E. NEW BUSINESS

1. Cohoe Country Estates Subdivision No. 9; KPB File 2023-091 Surveyor: Johnson Surveying; Owner: Osmar Location: Cohoe Loop Road; PIN: 133-010-41 Cohoe Area







8/15/2023

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AGENDA ITEM E. NEW BUSINESS

ITEM #1 - PRELIMINARY PLAT COHOE COUNTRY ESTATES SUBDIVISION NO. 9

KPB File No.	2023-091
Plat Committee Meeting:	September 11, 2023
Applicant / Owner:	Dean Howard Osmar of Clam Gulch, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Cohoe area
Parent Parcel No.:	133-010-41
Assessor Description:	T 3N R 12W SEC 3, 4 & 9 Seward Meridian KN 2011038 Cohoe Country Estates
	No 8 Tract B-3A
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exception Request	20.30.190(A)

STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will subdivide a 45.327 acre parcel into four lots ranging in size from 1.280 acres to 1.961 acres and six tracts ranging in size from 3.688 acres to 9 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located at approximately mile 8.5 of state-maintained Cohoe Loop Road. This portion of Cohoe Loop Road is 100 feet wide. Flounder Street is a 30-foot-wide dedication connecting to Cape Avenue. Cape Avenue is a 60-foot-wide dedication ending in a cul-desac bulb. Tract ten will have access to Cohoe Loop Road, Flounder Street, and Cape Avenue. Tract nine will have access to Cape Avenue and Cohoe Loop Road. Tracts five though eight will have access on Cohoe Loop Road. Lots one through four will have access to a proposed dedication ending in a cul-de-sac bulb with one and four being corner lots at the intersection with Cohoe Loop Road. A proposed street name was not provided on the preliminary plat. Staff recommends: possible street names be submitted to KPB Addressing Officer for review and approval.

There are no section line easements that affect this property. Section Line Easement Vacation Plat KN 92-3 removed the easements within the boundary of the subdivision. Staff received a comment from State of Alaska DNR that requested the file number from the vacation be listed. *Staff recommends:* the plat number be corrected to KN 92-3 and the file number, EV-2-490, for the state be added to plat note six.

Due to Cook Inlet and steep terrain in the north and rights-of-ways ending in cul-de-sac bulbs the block is not compliant. Future dedications from tracts five through ten could improve the block in future subdivisions. The parent plat also received an exception for block length at the October 25, 2010 meeting. **Staff recommends:** the Plat Committee concur an exception is not required, another dedication will not help. Future development of the tracts with planned access could be of benefit. If the Committee concurs, be suggest the plat note should be carried forward with the previous meeting date.

PER DOT: The platting action voids any previous issued permits. You need to reapply for driveway access permits to state ROW.

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Griebel, Scott

	Comments: No comments
SOA DOT comments	The ROW for the north side of Cohoe Loop Road appears to be shown correctly, however the southern side isn't exactly a 100' offset based on preliminary ROW mapping done by DOT. Not part of the plat action, just an observation. Also, the SLE's were vacated by Plat 92-3, not 92-8 Engineering

<u>Site Investigation</u>: The north boundary of the subdivision is defined by Cook Inlet and the bluff. The plat depicts the approximately location of the top of the bluff. *Staff recommends:* when performing the field work the surveyor determine where the edge of the bluff begins and show on the final plat.

There are no classified wetlands affecting the subdivision.

There are several improvements located on the property and appear to be located within the boundaries of the proposed tracts. A platting action cannot create encroachments and **staff recommends** when the surveyor performs the field work verify that the existing structures are within the boundary of the prospective tracts.

There appear to be some possible encroachments into the 20-foot building setback of Cape Avenue. Surveyor should verify the location of any structures close to the 20-foot setback lines of streets and note if found. A remedy to issues will need to be made before the final can be signed off.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: VACANT
	Comments:
State of Alaska Fish and Game	

Staff Analysis This property has been subdivided several times and was originally an unsubdivided remainder of government lots three and four with in Township 3 North Range 12W and falls within Sections 3, 4, 9, and 10. The first replat was Cohoe Country Estates Subdivision No 4 KN 91-98. Cohoe Country Estates Subdivision No 5 KN 95-36 created two tracts. Cohoe Country Estates Subdivision No 6 Amended KN 2001-64 created two tracts and dedicated the matching bulb for Cape Avenue. The configuration of the parcel today and Flounder Street was done on Cohoe Country Estates Bo 8 KN 2011-38.

Parent plat KN 2011-38 cited the year for the Mean High Water being 1999 per KN 2001-64. *Staff recommends the surveyor verify the year and cite the source of the information.*

A soils report will be required for lots one through four and tracts nine and ten 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.

<u>Utility Easements</u> Starting with KN 91-68 ten-foot utility easements have been carried forward with each platting action and are shown correctly on the preliminary. The certificate to plat indicates there are three general easements with no definite location for the benefit of Homer Electric Association Inc (HEA) and one to Telephone Utilities of the Northland. *Staff recommends:* these easement be added to the plat notes.

KN 2011-38 and KN 2001-64 granted 20-foot Underground powerline and utility easements and 20-foot wide electrical distribution line easements over several existing powerlines shown on that plat which need to be shown or updated on this plat. **Staff recommends** the surveyor update the drawing to match the previous plats.

There are three 10 foot by 30-foot anchor easements shown on the certificate to plat and depicted along Cohoe Loop Road. *Staff recommends:* the surveyor determine which easement corresponds with the recorded easement and provide plat notes and "see note #" labels.

HEA requested several additional notes for the existing overhead and underground powerlines.

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	HEA had several comments and they are available in the packet.	
ENSTAR	No comments or recommendations	
ACS	No objections	
GCI		

KPB department / agency review:

KPB department / agency review.	
Addressing	Reviewer: Leavitt, Rhealyn
	Affected Addresses:
	28021 COHOE LOOP RD
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	COHOE LOOP RD, FLOUNDER ST, CAPE AVE
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:

	New ROW will need an approved street name. 28021 COHOE LOOP will be
	deleted and a new address assigned upon owner request.
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.
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather
	Comments: No comment
State of Alaska DNR	The DNR, DML&W, Survey Section notes that the Plat number in Note #6 is incorrect. Plat 92-8 KRD did not vacate any section-line easements in the subject area. Please correct the plat number and include the applicable EV file number in Note #6 for the plat that vacated the Section Line Easements. If the Section Line Easements (SLE) have not been vacated, please do a SLE determination and depict all existing SLE's on the plat.

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

STAFF RECOMMENDATIONS CORRECTIONS / EDITS

Update KPB file to 2023-091 Add a curve table to the drawing Ad a legend to the drawing

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: Add the owner's middle name to match vesting deed.

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision; **Staff recommendation:** A name will need to be approved by the Addressing Officer for the new dedication. Please update line work and labels for Cape Kasilof Subdivision and Cape Kasilof Subdivision No 2.
- 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: Please add recorded plat numbers to surrounding lots. Add both lots to the northeast.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots; **Staff recommendation:** Please update tract numbers to begin with Tract 1 to avoid confusion.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

Staff recommendation: A platting action cannot create encroachments. When doing field work please determine if the structures within tracts six and ten are encroaching on to other proposed tracts.

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.

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10 **Staff recommendation:** Please provide possible names to the KPB Addressing Officer for approval.

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: Lots one through four and tract ten will require a soils report **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. 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).

If the travel way shown on the plat is a private drive, **staff suggests** the following note be placed on the final plat to avoid confusion about public use in the future: Private road shown is for use of owners only and is <u>not</u> dedicated to public use or the driveway can be removed from the plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

• Add necessary certificates and certifications

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

• Tie plat to BLM or GLO monuments

EXCEPTIONS REQUESTED:

A. KPB 20.30.190(A) – Lots- Dimensions 3:1 for Lots 1, 2, and 3

<u>Surveyor's Discussion:</u> KPB 20.30.190 3 to 1 length/width ratio for Lots 1, 2, & 3 due to configuration with the angle of the Cohoe Loop in relation to the property and the distance between Cohoe Loop and the top of the bluff. Areas of Lots 2 & 3 above bluff are at the within the 3 to 1 ratio.

Findings:

- 1. When calculating the area above the bluff, lots 2 and 3 are compliant.
- 2. The ratio of the four lots is 1.06:1
- 3. The ratio of Lot 1 is 1.08:1.
- 4. A steep bluff is located on the north by Cook Inlet.
- 5. Cook Inlet is located to the north.
- 6. Extending the length of the proposed right-of-way would make lots 2 and 3 more compliant, but lot 1 less compliant.

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 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 & 4-6 appear to support this standard.**
- 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 & 4-6 appear to support this standard.
- 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 & 4-6 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



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

EXCEPTION REQUEST APPLICATION

NAME OF PRELIMINARY PLAT OR PLANNING COMMISSION ITEM:

Cohoe Country Estates Subdivision No. 9

PROPERTY INFORMATION:

legal description: Tract B-3A Cohoe Country Estates Subd N0. 8 (KRD 2011-38)

General area location:

20.50.010. - EXCEPTIONS TO REGULATIONS-PROCEDURE-COMMISSION AUTHORITY.

- A. Unless prohibited under this title, the commission may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. The commission 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;
 - 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;
 - 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.
- B. Where a design requirement of this title is addressed by a zoning regulation adopted by the borough assembly or city council, the variance procedures of the applicable zoning code shall be utilized in lieu of the exception procedures.
- C. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.
- D. Upon reconsideration of a plat committee decision following the procedure in KPB 20.25.120, an appeal of a decision of the planning commission made under this section shall be taken to the

SUBMITTAL REQUIREMENTS

Identify the exceptions requested including the section identifier of KPB code. Provide evidence justifying the requested exceptions that fully states the grounds for the exception request, and the facts relied upon. A letter can be attached to this application.

KPB 20.30.190 3 to 1 length/width ratio for Lots 1, 2, & 3 due to configuration with the angle of the Cohoe Loop in relation to the property and the distance between Cohoe Loop and the top of the bluff. Areas of Lots 2 & 3 above bluff are at the within the 3 to 1 ratio.

DATE SUBMITTED_____

KPB FILE #









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Aerial with 5-foot Contours



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