

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - MADSON SUBDIVISION TRACT A AND TRACT B

KPB File No.	2021-164
Plat Committee Meeting:	January 10, 2022

STAFF REPORT - ADDENDUM

After the staff report was prepared, the surveyor responded with comments to the staff report. The addendum was prepared to respond to some of the comments and to request an exception to the platting standards. The surveyor comments are shown within boxed screenshots and blue quoted text. Staff responses follow the bold **Staff Discussion:** label.

Alaska Mental Health Trust Authority owns the 80 acre parcel located to the west of the subdivision. Chugach National Forest is located further to the west. The only legal access to the 80 acre parcel is via the section line easement on the north boundary. Per KPB 20.30.030, continuation or appropriate projections of right of ways, and KPB 20.30.170 Block Length, right of way dedications are required to be extended west from the State of Alaska right of way tracts, Lot 35 and Lot 36. This would provide adequate access to the 80 acre parcel to the west. **Staff recommends this plat provide the following right of way dedications.**

- A minimum 30 foot wide right of way dedication of right of way extending westerly from Lot 35.
- A 60 foot wide right of way dedication of right of way extending westerly from Lot 36.
- A minimum 30 foot wide dedication along the southern boundary.

“Dedication of this ROW would divide Tract A into two separate parcels with a significant reduction in value to the northern portion due to its narrow width and steep slopes. We propose dedication of a public use or access easement in lieu of typical ROW.”

Staff Discussion: Staff is agreeable to the granting of an access easement and is discussed further in the exception request.

Site Investigation: The area within this subdivision contains steep areas. An additional map was provided by the surveyor to show the contours for the area. Staff recommends any steep bluffs be depicted on the final by showing the top or toe of bluffs.

“Topographic vertical relief across the subject parcel is inconsistent and varies greatly. We have provided a contour map based on KPB GIS data depicting 5-foot intervals. These contours are sufficient to show significant vertical features for use in future planning and/or site development. Topographic features are not typically depicted on subdivision plats. An additional and expansive field survey would be required, at cost to the owner, to provide more detail.”

Staff Discussion: Topographic features are not required to be depicted on the final plat per KPB Code. Staff often suggests areas with steep terrain be noted in some manner to provide useful information for the land owners and their planned development of the property. The borough does not require an additional topographic survey. Using KPB GIS data is allowable and the source can be stated on the plat. Staff will suggest, but not require, that the steep terrain be depicted on the final plat.

Per KPB GIS data, wetlands are present along the eastern portion of proposed Tract B and near the center of proposed Tract. An additional map was provided by the surveyor to show the wetland areas. **Staff recommends any wetlands be depicted on the final plat and a plat note be added, "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."**

"No wetland delineation was performed as part of this platting action. The location and area of wetlands is based on KPB GIS data. Based on this information the non-wetland areas of Tract B are over four times the required area for development of 20,000sq.ft. (20.40.040). Additionally, the identified wetlands exist on the east side of Tract B, opposite to the legal access and higher more suitable ground to the west. Topographic and soils/wetland data is not typically depicted on subdivision plats. We are amenable to including the recommended note regarding the responsibility of a developer."

Staff Discussion: Plats reviewed by KPB require the wetlands to be depicted on the preliminary plat as well as the final plat. Kenai Watershed Forum Wetlands Determination, available from the GIS viewers, can be used to show the areas that may be affected by wetlands. The final plat will be required to depict the approximate location of low wet areas with the appropriate plat note regarding the development of the land.

"This project has no connection with the Grant Lake Hydro Project. The sole intention of this platting action is to dedicate the ROW for the Seward Highway which currently bisects the subject parcel. There are no plans for development or improvements to these parcels. Separately, water rights are not affected by platting actions."

Staff Discussion: This comment is in response to the public comments that were received and noted in the staff report.

	CHUGACH ELECTRIC	Chugach has no objection to the subject subdivision, with the following comments: 1. Add 10' Telecommunications & Electric Easement along the north boundary of Tract B. 2. Add 10' Telecommunications & Electric Easement along the south boundary of the 50' Section Line Easement on Tract A. 3. Add 20' Telecommunications & Electric Easements on Tract A along its common boundaries with BLM Lot 9 and USS 2528, Lots 36, 10, and 11, as shown on the plat redline. (sketch provided)
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"While we do not have initial objection to the requested easements in general, we request the ability to work directly with utility providers satisfy their easement requests. We would expect to obtain sign-offs from each applicable utility provider indicating their approval and satisfaction regarding easement dedication prior to submittal of the final plat to KPB."

Staff Discussion: Staff agrees that it is up to the owners and surveyors to work with the utility companies to meet their requests. Per KPB Code 20.30.060(B), "Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments and recommended design of utility easements." This allows staff to know what the utility companies are requesting to ensure their needs are met. If during the process alternative utility easement dedications are submitted, we will need documentation from the utility company that it meets their requirements or that they withdraw their previous request. This process is to ensure the utility companies are provided adequate easements for the benefit of the general public. The land owner/surveyor can work directly with the utility companies to make sure adequate utility easements are provided.

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.

“The final plat submittal will comply with all applicable 20.25.070 requirements detailed below.
Recommendations pertaining to stylistic, not specified in code will be at the discretion of the surveyor.”

Staff recommendation:

- Add the KPB number in or near the title block
- Revise the name of the subdivision by removing Tract A & Tract B so that the subdivision name is only Madson Subdivision. If you wish for Tract A and Tract B to be shown in the title block it would be suggested to have the name of the subdivision larger include “Creating Tract A and Tract B” with smaller font size.
- Revise the description of the subdivision to match the certificate to plat “A subdivision of Government Lot 2 in Section 1, Township 4 North, Range 1 West, Seward Meridian.”
- Remove “more or less” from the acreage on the final plat as the acreage will be known after the field survey is completed.
- Provide the owners name and address within the title block.

- 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:

- Remove the “Unsurveyed” labels.
- Provide leaders for the lake labels.
- Provide a label and boundary for the Chugach National Forest.
- Remove the overstrike on the Seward Highway label.

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

Staff recommendation: Include a width label and street name label for all right of way dedications including the Seward Highway. The cross hatching can be removed as cross hatching is typically used to depict right of way vacations.

- 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 label for Government Lot 8 to the north of the subdivision.
- BLM may be removed from adjacent lot labels and changed to Government.
- One label for Government Lot 3 along Upper Trail Lake is all that is required.
- The Kenai Peninsula Borough does not designate the Alaska Railroad as a Tract in this area. Revise the label for the rail road right of way to read ‘Alaska Rail Road’
- Remove the patent numbers from the lots.

Staff Discussion: The surveyor is noting that some of the items requested are not outlined as requirements for the final plat. Staff would like to note that most of these recommendations are standard requests that make sure the information presented on the plats are accurate and provide clear information.

All plats completed within the Kenai Peninsula Borough, including State of Alaska DNR plats, contain the KPB File number within or near the title block. This is our file number and can be useful to attach the plat to the file of record with all corresponding information. The KPB File No. is no different from the state requiring their project number or the surveyor including a project number.

The request for the subdivision name change is due to the current way it is presented. Leaving all in the same font as shown on the preliminary plat will result in the subdivision name being entered by the Recording Office as "Madson Subdivision Tract A and Tract B". Staff is rejecting this subdivision name. We will approve "Madson Subdivision". The title block may state below the subdivision name the following, "Creating Tract A and Tract B."

A field survey is required to be performed for this subdivision. The 'more or less' is not useful as it adds uncertainty to the acreage. The land surveyor will perform an accurate survey to determine the acreage of the parcels.

Within the vicinity map, staff determined that leaders for the lake labels to the actual lake bodies would be of benefit to the public.

Cross-hatching is typically used within the Kenai Peninsula Borough to depict right of way vacations. The dedication will be within the subdivision boundary and will have a label stating it is right of way being dedicated this plat. Using cross hatching to show a right of way dedication is not a platting requirement and is at the discretion of the surveyor.

Updating the label for the Alaska Railroad is recommended to provide clarity. We deal with members of the public on a regular basis in trying to help them understand information on plats. ARRC may not be a known acronym to some. Staff recommends the label state "Alaska Railroad".

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
Staff recommendation: *The low wet areas are not depicted on the plat. An additional map was provided that showed the low wet areas. Depiction and label the low wet areas on the final plat.*

"We do not have information regarding areas subject to inundation, subject to flooding/overflow, or ordinary high-water line. "Per KPB GIS data, the subdivision falls into the Floodplain Zone C. That is a minimal risk zone that is not regulated." We object the request for this information to be depicted on the final plat. "

Staff Discussion: This comment was additionally addressed above. The approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water area required to be shown on the final plat. The KPB GIS viewer provides this information which can be depicted on the final plat.

No additional notes are required regarding the flood plain as it is not regulated at this time.

20.40.010 Wastewater disposal.

Platting Staff Comments: Tract B is less than 200,000 sq. ft. and will require a soils analysis report. An exception for wastewater review has been requested for Tract B. A soils exception is not required for Tract A as it is larger than 200,000 sq. ft.

Staff recommendation: Add the appropriate plat notes *and Comply with 20.40.*

Staff discussion: Per KPB 20.30.200 Lots – Minimum size, section B, lots shall contain at least 40,000 sq. ft. if both the well and wastewater disposal are to be located on the lot. Per KPB 20.40.040(A)(4), there needs to be at least 20,000 sq. ft. of contiguous area suitable for use for an initial and replacement wastewater disposal system. Per KPB 20.40.040(A)(5), if there is not 20,000 sq. ft. of contiguous area suitable for use a wastewater disposal system then the working map must show the location where the initial and replacement wastewater system can be installed. These lots are not served by municipal or community water systems and will required onsite wastewater disposal. Per KPB 20.40.040, a soils analysis report is required for lots within a subdivision with less than 200,000 square feet. An exception has been requested to the wastewater review.

Staff recommendation: Place the following notes on the plat.

- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06)...
- The front 10 feet adjoining dedicated right of ways is being granted by this plat as utility easements.

“Redundant if the easements are depicted and labeled on the face of the final plat.”

Staff discussion: Staff notes that code only requires either the depiction of the utility easement or a plat note. A depiction will meet requirements but staff often requests the note to provide clarity. This item can be a suggestion instead of a recommendation.

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout – requirements.

- For the extension of A 60 foot wide right of way dedication of right of way extending westerly from Lot 36.

Surveyor's Discussion: Dedication of this ROW would divide Tract A into two separate parcels with a significant reduction in value to the northern portion due to its narrow width and steep slopes. We propose dedication of a public use or access easement in lieu of typical ROW.

Staff Discussion: Tract A is an L shaped parcel. Tract A has legal public access from

- The Seward Highway on the southeast boundary.
- Right of way Lot 36 located in the middle of the parcel.
- Right of way Lot 35 located in the northeast corner.

Tract A is affected by steep terrain. The extension of right of way from Lot 36 is not affected by steep terrain.

Alaska Mental Health Trust owns the land to the west. The Chugach National Forest is located to the west of the Alaska Mental Health Trust lands.

If denied, a 60 foot right of way dedication extending westerly from ROW Lot 36 will be required.

Findings:

1. The intent of this plat is to dedicate over an existing highway.
2. The lot located to the west is 80 acres.
3. Section line easements along the north are the only access to 80 acre parcel to the west.
4. The lands contain steep terrain in various areas.
5. Low wet areas may be present to the west of Lot 36 where the dedication would be required.
6. The boundary for Chugach National Forest is approximately 1,320 feet west of the subdivision boundary.
7. A public access easement would provide adequate access.
8. Future subdivisions can dedicate roads that meet the design needs of the subdivision.
9. Tract A has legal public access from, the Seward Highway on the southeast boundary, right of way Lot 36 located in the middle of the parcel, and right of way Lot 35 located in the northeast corner.

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 1, 4, 7-9 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 1, 4, 7-9 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 1, 4, 7-9 support this standard.

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

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.**

END OF STAFF REPORT ADDENDUM