

AGENDA ITEM E. NEW BUSINESS

ITEM 9 - Hinz Subdivision No 2

KPB File No.	2021-102
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Terrance W. and Jane M. Hinz of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Kalifornsky / Kalifornsky APC

Parent Parcel No.:	133-034-37
Legal Description:	Tract A Hinz Subdivision Plat KN 2016-24
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide one 46.825 acre tract into two tracts ranging in size from 5.288 acres to 41.425 acres.

Legal Access (existing and proposed): The proposed subdivision is located on Irish Hills Avenue, a borough maintained right of way. Irish Hills Avenue is located near mile 104 of the Sterling Highway. The width of Irish Hills Avenue varies. Abutting the proposed subdivision it is mostly 60 feet wide but due to terrain and actual construction areas, the width varies within a couple of locations.

A 33 foot section line easement adjoins the north subdivision boundary. This section line easement provides access to Orphe Lake. The terrain in that area appears to be relatively flat. To the east of the subdivision is Betwixt Avenue, a 66 foot wide right of way. Per KPB Code, a continuation of Betwixt Avenue should be granted in conjunction with the section line easement. The surveyor has commented that he would dedicate the continuation of Betwixt Avenue if requested.

The block is not closed due to Orphe Lake and dedicated cul-de-sac. The distance along Betula Street is within the allowable lengths. The block along Irish Hills Avenue exceed code requirements. An exception for block length has been requested.

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

Site Investigation: The proposed plat is along Orphe Lake. The areas subject to inundation are depicted. A pond will be located on Tract A2. It is depicted along with the adjoining wet areas. The appropriate note referring to the U.S. Corps of Engineers is on the plat.

KPB GIS data shows that there may be areas with steep slopes. The parent plat had depicted areas affected by steep slopes. **Staff recommends any steep slopes within the subdivision be depicted and noted on the plat.**

Floodplain Hazard Review	Not within a flood hazard area, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis O'Loughlin Subdivision, KN 82-722, subdivided an aliquot parcel. KN 82-722 granted the utility easements seen within Tract A1. Hinz Subdivision, KN 2016-24, replatted the lots created by KN 82-722 with portions of neighboring Government Lots.

KN 2016-24 combined all the lots into one large tract. It also dedicated an additional 10 feet of Irish Hills Avenue to bring into compliance with the minimum width of 60 feet. Additional right of way was dedicated north of the intersection with Spruce Ridge Street and near the intersection with Betula Street. There was also a matching dedication of Betula Street granted.

Per KPB GIS imagery, there are structures present and the lot line configuration will place the improvements on Tract A1. Tract A2 will not contain any improvements.

The lots are larger than 200,000 square feet, a soils analysis report is not required, and an engineer will not need to sign the plat.

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 beneficial interest holders affect the property.

Kalifornsky 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 Plat KN 82-122, granted several utility easement along the lot lines. The easements stayed in place when the lots were replatted and are depicted on the plat.

KN 2016-24 dedicated 15 feet utility easements along all right of ways. Plat note 6 addresses those easements of record. If a dedication is required to comply with block length, or continuation of Betwixt Avenue, **Staff recommends** the note be revised to grant new dedications or a new note be added.

Several easements have been granted to Homer Electric Association by recorded document. Those are noted in plat note 3. The note should be revised to state "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** revise plat note 3, depict utility easements and to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 49530 Irish Hills Avenue (will remain with Tract A1) and 49612 Irish Hills Avenue (will remain with Tract A2). Correct existing street name: ROW along the east side of Tract A1 should be Betula Street. All other existing street names are correct.
Code Compliance – Eric Ogren	No comment
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No comment
Advisory Planning Commission	Comments not received prior to staff report being 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

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** *Revise the township to 3 North.*
- 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:**
- Right of way to the east is not labeled. Label Betula Street and provide a right of way width label.
 - The width of Irish Hills Avenue varies in one location along the subdivision. Provide a “width varies” label for this portion.
 - The label for Betwixt Avenue is incomplete. Please correct.
- 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:** *Vicinity Map has an incorrect location for “this plat”. Correct the label for “Irish Hills Road”.*
- 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:** *Depict any steep slopes that affect this plat.*

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:*

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.
- B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.
- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

Staff recommendation: Dedication of the continuation of Betwixt Avenue is required. Dedicate a minimum 30 foot width right of way and depict a remaining 3 foot section line easement or dedicate the full 33 foot width of the section line easement.

20.30.040. Streets within 100 feet of waterbodies. No dedications are allowed within 100 feet of the ordinary high water line of a waterbody unless necessary for access to a lot where no reasonable alternative access exists or the dedication provides access to a bridge or public facility, waterbody or watercourse. Final plats must comply with KPB 20.60.050 and 20.60.060.

Staff recommendation: The dedication will provide access to a waterbody.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Both lots are larger than 200,000 square feet. An analysis report and signature by licensed surveyor will not be required. Correct plat note is on the plat.

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.

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: Provide a certificate of acceptance for any new right of way dedications that are required.

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. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: Provide the source for the meander line data. Any witness markers used shall be noted as such with dimensions to true corners. Correct any overstrikes on dimensional data. Comply with 20.60.110.

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.*

- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- Add a plat note for any exceptions granted.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Certificate of Acceptance to be signed by a Kenai Peninsula Borough Authorized Official is required with right of way dedications. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.170 – Block Length Requirements

Staff Discussion: The block does not meet length requirements. The north-south block length dimension is 1320 feet and complies with code. The east-west block length dimension along Irish Hills Avenue is 2,620 feet and does not comply with code.

Orphea Lake borders the north boundary of the subdivision and limits any extension of right of way.

Tract A1 is 41 acres in size and can be further subdivided in the future. Any subdivision of Tract A1 will need to comply with KPB code including the block length requirement.

If the exception is denied, dedications will be required that intersect Irish Hills Avenue and end at the lake or the northern section line easement.

Findings:

1. Shoreline Avenue, section line easements, Betula Street, Irish Hills Avenue, and Spruce Park Drive define the block.
2. Shoreline Avenue and the section line easements extend to, and across, the lake.
3. A dedication along the western boundary would end at the lake and would still result in two blocks that exceed length requirements.
4. An extension of Spruce Ridge Street would be affected by the existing residence.
5. The surveyor has agreed to dedicate an extension of Betwixt Avenue atop the section line easement.
6. The section line easement provides public access to the lake.
7. The right of way dedication will provide public access to the lake.
8. The lake has public access from east and west.
9. Tract A1 will be a large acreage lot approximately 41 acres.
10. Tract A1 can be further subdivided and dedicate required roads at that time to meet the design of the plat.
11. There is a pond with low wet areas surrounding it on Tract A2.
12. Tract A1 contains wetlands.
13. Per the parent plat, there are steep slopes along the western boundary.
14. No lots are being denied access.

Staff reviewed the exception request and recommends granting approval.

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 3, 4, 9, 10, 11 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 3, 4, 9, 10, 11 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 3, 4, 9, 10, 11 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