

E. NEW BUSINESS

- 5. East Oyster Cove Subdivision; KPB File 2022-047
Fixed Height LLC / Alaska Mental Health Trust Authority
Location: Northeast of Jakolof Bay Road
Remote Area**



Vicinity Map

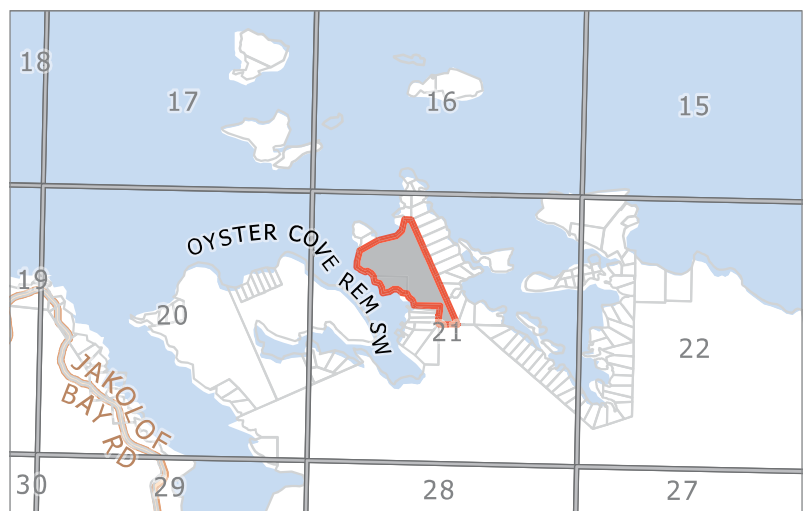
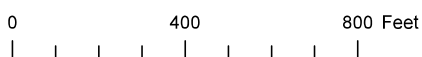


KPB File # 2022-047

S21-T08S-R13W

Remote

4/7/2022





Aerial View



KPB 2022-047

MEASURED INFORMATION	RECORD INFORMATION
LINE BEARING DIST. (ft.)	RECORD BEARING DIST. (ft.)
ML1 S 89°17'30" E 11.00	(R1) S 89°17'30" E 11.00
ML2 S 89°17'30" E 11.00	(R2) S 89°17'30" E 11.00
ML3 S 89°17'30" E 11.00	(R3) S 89°17'30" E 11.00
ML4 S 89°17'30" E 11.00	(R4) S 89°17'30" E 11.00
ML5 S 89°17'30" E 11.00	(R5) S 89°17'30" E 11.00
ML6 S 89°17'30" E 11.00	(R6) S 89°17'30" E 11.00
ML7 S 89°17'30" E 11.00	(R7) S 89°17'30" E 11.00
ML8 S 89°17'30" E 11.00	(R8) S 89°17'30" E 11.00
ML9 S 89°17'30" E 11.00	(R9) S 89°17'30" E 11.00
ML10 S 89°17'30" E 11.00	(R10) S 89°17'30" E 11.00

MEANDER LINE TABLE
LINE BEARING DIST. (ft.)
ML1 S 89°17'30" E 11.00
ML2 S 89°17'30" E 11.00
ML3 S 89°17'30" E 11.00
ML4 S 89°17'30" E 11.00
ML5 S 89°17'30" E 11.00
ML6 S 89°17'30" E 11.00
ML7 S 89°17'30" E 11.00
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ML99 S 89°17'30" E 11.00
ML100 S 89°17'30" E 11.00

MONUMENT DETAILS

FOUND 3.25" BRASS CAP
ON 2.5" IRON POST,
LOOSE, 0.8' ABOVE GROUND

FOUND 3.25" BRASS CAP
ON 2.5" IRON POST,
FIRM, 0.3' ABOVE GROUND

FOUND 2.25" ALUMINUM CAP
ON 2" ALUMINUM POST,
FIRM, 0.5' ABOVE GROUND

FOUND 2.25" ALUMINUM CAP
ON 2" ALUMINUM POST,
FIRM, 0.3' ABOVE GROUND

FOUND 3.25" BRASS CAP
ON 2.5" IRON POST,
FIRM, 0.4' ABOVE GROUND

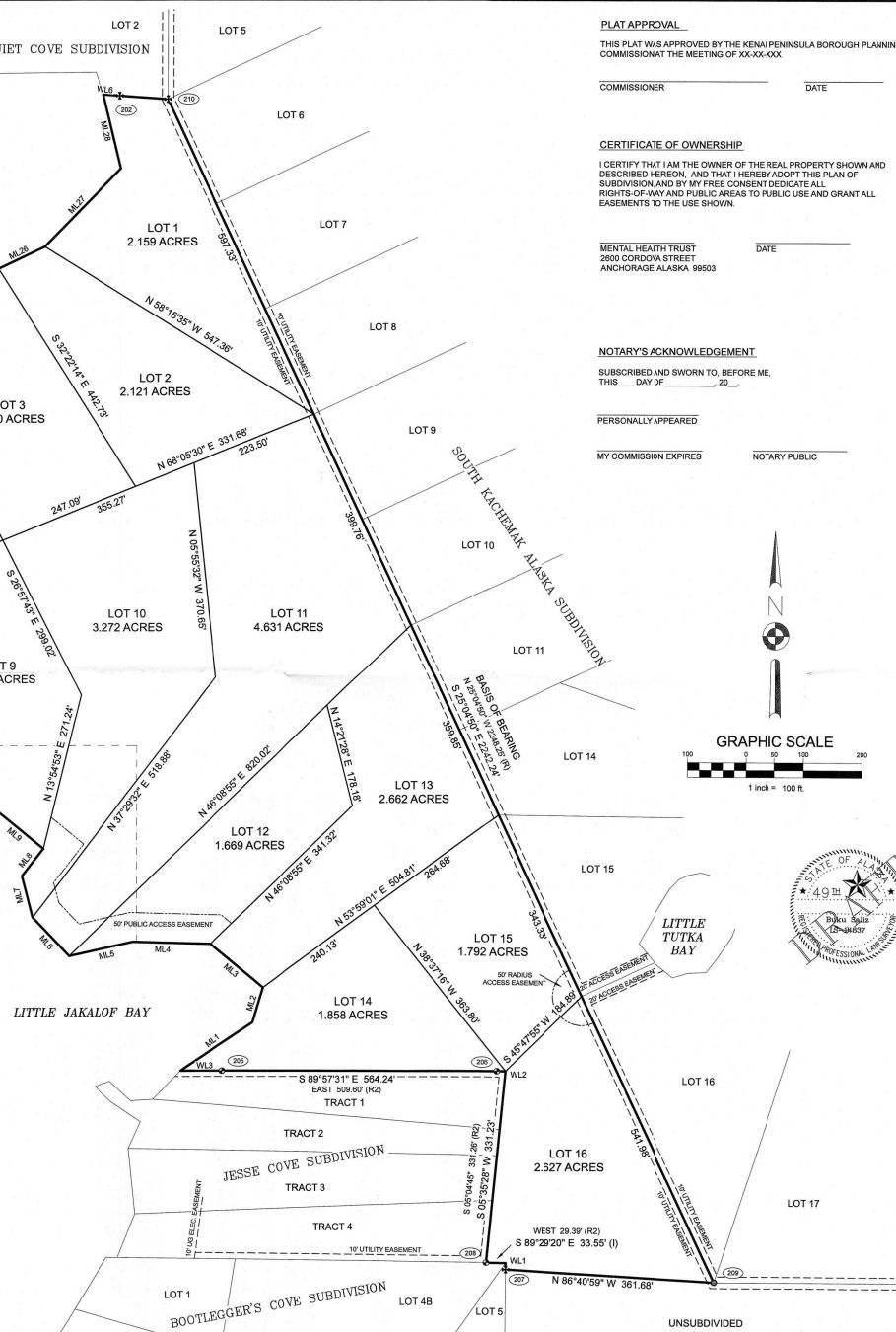
FOUND 2.25" ALUMINUM CAP
ON 2" ALUMINUM POST,
FIRM, 0.5' ABOVE GROUND

FOUND 2.5" BRASS CAP
ON 2" STEEL POST,
FIRM, 0.9' ABOVE GROUND

FOUND 3.25" BRASS CAP
ON 2.5" IRON POST,
LOOSE, 1.0' ABOVE GROUND

FOUND 3.25" BRASS CAP
ON 2.5" IRON POST,
FIRM, 0.2' ABOVE GROUND

TYPICAL CAP SET



PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF XX-XX-XX

COMMISSIONER _____ DATE _____

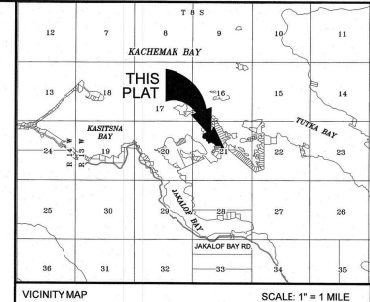
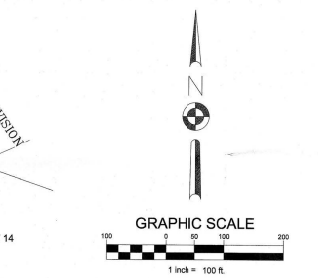
CERTIFICATE OF OWNERSHIP
I CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MENTAL HEALTH TRUST
2800 CORDOVA STREET
ANCHORAGE ALASKA 99503

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SWORN TO, BEFORE ME, THIS ____ DAY OF _____, 20__

PERSONALLY APPEARED _____

MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____



- NOTES**
- SET 5/8"X 30" REBAR WITH 1.25" DIAMETER ORANGE PLASTIC CAP AT ALL LOT CORNERS AND 50' UPLAND ON LINE AS WITNESS CORNERS TO THE MEANDER CORNERS.
 - ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION, IF APPLICABLE.
 - THE LOCATION OF THE MEANDERS WERE DETERMINED USING THE PUBLISHED MEAN HIGH WATER ELEVATION FOR NOAA TIDAL BENCHMARK "TIDAL 6" LOCATED AT NOAA-LAF KASITSNA BAY LABORATORY APPROXIMATELY 1.5 MILES WEST OF THE SUBDIVISION LOCATION. THE PUBLISHED MEAN HIGH WATER ORTHOMETRIC ELEVATION IS 12.27 FEET (NAVD83).
 - THE LOCATION OF THE SECTION CORNERS FOR PROTRACTED SECTION 21 WERE DETERMINED USING COORDINATES EXTRACTED FROM THE ALASKA DIVISION OF LANDS PROTRACTOR DIAGRAM No. S-16-5.

- LEGEND**
- FOUND 3.25" DIAMETER BRASS MONUMENT
 - FOUND 2.5" DIAMETER BRASS MONUMENT
 - FOUND 2.25" DIAMETER ALUMINUM MONUMENT
 - LOT LINE TO BE VACATED THIS PLAT
 - EASEMENT TO BE DEDICATED THIS PLAT
 - EXISTING EASEMENT
 - BEARING BEARING INTERSECTION
 - RECORD MEASUREMENT - PLAT 87-85
 - RECORD MEASUREMENT - PLAT 75-283
 - RECORD MEASUREMENT - PLAT 63-06
 - RECORD MEASUREMENT - USS 3979
 - RECORD MEASUREMENT - PLAT 87-9

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT.

BUKU SALIZ LS-14837
REGISTERED LAND SURVEYOR DATE _____

A PLAT OF
EAST OYSTER COVE SUBDIVISION

A SUBDIVISION OF
A PORTION OF THE NORTH 1/2 OF SECTION 21 AND LOT 4 OF U.S. SURVEY No. 4700
EXCLUDING U.S. SURVEY Nos. 3903, 3979, 3981, 4700 (LOTS 2 & 3), AND 1747 (LOT 3); SOUTH KACHEMAK ALASKA SUBDIVISION; BOOTLEGGER'S COVE SUBDIVISION; BOOTLEGGER'S COVE No. 1 SUBDIVISION; JESSE COVE SUBDIVISION; QUIET COVE SUBDIVISION; AND THOSE UPLANDS LYING NORTH OF U.S. SURVEY No. 3903 AND 3979 CONTAINING 388.761 ACRES

LOCATED WITHIN
PROTRACTED SECTION 21, TOWNSHIP 5 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA

FIXED HEIGHT L.L.
907.290 8949
WWW.FIXEDHEIGHT.COM
225 W 23RD AVE.
ANCHORAGE, AK 99503
C.O.A. 125544

OWNER: MENTAL HEALTH TRUST, 2800 CORDOVA STREET, ANCHORAGE, AK 99503
KPB FILE NO.: XXXX-XX DRAWN BY/DATE: AK/1-1-2022
PROJECT NO.: 21083 CHECKED BY: BS
SURVEY DATE: SEPTEMBER 7-9, 2021 SCALE: 1" = 100'
FIELD BOOK: 21-01 SHEET: 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - EAST OYSTER COVE SUBDIVISION

KPB File No.	2022-047
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Alaska Mental Health Trust of Anchorage, AK
Surveyor:	Andre Kaeppele, Buku Saliz / Fixed Height LLC
General Location:	Remote, Oyster Cove, Kasitsna Bay

Parent Parcel No.:	191-170-70 and 191-170-87
Legal Description:	A Portion of the North ½ of Section 21 and Lot 4 of US Survey No 4700
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two parcels that are approximately 38 acres into sixteen lots. The lots will range in size from 1.508 acres to 4.631 acres.

Location and Legal Access (existing and proposed): This is considered a remote location. It is located along Oyster Cove in the Kasitsna Bay. This is along the eastern side of Oster Cove. On the western side of the cove is the Oyster Cove Airport. These lots will be water access only. Lots 15 and 16 will have their access from Little Tutka Bay and will use a public access easement located on Lots 15 and 16 of South Kachemak Alaska Subdivision, Plat SL 67-85.

A large acreage parcel is present to the south. Adjacent to the south, east, and southeast of that parcel is more large acreage parcels. They are all owned by Alaska Mental Health Trust. The closest right-of-way is Jakolof Bay Road, about 2 miles south of the subdivision. If the large acreage parcels are ever subdivided they may be able to provide dedicated access to the various lots located along the coast of the bays in the area. KPB information has found that the status of section line easements through the large acreage tracts is not clear. Any attempt to use section lines for access will require a determination by the State of Alaska.

South Kachemak Alaska Subdivision, Plat SL 67-85, indicated a 40 foot wide access easement, centered on the share lot line of Lot 15 and Lot 16 that would provide future access to lands to the west from Little Tutka Bay. This plat is proposing to grant a 50 foot radius access easement at the end of that access easement. An additional 50 foot public access easement is being granted along the shore of Oyster Cove within Lots 10, 11, and 12.

Due to the location, large acreage tracts, and no dedications within the area, the block length is not compliant.

KPB Code 20.30.050, Legal Access, requires that legal access exists to the boundary of the subdivision. It is currently only accessed by water. Staff believes the requirements of 20.30.050(B) have been met as there is permanent public access by water. **Staff recommends the plat committee concur to waive the legal access requirements of KPB 20.30.050(A) and require a plat note that states the mode of access.**

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

Site Investigation: KPB GIS does not have any wetland or contour information for the area. Per older imagery the

land appears to not contain any low wet areas except around the cove and bay. Within proposed Lot 15 and Lot 16 there appears there could be some low wet areas within the access easement area from Little Tutka Bay. The appropriate note regarding wetland determinations is present. **Staff recommends** any low wet areas or steep terrain discovered during the field survey be depicted and labeled on the final plat.

This appears to be property with lots of vegetation. No improvements appear on the older imagery that is available. KPB Assessing notes that the property is vacant.

KPB 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: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No comments

Staff Analysis This is a 38 acre subdivision to create sixteen lots that will be accessed by water only. The two lots that do not front on any waterbody will have access via a public access easement.

The land within this survey is from U.S. Survey 4700 that was done in 1965. The remainder of the property is the remaining portion of the north half of Section 21 excluding numerous U.S. Surveys and several subdivision plats.

A soils report will be required and an engineer will sign the final 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 property within this subdivision has not been part of a subdivision that would have granted platted utility easements. Per South Kachemak Alaska Subdivision, Plat SL 67-85, 20 foot utility easements were granted centered on the lot lines shared with the large remainder parcel of this subdivision. That plat was a state plat but we generally do not allow easements to be granted on property not included within the boundary of the subdivision plat. This plat is depicting the easement along the eastern boundary. **Staff recommends** the label include "granted by this plat".

Several easements are depicted on neighboring properties. **Staff recommends** those depictions and labels be removed from the final plat.

Homer Electric Association has requested some internal utility easements be granted to provide access to all lots within the subdivision. **Staff recommends** the requested easements be depicted and labeled as being "granted by this plat."

The required plat note regarding improvements within a utility easement will need to be added.

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	Multiple 30 foot wide utility easements centered on lot lines is being requested.
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

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: Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: 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: Raidmae, Ryan 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: Wilcox, Adeena Comments: No Comment</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

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:

- Owner name should include Alaska Mental Health Trust.
- The KPB Assessing information has a different address for Alaska Mental Health. Verify the address they wish to have present on the plat.
- The recording district is required within the title block. It can be added to the location description.
- Bootlegger's Cove Subdivisions do not need to be included as they are considered within the southern half of the section. Please remove and this will match the Certificate to Plat.
- For Jesse Cove Subdivision and Quiet Cove Subdivision, include their plat recording numbers.
- Update the acreage.

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: *Provide a depiction of the boundary and label the Kachemak State Park.*

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: *The subdivision for Lot 4B to the south is Bootleggers Cove No. 2. Update the labels to differ it from the other lots from the original Bootleggers Cove Subdivision.*

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

Staff recommendation: *Although from separate subdivisions, adjacent lot numbers that match should be avoided. Lot 15 abuts the entire length to another Lot 15 as does Lot 16. Review the lot numbers and adjust to avoid the same numbering if possible.*

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.*

20.30.030. 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: *An exception has been requested.*

20.30.050. Legal access.

A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:

1. Ingress and egress will be provided over section line easements located within a surveyed section;
2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
3. That access is a State of Alaska maintained road or municipal maintained road;
4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.

B. The following situations may qualify for a waiver of the legal access requirement:

1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat. .
2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.
3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

Staff recommendation: *Staff is asking the plat committee to concur that the legal access requirements should be waived and a plat note should be added to note the mode of access.*

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Staff recommendation: *The plat does not comply. Grouped and discussed with the exception to KPB 20.30.030.*

20.30.210. Lots-Access to street. Each lot shall abut on a fee simple dedicated street except as provided by KPB 20.30.030(B).

Staff recommendation: *Grouped and discussed with the exception to KPB 20.30.030.*

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: A soils report will be required and 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.*

20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

Staff recommendation: *Adjust so adjacent lots from neighboring subdivisions do not share the same lot number if possible.*

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.*

- *Provide notes for any exceptions granted.*
- *The natural meanders of mean high water line is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*
- *Rights of the public and or governmental agencies in and to that portion of said premises lying below the mean high water mark of Kasitsna Bay and any questions of right of access to Kasitsna Bay in the event said lands do not in fact abut the Kasitsna Bay.*
- *Reservations and exceptions as contained in State of Alaska Mental Health Trust Land Deed and/or in Acts authorizing the issuance thereof as recorded on September 25, 1996 in Book 35, Page 415, Seldovia Recording District.*
- *Reservations and exceptions as contained in the Approval from Bureau of Land Management as recorded on August 20, 1984 in Book 27 Page 62, Seldovia Recording District.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *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.*
- *The only access available to this subdivision at the time of recording is by water.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation:

- *The certificate of ownership should be revised to read on behalf of the Alaska Mental Health Trust. "I certify that the Alaska Mental Health Trust is the owner of the real property shown and described hereon, and that on behalf of the Alaska Mental Health Trust I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way and public areas to public use and grant all easement to the use shown."*
- *The title of the signer on behalf of the Kenai Peninsula Borough should be changed to "Authorized Official"*
- *On the certificate of ownership signature line, we request the authorized person's name and title be added or provide an area where they can neatly print the information.*
- *Correct the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.*

Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed Street Layout

Surveyor's Discussion: Based on the ocean frontage contained by all but two of the lots within the proposed subdivision, we expect the primary access for development of these lots to be by watercraft. Additionally, none of the adjoining subdivisions have dedicated ROWs due to the similar ocean front layout of the lots. Dedicating a ROW would encourage development along the landward boundaries of the proposed lots and detract from the rural nature that makes them desirable. If an exception is granted to KPB 20.30.030, 20.30.170 and 20.30.210 would no longer be applicable due to the absence of streets within the proposed subdivision.

Staff Discussion: Per KPB Code 20.30.030, dedications must be provided for continuation or appropriate projections

and provide reasonable means of ingress to surrounding acreage tracts. While the exception request is for KPB Code 20.30.030, staff finds that the approval of this acceptance should also take into consideration KPB 20.30.170, Block Length Requirements, and 20.30.210, Lots-Access to streets. If this exception is granted it will not be possible to meet those requirements.

This subdivision is to be remote recreational property. There are other lots in the area that are similar. The Oyster Cove airport is across the bay to provide additional access but watercraft will still be required to get to the lots. The owner of the large acreage parcels in the area are the same of this subdivision. If they needed right-of-way access for their property they could require it at this time.

If the exception is granted, staff recommends the plat note for the exception granted include all three portions of code.

Findings:

1. KPB Code requires right-of-way dedications to provide adequate access to all lots within the subdivision and neighboring.
2. KPB Code requires right-of-way dedications to create compliant block lengths.
3. KPB Code requires lots to abut a fee simple dedicated street.
4. This is a remote area.
5. Only access at this time is by water.
6. Large acreage lots are in the area that are all owned by Alaska Mental Health Trust.
7. The owner of this subdivision is Alaska Mental Health Trust.
8. Utility easements are being requested and will need to be granted.

Denial of the exception will require rights-of-way dedications that will create compliant blocks and that all lots will abut.

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 4-8 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 4-8 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 4-8 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.

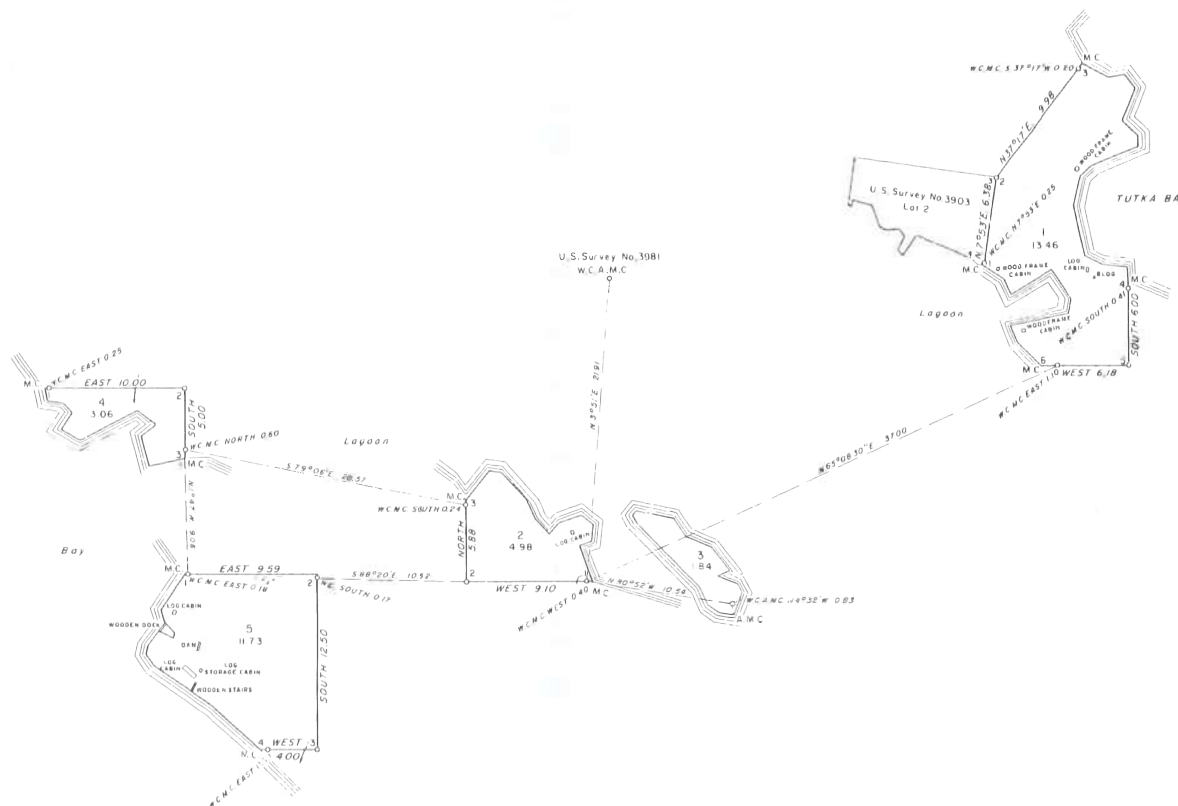
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

ORIGINAL



Magnetic Declination
23°30'E

BRASS CAPPED IRON POST

SCALE IN CHAINS

U. S. SURVEY No. 4700, ALASKA

EMBRACING LOTS 1 THROUGH 5

NONCONTIGUOUS LOTS
SITUATED
NEAR THE MOUTH, AND
ON THE SOUTHWESTERLY SIDE
OF TUTKA BAY
ON THE SOUTHEASTERLY SIDE
OF KACHEMAK BAY
NEAR HOMER, ALASKA

GEOGRAPHIC POSITION
OF WITNESS MEANDER CORNER NO. 1, LOT 1
LATITUDE 59° 28' 25" N., LONGITUDE 151° 29' 00" W.

AREA: 35.07 ACRES

SURVEYED BY:
ROBERT Q. PICKERING, SUPERVISORY CADASTRAL SURVEYOR
JUNE 24, 1964 TO JULY 21, 1964

Under Special Instructions
Dated March 16, 1964, and
Approved March 19, 1964

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. September 16, 1965

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

E. E. Smith
Chief, Division of Engineering

