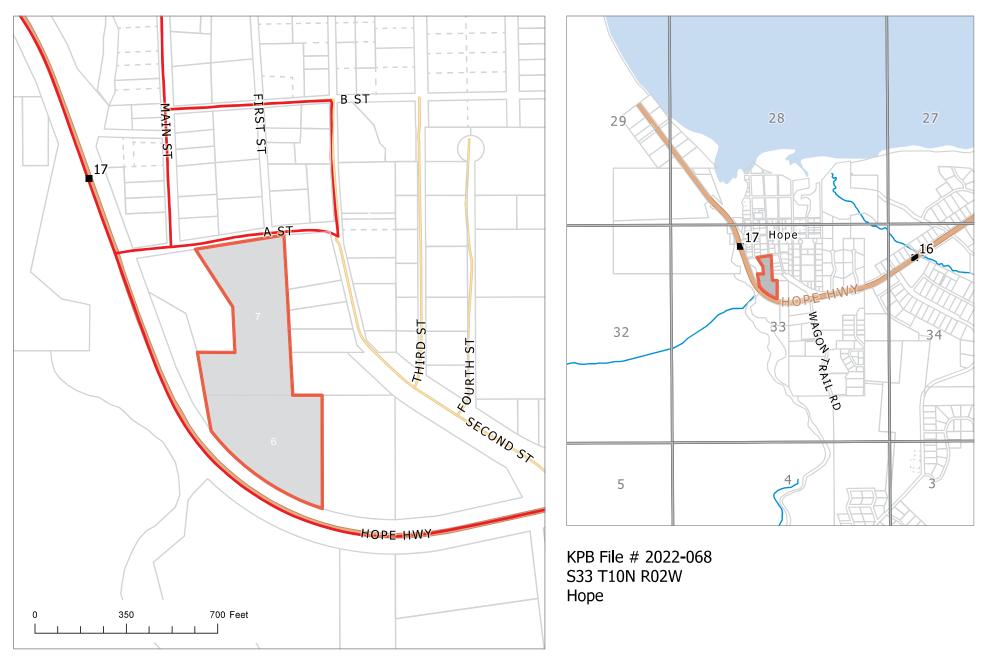
# E. NEW BUSINESS

6. Tutl'uh Subdivision Carmody Addition; KPB File 2022-068 McLane Consulting Group / Gwartney Location: A Street & Hope Highway Hope Area / Hope-Sunrise APC



## Kenai Peninsula Borough Planning Department

Vicinity Map



5/20/2022

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The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

**E6-1** 



### Kenai Peninsula Borough Planning Department

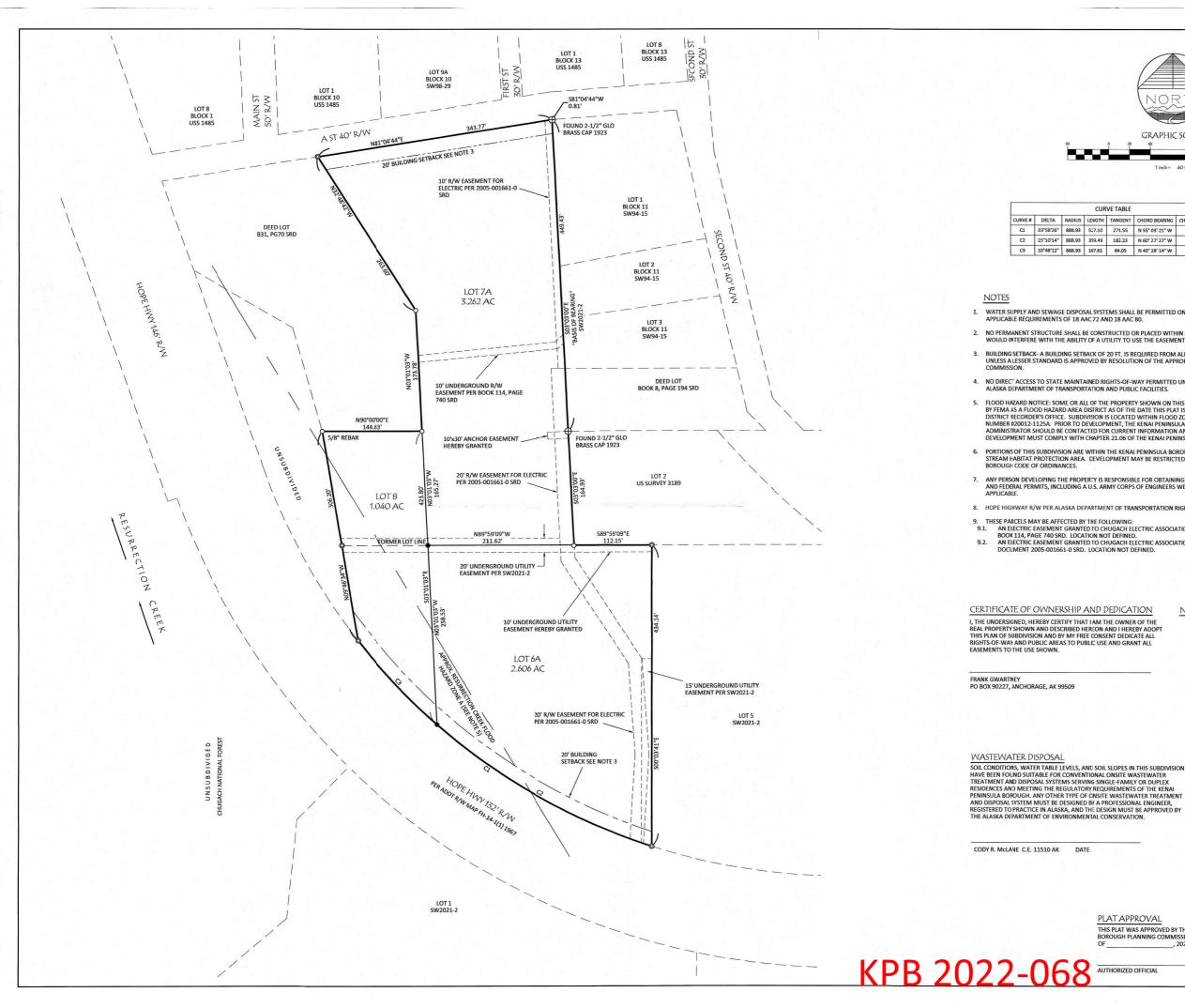
Aerial View

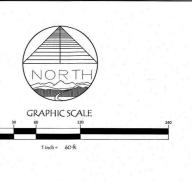
KPB 2022-068 5/20/2022

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CURVE TABLE				
ENGTH	TANGENT	CHORD BEARING	CHORD LENGTH	
527.10	271.55	N 55° 03' 21" W	519.41'	
359.49	182.23	N 60° 27' 27" W	357.04'	
167.61	84.05	N 43° 28' 14" W	167.36'	

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC72 AND 18 AAC 80.

2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

3. BUILDING SETBACK - A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

4. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.

5. FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. SUBDIVISION IS LOCATED WITHIN FLOOD ZOME A PER FEMA MAP PANEL NUMBER 202012-1125. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE.

PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS STREAM HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.18 BOROUGH CODE OF ORDINANCES.

7. 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

8. HOPE HIGHWAY R/W PER ALASKA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FH-14-1(1).

THESE PARCELS MAY BE AFFECTED BY THE FOLLOWING:
AN ELECTRIC EASEMENT GRANTED TO CHUGACH ELECTRIC ASSOCIATION ON OCTOBER 17, 2002 IN BOOK 114, PAGE 740 SRD. LOCATION NOT DEFINED.
AN ELECTRIC EASEMENT GRANTED TO CHUGACH ELECTRIC ASSOCIATION ON NOVEMBER 1, 2005 IN DOCUMENT 2005-001661-0 SRD. LOCATION NOT DEFINED.

NOTARY'S ACKNOWLEDGEMENT FOR: FRANK GWARTNEY

ACKNOWLEDGED BEFORE ME THIS DAY OF

MY COMMISSION EXPIRES :\_

NOTARY PUBLIC FOR THE STATE OF ALASKA

Plat #	
Rec Dist	
Date	20
Time	

, 2022



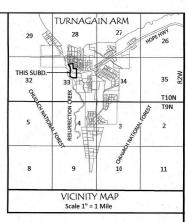
TVTL/VH SUBDIVISION CARMODY ADDITION A RESUBDIVISION OF LOT 6 & LOT 7 TUTL'UH SUBDIVISION (SW2021-2)

FRANK GWARTNEY, (OWNER) PO BOX 90227, ANCHORAGE, AK 99509

6.908 AC. M/L SITUATED IN SECTION 33, TOWNSHIP 10 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, THE KENAI PENINSULA BOROUGH, IN THE SEWARD RECORDING DISTRICT.

PLAT APPROVAL THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_\_, 2022.

DATE



#### LEGEND

- $\oplus$ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR UNLESS NOTED
- FOUND 5/8"x30" REBAR w/ 1" STAINLESS 0 STEEL CAP 85032-S
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S •

ENGINEERING - TESTIN SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK. 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM MeLANE Scale 1" = 60' ate : MAY 2022

KPB File No. 2022-xxx 222016 Project No. ook No. : xx rawn by : JAH

#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022-068
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Frank Gwartney of Anchorage, AK
Surveyor:	James Hall / McLane Consulting
General Location:	Hope Highway, A Street, Hope / Hope/Sunrise APC
Parent Parcel No.:	035-031-10 and 035-031-11
Legal Description:	Lot 6 and 7 of Tutl'uh Subdivision SW 2021-2
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

#### **ITEM 6 - TUTL'UH SUBDIVISION CARMODY ADDITION**

#### STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will reconfigure two parcels into three lots. The lots will be 1.04 acres, 2.606 acres, and 3.262 acres.

**Location and Legal Access (existing and proposed):** The preliminary plat is located near mile 17 of state maintained Hope Highway. Along the northern boundary is state maintained A Street. The Hope Highway has varying widths but within this location it is 132 feet wide. A Street is a 40 foot wide right-of-way.

Proposed Lot 7A will continue to have access from A Street. Lot 8 and Lot 6A will have access from the Hope Highway.

Many of the rights-of-way within the historic portion of Hope do not meet current street width requirements. Many of the lots in this area are small with existing structures that make future dedications difficult. The parent plat for this proposed plat was approved by the plat committee in 2020 and an exception was granted for street width requirements. **Staff recommends** the plat committee concur to carry over the exception to KPB 20.30.120 per the same finding of fact that follow and a plat note be added for the exception.

- 2. A Street was granted in 1924 by Hope Townsite Alaska, US Survey No. 1485.
- 3. A Street is improved with a roadway.
- 4. SOA DOT provides maintenance on A Street.
- 5. SOA DOT did not request any additional right of way.
- 7. No parcels will be denied access and access will not be limited.
- 8. Right of ways or varying width were dedicated in 1924 and have been adequate for 96 years.

Hope Highway, Second Street, and A Street provide a closed block. All portions are constructed and maintained by either the State or the Borough. The lengths do exceed allowed lengths due to the unusual shape. Any requirements to improve those block lengths will result in creating blocks that will not comply due to being short length or will not improve the block due to location. *Staff recommends* the plat committee concur that an exception is not required as any dedications would not improve the block requirements.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The Hope Highway is generally as shown on sheet 3 of 5 of DOH Right of Way Plat FH-14-1-(1) and appears to be shown correctly.

<u>Site Investigation</u>: There does not appear to be any low wet areas present on the property. The area is relatively flat. If any steep areas or wet areas are detected during the field survey they should be depicted on the final plat and any required plat notes be added.

There appears to be multiple improvements on the property. Using KPB GIS Imagery, it cannot be determined the status and if any are permanent. There is an existing structure that will be on proposed Lot 6A that appears to be accessed through proposed Lot 7A. It would be recommended if this access is to continue in the future and either property has an ownership change, a driveway or private access easement document be recorded. It does appear that there may be an existing driveway from the Hope Highway that would provide additional access to the structure. **Staff recommends** the surveyor verify that there will be no encroachments created by this plat and add the borough encroachment note.

The parent plat was subject to an anadromous habitat protection district. This preliminary plat is not and plat note 6 can be removed.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: A,C Map Panel: 020012-1125A In Floodway: False Floodway Panel:
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

<u>Staff Analysis</u> This proposed plat is replat of lots created by Tutl'uh Subdivision, Plat SW 2021-02. That plat subdivided some lands that were originally part of U.S. Survey 3189 that was approved in 1954.

This plat will be reconfiguring the shared lot line between two lots to create three lots. All lots will comply with the 3:1 depth to width ration.

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.

Hope 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.

<u>Utility Easements</u> Numerous easements have been granted by recorded document. They are depicted with labels noting their creation. The parent plat granted several easements which are also depicted and labeled. **Staff recommends** the label for the 10x30 anchor easement and the 10' underground utility easement within Lot 6A have the labels updated to state "per SW 2021-2".

An exception request has been received for KPB Code 20.30.060(D).

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	No objections
GCI	
SEWARD	
ELECTRIC	
CHUGACH	
ELECTRIC	
TELALASKA	

#### KPB department / agency review:

KPB department / agency review	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	18938 HOPE HWY
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	HOPE HWY
	A ST
	MAIN ST
	FIRST ST
	SECOND ST
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments: 18938 HOPE HWY will remain with Lot 6A
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Planner	Reviewer: Raidmae, Ryan
	There are not any Local Option Zoning District issues with this proposed
	plat.
	Matarial Cita Commantes
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Wilcox, Adeena
	Comments: No comment

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: Add the aliquot location to the description, NW1/4.

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: Update the depiction of the proposed plat.

#### 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 report will be required and an engineer will 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.

20.60.180. 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.

- Add a plat note for any exceptions granted.
- Add a plat note for the highway reservation easement as found within the Certificate to Plat.

Page 4 of 6

- The exception to KPB Code 20.30.120, street-width requirements for A Street that was granted at the November 30, 2020 Plat Committee meeting was carried over at the June 13, 2022 Plat Committee Meeting.
- Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.

#### Remove plat note 6.

Notes 9.1 and 9.2 state "location not defined" but the face of the plat references the notes for specific easements. Either remove "location not defined" or if the easements contained additional undefined locations change to "Additional locations other than those depicted are allowed but not defined."

#### EXCEPTIONS REQUESTED:

#### KPB 20.30.060(D) - Easements-Requirements (Front 10 feet adjoining rights-of-way)

<u>Surveyor's Discussion:</u> There is no overhead utilities through the subdivision. Parent plats granted utility easements for underground utilities that service all lots being created and adjoining parcels.

<u>Staff Discussion:</u> Per KPB 20.30.060(D), "Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note." Utility providers have been emailed a copy of the preliminary plat and are given the opportunity to request additional easements.

#### Findings:

- 1. KPB Code requires the front 10 feet be granted as utility easements.
- 2. The proposed subdivision in encumbered by multiple utility easements.
- 3. Some of the existing easements are for the benefit of specific providers.
- 4. A copy of the proposed plat was been emailed to utility providers for review.
- 5. With proper permitting, some rights-of-way may be used for utility needs.
- 6. The parent plat, Tutl'Uh Subdivision was heard by the Plat Committee on November 30, 2020.
- 7. The parent plat was not required to grant utility easements adjacent to the rights-of-way.
- 8. Chugach requested seven easements during the parent plat review and all were granted.
- 9. Staff requested during the parent plat review that the plat committee concur that the easements granted by that plat would satisfy the requirements of 20.30.060 and no additional easements were required.

If denied, 10 foot minimum utility easements will be required to be granted along A Street and Hope Highway.

<u>Staff reviewed the exception request and recommends granting approval *subject to* any requested easements from providers be granted which may include those adjacent to the rights-of-way.</u>

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 2 and 4-9 appear to support this standard.** 

- 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 2 and 4-9 appear to support this standard.
- 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 2 and 4-9 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.

#### **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

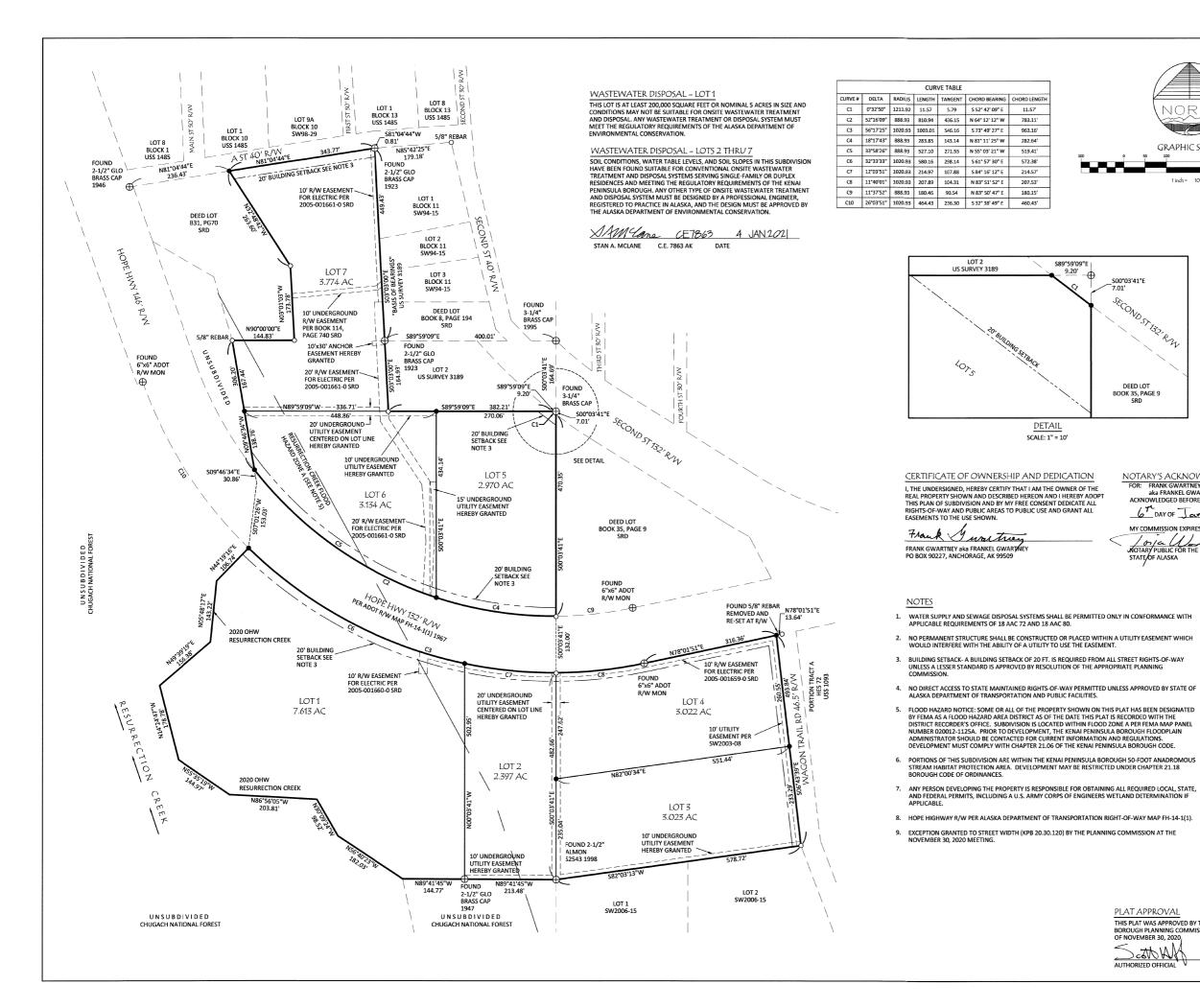
# Kenai Peninsula Borough Planning Department

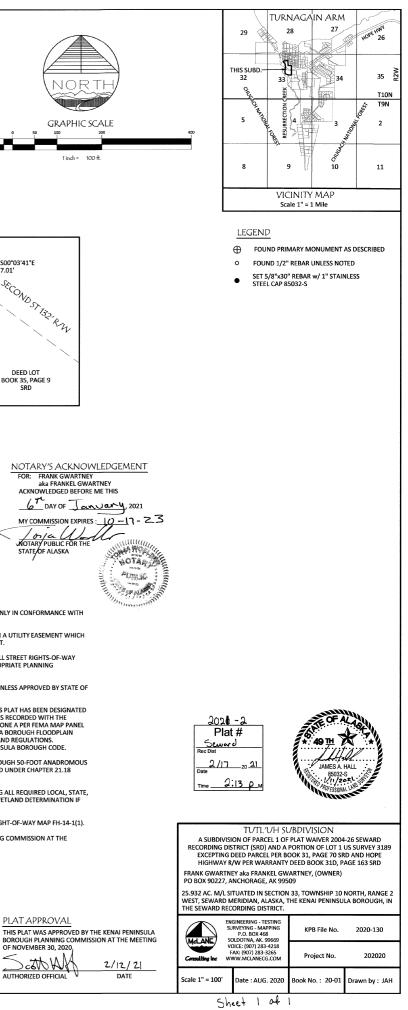


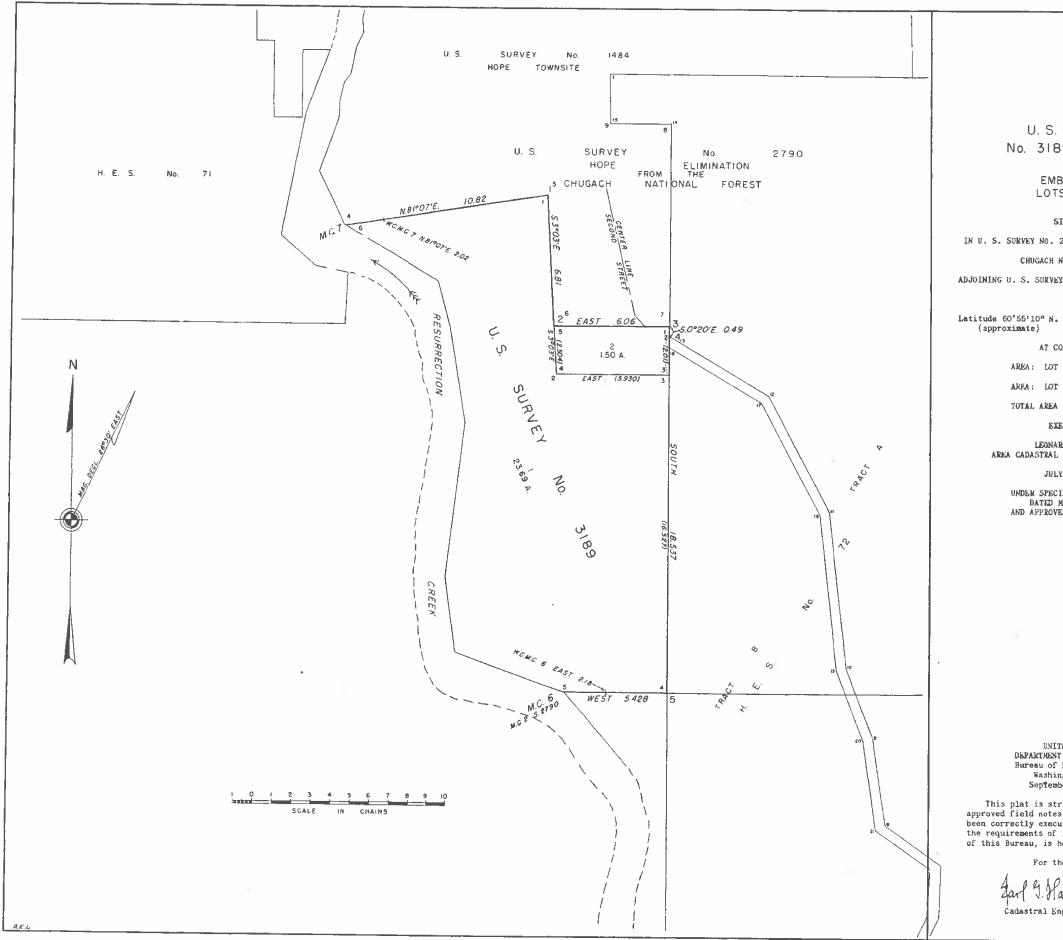
Aerial View



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### ORIGINAL

U.S. SURVEY No. 3189 ALASKA EMBRACING LOTS I 8 2 SITUATED IN U. S. SURVEY NO. 2790, HOPE ELIMINATION FROM CHUGACH NATIONAL FOREST ADJOINING U. S. SURVEY NO. 1484 AND H.K.S. NO. 72 IN Longitude 149°38' W. (approximate) AT CORNER NO. 3 AREA: LOT 1 -- 23.69 ACRES AREA: LOT 2 -- 1.50 ACRES TOTAL AREA -- 25.19 ACRES EXECUTED BY LEONARD M. BERLIN, AREA CADASTRAL ENGINEERING OFFICER JULY 30, 1954 UNDER SPECIAL INSTRUCTIONS DATED MAY 16, 1952 AND APPROVED MAY 29, 1952. UNITED STATES DEPARTMENT OF THE INTERIOR Bureau of Land Management Washington, D. C. September 27, 1954 This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted. For the Director Garl 9 Harrington Cadastral Engineering Officer 69594 F D.S. 581 A.S. 1249 1. .... 701