

AGENDA ITEM E. NEW BUSINESS

ITEM 6 – MANSFIELD SUBDIVISION WOLTER 2021 REPLAT

KPB File No.	2021-121
Plat Committee Meeting:	October 11, 2021
Applicant / Owner:	Randall and Gale Wolter of Springfield, Illinois
Surveyor:	Kenton Bloom / Seabright Survey + Design
General Location:	Fritz Creek / Kachemak Bay APC

Parent Parcel No.:	172-240-24, 172-240-25, 172-240-26
Legal Description:	Lots 1, 2, & 3 of Mansfield Subdivision Clark Replat, HM 2007-90
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots into one 7.04 acre lot.

Location and Legal Access (existing and proposed): The proposed plat is located near McNeil Canyon to the East of Homer. Legal access is from Hutler Road, a 60 foot wide right of way that is maintained by the Kenai Peninsula Borough. Hutler Road is located near mile 12 of state maintained East End Road.

A 66 foot wide section line easement, 33 feet within the subdivision boundary, adjoins the west side of the subdivision. The section line easement provides a public access connection from Hutler Road to Mansfield Avenue. The section line easement is not improved. Mansfield Avenue has been improved and is maintained by KPB. ***Staff recommends the 33 foot section line easement within section 22, and abutting the subdivision, be depicted and labeled.***

A dirt path is depicted on the plat. The parent plat depicted various trails and labeled them as unauthorized trails. The depiction of the trails was discussed at the Plat Committee for the parent plat. There were concerns regarding showing the trails as they were not authorized by the owners and questions regarding prescriptive rights were discussed. The decision was reached to depict the trails and label as 'unauthorized'. Staff appreciates such depictions on the preliminary plat as it shows existing access that may not be able to be determined from the aerial images. ***Staff recommends the dirt path be labeled "Private path shown is for use of owners only and is not dedicated to public use."***

Hutler Road, East End Road, Mansfield Avenue, and section line easements, define the block. The block is closed but does exceed allowable limits. A dedication along the eastern boundary would help improve the block requirements. A dedication along the eastern portion would go through multiple areas of steep terrain and wetlands. To create a closed block, dedications would be required from the property to the south. The land in the area slopes to the south. Hutler Road and Mansfield Avenue are constructed in a manner that follows the slopes. It was discussed during the parent plat's preliminary review that there were no roads dedicated to provide an additional connection between Hutler Road and East End Road. This may be the result of the terrain in the area. ***Staff recommends the plat committee concur that due to the terrain that a dedication at this time is not advised and an exception is not required.***

The parent plat, Mansfield Subdivision Clark Replat, HM 2007-90, was not required to dedicate along the western boundary. Staff had requested a dedication atop the section line easement to connect Hutler Road and Mansfield Avenue. Per the minutes from October 23, 2006 Plat Committee meeting, "The lack of any existing travel ways between the two roads may be indicative of the unsuitability for access." The surveyor recommended a dedication not be required. Staff stated that documentation could be submitted to support the request. A letter was received

from Paul Voeller of Borderline Surveys. The letter dated 11-3-2006 stated that a dedication of half a right of way along the western boundary had been discussed and for supporting information if the topographic conditions were suitable for a roadway. The letter states that although not excessively steep, the route is too steep for a 6 or 10 percent gradient roadway. A dedication along the western boundary that coincides with the section line easement was not required on the parent plat. ***Staff recommends the plat committee concur that the dedication is not required at this time due to the existence of steep terrain, the existence of the section line easement, and there have been no changes within the area.***

If the Plat Committee does not concur with staff regarding the dedication along the western boundary, a minimum 30 foot right of way will be required and submittal of cross-sections and centerline profiles to determine if additional right of way width or slope easements are required.

KPB Roads Dept. comments	
SOA DOT comments	No comment.

Site Investigation: The land within the proposed subdivision slope to the south. Multiple areas contain slopes greater than 20 percent and are depicted.

The southern portion of the subdivision contains low wet areas. These areas are depicted and the appropriate U.S. Corps of Engineers note is present.

River Center Review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy 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 preliminary plat will combine three lots into one 7 acre lot. The property associated with the subdivision was originally subdivided by Mansfield Subdivision, HM 78-94. Mansfield Subdivision Clark Replat, HM 2007-90, later replatted it into the current configuration.

A soils analysis report was prepared for the parent lots and was determined to be suitable for onsite wastewater treatment. Per KPB 20.40.020(A), a soils analysis report is not required as it is vacating lot lines and increasing the usable area.

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.

Kachemak Bay 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, Mansfield Subdivision HM 78-94, granted a 5 foot underground utility or overhead clearing easement along Hutler Road. Several 30 foot radius guy anchor easements were also granted

and one is within the northeast corner of the proposed plat. Mansfield Subdivision Clark Replat, HM 2007-90, increased the utility easement to 10 feet with 20 feet within 5 feet of side lot lines. The guy anchor easement was not depicted on the plat.

The plat is carrying over the plat note regarding the 10 foot utility easements and cites the parent plat HM 2007-90. **Staff recommends** the depiction of the utility easements include 20 feet within 5 feet of the former lot lines and depict the 30 foot radius guy anchor easement and cite plat HM 78-94.

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 recommendations
ACS	No objections
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: NONE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: HUTLER RD</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: NO ADDRESSES AFFECTED BY THIS SUBDIVISION.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan 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 Comments: No concerns from Assessing Dept.</p>
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 section number for the location of the subdivision to Section 23, Township 5 South, Range 13 West.*
 - *Staff would recommend adjusting the legal description so that NW1/4 is together and not split on two lines.*
 - *Include Gale L. Wolter's name as an owner within the title block.*
- 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:** *Provide depiction and label of the 33 foot section line easement abutting the western boundary within Section 22.*
- 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:** *Correct the label shown as Tract A, located to the west of the subdivision, to Lot 1-A, HM 2003-93.*

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:*

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.
- B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.
- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.
- Staff recommendation:** *The parent plat did not require a dedication along the section line easement due to terrain. Concur that a right of way dedication on the west boundary is not required at this time due to the steep terrain and the existence of a section line easement. If the plat committee determines a dedication is required, a minimum 30 foot dedication will be needed along the western boundary.*

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Staff recommendation: *If a dedication is required, submittal of centerline profiles and cross-sections will be required to determine if additional right of way width or slope easements are required.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: *Per KPB Assessing records the property is currently vacant. Revise the wastewater disposal note to comply with 20.40.020(B)(1) by reading, 'The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on October 23, 2006. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.'*

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.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *If a dedication is required, an acceptance to be signed by the borough will be required. The Certificate of Ownership should be revised from singular person to plural. Gale L. Wolter needs a signature line added. Verify the state in which they will be signing. If unsure, leave the state blank. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *A field survey is not required per KPB 20.60.200(A). Unless monuments are removed, include the symbols for the survey markers of record that have been set on the former lot lines. Comply with 20.60.200*

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