

AGENDA ITEM E. NEW BUSINESS

ITEM 9 - HOMEWOOD SUBDIVISION GROTE REPLAT

KPB File No.	2021-162
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Timothy R. and Sandra J. Grote of Sterling, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Joshua Tree Avenue, Sterling

Parent Parcel No.:	063-550-76, 063-550-77
Legal Description:	Lots 2A1 and 2A2, Block 1, Homewood Subdivision Howarth Addition, Plat KN 2009-62
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Application does not state (onsite)

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots by removing the shared lot line to create one lot that will be 2.27 acres.

Location and Legal Access (existing and proposed): The replat is located on Joshua Tree Avenue, a 60 foot wide borough maintained right of way. Joshua Tree Avenue connects with the west side of Robinson Loop Road which is a state maintained right of way that intersects the Sterling Highway near mile 87.5.

The subdivision is within an open block defined by Robinson Loop Road, Joshua Tree Ave and Birkenweg Street. To the north and west of the block is a large 100 acre parcel with a prior existing use material site permit that has been in use since 1986. The block length along Joshua Tree Avenue is compliant. The large acreage lot to the north can be further subdivided and will be required to provide dedications that improve the block. The portion of the lot north of the proposed subdivision has improvements that will need to be considered when dedicating right of ways. **Staff recommends** the plat committee concur that a right of way dedication is not required, as any dedication within this subdivision will not improve the block requirements and development to the north would affect the location of right of ways.

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

Site Investigation: The property within the subdivision does not appear to contain any low wet areas. The area is relatively flat with no steep slopes present.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD
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	Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
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Staff Analysis The property within this subdivision was originally a 160 acre homestead that was subdivided by Homewood Subdivision, Plat KN 77-81. Homewood Subdivision Simons Addition No. 2, Plat KN 2006-131, adjusted a shared lot line between two parcels. Those parcels were then part of Homewood Subdivision Howarth Addition, Plat KN 2009-62, and created the current lot configurations. This plat will combine Lots 2A1 and 2A2 into one parcel.

Per KPB 20.60.200(A), a field survey is not required as only a lot line is being removed. Per plat note 1, this is a paper plat only and no field survey is being performed.

A soils report is not required, as this platting action will be combining lots to create more usable area. The parent subdivision did submit a soils report for approval. **Staff recommends the current plat note be revised to reflect a previous soils analysis report was performed.**

Notice of the proposed plat was mailed to the beneficial interest holder on December 13, 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.

The property is not within an advisory planning commission.

Utility Easements A five foot clearing easement was granted along Joshua Tree Avenue per Plat KN 77-81, Homewood Subdivision.

Homewood Subdivision Simons Addition No. 2, Plat KN 2006-131, replatted the property, and granted the front 10 feet along the right of way and 20 feet within 5 feet of the side lot lines as a utility easement. A powerline was depicted showing the location to be 2.5 feet south of the north property line. No notes or labels indicate an easement was granted for the existing powerline.

Homewood Subdivision Howarth Addition, Plat KN 2009-62, reconfigured the property and carried over the five foot clearing easement. The plat also granted 10 foot utility easements along the dedicated right of way and 20 feet within 5 feet of side lot lines. Additionally a 20 foot utility easement was granted adjoining the northern boundary. A plat note stated, "Centerline of existing powerline is also the centerline of a 20' wide easement."

The preliminary plat correctly depicts and labels the 5 foot clearing easement with reference to Plat KN 77-81. A plat note indicates the 10 foot utility easement and 20 feet within 5 feet within the side lot lines as previously stated on parent plats. The parent plats had granted 20 foot utility easements within 5 feet of the side lot lines. Those easements still exist and shall be depicted at the location of the former lot lines. **Staff recommends the utility easements of record be depicted, including the 20 x 5 (20 x 10) portions along former lot lines and the plat note be revised to read, "Front 10 feet adjacent to dedicated right of ways, increasing to 20 feet within 5 feet of the side lot lines, is a utility easement. No permanent..."**

The 20 foot utility easement along the northern boundary is shown and the plat note is carried over regarding the existing powerline. As there is no depiction of a powerline and the easement does not have a note reference, it is unclear that the two items are related. A parent plat stated the powerline was 2.5 feet into the property and later it was stated on a plat that the line was centered within a 20 foot utility easement that would result in a 12.5 foot wide utility easement along the northern boundary. The powerline easement would be fully contained within the 20 foot

utility easement that was granted. **Staff recommends** the easement depiction include “as granted per KN 2009-62”. **Staff recommends** the power line be depicted and labeled as shown on plat KN. 2006-131.

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	Reviewer: Haws, Derek Affected Addresses: 38420 JOSHUA TREE AVE Existing Street Names are Correct: Yes List of Correct Street Names: BIRKENWEG ST JOSHUA TREE AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 38420 JOSHUA TREE AVE will remain with LOT 2B
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Aldridge, Morgan 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

Staff recommends removing overstrikes from the survey marker symbols depicted on the plat.

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.

- 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 proposed 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:

- Lot 3A1, located east of the subdivision, needs a "Block 1" label added.
- South of the subdivision, Lots 2A and 2B, the recording number should be updated to "98-90"
- Lot 3 Block 2, located southeast of the subdivision, has been replatted. Provide the correct depiction and provide a label for Lot 3A Block 2, KN 2014-62. The label for Lot 3B is not required but if the lot is depicted also provide a label.

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: Depict and label the building setback.

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: This subdivision is combining two lots, which will provide additional areas for wastewater removal. A soils analysis report is not required. A soils analysis report was prepared for the parent plat.

Staff recommendation: Remove plat note 4 and provide the following plat note, "WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on September 8, 2008. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation." 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: *A field survey was not performed and all data is from record. Correct the bearing on the north boundary to match the record plat. If information shown is computed, it should be noted as such. 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.*

Remove plat note 6 and reword note 10 to comply with 20.40.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Add Sandra Grote's middle initial to her signature line. Correct the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *The subdivision is combining lots and per 20.60.200(A), a field survey is not required. Not required but requested, provide a bearing and distance from the NE1/16 marker to subdivision boundary. Comply with 20.60.200*

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