

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – TATUM DENISE SUBDIVISION PHASE 1

KPB File No.	2021-122
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Gene, Linda, and George Friendshuh, all of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Sterling

Parent Parcel No.:	058-301-72, 058-320-45, 058-320-46, 058-320-47, 058-320-48, 058-320-49, 058-320-50
Legal Description:	Lots 10 thru 15 of Tatum Subdivision (KN2021-15), S1/2 SE1/4 of Section 14 excluding several Denise Lake Estate Subdivision (KN 86-214, KN 94-27, KN 97-18, and KN 2007-55)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide an unsubdivided remainder parcel into six lots, reconfigure five existing lots, dedicate right of ways, and finalize a right of way vacation. The lots within the subdivision will vary in size from 1.44 acres to 2.82 acres with one large lot that is 8.55 acres.

Location and Legal Access (existing and proposed): The subdivision is located in the Mackey Lake area. Legal access to Derks Lake Road is via Mackey Lake Road to Denise Lake Drive. An alternate route is from Denise Lake Drive to Aksala Lane and Arctic Tern Road.

Nearby right of ways Goldeneye Avenue, Big D Road, and Cinnamon Street provide additional access. Cinnamon Street does not appear to be improved. Big D Street appears to have a constructed road. Neither right of way is maintained by KPB.

The preliminary plat design shows a realignment of Derks Lake Road. KPB GIS Imagery appears to show a roadway that angles to the north of the dedication and connects to Big D Road. The proposed dedication does not appear to follow the existing trail or drive.

The proposed right of way vacation has an underlying section line easement and a petition has been received to vacate the section line easement. The public hearing for the right of way vacation and the section line easement vacation were heard by the Planning Commission on September 13, 2021. Both petitions were approved and forwarded to the Kenai Peninsula Borough Assembly. The Assembly has 30 days in which they present a consent or veto decision. Failure to respond within 30 days is considered a consent.

The northern block is closed but not within compliance for length. Arctic Tern Road, Goldeneye Avenue, Cinnamon Street, and Derks Lake Road define that block and exceeds the length requirements along the north and south. The southern lots are within a very large block. Derks Lake Road, Birch Road, Gerrard Avenue, and section line easements define the block. Anadromous stream, Soldotna Creek, runs through the lots within the southern portion of the subdivision. A material site permit has been granted for the large acreage Tract A located to the south. The parent subdivision that created those lots was granted an exception for block length due to the anadromous stream and material site. ***Staff recommends the plat committee concur that an exception is not required as any dedication granted will not improve the block length and a dedication across an anadromous stream and additional public access to the material site is not desired.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	No comment

Site Investigation: The contours are depicted on the plat. Some steep slopes appear to be present along the northern portion of Lot 4 and Lot 3 within Block 4. There does not appear to be any steep slopes affecting the proposed right of way dedications.

Low wet areas are depicted on the plat. These are within the lots located south of Derks Lake Road. The correct plat note regarding contacting the U.S. Army Corps of Engineers.

The anadromous stream Soldotna Creek runs through the southern lots. It is depicted and plat note 7 contains the anadromous plat note.

Staff recommends contours data be removed from final but any slopes greater than 20 percent should be shown and plat note 7 must be reworded to match KPB Code.

River Center Review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldrige C. State Parks Reviewer: Russell, Pam Comments: No Comments
State Fish and Game	No objections.

Staff Analysis The proposed plat will result in eleven parcels, a new right of way dedication, and a right of way vacation with new dedication to realign the right of way. Tatum Subdivision, Plat KN 2021-15, created the lots south of Derks Lake Road. The lots contain setbacks from an anadromous stream as well as wetlands that limit the usable areas on the lots. The plat will finalize a section line easement and right of way vacation that will shift the road to the north and provide additional usable acreage to those lots. The lots north of Derks Lake Road are a remainder of the S1/2 SE1/4. Multiple subdivisions have subdivided the original lot. This plat will create six lots from the remainder and dedicate a new cul-de-sac. The largest lot proposed is 8.55 acres, Lot 19 Block 4. The label on the lot states a future phase is planned for that lot with proposed lot lines. **Staff recommends** remove the reference to the future phase and the proposed lot lines and name this as a Tract.

A soils analysis report will be required for the lots less than 200,000 sq. ft. located north of Derks Lake Road. Lot 19 is larger than 200,000 sq. ft. and will not require a soils analysis report. Lots 10A – 14A will not require a soils analysis report as the number of developable lots will not be increasing and each lot has a minimum of 20,000 sq. ft. available for wastewater. A recent soils report was submitted that provides soils information for Lots 10A – 14A. **Staff recommends** Lot 19 be named Tract A to match the wastewater disposal note.

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.

The property is not within an advisory planning commission.

The Certificate to Plat notes the property is subject to a material site permit. The permit was issued for the N1/2 NE1/4 of Section 23. Per the site plan submitted with the permit application the active material site area was to be south of Soldotna Creek. With the parent subdivision Tatum Subdivision, Plat KN 2021-15, a review of the permit was performed as outlined by code. The Planning Director issued a letter granting a permit amendment exemption as the lots north of Soldotna Creek were not part of the permit area and the large acreage tract south of Soldotna Creek was to contain the material site operations. Since the property was originally part of the permit application parcel the permit is referenced on the certificate to plat. **Staff recommends the plat note referencing the conditional land use permit remain but include that the parcels within this subdivision are not permitted for material extraction.**

Utility Easements The land north of Derks Lake Road is an unsubdivided. No utility easements have been granted by plat north of Derks Lake Road. A utility easement has been granted to Homer Electric Association by recorded document within this section and is noted on the plat as note 8.2. The location of the easement is not defined.

The lots south of Derks Lake Road had utility easements granted per Tatum Subdivision, Plat KN 2021-15. The easements were associated with the dedicated right of way. The vacation of Derks Lake Road included the associated utility easements and was approved on September 13, 2021 by the Planning Commission. New utility easements are proposed along the new right of way dedications.

An existing powerline runs through the southern lots, located south of the right of way and section line easement vacation.

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	No comment
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	<p>Affected Addresses: NONE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: CINNAMON ST BIG D RD DERKS LAKE RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: List of Street Names Denied: New street name needed for newly dedicated ROW.</p>
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	Comments: A new street name is needed for the newly dedicated ROW.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat. There are not any 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**

The Lot 12A label is an overstrike with some information that may not pertain to this plat. The information should be removed or moved to make legible.

KPB 20.25.070 - Form and contents required.

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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 name of the subdivision should be revised. The use of "Phase" in the name is when an overall preliminary design is approved and finalized through multiple plats. As there is not a current subdivision with that name, it can be called "Tatum Denise Subdivision".*
- *Correct the location of the subdivision to "SE1/4 of Section 14 and NE1/4 of Section 23, Township 5 North, Range 10 West, Seward..."*
- *Verify the owners' addresses. KPB Assessing records indicate George may have a different mailing address.*

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: *Within the main drawing, provide a label for the section line easement within section 23 and section 24. Verify the north-south section line easement width within Section 14, provide a depiction, and label if necessary.*

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

Staff recommendation: *Work with the Addressing Officer to obtain an approved street name for the cul-de-sac being dedicated with this plat.*

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff recommendation:

- *The large acreage lot is shown as Lot 19. This lot will not require a wastewater review while the others will. Staff would recommend naming this parcel "Tract A" as it is larger than 5 acres and can*

be further subdivided in the future. Any future subdivision of Tract A can then continue with the lot numbers in sequential order.

- Lot 20 Block 4 is acceptable but appears to be out of sequence with the numbers around it. There is no Lot 15 Block 4 from the previous plats. Changing Lot 20 Block 4 to Lot 15 Block 4 and Lot 19 Block 4 to Tract A will allow any future additions to number the lots sequentially.*

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:*

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis report required for all lots except Lot 19 Block 4 and not required for the lots south of Derks Lake Road. 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.*

20.60.040. 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: *Acceptance of new dedications to be signed by the Kenai Peninsula Borough.*

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: *Revise the following plat notes*

- Reword plat note 3 to match new code. "The front 10 feet adjacent to dedicated right of ways and 20 feet within 5 feet of side lot lines is a utility easement."*
- Plat note 5 should include the reference to KPB Code, "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)."*
- Plat note 7 must be reworded to match code.*

Plat note 8.1 may require additional wording if it is determined by staff that the lots within this subdivision are excluded from the material site permit. Staff recommends the surveyor contact staff for the final wording before printing the mylar. "A conditional land use permit to operate a sand, gravel or material site per

Planning Commission Resolution 2020-38 and recorded as Serial No. 2021-003985-0, KRD. Portions of this subdivision were part of the original permit. It has been determined that the portions within this subdivision are not part of the permitted area and no material site operations are to be conducted within this subdivision under Resolution 2020-38.

KPB 20.70 – Vacation Requirements

Staff recommendation. *This plat is to finalize a right of way vacation. The plat must be finalized within one year or a new petition for the right of way vacation will be required. The section line easement vacation has four years in which to finalize. If it is completed prior to the finalization of the plat, it may be depicted and noted.*

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