

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - KASILOF ALASKA SUBD 2021 ADDITION

KPB File No.	2021-113
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Cynthia Jane Hoffman of Anchorage, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky / Kalifornsky APC

Parent Parcel No.:	131-120-54
Legal Description:	Lot 5, Block 4 Kasilof Alaska Subdivision Amended, Plat KN 83-166
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 5 acre parcel into a 2 acre parcel and 3 acre parcel. Per KPB Assessing information, and the parent plat, show the original parcel size as 4 acres. The difference in acreage is due to the updated meander line data.

Location and Legal Access (existing and proposed): The subdivision is located north of the Kasilof River along the coast of Cook Inlet. The road access is via Coastline Street S, a 60 foot wide dedicated right of way that is constructed but is not maintained by KPB. The subdivision is near mile 5 of Kalifornsky Beach Road.

Freeway Lane and Old Setnetter Drive both connect from Kalifornsky Beach Road to Coastline Street with Freeway Lane also connecting to Old Setnetter Drive. Old Setnetter Drive and the portion of Coastline Street north of the intersection are maintained by KPB.

The block is not compliant as it is along the coast. The subdivision and neighboring lots do have multiple access points to provide alternate routes. **Staff recommends the plat committee concur that an exception is not required, as any dedication would not improve the block due to abutting Cook Inlet and all lots front on a dedicated right of way.**

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	Not on the state road system, no comment.

Site Investigation: The property contains wetland areas which have been depicted on the plat. There are also steep slopes that affect the subdivision. The top and base of a hill are depicted. The proposed subdivision is along the coast of Cook Inlet and within a flood hazard area. The flood zone should be depicted on the plat. **Staff recommendation update the line style for the slopes and tide lines, as they look similar to the new lot line symbol. Add the following plat notes.**

- FLOOD HAZARD NOTICE: Some or 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. This property is within Flood Hazard Zones VE and X as shown on FEMA map panel number 02122C-0795E.*
- 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	Is in flood hazard area. Flood Zone X, VE. Map Panel: 02122C-0795E. Not within floodway
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis The proposed subdivision will be dividing one bluff lot into two. The lots are subject to wetlands, steep slopes, and coastal floodplains.

The Kasilof, Alaska Subdivision Amended, Plat KN 83-166 created the parent lot. The subdivision was a State of Alaska Department of Natural Resources project that subdivided 303 acres. It was originally recorded in 1963 and was amended in 1983 for a correction.

The preliminary plat shows a change in the overall acreage. The proposed change is a gain of approximately an acre. The change is from the updated 2021 meander line location. **Staff recommends a plat note be added stating how the meander line was determined.**

A soils 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 the property is affected by beneficial interest holders.

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 The parent plat did not grant any utility easements within the parent lot. Per plat note 1, this plat will be granting the required utility easements. The plat depicts an existing overhead power line. **Staff recommends the utility easements being granted be depicted and labeled and work with the utility company to grant any easements requested over the existing overhead lines, and plat note 1 be reworded to reflect the wording in new code, "The front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of side lot lines are being granted as utility easements per this plat."**

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:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 28437 Coastline St S (will remain with Lot 5-B) Existing Street Name Corrections Needed: S Coastline St should be Coastline St S
Code Compliance – Eric Ogren	Code compliance review not available
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed subdivision
Assessing – Matt Bruns	No concerns from Assessing Department
Advisory Planning Commission	Comments not received when staff report prepared.

ADF&G	No objections.
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The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Revise the line styles used to make sure depictions of top and top of hills or tide lines are a different line style than the lot line. To the south and northwest of the subdivision there are some wells depicted that may be removed for the final plat.

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:**
- Owner of record per KPB Assessing and per Certificate to Plat is Cynthia Jane Hoffman. Verify owner name change to Cynthia Notti, add "Cynthia Notti, who acquired title as Cynthia Jane Hoffman" to title block and for signature line.
 - Remove the comma after Kasilof in name of subdivision. ~~and in the description.~~
 - Correct the spelling of Alaska within the subdivision description.
 - Verify the acreage and update accordingly.
- 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:** Update the street name to Coastline Street S.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** A "Block 4" label should be added for the lots.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis report will be required and an engineer will need to sign 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.

20.60.180. 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:

Add the following plat notes:

- *FLOOD HAZARD NOTICE: Some or 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. This property is within Flood Hazard Zones VE and X as shown on FEMA map panel number 02122C-0795E*
- *Add a note for any exceptions granted.*
- *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.*
- *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.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *If the owner will be signing as Cynthia Notti the signature line and notary should contain that title was taken as Cynthia Jane Hoffman. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio for Lot 5A)

Surveyor's Discussion: I am requesting an exception to the 3 to 1 ratio for Lot 5A due to the configuration of the driveway and buildings, and due to the seaward side having limited usage do to wave and tide effects.

Staff Discussion: Staff reviewed the lots and determined Lot 5B complies with the 3:1 requirements. Lot 5A is 3.1:1. Staff has noted in the staff report that the preliminary plat indicates additional acreage than the parent plat. If a change occurs with the location of the meander line, Lot 5A may comply with code and the exception will not be required to be noted on the plat.

If denied, the new lot line will need to be moved approximately 6 feet to the south.

Findings:

1. Lot 5A is an average width of 168 feet.
2. Lot 5A is an average length of 522 feet.
3. Lot 5A has a depth to width ratio of 3.1:1
4. Per KPB Code, the depth to width ratio should be 3.0:1 or less.
5. The parent subdivision was created in 1963 and amended in 1983, Plat KN 83-166.
6. The existing driveway is depicted on the plat.
7. Multiple buildings are constructed.
8. Adjusting the lot line to allow both lots to be compliant may result in encroachments of the driveway or outbuildings. .
9. The lot contains slopes with the top and base of hill depicted.
10. The western portion, approximately 100 feet, is subject to high tides.
11. To comply, the new lot line will need to be shifted approximately 6 feet to the south.

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 6-8, 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 6-8, 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 6-8, 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