

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - Konovalof Lake Subdivision 2022 Addition

KPB File No.	2022-010
Plat Committee Meeting:	February 28, 2022
Applicant / Owner:	Michael S and Leah A. Brown of Kenai, Alaska
Surveyor:	James Hall / McLane Consulting, Inc
General Location:	Herring Road and Grayling Street, Nikiski

Parent Parcel No.:	017-327-04
Legal Description:	Tract 39, Konovalof Lake Subdivision Amended KN 86-203
Assessing Use:	Residential Vacant
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 30 acre tract into five tracts. The lots will range in size from 1.49 acres to 14.17 acres.

Location and Legal Access (existing and proposed): The subdivision is located between Kenai and Nikiski off the Escape Route. Legal access is from Grayling Street, a 60 foot wide right of way that is unmaintained. Grayling Street, along with the majority of the right of ways in the area, is partially cleared and provides access by foot, ATV, and in some areas vehicle.

The block is closed but longer than the allowable limits. Salamatof Native Association completed the parent plat in 1986 by recording Konovalof Lake Subdivision Amended KN 86-203. KN 86-203 created 79 large acreage tracts from approximately 3,500 acres that included multiple lakes. Tract 39 is an odd shaped lot with Grayling Street abutting on the west and Konovalof Lake on the east. Any additional right of way dedications will terminate at Konovalof Lake and not improve the block length. **Staff recommends the plat committee concur that an exception or dedication are not required, as any required dedication would not improve the block length.**

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

Site Investigation: Steep slopes are present around the lake edge. KPB GIS does not have any wetland information for this area. Looking at KPB Aerial imagery, there does not appear to be any low wet areas present. **Staff recommends if any low wet areas are detected during the field survey, they be shown on the final plat.**

No improvements exist within this subdivision. The lot to the southeast is also vacant while the lot to the north has an improvement. There do not appear to be any encroachment issues.

KPB GIS data shows the property within the boundary of the Kenai National Wildlife Refuge. This is common and is considered a private inholding and the laws and regulations within the Kenai National Wildlife Refuge do not apply to the property.

The meander of Konovalof Lake shall be noted if it is record data or note the date the meander line was surveyed. The parent subdivision determined the meander using black and white aerial photos. Staff would suggest the lake meander be surveyed to present a more accurate meander of the lake and provide a more accurate acreage.

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>
State of Alaska Fish and Game	No objections to the proposed platting actions. The proposed actions will not affect public access to public lands and waters.

Staff Analysis Konovalof Lake Subdivision Amended, Plat KN 86-203, subdivided aliquot lands owned by the Salamatof Native Association. The tracts created were all large acreage tracts. All lots have access by dedicated right of ways but many are not constructed.

Tracts 39-A and 39-E are over 200,000 square feet and will not require a soils analysis report. The remaining lots will require a soils report and an engineer will need to 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 Konovalof Lake Subdivision Amended, Plat KN 86-203, granted 20 foot utility easements within the building setback with clearing limited to the front 10 feet. 10 foot utility easements were also granted along all side lot lines. The preliminary plat is carrying forward the utility easements from the parent plat and provides the correct plat notes and labels.

The certificate to plat did not indicate any additional easements have been granted by recorded documents.

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	No objections.
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names:</p>
------------	---

	<p>GRAYLING ST HERRING RD</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: No addresses affected by this subdivision.</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: Wilcox, Adeena Comments: No Comment</p>

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.

- 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: The Kenai National Wildlife Refuge boundary should be added and labeled.
- 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 “Unsubdivided” labels for the two large acreage lots located on the west side of Grayling Street.

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: Soils analysis report will be required for Tract 39-B, Tract 39-C, and Tract 39-D. Tracts 39-A and 39-E do not require a report. Provide the correct wastewater disposal notes.

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.*

20.60.180. 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.*

- *Subject to terms, covenants, conditions and provisions, including rights of way and easements as contained in the Alaska Native Claims Settlement Act, dated December 18, 1971, U.S. Public Law 92-203, 85 Stat. 688, U.S.C. 1601 et seq.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Wastewater notes will be required as determined by the soils analysis report for Tracts 39-B, 39-C, and 39D.*
- *WASTEWATER DISPOSAL: (Tract 39-A and Tract 39-E) Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*

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