

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - Skyline Drive Subdivision No 7A

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| KPB File No. | 2021-083 |
| Plat Committee Meeting: | June 28, 2021 |
| Applicant / Owner: | Theresa Louise Dubber of Homer, Alaska |
| Surveyor: | Gary Nelson / Ability Surveys |
| General Location: | West Hill Road, City of Homer |

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| Parent Parcel No.: | 175-030-48 |
| Legal Description: | Tract B-1A, Skyline Drive Subdivision No 7, Plat HM 2019-15. |
| Assessing Use: | Residential |
| Zoning: | Rural Residential District |
| Water / Wastewater | On Site |

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.5 acre parcel into two lots that will be 1.5 and 2.0 acres.

Legal Access (existing and proposed): The proposed subdivision is located on West Hill Road. West Hill Road is a state maintained right of way with varying widths. Any new access must be approved by the State of Alaska DOT. West Hill Road intersects the Sterling Highway near milepost 172.

A 66 foot section line easement is centered on the southern subdivision boundary line. The 33 foot section line easement within the subdivision is depicted and labeled.

Plat note 5 is carried over from the parent plat. This note states that the right of way map for West Hill Road does not harmonize with the right of way on the proposed plat or past plats, which are listed. DOT reviewed the plat and did not comment on that note. A plat note should be added or a label added for West Hill Road that refers to Alaska DOT Right of Way Map X-14625, HM 94-48, sheet 2 of 4.

Block length is not compliant. Using section line easements to define the block, the block would be defined by section line easements along the south, West Hill Road and Claudia Street which is a cul-de-sac. Blue Sky Avenue extends off Claudia Street but does not provide access to this subdivision. Due to the location of Bidarki Creek and the steep terrain to the north, it will be difficult to get constructible right of ways dedicated to make a complete block. **Staff recommends the plat committee concur that an exception is not required as any required dedications will not improve the block length due to Bidarki Creek drainage and existing development.**

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| KPB Roads Dept. comments | Outside of jurisdiction; no comments |
| SOA DOT comments | The ROW for West Hill Road is as shown on West Hill Road (X-14625) sheet 2 of 4, and appears to be shown correctly. |

Site Investigation: There are steep slopes present along the northern portion of the subdivision. The remainder of the subdivision is sloping to the southwest. The steep slopes that are present are sloped towards Bidarki Creek. The creek is not within the boundary of this subdivision. Per KPB GIS data, there are no low wet areas within the subdivision.

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| Floodplain Hazard Review | Within City of Homer, no comments |
| Anadromous Waters Habitat Protection District Review | Not within an AWHPD |
| State Parks Review | No comments |

Staff Analysis This subdivision will divide one lot into two and is located within the City of Homer. The parent lot, Tract B-1A, was created on Skyline Drive Subdivision No. 7, HM 2019-15. The parent lot was a resubdivision of property contained in a boundary survey.

Notice of the proposed plat was mailed to the beneficial interest holder on June 9, 2021. The beneficial interest holder has provided a letter that they will need to review and approve the plat. The letter was forwarded to the surveyor. **Staff recommends** the surveyor and owner work with the beneficial interest holder to obtain approval of the subdivision plat. The plat will not be allowed to be recorded without a letter of non-objection or the signature of the beneficial interest holder on the plat.

The City of Homer Planning Commission heard this item at their May 19, 2021 regular meeting. Staff Report 21-32 was adopted which recommended approval of the preliminary plat with the following comment:

“Include a plat note stating property owner should contact the Army Corps of Engineers prior to any on site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state, and federal permits.”

Per the City of Homer staff report the subdivision complies with the 2018 Comprehensive Plan as it promotes infill development in all housing districts. The lots are larger than minimum lot size for onsite water and sewer systems. City water and sewer are not available. The parent plat, HM 2019-15, received an exception to not require a wastewater review on the parent lot, Tract B-1A. A soils report will be required for this subdivision and an engineer will sign the final plat.

Utility Easements A 15 foot utility easement along West Hill Road was granted per the parent plat, HM 2019-15. It is correctly depicted and labeled on the plat. There is also additional easements granted by plat HM 82-40. The anchor easement and easement for overhead electric is depicted and labeled correctly.

Per the certificate to plat and parent plats there are two easements granted by document to Homer Electric Association. Reference to these documents is in plat note 4. The certificate to plat states no definite location defined. The 100 foot easement area is defined and is depicted and labeled on the plat. Only a small portion of the 100 foot easement is within the eastern boundary of the proposed subdivision.

The easement found in Book 19 Page 83 has a description of the location which is vague. It only lists aliquot parts. The surveyor should determine if that easement is in reference to the 100 foot, if it pertains to this subdivision and if so if the location is defined. **Staff recommends** the surveyor look into this easement. If it is in reference to the 100 foot the plat note may remain as is except to remove the word “claims”. If this easement is not in reference to the 100 foot but is still part of the subdivision the reference to this easement should be removed from the existing plat note and a new plat note should be added. That plat note should contain the known location or “no definite location disclosed”.

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:

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| HEA | No comments |
| ENSTAR | No comments or recommendations |
| ACS | No objections. |
| GCI | Approved as shown |

KPB department / agency review:

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| Addressing – Derek Haws | Affected Addresses: 4079 West Hill Road Existing street names listed are correct. No new street names to approve. |
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| | City of Homer will advise on affected address. |
| Code Compliance – Eric Ogren | No comments |
| Planner – Bryan Taylor | Review not required, within the City of Homer |
| Assessing – Adeena Wilcox | No comments |

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.

- 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: *The lot lines can be removed or lightened as they make the vicinity map busy and hard to read important information, which will be more difficult on copies. If the lot lines are left on, make sure that all text is easy to read because information like the range is hard to locate on the map. The leader and "THIS PLAT" should be resized and / or relocated as they are covering section labels. A section label should be added for Section 23.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: *The lot numbers are becoming long. Staff recommends shortening the lot designation to "B2" and "B3".*
- 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;
Staff recommendation: *The shaded area showing the steep slopes need to be lightened to see the details of the plat better. Dark shading will make copies of the original difficult to read.*

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:*

- 20.30.170. 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: *The block is not compliant. The block is defined by section line easements, West Hill Road, and the next intersection is Claudia Street, a cul-de-sac. Due to Bidarki Creek to the north and steep terrain this subdivision is not able to provide a dedication to improve the block. Concur that an exception is not required, as any required dedications will not improve block length due to steep terrain and existing development.*
- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).
Staff recommendation: *The City of Homer does not meet the specified requirements for the application and consideration of different standards.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report will be required and an engineer will need to sign the plat. The appropriate plat note will need to be added.
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.*

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: *Provide documentation from the City of Homer that the land owner has entered into an installation agreement or that an agreement is not required.*

20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

Staff recommendation: *New lot numbers can be used to make them smaller. Example: B2 and B3.*

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.*

- *Property owners should contact the Army Corps of Engineers prior to any on site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all require local, state and federal permits.*
- *Add appropriate wastewater disposal note for a licensed engineer to sign.*
- *If determined the easement in Book 19 Page 83 is not referring to the 100 foot easement it should be removed from that note and a separate note specific to that easement should be added if determined to be within this subdivision.*

Plat note 4 should have the word "claims" removed.

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