

AGENDA ITEM E. NEW BUSINESS

1. Bluff Haven Estates 2021 Replat
KPB File No. 2021-030; Geovera, LLC/ Evensen

STAFF REPORT

Plat Committee Meeting: April 12, 2021

Location:	Bluff Road near MP 168.5 Sterling Highway
Proposed Use:	Residential
Water/Sewer:	On Site
Zoning:	Residential Rural Unrestricted
Assessing Use:	Residential
Parent Parcel Number(s):	173-580-20, 173-580-21

Supporting Information:

The proposed plat will create four lots ranging in size from 1.098 acres to 0.900 acres from two 2 acre lots. Lot 3-B is 39,204 sq. ft. and will need to be adjusted to meet the 40,000 sq. ft. minimum lot size. A soils report is required, and an engineer will sign the plat. The soils report will be 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. The parent subdivision was approved without a wastewater soils analysis report.

The subdivision is accessed from Bluff Road, a 60 foot wide dedicated right of way that is improved but not maintained by KPB. A 60 foot public access easement, granted by CIRI Inc., provides a connection from dedicated Bluff Road to the Sterling Highway.

The constructed roadway appears to affect a portion of proposed Lot 3-A. **Staff recommend** the surveyor verify the location of the travel way and if necessary provide additional right of way dedication, or a public access easement, to encompass the travel way.

The subdivision is located at the top of the Homer Bluffs. The edge of the bluff affects Lot 2-A and is depicted on the preliminary plat. The parcel to the south is a 96 acre parcel and is also affected by the bluff. Approximately 7.38 acres of usable lands are located above the steep slopes.

This subdivision is located in an open block. **Staff recommends** that the plat committee concur that an exception to KPB 20.30.170 – Block length is not required as this plat is not able to provide a right of way dedication to help with block length due to topographic features and existing access.

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.

Kachemak Bay 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.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: No addresses will be affected by this platting action.
- KPB Assessing: No comment.
- KPB Code Compliance: No comments.
- KPB Planner: There are no local option zoning issues or material site issues associated with this proposed plat.
- KPB Roads Dept.: Within KPB jurisdiction, no comment.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:

- A. Within the Title Block
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
Staff recommendation: Within the title block add the second owner, Krystal S. Evenson and confirm the address for Krystal S. Evenson as KPB records show PO Box 1252 Homer, AK as the mailing address.
- 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: Depict and label the Homer City Limits within Section 15.
- G. Status of adjacent lands, 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: Depict and label Government Lot 3 and Government Lot 4 located to the south of the subdivision.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: The top of the steep bluff has been depicted and labeled.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- 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. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from GCI, were not available when the staff report was prepared.

HEA, ACS, and ENSTAR supplied reviews of no comments / no objections / no concerns.

Staff recommendation: *grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

20.30.100. Cul-de-sacs.

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

Platting Staff Comments: Parent plat HM 76-94 granted two 50' temporary turnarounds at the east end and west end of Bluff Road. The turnaround area has been shown and noted.

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Staff recommendation: *concur that an exception to KPB 20.30.170 – Block length is not required as this plat is not able to provide a right of way dedication to help with block length due to topographic features and existing access.*

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A wastewater soils analysis report will be required for the four new lots within this subdivision.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

Staff recommendation: *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Platting Staff Comments:

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: *comply with 20.60.030.*

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

Staff recommendation: *comply with 20.60.070.*

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

Staff recommendation: *comply with 20.60.110.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
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.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.
1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.
- B. Private easements may not be granted on the plat.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

Staff recommendation: *comply with 20.60.170.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: *If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.*

20.60.220. Administrative approval.

Platting Staff Comments: *If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.*

The planning director may refer the final plat to the planning commission when:

- 1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
- 2. Final approval by the commission was a condition of preliminary approval; or*
- 3. The planning director determines there are other conditions to support referral to the commission.*

STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE 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 10 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

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STAFF REPORT

Plat Committee Meeting: April 12, 2021

After the packet was published Staff noticed that the updated staff report was inadvertently not inserted into the staff report.

The current staff report is included in the desk packet.

A aerial image is also shown below.



Staff recommendation: Use the updated staff report when reviewing Bluff Haven Estates 2021 Replat.

END OF STAFF REPORT ADDENDUM