

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - Mackey Lakes Subdivision Douglas Replat

KPB File No.	2021-109
Plat Committee Meeting:	August 23, 2021
Applicant / Owner:	Melody and Denis Douglas of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Ridgeway

Parent Parcel No.:	058-090-17, 058-090-18, 058-170-12
Legal Description:	Lots 22 and 23 Block 2 Mackey Lakes Sub Addn. No 1 Part 3 and Replat of Lot 23 Block 2 Part 2, Plat KN 74-92 And Lot 24 Block 2 Mackey Lakes Sub Addn. No 1 Part 2, Plat K-1759.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat combines three lots into one lot by removing the shared lot lines.

Legal Access (existing and proposed): The proposed plat is located on the northeast side of the Y intersection of Grayling Court, Dolly Varden Way. Grayling Court is a 50 foot right of way, and Dolly Varden Way, a 60 foot wide right of way. Both right of ways are constructed and maintained by the borough. Grayling Court ends at a cul-de-sac to the north of the subdivision. Dolly Varden Way is off Mackey Lake Road and continues east. Mackey Lake Road is located near mile 92.5 of the Sterling Highway. The property is also located along the south shore of East Mackey Lake, which provides floatplane access.

Grayling Court was dedicated in 1971 as a 50 foot wide right of way with a 50 foot radius bulb. This right of way provides access to lots that are on a peninsula found within East Mackey Lake. The roads department had no comment on the proposed plat. *Staff recommends the plat committee concur that an exception for street width for Grayling Court is not required as the possibility to obtain a full 60 foot wide dedication will be difficult for the remaining length of Grayling Court as all lots have been developed and will not be further subdivided and KPB is maintaining the roadway with the current right of way width with no issues.*

The block length is not compliant or closed. Grayling Court, Dolly Varden Way, Messer Street, and section line easements define the block. Grayling Court is a cul-de-sac that ends on a peninsula within East Mackey Lake. There are lots on each side of the right of way. Any dedication within this subdivision will not improve the block, as it will end at the lake. Due to the location of the lake the ability to get a closed and compliant block will not occur. *Staff recommends the plat committee concur that an exception is not required as any dedications required will not be able to bring the block into compliance.*

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

Site Investigation: The land within the proposed plat is relatively flat. Per the Kenai Watershed Wetlands Assessment, there are some wet areas affecting the southern portion of the subdivision.

Staff recommends carry over the parent plat note regarding the natural meander boundary, site source for meander information on the plat, depict low wet areas and add a plat note "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.”

Floodplain Hazard Review	Not within flood hazard area. No regulatory mapped floodplain areas intersect this parcel.
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis This proposed plat will be combining three lots into one 2.2 acre lot.

Mackey Lakes Subdivision Addition No. 1, Part 2, Plat KN 1759 created parent Lot 24 and an early configuration of Lot 23. That plat dedicated Grayling Court as a 50 foot right of way. There was also a 50 foot dedication for Dolly Varden Way (shown as Mackinaw Place). A 20 foot building setback was put in place but there are no notes or depictions regarding utility easements.

A temporary 50 foot radius turnaround was put in place within Lot 23 designated to be in place until the street was extended. Mackey Lakes Subdivision Addition No 1 Part 3 and Replat of Lot 23 Block 2 Part 2, Plat KN 74-92, created Lot 22 and changed the configuration of Lot 23. That plat vacated a portion of the right of way, changed the right of way design, and added additional width to Dolly Varden Way to make it 60 feet wide. Utility easements were granted by plat KN 74-92 and are discussed under utility easements.

A soils analysis report is not on file for the parent lots. Per KPB 20.40.020(A)(2), the lots are increasing by 1,000 square feet and thus a report will not be required and an engineer will not need to sign the plat.

Utility Easements Plat KN 1759 did not grant any utility easements. Plat KN 74-92 granted specific utility easements that are depicted and labeled. A 10 foot by 30 foot anchor easement was granted within Lot 23. A 10 foot by 238 foot utility easement was granted adjoining the eastern boundary line of Lot 22.

The plat note indicates this plat will grant 10 foot utility easements adjoining right of ways and 20 foot utility easements within 5 feet of side lot lines.

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, depict and note the previously granted utility easements, and depict the easements along the right of ways being dedicated by this plat.**

Utility provider review:

HEA	No comment
ENSTAR	No comment or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 41840 Dolly Varden Way (will remain with Lot 22A) Existing street names are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There is not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department.

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 location of "This Plat" is hard to determine. Make the depiction more noticeable.*
- 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: *Update the plat information east of Minnow Ct. for Lot 17 Block 2, KN 74-92. The plat number is cut off for Lot 18A Block 2, north of Minnow Court.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: *Add a block label within Lot 22A.*

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:*

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

B. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Depict and label the 20 foot building setback.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: *Due to the combining of lots, a soils analysis report is not required.*

Staff recommendation: *Revise the wording in the plat note to read "An Engineer's Subdivision and Soils Report is not available for this subdivision..." 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 meander information and source. Note if bearing and distances are from record or computed. If from record, the record must be disclosed. Comply with 20.60.110.

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.

Staff comments: Per the certificate to plat, there is a 20 foot easement through Lot 23 to Lot 22. This easement was stated within a warranty deed. The deed does not state the intent, use limitations, grantors, or when/how dissolved. This easement is noted within plat note 5. With the lots being combined, the owners may wish to look into removing the easement.

Staff recommendation: comply with 20.60.160.

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: In addition to additional plat notes and corrections noted throughout the staff report staff recommends the following.

Place the following notes on the plat.

- The natural meanders of the lakeshore form the bounds of all lots adjoining the lake. The meander line as established is for survey computations and data only.

Correct the following plat notes.

- Note 2, remove the "c" at the end of the sentence.

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
