

AGENDA ITEM E. NEW BUSINESS

ITEM 6 - EDGINGTON SUBDIVISION SHERMAN ADDITION

KPB File No.	2021-129
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Jessica Seymour, Paul Kelly, Colleen and Guy Sherman, all of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Sterling

Parent Parcel No.:	063-750-03, 063-750-04
Legal Description:	Lots 3 and 4 of Edgington Subdivision No. 2, Plat KN 79-195
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure a shared lot line and finalize right of way and utility easement vacations.

Location and Legal Access (existing and proposed): The subdivision is located on Longmere Lake. The subdivision fronts on Fannie Mae Avenue. Legal access begins near milepost 88 of the Sterling Highway, to St. Theresa Road, to Edgington Road, to Fannie Mae Avenue. All access roads are improved and maintained by the Kenai Peninsula Borough.

A petition to vacate a portion of the cul-de-sac bulb and the 20 foot utility easement has been submitted and is scheduled for a Planning Commission hearing at the September 27, 2021 meeting. The proposed plat will grant a utility easement over the vacated right of way area.

The block is not closed nor compliant in length. Due to the proposed subdivision being located near the southern portion of the lake, a closed block will be difficult. **Staff recommends that the plat committee concur that the subdivision will not be able to provide a dedication to improve the block and an exception is not required.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	Not on the state road system, no comment

Site Investigation: The proposed subdivision is along the shore of Longmere Lake. Steep slopes appear to be present towards the lake and should be depicted. There does not appear to be any low wet areas within the subdivision.

The ordinary high water should be labeled and the source stated. An additional plat note is required for the ordinary high water.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan
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	Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
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Staff Analysis Edgington Subdivision No. 2, Plat KN 79-195, created Lots 3 and 4 and dedicated a 30 foot wide portion of Midway Drive and a 50 foot radius on the north side of the right of way.

The proposed plat is reconfiguring a portion of the shared lot line. The northern 128 feet will remain in place but the southern approximate 200 feet will shift to the northeast by 25 feet. Per KPB GIS imagery, a structure appears to be very close or encroaching on the property line. The boundary line adjustment will either correct the encroachment and/or provide a buffer between the structure and the neighboring lot.

An exception has been requested for a soils analysis report.

The property was included in a special assessment district. If there is any portion of the required payments to the Kenai Peninsula Borough outstanding, they will be required to be paid prior to the tax certificate being issued to allow for recording.

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.

Utility Easements The parent plat, KN 79-195, granted a 20 foot utility easement centered on the shared lot line for approximately 220 feet. A petition to alter the platted utility easement has been submitted and is scheduled to be heard by the Planning Commission on September 27, 2021.

The parent plat also granted 5 foot utility easements adjoining the straight portion of Fannie Mae Avenue within Lot 3. Per plat note 2, this plat is proposing to grant 15 foot utility easements along dedicated right of ways.

If the right of way vacation is for the cul-de-sac bulb, this plat is showing that area to be granted as a utility easement per plat note 9 and label on the face of the plat. Plat note 5 and 6 also address installed utilities that are depicted and easements will be granted centered on the utilities.

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	Reviewed / no comments.
ENSTAR	No comments or objections.
ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 39084 FANNIE MAE AVE
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	<p>35495 HAGER BLVD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: FANNIE MAE AVE HAGER BLVD</p> <p>Comments: 39084 FANNIE MAE AVE will remain on LOT 3A 35495 HAGER BLVD should be changed to FANNIE MAE AVE address due to shared driveway with 39084 FANNIE MAE AVE</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Bruns, Matthew</p> <p>Comments: No concerns from Assessing Dept.</p>

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:*** Add the name of the parent subdivision, "A subdivision of Lots 3 and 4, *Edgington Subdivision No. 2, Plat KN 79-195.*
- 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 small portion of the Kenai National Wildlife Refuge is found in the bottom of sections 31 and 32, south of the Kenai River. Trying to depict will make it difficult to read and staff recommends it not be shown unless the orientation of the vicinity map is changed.
- 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: *The lots located to the south of the subdivision and south of Fannie Mae Avenue need their plat number revised from 79-195 to 78-79.*

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation: *Depict steep slopes over 20 percent if found within the subdivision.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: *It appears that the change to the lot boundary will remedy an encroachment or provide additional room between the building and the boundary line.*

KPB 20.40 – Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: *An exception has been requested.*

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: *The ordinary high water shall be labeled and include source information. A plat note shall be added regarding the ordinary high water. Comply with 20.60.110.*

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: *Within the utility easement detail provide the dimensional data necessary to show where the utility easement is located where the bulb portion of the right of way has been vacated. Comply with 20.60.150.*

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.*

- *The ordinary high water line forms the true bounds of these lots. The approximate ordinary high water line is shown for computation purposes only.*
- *Plat note 8 is not required and can be removed.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The owner's signature lines should state which former lot they are signing as owner. Comply with 20.60.190.*

20.70 – Vacation Requirements

Staff recommendation. *Must be recorded within one year from Kenai Peninsula Borough Assembly consent to finalize the vacations.*

EXCEPTIONS REQUESTED:

KPB 20.40.040 – Conventional onsite soil absorption systems – Soils analysis

Surveyor's Discussion:

Staff Discussion: The surveyor has submitted a request to not provide a soils analysis report for this subdivision. A soils analysis report was not prepared for the parent plat.

A soils report was submitted for the subdivision to the north (Plat KN 2016-29). The test holes showed a shallow layer of topsoil overlaying silt/organic silt that overlays well-drained sand and gravel. Groundwater table was not encountered in the upper 12'. The report also stated that a gravel pit located to the east was observed and found the subsurface conditions were consistent with the subdivision analysis report.

If the exception request is denied, a soils analysis report will be required to be submitted for review and a licensed engineer will be required to sign the plat.

Surveyor's Findings:

1. Portion of lot line being moved only 25 feet.
2. Lot 3A decreasing in size by only 0.10 acres
3. Lot 4A increasing in size by 0.10 acres.
4. Functioning conventional septic systems exist on both parcels.

Staff's Findings:

5. The lots are along Longmere Lake and have a 100 foot setbacks from ordinary high water for septic systems.
6. Proposed Lot 3A appears to have +/- 55,000 sq. ft. of area with the 100 foot setback from the lake.
7. Proposed Lot 4A appears to have +/- 30,000 sq. ft. of area with the 100 foot setback form the lake.
8. The location of the private wells on either lot are not known and may affect the available area for wastewater disposal.
9. A 100 feet setback for wastewater disposal systems is required from all private wells.

10. A DEC approved septic system review was not found for either of these two lots on the DEC webpage.
11. This subdivision will be adjusting a common lot line.
12. The number of developable lots will not be increasing.

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 1, 3, 4, 6, 7, 11, 12 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 1, 3, 4, 6, 7, 11, 12 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 1, 3, 4, 6, 7, 11, 12 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