

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - PIPER'S HAVEN 2021 REPLAT

KPB File No.	2021-074
Plat Committee Meeting:	June 14, 2021
Applicant / Owner:	Karlin and Kelly Scott PO Box 738 Anchor Point, AK 99556
Surveyor:	Stephen C. Smith/ Geovera, LLC
General Location:	Happy Valley / Anchor Point APC

Parent Parcel No.:	159-200-97
Legal Description:	Lot 9, Piper's Haven Unit 4, Plat HM 98-80.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 29 acre parcel into two lots with one being 24.6 acres and one being 4.59 acres.

Legal Access (existing and proposed): Legal access exists from the Sterling Highway by way of dedicated right of ways and section line easements consisting of Resch Avenue and Cloyds Road. Both roads are improved but not maintained by KPB Roads Department.

Cloyds Avenue, where fronting this subdivision, is a 30 foot wide dedication. It appears that a trail may be located within the right of way but it does not appear to be a roadway. The property to the east is 40 acres in size and will be required to provide a matching 30 foot dedication for a full 60 foot width.

Sonnichson Avenue fronts the subdivision on the south. Sonnichson Avenue is a 60 foot dedicated right of way that coincides with a 100 foot section line easement. This right of way has not been improved.

Physical access to the subdivision has been constructed from the intersection of Cloyds Road and Emily Court then crosses over Lot 8-B to this subdivision plat.

A private airstrip is constructed at a diagonal (NE to SW) across the property. The airstrip extends beyond the end of the parcel and appears to cross Sonnichson Avenue right of way and into Lot 8 to the south. **Staff recommends** a plat note be added that indicates that acceptance of the plat by the Borough does not indicate acceptance of any encroachments.

The block is defined by Emily Court, Cloyds Road, Sonnichson Avenue, and section line easements. The block length is longer than allowed by KPB subdivision standards.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	N/A

Site Investigation: The parent parcel was created in 1998 with Piper's Haven Unit 4 (HM 98-80). The area is generally flat and not affected by any steep slopes. Per the Kenai Watershed Forum Ecosystem mapping, the southeast corner appears to be affected by Discharge Slope and Lakebed ecosystems.

Per Assessing records, several residential structures have been built on the parcel.

Floodplain Hazard Review	Not within a flood hazard area
Anadromous Waters Habitat Protection District Review	Not affected by a HPD.
State Parks Review	No comments.

Staff Analysis The purpose of this subdivision is to subdivide off a 5 acre lot that contains an existing house and improvements from the remainder of the parcel.

Lot 9-A is greater than 200,000 sq. ft. Lot 9-B is 199,983 sq. ft. Any parcel larger than 200,000 sq. ft. will not require a soils analysis report. **Staff recommends** that Lot 9-B be adjusted so that it is at least 200,000 sq. ft.

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.

Anchor Point 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 The parent plat granted utility easements adjoining the right of ways and along the west boundary. This platting action will carry forward the platted utility easements of record.

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.

Utility provider review:

HEA	Approved, no comments.
ENSTAR	Approved, no comments.
ACS	
GCI	Approved, no comments.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 27550 CLOYDS RD Comments: 27550 CLOYDS RD will remain with Lot 9-A
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.
Advisory Planning Commission	Not available at the time the staff report was prepared.

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.

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
Staff recommendation: *Verify if the southeast corner is affected by low wet areas. If so, depict and label on the final plat.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lot 9-B is slightly under the 200,000 sq. ft. requirement to require a soils analysis report. If the intent is to not submit a soils analysis report, that Lot 9-B should be increased slightly to meet the 200,000 sq. ft. parcel size.

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: *Correct the numbering of the plat notes.*

EXCEPTIONS REQUESTED:

KPB 20.30.170. Blocks-Length requirements.

Surveyor's Discussion:

Staff Discussion: The subdivision does not comply with the block length requirements as the east-west block length is 3,8569 feet. The north-south block length is 1360 feet and generally complies with the subdivision design requirements.

The parcel is generally flat and not affected by steep terrain. The majority of the subdivision is not affected by low wet lands.

The property to the east is a 153 acre parcel owned by the University of Alaska. This parcel has legal access from Sergeant Avenue, Sonnichson Avenue, and section line easements.

Lot 8A to the north is 5.3 acres and has legal access from Emily Court. It is unlikely that Lot 8A will be further subdivided and provide any extension of right of way. The land to the north has been subdivided but no north-south right of way has been dedicated, excluding Cloyds Road.

All surrounding parcels have legal access.

Proposed Lot 9-A is 24.6 acres in size and can be further divided in the future to provide legal access.

If denied, a 30 foot right of way dedication will be required on the west boundary.

Findings:

1. The subdivision does not comply with the block length requirements as the east-west block length is 3,8569 feet.
2. The north-south block length is 1360 feet and generally complies with the subdivision design requirements.
3. The parcel is generally flat and not affected by steep terrain.
4. The majority of the subdivision is not affected by low wet lands.
5. The property to the east is a 153 acre parcel owned by the University of Alaska. This parcel has legal access from Sergeant Avenue, Sonnichson Avenue, and section line easements.
6. Lot 8A to the north is 5.3 acres and has legal access from Emily Court.
7. It is unlikely that Lot 8A will be further subdivided and provide any extension of right of way.
8. The land to the north has been subdivided but, excluding Cloyds Road, no north-south right of way has been dedicated.
9. All surrounding parcels have legal access.
10. Proposed Lot 9-A is 24.6 acres in size and can be further divided in the future to provide legal access.

Staff reviewed the exception request and recommends granting approval. The owner is put on notice that any further subdivision of Lot 9-A may require additional right of way dedication.

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 5 – 10 appear to support this standard.
2. 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 5 – 10 appear to support this standard.
3. 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 5 – 10 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