

AGENDA ITEM E. NEW BUSINESS

ITEM 11 - Bos'n Landing Subdivision Marlow Replat

KPB File No.	2021-101
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Neil L. Marlow of Sterling, Alaska Kenneth L. and Judith L. Marlow of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc
General Location:	Sterling

Parent Parcel No.:	063-560-19, 063-560-20
Legal Description:	Lots 2 and 3, Block 1 Bos'n Landing Sub, Part One Plat KN 77-101.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure the shared lot line between two lots.

Legal Access (existing and proposed): The proposed plat is located on Stephens Drive, a 60 foot wide borough maintained right of way. The subdivision is located near the end of a platted cul-de-sac. Stephens Drive is located at the end of Sir Martin Road, a borough maintained right of way with varying widths. Sir Martin Road intersects Lou Morgan Road, a state maintained right of way. The proposed subdivision is located on the Kenai River, which provides water access.

The block is not compliant. Ed Avenue that ends at the river and Stephens Drive that ends in a cul-de-sac define the block. Any right of way dedication would end at the Kenai River and would not provide a compliant block. The neighboring lots all front on a dedicated right of way and the lots on the east side of Stephens Drive front on the Kenai River. **Staff recommends the plat committee concur that an exception is not required, as any required dedications would not improve the block requirements.**

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

Site Investigation: The land is relatively flat with steep slopes near the bank of the Kenai River. Portions of the subdivision are within Floodplain C, minimal flood risk, and A4, 1% annual chance of flood.

The subdivision is subject to the Anadromous Waters Habitat Protection District and must comply with requirements.

Kenai Watershed Forum mapping classifies this area as Riverine. Per the KPB GIS imagery, there does not appear to be any standing water on the property. The lot contains multiple buildings and a gravel drive through both lots providing access to the buildings and parking areas. **Staff recommendation:** place a note on the final plat, "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable." Depict any mapped flood plains or floodways and add all required notes.

Floodplain Hazard Review	Is in flood hazard area. Flood Zone: A4, C. Map Panel: 020012-2065A Is not within a floodway area.
Anadromous Waters Habitat Protection District Review	Is totally or partially within HPD, no comments.
State Parks Review	No comments

Staff Analysis This plat will reconfigure two lots by adjusting the common lot line. Lot 3 will become Lot 3A and will change from 0.99 acres to 0.97 acres. Lot 2 will become Lot 2A and will change from 0.99 acres to 1.01 acres. The parent lots were created with Bos'n Landing Subdivision Part One, KN 77-101, which was a subdivision of several government lots.

Stephens Drive was originally dedicated with the intent of continuing north in the future. A replat, Karen Kay Sub Lot 3 Plat KN 2000-006, combined several lots and granted a turnaround area so as not to extend Stephens Drive.

The lots within this subdivision currently contain multiple structures some of which are crossing the current lot line. This platting action will resolve any current encroachments issues. The plat depicts the gravel drive shown with dashed lines. It does appear that each lot has a separate drive to Stephen's Drive. If the owners intend to share driveway/parking areas, it would be advised to record driveway easements to protect future access. The gravel areas are not required to be shown on the plat but if they are, **Staff recommends** a note be added on the plat that it states private access.

A soils report was not prepared for the parent plat. To comply with KPB 20.40 Wastewater Disposal a soils analysis report will be required and an engineer will sign the final 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.

The property is not within an advisory planning commission.

Utility Easements The parent plat did not grant utility easements along the right of way. The appropriate plat note is present to grant 10 foot utility easements adjoining the right of way as well as 20 foot within 5 feet of the side lot lines. **Staff recommends** the depiction of those easements if it will not compromise pertinent information.

The parent plat granted a 10 foot maintenance easement for government use along the Kenai River. **Staff recommends** this easement of record be depicted and noted on the plat.

The parent plat granted a 20 foot utility easement on the overhead powerline and a 20 foot easement centered on the common boundary line. **Staff recommends** the overhead utility line be located in the field and the 20 foot easement of record be depicted and labeled. Comparing the existing powerline information with the parent plat shows that the platted position may be incorrect.

An easement was granted to HEA by document with no definite location defined. This is referenced in plat note 3.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** depict the existing easements and those being granted and to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

HEA	No comment
ENSTAR	There is an existing natural gas service line, which appears to cross proposed Lot 3A Block 1 to serve proposed Lot 2A Block 1. ENSTAR objects to this plat unless one of the following scenarios is met: 1. Add a note which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing service line." Draw in the approximate location of the service line on the map and add, "Approximate location of natural gas service line located on proposed Lot 3A Block 1 and centerline of ten foot (10 FT) wide natural gas easement."

	2. Owner signs an ENSTAR Natural Gas Easement document for a ten foot (10 FT) wide natural gas easement, centered on the service line at this location.
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 36390 Stephens Drive (will remain with Lot 2A) and 36370 Stephens Drive (Will remain with Lot 3A) Correct Stephens Drive to Stephens Drive. All other existing street names are correct.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No comment

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:**
- *The subdivision name chosen has already been used. Staff can recommend "Bos'n Landing Sub 2021 Replat." If the owners wish to use another name they will need to get it approved by planning department staff.*
 - *Revise parent plat description by adding "Part 1" to the parent subdivision name.*
- 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:**
- *Revise the spelling for Stephen's Drive.*
 - *Verify that Stephen's Drive is a 60' wide right of way and provide a width label.*
- 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:** *A township and range label needs to be added.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, 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:** *Lot south of Sir Martin Road needs to be revised to Lot 6 instead of Lot 6A.*

- 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: *Depict on the plat any low wet areas or areas that are subject to flooding.*

20.30.220. Lots-Side line requirements. Where reasonable, side lines of lots shall be at right angles to straight portions of the right-of-way or radial to curved portions of the right-of-way.
Staff recommendation: *Concur that the design is acceptable an exception is not required as the design of the lot lines is angled to separate the existing improvements onto each lot while keeping both lots close to one acre in size.*

20.30.280. Floodplain requirements.

- B. Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.
- C. All subdivisions which are wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply with KPB 21.06.050 standards for Floodplain Management.
- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following note:

FLOOD HAZARD NOTICE:

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code.

Staff recommendation: *Depict and label the area affected by the floodplain. Add the required notes for the flood hazard notice and floodway notice.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils report was not prepared for the parent plat. To comply with KPB 20.40 Wastewater Disposal a soils analysis report will be required and an engineer will sign the final plat. Soils analysis report and signature from a licensed engineer is required.

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.*

20.60.110. 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 current meander line data as the river may have changed since the last survey in 1977. The Kenai River meander information and source is required to be noted. Provide information for witness corner survey markers set for this survey. Provide the appropriate plat note regarding meander, '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.' 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.*

- *All lots along the Kenai River are subject to a 10' maintenance easement for government use only as granted by KN 77-101.*
- *All river meanders are for computation purposes only; property extends to the mean high water of the Kenai River.*
- *Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*
- *FLOOD HAZARD NOTICE: Some of all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map Panel 020012-2065A*
- *ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Include the parent lot information on each owner's signature line. Comply with 20.60.190.*

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