

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – POAGE SUBDIVISION CHALOUX REPLAT

KPB File No.	2021-059
Planning Commission Meeting:	May 24, 2021
Applicant / Owner:	Daniel and Ronell Chaloux of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Funny River / Funny River APC

Parent Parcel No.:	066-431-10, 066-431-11
Legal Description:	Lots 10 and 11 of Poage Subdivision No. 3, KN 86-52
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots to create one parcel that will be 2.204 acres.

Legal Access (existing and proposed):

The proposed subdivision is on the corner of Kids Queen Court and Robert Avenue E. Per KPB GIS data, Kids Queen Court, a 60 foot wide borough cul-de-sac, is not constructed. Robert Avenue E, a 60 foot wide borough right of way, appears to be partially improved but is not maintained by the Kenai Peninsula Borough. Robert Avenue E is accessed off Lake Road, a 100 foot wide right of way that is constructed and maintained by the borough.

The subdivision is within a compliant and closed block.

KPB Roads Dept. comments	Within jurisdiction; no comment
SOA DOT comments	No comment

Site Investigation:

Per KPB GIS data, there are steep slopes located along the eastern portion of the subdivision.

Per KPB GIS data, there are no wetlands or bodies of water within the proposed subdivision.

Per KPB GIS imagery there may be a structure that crosses the interior lot line. The proposed preliminary plat will remove any potential with the residence crossing a property boundary line between Lots 10 and 11.

Floodplain Hazard Review	Not within a flood hazard area
Anadromous Waters Habitat Protection District Review	Not within a AWHPD
State Parks Review	No comment

Staff Analysis

The proposed subdivision will be combining two lots from Poage Subdivision No. 3, KN 86-52. The parent plat established a 20 foot building setback from the dedicate right of way and granted the building setback as a utility easement with clearing restricted to the front 10 feet. This has been depicted and noted on the preliminary plat. **Staff recommends** plat note 3 include a reference to the document that granted the easement, i.e. "granted by KN 86-52".

As outlined in KPB 20.40.020(A), a soils analysis report will not be required and an engineer will not need to sign the plat. The proposed platting action is vacating lot lines to create fewer lots and the parent plat was signed by DEC. **Staff recommends** the plat note currently in place on the plat be removed and replaced with *"WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on March 4, 1986. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation."*

The parent plat contained a covenant note that all lots except for 15, 25, and 26 could not have a mobile home. **Staff recommends** the following plat note be added "Covenant noted on Plat KN 86-52 states no mobile homes on any of the subdivision lots. The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170."

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.

Funny River 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

Staff recommends that a note or label be added that the 20 foot utility was granted by Plat KN 86-52 and grant any easements requested by utility providers.

Utility provider review:

HEA	No comment
ENSTAR	No comment
ACS	
GCI	No comment

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 33125 Robert Avenue E. Existing street name corrections needed: Robert Avenue should be Robert Avenue E and Lake Street should be Lake Road. 33125 Robert Avenue E will remain with Lot 10A
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	There are no local option zoning district issues or material site issues associated with this subdivision.
Assessing – Adeena Wilcox	No comments.
City Advisory Comments	N/A
Advisory Planning Commission	

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 - Form and contents required.

C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff recommendation: *Update Lake Street to Lake Road. Include the directional suffix for Robert Avenue E.*

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: *Correct the location of the subdivision within the vicinity map.*

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: *Correct the status label for Tract 14 located north of Robert Avenue E.*

KPB 20.40 -- Wastewater Disposal

☒ 20.40.010 Wastewater disposal.

Platting Staff Comments: Revise the wastewater disposal note to comply with 20.40.020(B)(2).

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.*

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

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