

AGENDA ITEM E. NEW BUSINESS

7. Review of the KPB Plat Committee preliminary approval of Bluff Haven Estates 2021 Replat on April 12, 2021
KPB File No. 2021-030; Geovera, LLC/ Evensen

STAFF REPORT ADDENDUM

Planning Commission Meeting: May 24, 2021

Bluff Haven Estates 2021 Replat was heard by Kenai Peninsula Borough Plat Committee on April 12, 2021. The plat was approved by a 4 to 1 vote.

On April 23, 2021, Ennis Dixon requested a review of the plat committee decision as allowed under KPB 2.40.080. Within this section it states, *'The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based.'* Staff reached out to Mr. Dixon requesting a reference to the applicable provisions of borough code that were approved in error. Mr. Dixon has called the Platting Manager, but has not specified which sections of code have been approved in error.

All information presented to the Plat Committee on April 12, 2021 is being presented to the full Planning Commission in the packet. Per KPB Code 2.40.080(C), this review shall be heard de novo.

After the meeting, additional information regarding bluff and erosion was provided by one of the testifiers and is included in this meeting packet. In addition, the minutes from the Kachemak Bay APC February 4, 2021 meeting are included. Per the unapproved APC minutes, concerns about the plat were discussed and the committee unanimously recommend that all the lots within the subdivision conform to KPB minimum lot size of 40,000 sq. feet.

The subdivider has submitted a letter that is included in your packet. The letter addresses that the final plat will comply with KPB code for lot size, the soils analysis has been completed, and the lot geometry will more closely comply with KPB standards.

The main concerns brought before the plat committee had to do with shared maintenance of the road, bluff erosion, minimum lot sizes and steep terrain in the area.

The plat committee granted preliminary approval subject to staff recommendation and compliance with borough code. The staff report stated that the lot design must to be adjusted so that all lots meet the minimum 40,000 square feet. A soils analysis report is also required to show the area available for septic installation, including 100 foot radius from proposed wells and a 50 foot setback from the top of steep bluffs. If the soils analysis fails to show adequate area, a redesign will be required to meet all requirements.

The subdivision is located at the top of the Homer Bluffs. Borough code does not have any specific sections that limits the creation of new lots affected by steep terrain and slopes. The code does have requirements when right of way is being dedicated over steep terrain. It must be shown that a road can be constructed or additional right of way width may be required. The top of the bluff is depicted on the plat near the southwest corner of Lot 2-A. Steep slopes do not appear to be within the remaining proposed subdivision.

There are AK DEC wastewater disposal requirements regarding terrain and steep slopes. The soils analysis report must demonstrate that the proposed subdivision can adequately provide onsite well and wastewater disposal per the DEC requirements. The final plat cannot be approved without an approved soils analysis report signed by a licensed engineer.

STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AS APPROVED BY THE PLAT COMMITTEE 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 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 ADDENDUM