

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - PORCUPINE LAKE SUBD NO 6

KPB File No.	2021-152
Plat Committee Meeting:	December 13, 2021
Applicant / Owner:	Gerald Johnson Brent Johnson Judith Johnson, all of Clam Gulch, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Cohoe Loop Road, Cohoe area

Parent Parcel No.:	137-010-66
Legal Description:	Government Lot 2 lying southwesterly of Cohoe Loop Road and Government Lot 5 in Section 9, Township 2 North, Range 12 West, excluding therefrom Porcupine Lake Subdivision No. 4, Plat KN 2005-1 and Porcupine Lane, Plat KN 79-116
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into three tracts that will be 5.1, 9.2, and 23.7 acres.

Location and Legal Access (existing and proposed): The subdivision is located near mile 2 of Cohoe Loop Road.

This plat will dedicate a 60 foot wide right of way between Tract H and Tract I to provide legal and physical access to Tract J. The right of way dedication appears to encompass an existing travel way.

This plat will dedicate a portion of Swan Lake Drive in the southeast corner of the subdivision. Swan Lake Drive is a road located off Cohoe Loop Road. Although not is a fully dedicated right of way, a travel way does exist from Cohoe Loop Road to Tract E located south of this subdivision. Porcupine Lake Subdivision #3, KN 2000-66, dedicated a 30 foot wide and 100 foot long portion of Swan Lake Drive. This plat is proposing to dedicate the matching 30 foot width and an angle to allow the existing road to be within the dedication. ***Staff recommends that a detail sketch may be necessary to clearly depict the dimensions of the Swan Lake Road right of way dedication.***

An exception has been requested to not dedicate additional right of way for Swan Lake Drive or along the eastern boundary.

The block is defined by section line easements and partial dedications. Cohoe Loop Road, McReed Avenue, Henning Street, and section line easement define the block. An additional dedication is located to the north, Porcupine Lane, which is currently not a through dedication and does not improve the block. The block exceeds allowable lengths and is not closed due to lacking dedications. Multiple lakes are within the block. The future continuation of proposed Bottleneck Lake Road, in addition to future dedications of Swan Lake Drive will improve the block configuration.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
--------------------------	---

SOA DOT comments	The ROW for Cohoe Loop Road is as shown on State of Alaska Department of Highways Right of Way Map Alaska Project S-0461(1) sheet 4 of 11, and appears to be shown correctly based on recovered concrete ROW monuments from adjacent plat 2005-1. Staff recommends that a reference be added to the plat for the Right of Way Map.
------------------	---

Site Investigation: Steep terrain, lakes, and areas with low wet lands affect this subdivision. The plat depicts the contour information and provides shading for slopes greater than 25 percent. Except near the intersection with Cohoe Loop Road, steep slopes do not affect the location of proposed Bottleneck Road. An existing travel way has been constructed within the proposed Bottleneck Lake Road. Per KPB Code, grades shall not exceed 10 percent or 4 percent within 130 feet of any centerline intersection. **Staff recommends** that the committee concur that cross-sections and centerline profiles are not required for Bottleneck Road as there is already a constructed travel way within this proposed right of way.

Bottleneck Lake forms the northeast boundary of this subdivision. The plat is providing the 2002 Ordinary High Water Line as the boundary. **Staff recommends** the source of the OHW line be stated on the face of the plat or within a plat note and the following plat note be added "The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders."

Additional wetlands are depicted within Tract H. Per KPB GIS data, there are additional drainage ways within proposed Tract J. **Staff recommends** all low wet areas be depicted and labeled with the following plat note added, "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."

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam Comments: No Comments</p>
-------------------------	--

Staff Analysis The proposed subdivision will subdivide a remainder portion of Government Lots. The surrounding lots are large acreage tracts and this plat will create similar sized parcels.

The three tracts will all be greater than 200,000 square feet. A soils analysis report will not be required and an engineer will not need to sign the 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.

The property is not within an advisory planning commission.

Utility Easements The plat is proposing to grant easements adjoining all dedicated right of ways as outlined in KPB Code. Overhead power lines are depicted on the plat. Plats for surrounding areas showed power lines and granted 20 foot utility easements centered on the lines. As the lot within this subdivision has not been previously surveyed, utility easements have not been granted at this time. If existing easements are in place they will need to be depicted and noted on the plat. Any easements granted by this plat will need to be depicted and labeled. **Staff recommends the surveyor/owners work with the utility companies to determine if easements exist or grant easements over the existing lines.**

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	
ENSTAR	No comments or objections
ACS	
GCI	Approved as shown.

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: None Existing Street Names are Correct: Yes List of Correct Street Names: COHO LOOP RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: BOTTLENECK LAKE RD Comments: BOTTLENECK LAKE RD exceeds maximum street name length of 17 characters including spaces. Staff recommends using the name BOTTLENECK RD for the newly dedicated ROW.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	
Assessing	Reviewer: Wilcox, Adeena Comments: No comment
Advisory Planning Commission	

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

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

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 subdivision description should be updated. "Portion of Government Lot 2 lying southwesterly of Cohoe Loop Road and Government Lot 5 excluding therefrom Porcupine Lake Subdivision #4, Plat KN 2005-1 and Porcupine Lane, Plat KN 79-116, within NE ¼ Section 9, Township 2 North, Range 12 West, S.M., State of Alaska, Kenai Recording District."
- KPB Assessing records show a different mailing address for Brent and Judith Johnson. Please update.
- The scale appears to be slightly off.

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: Scale appears to be off. Adjust character spacing in Sterling Hwy as the "I" and "N" appear to overlap.

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 proposed 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:

- Add "Portion" or "PTN" to the Government Lot located north of Cohoe Loop Road.
- Add "Unsubdivided" to the lot located to the southeast of the subdivision.
- Correct the suffix for Swan Lake Drive.

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.

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: All lots larger than 200,000 square feet. Soils analysis not required. Provide correct wastewater disposal note. "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."

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: Provide a certificate of acceptance for right of ways being dedicated.

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."
- 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).
- Add a plat note for any exceptions granted.

Update plat note 3, "...No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior..."

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.030 – proposed street layout-requirements

KPB 20.30.170 – blocks-length requirements

Surveyor's Discussion: Exceptions requested for ROW dedication matching Swan Lake Road or along east boundary due to steep grades and lack of need for providing access to other properties. ROW dedication to provide access from Bottleneck Lake Road to Tract D, would require additional subdivision and both lots J & D will have the same owner.

Staff Discussion: The subdivision is within a non-compliant block as it currently is not closed and the distances are all larger than the allowable limits. Dedications could help improve the block length as well as provide additional access to large acreage lots. Swan Lake Drive is a small portion of a right of way. The proposed right of way dedication will atop existing travelways. Large acreage tracts are being created that can be further subdivided in the future where they can provide access that complies with subdivision standards and fits with the terrain and site features.

Denial of the exception will require dedications along the south and eastern boundary of the subdivision as well as a continuation of Bottleneck Lake Road so that a connection with Sean Lake Drive would be possible in the future.

Findings:

1. The tracts are large enough to be further subdivided in the future.
2. Lakes are found along the east border of the subdivision and within a portion of the western area of Tract J.
3. The lakes make it difficult to acquire closed blocks.
4. The subdivision contains areas with steep slopes.
5. The subdivision contains areas with low wet areas.
6. The proposed dedications are within areas that provide feasible construction.
7. Proposed Bottleneck Lake Road appears to be over an existing travelway.
8. The three tracks will have access via the proposed right of way.
9. The right of way proposed has a turnaround area but can be extended in the future if Tract J is further subdivided.
10. The design, length, and suffix proposed indicate future extension of the right of way is possible.
11. One of the owners of this subdivision owns the 50 acre lot located south of the subdivision.
12. The eastern portion of Swan Lake Drive is dedicated along a constructed travelway.
13. The proposed plat will dedicate a portion of Swan Lake Drive to match past dedication.
14. The proposed plat is dedicating a portion of Swan Lake Drive atop the constructed travelway.
15. A continuation of Swan Lake Drive within this subdivision will not match the current travelway.
16. A continuation of Swan Lake Drive along the southern boundary will cross steep areas.
17. A dedication along the eastern boundary will result in crossing steep slopes and will end at Bottleneck Lake.

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 1-5, 8-11, 15-17 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 1-5, 8-11, 15-17 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 1-5, 8-11, 15-17 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.

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