

AGENDA ITEM E. NEW BUSINESS

ITEM 7 – VOZNESENKA LOT 11 REPLAT

KPB File No.	2021-166
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Trofim Martishev and Edvokia Martishev (deceased) of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Voznesenka Loop and Chorus Drive, Fox River

Parent Parcel No.:	185-211-14
Legal Description:	Lot 11 Voznesenka Subdivision, Plat HM 85-31
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	Community / On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.07 acre parcel into two lots. The lots will be 1.319 acres and 1.754 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located in the Voznesenka community near milepost 22 of East End Road in the Fox River census region. The subject parcel is located on the corner of Voznesenka Loop, a 60 foot wide borough maintained right of way, and Chorus Drive, a 60 foot wide unmaintained right of way.

Proposed Lot 11A will remain a corner lot with access available from both right of ways. There are improvements in place on Lot 11A and current access is from Chorus Drive. Proposed Lot 11B will have access via Chorus Drive.

The parcel is located within an open block. The 28 acre parcel to the northeast is owned by the State of Alaska and affected by very steep terrain. It is unlikely that the tract to the east will be subdivided in the future. This subdivision is on a corner so providing a dedication to improve the block requirements will be difficult. Chorus Drive continues to the southeast with a 30 foot wide dedication. Steep terrain is throughout the parent subdivision and right of ways were placed over existing right of ways or within locations that were the most practical. Improvements appear to be in place on other lots making it difficult to receive continuing dedications. Steep slopes are present in the area the road would intersect the existing right of way. ***Staff recommends that the plat committee concur that exceptions to block length and proposed street layout requirements are not required, and no dedications are requested due to existing terrain, existing improvements, and inability to improve the block or provide adequate continuation of the right of way in the future.***

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

Site Investigation: The plat shows the areas with low wet areas and the appropriate plat note is in place. The plat also depicts the steep slopes by shading the areas with more than 20 percent slopes. Steep slopes appear to be near the right of way dedications but the right of ways were dedicated and constructed to follow the terrain for the most practical locations. Additional slope easements or rights of way were not requested by the Roads Department.

Older KPB GIS imagery makes it appear that a driveway or ditch exists on Lot 11B and may cross into Lot 11A. Reviewing imagery from 2021, it appears that the area is now grown over. It may at one time had been used as an access or for possible utility needs. Unless determined to be something more significant during the field survey,

staff feels this does not need to be addressed.

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>
Alaska State Fish and Game	No objections

Staff Analysis U.S. Survey 3354 created Lot 1, a 160 acre parcel. There were no road dedications or easements granted by US Survey 3354 although the plat did indicate a tractor trail, which would later be the southern portion of East End Road. Voznesenka, Plat HM 85-31, subdivided Lot 1 into various lots, tracts, and dedicated the right of ways within the community. Plat HM 85-31 established the 20 foot building setbacks along the right of way dedications, 10 foot utility easements along all lot lines, and a 40 foot utility easement adjoining the northeast boundary.

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

Due to an eight week delay with the title companies, the Certificate to Plat has not yet been delivered. In the interest of time, **Staff recommends that the plat committee concur that the plat can be reviewed at this time and Staff can review the certificate to plat when it is delivered. Staff will bring the plat back to the plat committee if there are any items in the report that need to be addressed.**

If a beneficial interest holder affects the property, then staff will send notice of the proposed plat to the beneficial interest holder on. 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.

If the property is not affected by a beneficial interest holder, then notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states beneficial interest holders affect the property.

Kachemak Bay 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 The parent plat, Voznesenka HM 85-31, granted 10 foot utility easements along all lot lines. These easements are depicted and labeled correctly on the plat. An additional 40 foot utility easement exists along the northeastern boundary and an overhead powerline is located within the easement. This easement is also depicted and labeled correctly.

If the Certificate to Plat identifies any additional easements of record then, **Staff recommends that the easements of record be depicted and noted on the 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	No comment
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 46670 CHORUS DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CHORUS DR VOZNESENKA LOOP</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 46670 CHORUS DR will remain with lot 11A</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	Comments not received prior to the staff report being prepared.

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:

- *The description of the plat may be shortened as "former Lot 1 U.S. Survey 3354 & the SW1/4 of protracted" can be replaced with "the SW ¼ of Section 25, ..."*
- *The certificate to plat was not available when the staff report was prepared. Ownership will need to match the certificate to plat and/or be updated to depict the correct status of Edvokia Martishev if the title has not been updated.*
- *Verify and update the owner's address. KPB Assessing records indicate a PO Box is being used.*

- 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:

- *Provide a width label for the 30 foot wide portion of Chorus Drive.*
- *It is recommended to include either the subdivision name or the recording number for any surrounding lots that are not within the same parent subdivision of the subject parcel.*
- *Lot 7A, located east of Chorus Drive, has been subdivided into two new lots. Update the lot depiction and labels per HM 2017-38.*

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.*

20.30.240. Building setbacks.

- A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

- B. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

- C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Correct the depiction of the 20 foot building setback at the intersection of Voznesenka Loop and Chorus Dr.*

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.

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: comply with 20.60.030.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100 feet. The drawing shall be plotted on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, legible, and in black ink. The minimum text size should be 10 point (0.1") font or the equivalent. Where necessary, 8 point (0.08") capitalized font or the equivalent can be used to label features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

Staff recommendation: Within the title block, correct the drawing scale to 1" = 50'. Comply with 20.60.070.

20.60.090 Improvements-Other public systems. A final plat of a subdivision outside city limits served by a public or existing ADEC approved water or wastewater disposal system shall not be approved prior to provision of documentation from the owner of the system that service to the system is installed and available to each lot in the subdivision, and that connection to all lots will not exceed the capacity of the system.

Staff recommendation: Per plat note 5, the lots will be served by a public water system. Documentation will be required that states both lots are connected and being served by the public water system or that the system is adequate to allow both lots to connect.

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

Staff recommendation: The interior lot line appears to be the same thickness as the boundary. Adjust the thickness so that the boundary is wider.

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:

- Correct plat note 4 as it contains some additional spacing between "Federal" and "Permits".
- Correct the spelling of project in plat note 5.
- Plat note 2 is not required unless encroachments are detected during the field survey. If so, those encroachments should be disclosed with the submittal of the final.
- It is suggested to divide plat note 1 into two plat notes. The first portion discusses the setback with no mention of easements as they were previously granted. For that reason, a separate note regarding no permanent structures may read better.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: This will need to be reviewed with the submittal of the certificate to plat. If the title is still in both names, adjust the certificate to plat to the singular and add to the signature line the following.

Trofim Martishev, as owner and as
Surviving spouse of Edvokia Martishev

Verify the address that should be listed for the owner. The notary will need to be revised to comply with the signature requirements. Comply with 20.60.190.

RECOMMENDATION:

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