

E. NEW BUSINESS

- 3. Stutes Estates; KPB File 2022-139
Peninsula Surveying LLC / Dorothy Florence Stutes Trust
Location: Otta Street & Haven Avenue
Anchor Point Area / Anchor Point APC**



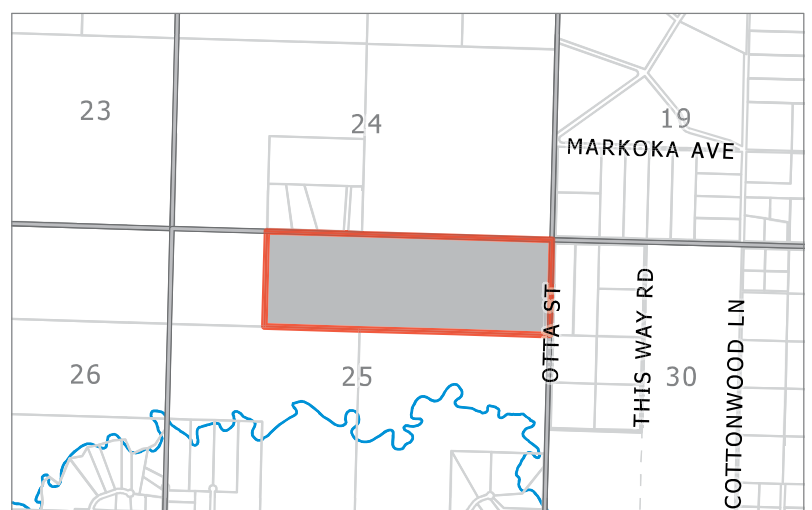
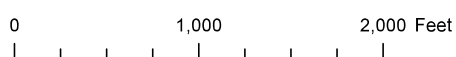
Kenai Peninsula Borough Planning Department

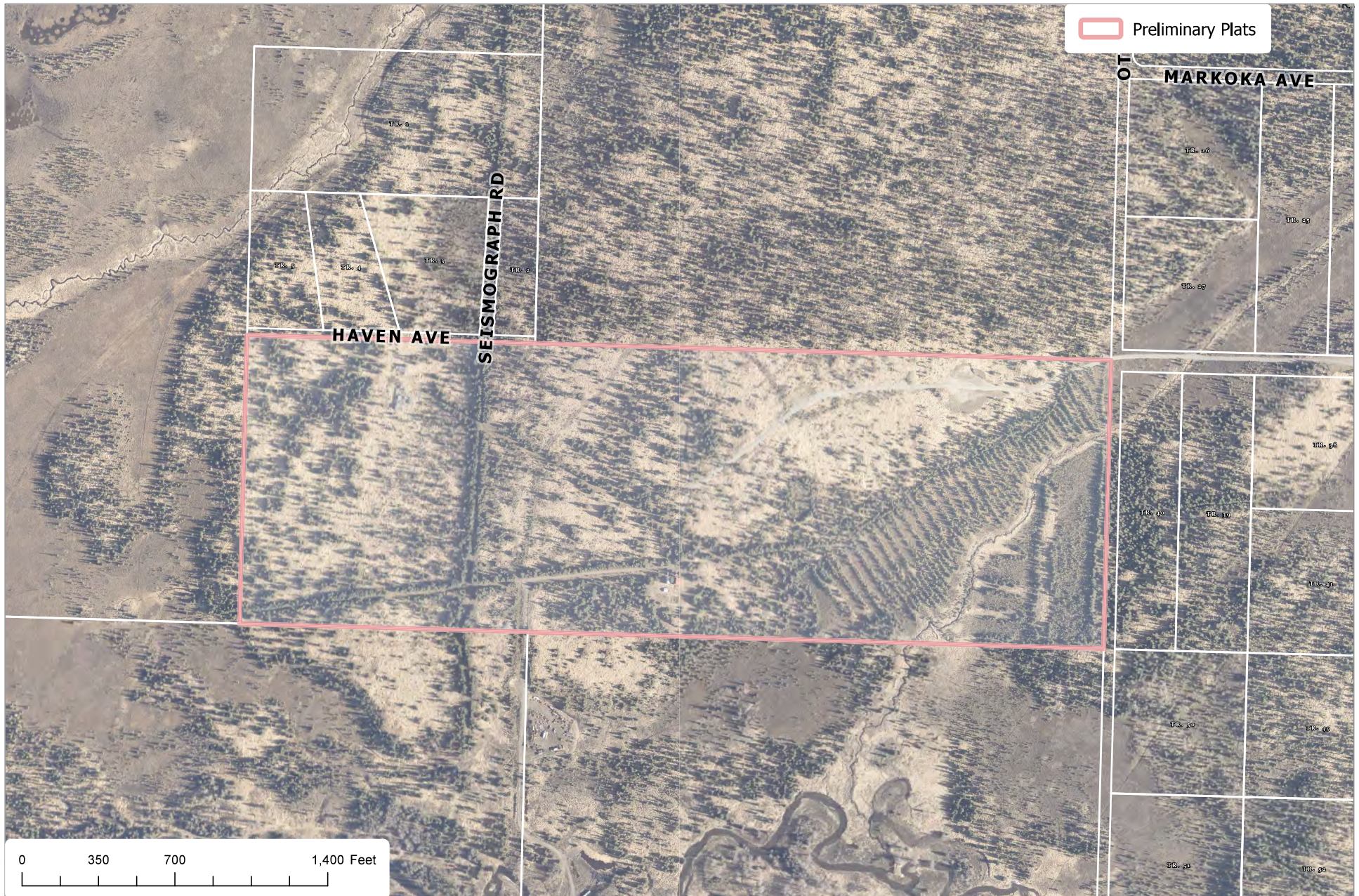
Vicinity Map



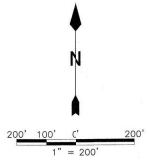
KPB File 2022-139
T 04S R 15W SEC 25
Anchor Point

9/13/2022





The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPT ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

HAVEN AVENUE RIGHT-OF-WAY
KAY CIRCLE RIGHT-OF-WAY
LLOYD STREET RIGHT-OF-WAY
HAWK COURT RIGHT-OF-WAY
OTTA STREET RIGHT-OF-WAY

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____

PLAT APPROVAL

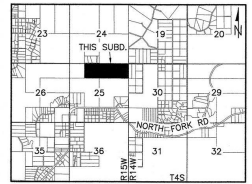
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____
KENAI PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL

LINE TABLE		
LINE	BEARING	LENGTH
L1	SOUTH	179.87'
L2	SOUTH	180.03'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	124.90	50.00	143°07'48"	150.00	94.87	N18°26'06"E
C2	124.90	50.00	143°07'48"	150.00	94.87	S18°26'06"E
C3	124.90	50.00	143°07'48"	150.00	94.87	N71°33'54"W
C4	124.90	50.00	143°07'48"	150.00	94.87	N71°33'54"E



1" = 1 MILE

LEGEND

- WETLANDS PER THE KENAI WATERSHED FORUM COOK INLET
- WETLANDS MAPPING

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT THE DOROTHY FLORENCE STUTES TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF THE DOROTHY FLORENCE STUTES TRUST, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY OWN FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MONA D STUTES
PO BOX 238
ANCHOR POINT, AK 99556

NOTARY ACKNOWLEDGMENT

FOR: MONA D. STUTES
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

PLAT OF STUTES ESTATE

A SUBDIVISION OF
N1/2 NE1/4 AND NE1/4 NW1/4
SEC. 25, T4S., R15W., S.M.
HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH
CONTAINING 119.881 ACRES

OWNER: DOROTHY FLORENCE STUTES TRUST
PO BOX 238, ANCHOR POINT, AK 99556

SCALE: 1" = 200'

DATE: SEPTEMBER 9, 2022

DRAWN: JLS

SHEET: 1 OF 1

WASTEWATER DISPOSAL

LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTES

- A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
- 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.
- NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF TRACT C.
- 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.
- SUBJECT TO A 60' PRIVATE ACCESS EASEMENT FOR THE BENEFIT OF TRACT 1 STUTES RETREAT, HM 85-10, RECORDED IN BOOK 155 PAGE 664, HOMER RECORDING DISTRICT.

KPB 2022-139

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – STUTES ESTATE

KPB File No.	2022-139
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Dorothy Florence Stutes Trust of Anchor Point, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Haven Avenue, Anchor Point, Anchor Point APC

Parent Parcel No.:	165-162-24
Legal Description:	N1/2 NE1/4 and NE1/4 NW1/4 of Section 25, Township 4 South, Range 15 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 120 acre parcel into five tracts ranging in size from 9.529 acres to 28.673 acres. Dedications atop section line easements, provide matching half dedications, continuations of rights-of-way, a connector rights-of-way and two cul-de-sacs is proposed.

Location and Legal Access (existing and proposed): The property is situated north of North Fork Road in the Anchor Point area. To the west of the subdivision are section line easements and some dedications that provide access from near mile 155 of the Sterling Highway. This access is not developed the distance as it is over 8,000 feet to the subdivision with the need to cross creeks and wetlands.

The lot appears to have two access points constructed that may be in use. Near mile 4 of state maintained North Fork Road is Cottonwood Lane. This is a borough maintained right of way that is about 6,200 feet in length to the intersection with Haven Avenue. Haven Avenue as a small portion borough maintained east of Cottonwood Lane. The remaining portion is not maintained but the area west of Cottonwood Lane appears to be constructed and provides access to the subdivision. Haven Avenue dedication widths vary but is atop section line easements. Haven Avenue is constructed to the corner of the proposed subdivision and then continues through the subject property. Haven Avenue is constructed over a portion of an anadromous stream. This plat is proposing to continue the dedication along the north of the subdivision atop the section line easement. The other access that looks to be constructed is from the south. This access is directly off North Fork Road. This access crosses through private property that is subject to a prior existing use material site. This access continues and crosses a portion of the North Fork Anchor River then continues north to the subject property. Per an easement recorded in Book 107 Page 13, HRD, a public road right-of-way was granted from North Fork Road. This easement is for a 66 foot wide strip of land that is on the north-south centerline of section 25 and is 2,640 feet in length. This provides access from North Fork Road to the southern boundary of this subdivision.

The plat is proposing to dedicated Haven Avenue atop the section line easements and provide a continuation from the already existing dedication. KPB data indicates that the section line easement to the north is 50 feet wide. This dedication will cross some steep terrain. ***Staff recommends centerline profiles and cross-sections be submitted to determine if additional width or slope easements will be required, label the dedication to also state it is a section line easement and depict and label the abutting section line easement to the north.***

The plat will also be dedicating a matching dedication along the eastern boundary that will also be atop section line easements. This will be for Otta Street and will bring the dedication width to 83 feet wide. Within the subdivision the easement is 33 feet wide but south of the subdivision it is 50 feet, per KPB data. This dedication is crossing an unnamed anadromous stream that connects to North Fork Anchor River. The terrain does not appear to be steep within the dedication. Per KPB 20.60.050, additional easements or right-of-way width may be required when

crossing a waterbody. The code also requires the road and crossing be brought to borough standards prior to finalizing the plat. Due to this requirement the plat may receive a three year approval period in lieu of two. An exception has been requested. **Staff recommends the section line easement be labeled along the Otta Street dedication, correct the width of the section line easement to the south, and compliance with 20.60.050 unless an exception is granted.**

The plat will be dedicating a right-of-way from the south to the Haven Avenue dedication. This dedication appears to be in line with the existing access being used from the south but it is only constructed for the southern portion of the dedication. A private easement has been granted that runs from what is proposed as Lloyd Street to the west and then to the north. This easement provides access to the lots to the north and is in line with a dedication named Seismograph Road. This access easement appears to be a trail and will be about 160 feet offset from the new Lloyd dedication. There is no information presented if the private access easement, which appears to be in use, will be removed once a dedicated access is granted. Additionally there is a developed access from Haven Avenue that will not be within the dedications. There are two compliant cul-de-sacs proposed. Cul-de-sacs are to be designed as permanently closed and they are providing access to very large acreage tracts that could be further subdivided but the location of the cul-de-sacs will limit future development. **Staff recommends that the plat committee determine if they would like to see if another design could be done that makes use of the constructed access routes and if the plat committee approves the current design that the cul-de-sacs be changed to hammer style or t-type turnarounds to allow for future continuations.**

Exceptions have been requested for dedications along the western and southern boundaries and for block length. Due to the large nature of the tract and those surrounding it the block exceeds allowable limits.

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

Site Investigation: The proposed plat has areas with steep slopes present. The plat shows the top and toe of the slopes. There is also an anadromous creek with wetlands surroundings it. The wetland determination note is present and should remain but an anadromous stream note will be required. **Staff recommends the top and toe of the slopes, the wetlands, and creek depiction remain on the final plat and add required plat notes.**

Per KPB Code, the steep terrain and anadromous stream will require some additional information for the right-of-way dedications to be reviewed and approved. This will include centerline profiles and cross-sections.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in Zone D which is unregulated B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldridge C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis This is a subdivision of aliquot lands that have not been previously through the platting process. This is a large acreage property being split into 5 large acreage tracts that could be further subdivided in the future. There are some existing travelways with new dedications that do not appear to make use of many of those constructed routes. Tract C has an unusual design that results in a 50 foot access portion that is approximately 360 feet in length. This gives the lot access to the creek but this access portion could be considered a panhandle and does not meet the requirements of KPB Code. An exception has been requested for the 50 foot portion.

A soils report will not be required due to the size of the tracts.

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 The plat will be granting the code required 10 foot utility easements along the dedicated rights-of-way. They intend to increase the width to 20 within 5 feet of the side lot lines.

Two of the utility providers have noted they have existing lines or equipment on the property. Written approval from the providers will be required for any changes or additions to easements.

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	Locate the existing overhead primary electric line and provide a 30 foot wide electric easement including down guys and anchors
ENSTAR	No comments or recommendations
ACS	ACS has existing facilities, if they will need to be relocated approval upon contractor for reimbursement.
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 69999 HAVEN AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: HAVEN AVE OTTA ST SEISMOGRAPH RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: HAWK CT LLOYD ST</p>
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	List of Street Names Denied: KAY CIR Comments: 69999 HAVEN AVE will be deleted and new addresses assigned. KAY CIR denied because similar name KAY CT is within neighboring emergency service zone Diamond Ridge. KPB 14.10.040.A2.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Prior Existing Use PEU Recognized Date: 1/1/0001 Material Site Comments: 165-162-62, Recognized on 02/13/1987 165-540-01, Recognized on 02/24/1999 Two PEU South of subject parcel See attachments
Assessing	Reviewer: Windsor, Heather Comments: No comment

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Make street names more prominent for readability.
- On the cul-de-sacs, add a transition curve from the straight portion to the bulb.

KPB 20.25.070 – Form and contents required

Staff recommendation: *final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.*

- 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: *Verify the section line easements to the north and south of the subdivision.*

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: *final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.*

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: *Centerline profiles should be submitted for the dedication and section line easements along the northern boundary within the Haven Avenue dedications and for along the creek in the Otta Street dedication.*

20.30.100. Cul-de-sacs.

A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.
Staff recommendation: *Staff is requesting turnarounds that will allow for future extension and if approved should comply with 20.30.100.*

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

Staff recommendation: *Proposed Kay Circle is denied. A new name will need to be approved by the Addressing Officer.*

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 Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

Platting Staff Comments: Unnamed creek is within the anadromous stream catalog

Staff recommendation: *comply with 20.30.290.*

KPB 20.40 – Wastewater Disposal

Staff recommendation: *final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.*

20.40.010 Wastewater disposal.

Platting Staff Comments: Due to size, a soils report will not be required.

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: *Place the following notes on the plat.*

- 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).
- **ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:**
Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.
- Note any exceptions granted.
- If the narrow portion is increased to 60 feet wide add, "Tract D and Tract E are subject to a 20 foot building setback along the access portion of Tract C."
- If the narrow portion remains under 60 feet wide add, "Tract C may have future limitations on further subdivision based on access issues, development trends in the area, or topography."

Revisions

- Revise plat note 1 to closer match code. "The front 10 feet adjoining dedicated rights-of-way that increase to 20 feet within 5 feet of the side lot lines is granted as utility easements per this plat."
- Revise note 3, "No permanent structures or wastewater disposal area is permitted within the panhandle portion of Tract C."

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Add Mona Stutes title as Successor Trustee to her signature line. Comply with 20.60.190.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030(A) – Proposed street layout-requirements and KPB 20.30.170 – Blocks-length requirements (Dedications along the west boundary and the south boundary)

Surveyor's Discussion: This platting action will result in five large tracts of land that will all have legal access from new ROW dedications. The legal access shown on the preliminary plat from Lloyd Street, Kay Circle, and Hawk Court is in a better location that is more practical to construct. The west boundary is partially swamp and difficult to access. It is unlikely that a road will ever be considered in that area. The south boundary has a stream that crosses it and is also partially in a swampy area. Other access options to the south would require crossing the north fork of the Anchor River, as well as private property. These are such large tracts of land that future ROW dedications could be made if the property is subdivided further.

Staff Discussion: The exceptions have been combined but the Plat Committee may discuss and vote on these separately by making two motions. KPB Code requires for the continuation and future projection or rights-of-way and to also create blocks that are longer than 330 feet but no more than 1,320 feet in length. Section line easements are along the north and east portions of the subdivision. There are also partial dedications that this subdivision is proposing to dedicate a match atop the section line easements. With the current proposal the distance between Lloyd Street and Otta Street still exceeds block lengths. The internal dedications could help with future continuations but are currently proposed as cul-de-sacs. The area to the west of Lloyd Street also exceeds allowable limits and a dedication along the west and south would make that block compliant.

Denial will require dedications that will bring the blocks into compliance.

Findings:

1. KPB Code 20.30.030 requires appropriate projection of all streets in surrounding areas and provide for reasonable means of ingress for surrounding acreage tracts.
2. KPB Code 20.30.170 requires blocks to be within 330 feet and 1,320 feet in length.
3. The subdivision is within a block mostly defined by section line easements resulting in exceeding lengths.
4. The plat is dedicating atop existing section line easements along the north and east.
5. There are some areas of steep terrain within the subdivision.
6. The dedication for Haven Avenue will be crossing some steep terrain.

7. The dedication for Otta Street will be crossing an anadromous stream.
8. Requiring a dedication along the southern boundary east of Lloyd Street will require crossing steep terrain, wetlands, and an anadromous stream.
9. Reducing the crossings of anadromous streams is desirable to offer protection to those areas.
10. The dedication of Otta Street appears to be the most practical location to cross the anadromous stream to allow for access to lands on each side of the stream.
11. There are some wetlands west of the subdivision.
12. West of the subdivision is a 160 acre parcel.
13. Terrain to the west could limit the neighbor's access from the west.
14. There are some higher useable lands adjacent to the subdivision.
15. Providing a dedication along the western boundary will provide additional access to useable lands to the west.
16. The wetlands located at the southwestern corner is classified as lakebed.
17. A dedication along the western and southern boundary, west of Lloyd Street, will create a compliant block.

Staff reviewed the exception request and recommends granting approval for the dedication along the southern boundary east of Lloyd Street only. A dedication along the western boundary and southern boundary, west of Lloyd Street, would be required.

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 4, 5, 8-11, 13-15, and 17 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 4, 5, 8-11, 13-15, and 17 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 4, 5, 8-11, 13-15, and 17 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.

B. KPB 20.30.190(B) – Lot Dimensions (Tract C)

Surveyor's Discussion: The proposed layout of Tract C has an unusual shape. There is a 50' wide flag portion that will allow the owner to access the creek along the southeast side of the property. There is unlikely to be a road constructed along this flag portion. Existing access is by foot or ATV. This is a 24 acre piece of land that could be further subdivided further in the future. A future platting action would likely eliminate the flag portion of the lot.

Staff Discussion: Per KPB Code if an access portion of flag lot shall not be less than 20 feet wide but if the access portion is less than 60 feet wide it may not exceed 150 feet in length. Designs that are 60 feet wide are then subject

to 20 foot setbacks on the neighboring lots within the replat boundary. An exception has been requested to not dedicate along the southern boundary of the subdivision. If granted that will limit the access to the southeastern portion of Tract C and the 50 foot wide portion will be the only available access. The intent of the 60 foot width requirement is if the need or desire for a dedicated right-of-way the width would be compliant with code. While Tract C has compliant access it is a large acreage tract that could be further subdivided and staff is reviewing this as the 50 foot portion being the only access to an area with no other access.

Denial will require the width to be increased to 60 feet wide and building setbacks be put into place along that portion within Tract D and Tract E or reduce the length to under 150 feet.

Findings:

1. KPB Code 20.30.190 requires access portions of lots to be larger than 20 feet wide and at least 60 feet wide if longer than 150 feet.
2. Tract C has multiple access options that are code compliant.
3. Tract C is proposed as a 24.5 acre lot that could be further subdivided.
4. The current design of cul-de-sacs limits future development.
5. A 50 foot access is part of Tract C to access an area of the tract that is about 6 acres.
6. The 50 foot portion is approximately 370 feet in length.
7. Steep terrain is located within the 50 foot access portion.
8. An unnamed anadromous stream is within the southeastern portion of Tract C that is accessed by the 50 foot portion.
9. The majority of the 6 acre portion contains wetlands that are classified as disturb.
10. Terrain may be an issue for future development.
11. Slopes within that area are about 13 percent.
12. Per KPB Code 20.30.090, grades should be less than 6 percent on arterial streets and 10 percent on other streets.
13. An exception has been requested to not dedicate along the southern boundary.

[Staff reviewed the exception request and recommends granting approval subject to plat notes regarding possible future limitations.](#)

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 2, 3, and 7-12 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 2, 3, and 7-12 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 2, 3, and 7-12 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.

C. KPB 20.60.050 – Dedication and construction of anadromous waterbody crossings (Dedication for Otta Street)

Surveyor's Discussion: The proposed dedication of Otta Street would cross a stream along the east side of the property. There is already a 50' wide dedication that was approved by a previous plat. This plat only adds a 33' dedication for the section line easement. This dedication is unlikely to ever be constructed due to the terrain and a wet, swampy area. It also wouldn't provide significant value since there isn't much usable land in the southeast corner of Tract E. Tract E has better access along the north side of the property. There is already an existing crossing of the stream built along Haven Avenue that provides access to the property.

Staff Discussion: Per KPB Code 20.60.050 when a dedication is proposed over a waterbody additional dedications and slope easements may be required. If the dedication is over an existing road crossing an anadromous waterbody the approval is granted for three years to provide adequate time to construct and bring the road and crossing into borough compliance with KPB 14.40.

Denial will require centerline profiles and section analysis to determine if additional right-of-way or slope easements are required and if determined that there is an existing crossing to bring it to current standards.

Findings:

1. This plat will bring the dedicated street width to 83 feet wide.
2. The dedication will be atop section line easements.
3. The section line easement and dedication cross an unnamed anadromous stream.
4. The southeastern portion of Tract E south of the stream that does not contain any wetlands or steep terrain.
5. Access to the southeastern portion of Tract E can be from the south with dedications and section line easements.
6. Access from the south would require crossing areas of wetlands and North Fork Anchor River, another anadromous stream.
7. Access from the north is from Haven Avenue.
8. Haven Avenue crosses steep terrain, wetlands, and the unnamed anadromous stream.
9. To the north of the subdivision is a 160 acre parcel owned by the University of Alaska.
10. The current access to the large acreage parcel to the north is by Haven Avenue.
11. If section line easement is currently in use for access it will be required to be brought up to borough standards.
12. An exception has been requested to dedicate rights-of-way along the southern boundary.
13. KPB Roads department reviewed the plat design and replied with "no comment".

Staff reviewed the exception request and recommends granting approval to not require centerline and cross-sections and provide confirmation that there is not an crossing being used across the anadromous stream.

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, 2, 5, 7, 10, and 13 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, 2, 5, 7, 10, and 13 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, 2, 5, 7, 10, and 13 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.

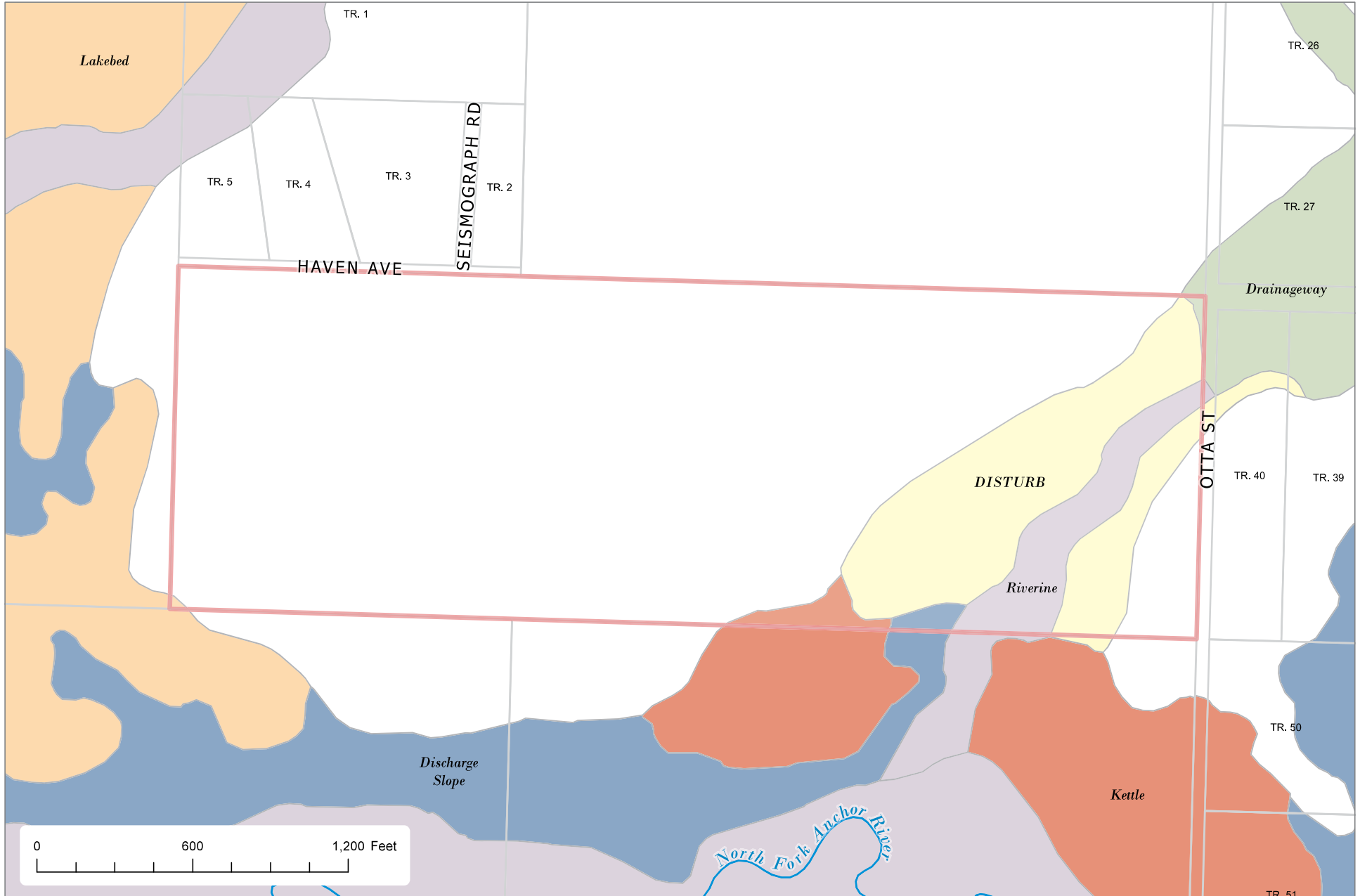
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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