christina and Russell Griffith of Kenai, Alaska
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edgy Survey and Design, LLC
<b>General Location:</b>	Marrs Lane, Seldovia Village

<b>Parent Parcel No.:</b>	191-340-11
<b>Legal Description:</b>	Lot 6 Block 14 Barabara Heights Subdivision Plat SL 79-6
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 3.23 acre lot into two lots that will be 1.61 and 1.62 acres. The plat is also proposing to finalize a utility easement vacation.

**Location and Legal Access (existing and proposed):** The subdivision is located seven miles northeast of the City of Seldovia in the area considered Seldovia Village. The proposed lots will front on Marrs Lane, a 100 foot wide dedicated right of way that is maintained by the Borough. Marrs Lane intersects Mine Loop Road to the east and west. Mine Loop Road is a 100 foot wide dedicated borough maintained right of way. Mine Loop Road connects at two points to Jakolof Bay Road. Jakolof Bay Road is a 100 foot wide right of way that is maintained by the State of Alaska.

The subdivision is within a closed block. The block is unusual in shape as it is a circle made up of two roads with two intersections. The length from intersection to intersection exceed allowable limits. The parent plat, completed in 1979, created this irregular block. Any new dedications from this subdivision will not improve the block length. The lot to the south, Lot 4 Block 14, is a prior existing use gravel pit for the Seldovia Native Association. To improve the block with this subdivision would require a future dedication along or through the prior existing use material site. **Staff recommends the plat committee concur that an exception or dedications are not required, as the block cannot be improved by this plat.**

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

**Site Investigation:** Kenai Peninsula Borough GIS Data does not have data for wetlands or contour information in this area.

The steep slopes have been depicted on the preliminary plat. Steep slopes affect Lot 6A along Marrs Lane and affect both lots at the southern points.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection
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	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks Reviewer: Russell, Pam Comments: No Comments
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**Staff Analysis** The proposed subdivision will be dividing Lot 6 Block 14 of Barabara Heights Subdivision, Plat SL 79-6, into two lots. The lot was created with the recording of Barabara Heights Subdivision plat which subdivided 1,100 acres of land owned by the Seldovia Native Association. In 2009, Lot 6 Block 14 was sold as part of the Kenai Peninsula Borough Tax Foreclosure Sale.

Per Kenai Peninsula Borough Assessing information, a dwelling is located on the property. Per Kenai Peninsula Borough GIS imagery the structure will be on proposed Lot 6A.

A prior existing use permit for a material site is located to the south on Lot 4 Block 14 which is owned by the Seldovia Native Association. Lot 5 and Lot 3, which are on each side of Lot 4, are also owned by Seldovia Village Tribe. The existence of the material site should not affect the subject parcel.

A soils report will be required and an engineer will sign the final plat.

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** Barabara Heights Subdivision, SL 79-6, granted 20 foot wide utility easements adjoining dedicated right of ways. The easement adjoining the right of way will remain in place and is depicted and noted on the plat.

The parent plat also granted 15 foot wide utility easements adjoining each side of all other lot lines resulting in a total width of 30 feet. A petition to vacate the 15 foot utility easements has been received and is scheduled to be heard by the Kenai Peninsula Borough Planning Commission at the January 10, 2022 meeting. If the vacation is approved it is proposed to be finalized by this subdivision 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	
ENSTAR	
ACS	
GCI	

**KPB department / agency review:**

Addressing	
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer:

	There are not any Local Option Zoning District issues with this proposed plat.  Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.

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:**

- Update the owners' address to "47580 Sunflower Street".
- Update the acreage as per KPB records and the acreage listed on the lots it should be 3.239.
- Verify the scale used.
- If finalizing the utility easement vacation by the plat, add to the description "and finalizing utility easement vacations".

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:**

- Provide a depiction and label for the Seldovia City Limits within Section 32.
- Correct the spelling of the creek name to "Wadsworth".

#### **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.

#### **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:** A soils analysis report will be required and an engineer will 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.

### 20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

**Staff recommendation:** In the legend (R2) is listed as KPB GIS data. This reference designation is used on the ties to the subdivision from GLO monuments. The tie bearing and distance must be measured in the field, computed, or taken from other survey records. GIS Data does not qualify as an allowable record for bearings and distances. Comply with 20.60.110.

### 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.

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.

*The book and page referenced in plat note 4 needs corrected to Book 22 and Page 982.*

### KPB 20.70 – Vacation Requirements

**Staff recommendation.** If finalizing the utility easement by plat, it must be recorded within one year of the vacation approval.

## **EXCEPTIONS REQUESTED:**

### **A. KPB 20.30.190 – Lots-Dimensions** (3:1 depth to width ratio Lot 6A)

Surveyor's Discussion: With the parent parcel being pie shaped and the steep slopes the surveyor was limited on new parcel design to accommodate useful areas for development. The length to width ratio is near borough code requirements being off by just a few feet. The development trend in the area is recreational property, with no development on adjacent parcels at this time therefore the size ratio of the parcel being re-platted have no

immediate effect on neighboring parcels.

Staff Discussion: The parent lot was created as a triangle lot. The proposed subdivision will create almost two equal sized lots that are also triangle shaped. Lot 6B complies with the depth to width ratio but Lot 6A is 3.3:1

**Findings:**

1. KPB Code allows a 3:1 depth to width ratio for lots.
2. Lot 6A has a depth to width ratio of 3.3:1.
3. The parent lot was a compliant triangle shaped lot.
4. The new lots follow the same design of the parent lot but smaller.
5. Lot 6B has a depth to width ratio of 2.9:1.
6. Steep slopes exist along the southern portion of the lots.
7. Both lots will contain areas that can be developed with residential improvements.
8. A wastewater soils analysis will be required to show the soils types and what type of wastewater system can be installed.

Staff reviewed the exception request and recommends granting approval.

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;  
**Findings 4, 7, 8 appear to support this standard.**
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;  
**Findings 4, 7, 8 appear to support this standard.**
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.  
**Findings 4, 7, 8 appear to support this standard.**

**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

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**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