

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – J BOOTH RECREATIONAL SUBD 2019 BLAUVELT ADDITION

KPB File No.	2021-069
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Walter and Brandi Blauvelt of Anchor Point, Alaska
Surveyor:	Dmitri Kimbrell / FineLine Surveys
General Location:	Happy Valley / Anchor Point APC

Parent Parcel No.:	159-310-17
Legal Description:	Lot A-2C, J Booth Recreational Subd 2019 (HM 2019-16)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 4.88 acre parcel into four lots ranging in size from 1.018 acres to 1.604 acres.

**Legal Access (existing and proposed):** The subdivision is located in the Happy Valley area near mile 149 of state maintained, Sterling Highway.

All lots have legal access from Walt Court, a 60 foot wide right of way that runs east-west along the northern boundary of the subdivision. The southern 30 feet of Walt Court was originally dedicated as Walt Road on Plat HM 75-49. The northern 30 feet was dedicated as a partial cul-de-sac with the name Walt Court on Plat HM 2002-17. J. Booth Recreational Sub Olsgard Replat, Plat HM 2003-39, vacated the western 400 feet and dedicated the remaining portion of the cul-de-sac bulb.

Access, with state approval, is available to proposed Lot A-2C-1 via the Sterling Highway.

Walt Court is constructed but the Kenai Peninsula Borough does not provide maintenance. KPB GIS Imagery shows that the right of way may not be constructed within the dedicated right of way. The parent plat noted that the surveyor thought the basis of bearings on parent plats were based on erroneous information due to disturbed monuments. If true, this could result in errors of geometric symmetry and the width of Walt Court. **Staff recommends the surveyor verify the boundary of the subdivision and determine if any portions of Walt Court are within the proposed lots. Right of way across private property may require a realignment of the constructed right of way or easement/additional right of way width being granted.**

The block is closed but not compliant. The Sterling Highway, Isabelle Road, Moore Street and section line easements define the block. The original design of Walt Road would have improved the block but it was approved to be vacated and end with a cul-de-sac. **Staff recommends the plat committee concur that an exception is not required, as any road dedications required will not improve the block length.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	The ROW for Sterling Hwy is as shown on SOA/DOH Right of Way Map F-021-1(2) (Plat 63-423 HRD) and appears to be shown correctly.

**Site Investigation:** The area within the subdivision boundary appears to be relatively flat. Per KPB GIS data, there

are no low wet areas present within the proposed subdivision.

River Center Review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-1820E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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**Staff Analysis** The proposed subdivision will be dividing a 4.88 acre lot into 4 lots. Two of the lots are proposed as flag lots.

The property within the subdivision was originally shown on J. Booth Recreational Subdivision, Plat HM 66-643, but the large acreage lot was only surveyed along the Sterling Highway. A survey was performed that further subdivided that large acreage lot, J Booth Recreational Subdivision of Lot 1 Block 1, Plat HM 73-1465. Several replats have occurred through the years. J. Booth Recreational Subdivision 2019, Plat HM 2019-16, resulted in the current lot configuration.

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.

Anchor Point 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** J Booth Recreational Subdivision Resub of Parcels A, B & D, Plat HM 75-49, granted a 5 foot utility easement along Walt Road (Court). J Booth Recreational Subdivision Unit 5, Plat HM 84-63, granted additional utility easement along Walt Court creating a 10 foot wide utility easement. This is depicted on the plat. **Staff recommends** a label be added to note it was granted by HM 84-63.

The parent plat, HM 2019-16, granted a 20 foot wide electric distribution line easement centered on the existing overhead powerline, guys, and anchors. The depiction of that easement is along the Sterling Highway within proposed Lot A-2C-1. **Staff recommends** the powerline be depicted and reference a plat note that carries over the parent plat note and states granted by HM 2019-16.

Homer Electric Association has requested an additional 10 foot utility easement within Lot A-2C-1 along the flag of Lot A-2C-3. **Staff recommends** depict the requested easement and include a label or note stating it is being granted by this plat.

Plat note 2 indicates the plat will comply with code by making the front 10 feet adjacent to right of ways a utility easement. It also intends to grant 20 feet within 5 feet of the side lot lines as easement. **Staff recommends** the

utility easement depiction be updated to include the 20 feet within 5 feet of the side lot lines and include the depiction along the Sterling Highway.

**Utility provider review:**

HEA	HEA requests a 10 foot utility easement.
ENSTAR	No comments or objections
ACS	
GCI	Approved as shown

**KPB department / agency review:**

Addressing – Derek Haws	<p>Affected Addresses: 27275 STERLING HWY</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: STERLING HWY WALT CT</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 27275 STERLING HWY will be deleted and new addresses assigned upon request.</p>
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	There are no local option zoning district issues or material site issues associated with this subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.
Advisory Planning Commission	Not available when staff report was 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:**

- Correct the spelling of "Recreational" in the parent subdivision name.
- Include NW1/4 in the description

- Verify acreage, KPB Assessing shows the parent parcel as 4.88 acres as does the adding of the listed acreage on the proposed lots.
  - Update Mr. Blauvelt's name to Walter.
  - The PO Box shown on Assessing records is PO Box 85. Verify with the owner the correct PO Box. If 85 is not the correct box number they should contact the KPB Assessing office to update their information.
- 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 range labels need to be switched.
  - Stariski Creek goes through the majority of the area depicted within the vicinity map. Include a depiction and label.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;  
**Staff recommendation:** *the lot designations are lengthy. Staff recommends changing the lot numbers to A-3, A-4, A-5, and A-6. If the owners wish to try a different series of lot numbers, they should contact staff to see if they comply.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;  
**Staff recommendation:** *Per KPB GIS imagery, a structure may be crossing the lot line between A-2A and proposed A-2C-4. The imagery is not clear but it does appear that there may be multiple structures throughout the proposed subdivision. These may be temporary or moveable structures. New lot lines cannot be created knowing an encroachment issue will be created. Verify during the field survey if there are any encroachments. Let staff know in writing if any encroachments exist and how they are will be resolved. If one is present, additional plat notes may be required.*

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### KPB 20.30 – Subdivision Design Requirements

#### 20.30.190. Lots-Dimensions.

A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

**Staff recommendation:** *place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s).*

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### KPB 20.40 – Wastewater Disposal

#### 20.40.010 Wastewater disposal.

*Platting Staff Comments: Soils analysis required and 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.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100 feet. The drawing shall be plotted on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, legible, and in black ink. The minimum text size should be 10 point (0.1") font or the equivalent. Where necessary, 8 point (0.08") capitalized font or the equivalent can be used to label features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

**Staff recommendation:** comply with 20.60.070. The font size will need to be increased so all labels are a minimum of 10 point font (0.1") or larger. Staff would also like to point out the margins on the plat are less than the State DNR standard of 1 inch on all sides with a 1.5" on the binding side. The DNR recorder's office will review this on a case-by-case basis but staff encourages a minimum 1 inch margin on all plats.

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:** Lot numbers need to be shortened.

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.

- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- A note should be added for any code exceptions and the date granted.
- Per the certificate to plat, the property is subject to a reservation easement. Add, "Subject to reservation of an easement for highway purposes as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1, thereto, dated July 17, 1952 and Amendment No. 2, thereto, dated September 15, 1956, filed in the Federal Register."
- If encroachments are found add, "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."
- No structures are permitted within the panhandle portion of the flag lot(s).
- If the exception and design of the flag lots are approved and the exception granted add, "Possible limitations on further subdivision based on access issues, development trends in the area, or topography."

- *Depict the easement granted by parent plat and refer to plat note that states, "Existing overhead powerlines, poles, guys and anchors as shown are the centerline of a 20 foot wide electric distribution line easement, granted by HM 2019-16."*

*Plat note correction.*

- *Per KPB GIS data, no wetlands are present within the boundary of the proposed subdivision. If low wet areas are detected during the field survey they should be depicted on the plat. If there are no wet areas present, plat note 3 may be removed.*
- *Plat note 4, add "Serial" in front of "#66-705 HRD".*
- *Plat note 5, update the page number to 97 and remove the duplicate "for".*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Names must be shown as they appear on the title report. Change Mr. Blauvelt's name on signature line and within notary's acknowledgment to "Walter". Verify the owners' address as KPB Assessing records show PO Box 85, Anchor Point, AK 99556. Comply with 20.60.190.*

### **EXCEPTIONS REQUESTED:**

#### **KPB 20.30.190(B) – Lots-Dimensions**

##### **Surveyor Discussion:**

**Staff Discussion:** Per KPB Code 20.30.190(B), a flag lot with the access portion less than 60 feet wide may not exceed 150 feet in length. The flags for lots A-2C-4 and A-2C-3 are 20 feet in width and 210 feet in length.

The area is not affected by steep slopes or wetlands.

Access to the southwest area of the parent parcel is limited due to the location of Tract A-2A and the development to the south. Tract B, to the west, is a large tract.

If the exception is denied, a redesign will be required that provides for a 60 foot wide dedicated cul-de-sac right of way.

##### **Findings:**

1. Two flag lots are being created with the flag portion being 210 feet in length.
2. The two flag lots have an access width of 20 feet each.
3. KPB Code states any flag less than 60 feet cannot exceed 150 feet in length.
4. Flag limitations are to allow for practical access to the building site portion of the parcel.
5. The lots being created are 1.192 acres and 1.018 acres, including the flag portions.
6. The lots to the south of the subdivision have improvements that would limit a future right of way connection.
7. A 60 foot right of way dedication in place of the flags will require a redesign on the subdivision to comply with KPB design standards.
8. Access to the southwest area of the parent parcel is limited due to the location of Tract A-2A and the development to the south.
9. Due to the square footage of the lots, additional subdividing of the flag lots will be unlikely unless community water and/or wastewater disposal are available.

**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 6-9 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 6-9 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 6-9 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.

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**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**