E. NEW BUSINESS

1. Three Ponds Subdivision; KPB File 2024-006 Fixed Height LLC / Warner

Location: MP 103 Sterling Highway

Kalifornsky Area

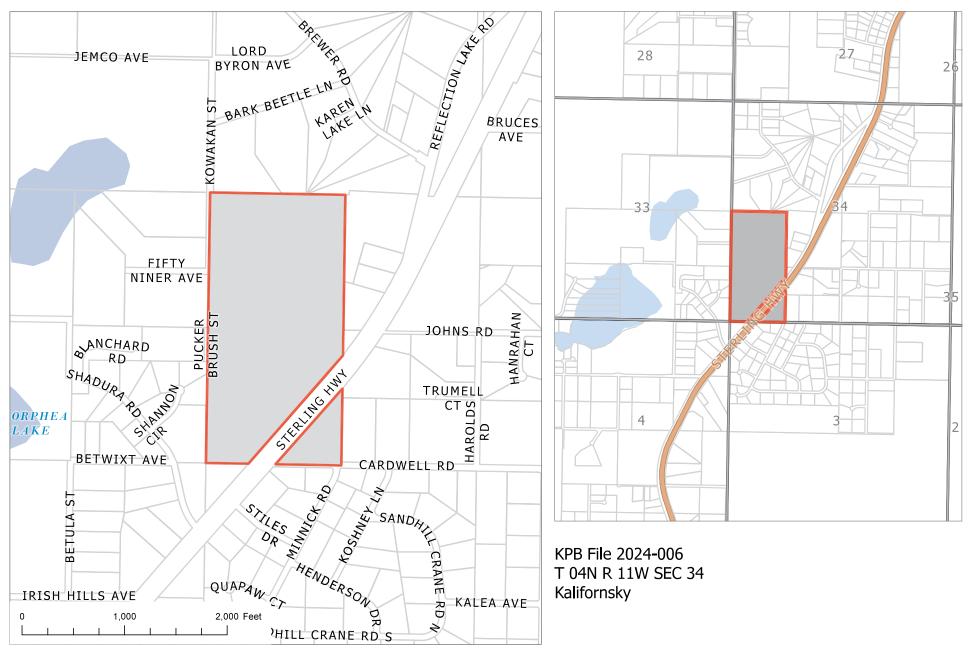


Kenai Peninsula Borough Planning Department

Vicinity Map

2/1/2024

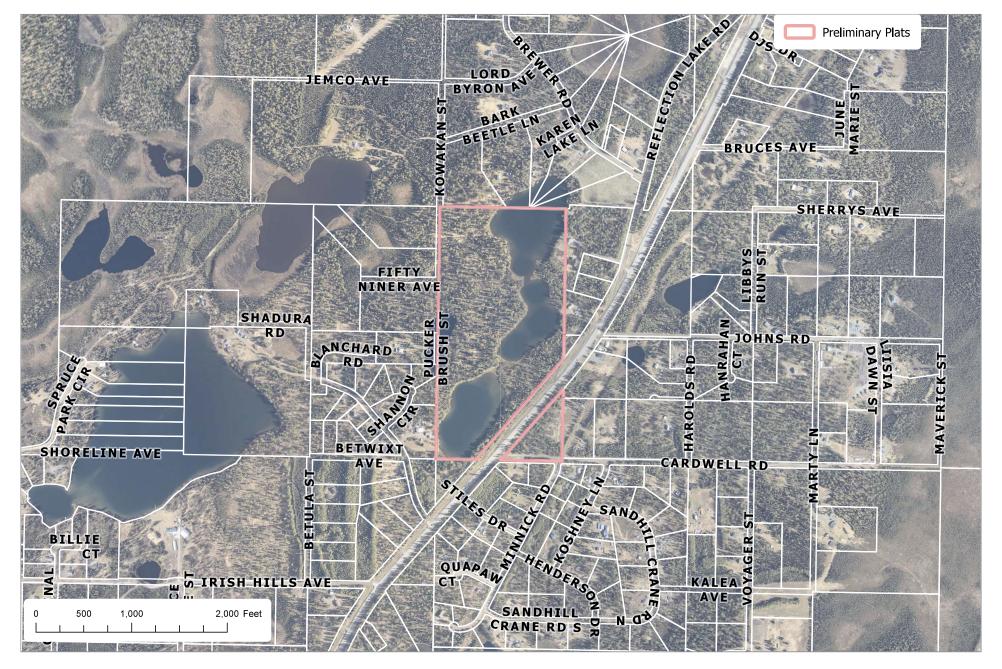


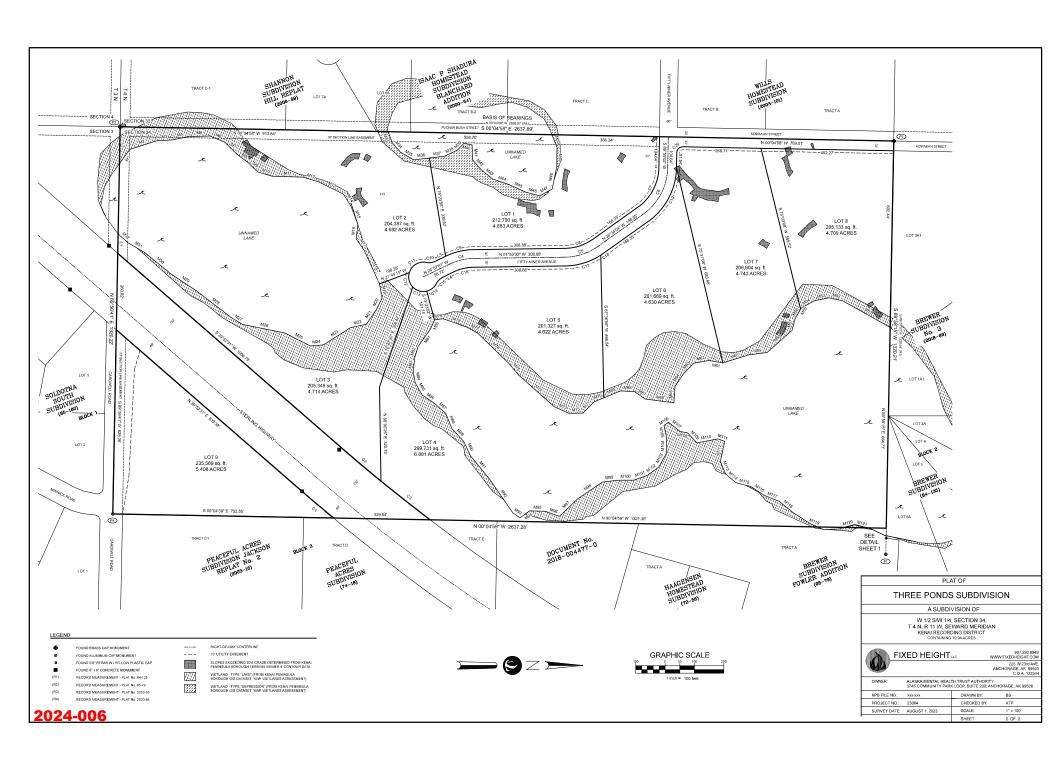


Kenai Peninsula Borough Planning Department

Aerial Map

KPB File 2024-006 2/1/2024 $\bigcap_{\mathbf{N}}$





	MEANDER LINE T			MEANDER LINE TA	
INE	BEARING	DISTANCE	M61	N 08'39'35' E	47
M1	S 55"01'26" E	59.48"	M62	N 10"24'43" W	52
M2	S 19°07'55" E	95.60*	M63	N 46°24'59" W	48
M3	S 04°20'36" E	56.05*	M64	N 57"04'26" W	53
M4	S 13"06'34" E	55.84"	M65	N 86"56'43" W	56
M5	S 02°19'45" E	71.60'	M66	N 06'01'21' E	98
M6	S 20°54'55" W	54.29'	M67	N 33'44'12' E	44
M7	S 43°33'09" W	58.86"	M68	N 02'20'53' E	47
M8	S 35°48'33" W	47.84"	M69	N 23"34"22" W	62
M9	S 43°25'58" W	45.18"	M70	N 23134'22" W	35
W10	S 15°16'40" W	51.58"	M71	N 46"53"12" W	54
W11	S 00"42"37" W	105.29'	M72	N 01"43'08" W	48
W12	S 15°17'13" W	53.86"	M73	N 22'59'45' E	56
W13	S 24°55'07" W	96.68*	M74	N 40'37'32' E	161
W14	S 57°33'02" W	50.66*	M75	N 48*38*21* E	52
W15	S 68°06'49" W	64.24"	M76	N 43°11'57' E	146
W16	N 84°12'54" W	49.79	M77	N 28'09'06' E	43
W17	S 53°51'35" W	48.60"	M78	N 18'01'55' E	85
W18	S 64"14"37" W	124.37	M79	N 08*41'49" W	29
W19	S 79°06'43" W	49.37	MBO	N 66°44'12" W	31
WI20	N 64°47'05" W	44.85	M81	N 56*27*02* W	75
W21	N 56"42'08" W	58.88*	M82	N 74"00'34" W	37
W22	N 13°35'36" W	55.98"	M83	N 84°03'22" W	46
M23	N 33°42'26" W	108.49	M84	S 78°53'22" W	41
W24	N 06°05'45" W	45.09	M85	S 59105'45" W	48
W25	N 25"45"58" E	97.90	M86	S 32°52'31" W	50
W26	N 10°26'40" E	147.48	M87	S 40°36'19" W	51
W27	N 30"08'45" E	43.92	M88	S 66°49'27" W	56
W28	N 36"11"21" F	150.75	M89	S 46"20'08" W	59
W29	N 32°29'42" E	102.14	M90	S 63°43'07" W	52
M30	N 37°53′53″ E	116.86	M91	S 49°33'12" W	100
WI30	N 29"05'35" E	64.08"	M92	S 54"20"13" W	140
WI32	N 40°46'52" E	47.09	M93	8 33°27'53" W	29
W33	N 69°15'47" E	38.64"	M94	S 36°10′53° E	40
W34	N 48"17"08" E	44.15'	M95	S 00°07'37" E	53
M35	N 28°22'42" E	52.51'	M96	S 18'46'43" W	51
M36	N 07°45'37" W	52.92"	M97	S 45°30'22" E	85
M37	N 07°45'37" W	52.92"	M98	S 34"55'56" E	100
M3B	N 27"18'27" W	47.97	M99	S 08*38'21" F	52
M39	N 46°30'27" W	32.69	M100	S 01°21'41" E	54
M40	N 11°20'24" E	28.33*	M101	S 20°02'29" E	50
W41	N 87"41"48" E	50.75*	M102	S 37*46'45" E	49
W42	N 46°57'07" E	47.46	M103	S 62°41'25" E	51
W43	N 37°24'49" E	48.40'	M103	S 89°22'18" E	52
A44	N 17"23"59" E	59.15"	M105	N 76'48'45' F	44
A45	N 23"42"24" E	59.27	M106	S 36°45'53" E	18
A46	N 13°58'22" E	51.27	M107	S 36°16'24" W	51
A47	N 29°23'09" W	48.54"	M108	S 09"01"51" W	24
#48	N 79"27"45" W	46.54 78.65°	M109	\$ 45°48'29" W	47
W49	\$ 89°09'51" W	65.88*	M110	S 11°52'00" E	72
W50	S 67°33'14" W	45.54"	M111	S 17°46'20' W	24
M51	N 28*06'07" E	45.54 187.07°	M112	N 78"59"55" W	70
W52	N 10°30'14" E	47.13	M112	S 66°10'15" W	46
W53	N 10°30'14" E N 13°09'57" W	47.13 50.42°	M113	S 39°07'11" W	45
WI54	N 13"09'57" W	49.90	M114 M115	S 13"08"08" W	52
W55	N 29"42"49" W N 60"13"51" W	49.90° 5.86°			
			M116	S 32"19'34" W	54
W56	N 60°13'51" W	35.92	M117	S 20°24'56" W	56
M57	N 78°24'06" W	41.65'	M118	S 38"09'24" W	58
A58	N 42°44'17' W	113.96"	M119	S 23*17'08' W	31
A59	N 08°44'01" W	63.30'	M120	S 16°23'23" E	36
460	N 18°18'43" W	92.30	M121	S 13°32'38" W	44

		CURV	VE TABLE		
CURVE	RADIUS	DELTA ANGLE	ARC	CHORD	CHORD BEARING
C1	5797.58	1°23'22"	140.60'	140.60	N 39°10'50" E
C2	5797.58	1°46'45"	180.04	180.03'	S 38"59'09" W
C3	5797.58	2°08'34"	213.45	213.44"	N 37"02"29" E
C4	200.00'	25"03'28"	87.47	86.77	N 14"25"17" W
C5	200.00'	34°40′31"	121.04	119.20	N 19°13'49" W
C6	200.00'	53°30′54"	186.80'	180.09'	N 63°19'31" W
C7	170.00'	53"30'54"	158.78'	153.07	N 63"19'31" W
C8	170.00	34°40′31"	102.88'	101.32	N 19°13'49" W
C9	230.00'	25°03'28"	100.59'	99.79'	N 14°25'17" W
C10	50.00'	36"52"12"	32.18'	31.62'	N 08"30'55" W
C11	50.00'	84"32'34"	73.78'	67.26'	N 32"21"06" W
C12	50.00'	60°17'33"	52.62'	50.22'	S 75°13'51" W
C13	50.00'	59°13'46"	51.69'	49.42"	S 15°28'11" W
C14	50.00'	49"40'31"	43.35'	42.00'	S 38*58'57" E
C15	50.00'	36°52'12"	32.18'	31.62"	S 45"23"07" E
C16	170.00'	25°03'28"	74.35'	73.76'	S 14"25"17" E
C17	230.00'	32"11'02"	129.19'	127.50	S 17'59'04" E
C18	230.00'	2°29'29"	10.00'	10.00'	S 35"19'20" E
C19	230.00	53°30'54"	214.82	207.10	S 63"19"31" E
C20	20.00'	90''00'00''	31.42"	28.28	S 45"04'58" E

	LINE TABLE	
LINE	BEARING	DISTANCE
L1	S 89"56'41" W	66.12"
L2	S 89°56'41" W	125.64'
L3	N 26°57'01" W	38.72"
L4	S 28"57"01" E	38.72"

MONUMENT DETAILS





(P2)







LEGEND

- FOUND BRASS CAP MONUMENT
- FOUND ALUMINUM GAP MONUMENT
- FOUND 6" x 6" CONCRETE MONUMENT
- RECORD MEASUREMENT PLAT No. 84-135
- RECORD MEASUREMENT PLAT No. 95-79
- RECORD MEASUREMENT PLAT No. 2000-54 RIGHT-OF-WAY CENTERLINE

10' UTILITY EASEMENT

820

SLOPES EXCEEDING 20% GRADE DETERMINED FROM KENAI PENINSULA BOROUGH TERRAIN VIEWER 4" CONTOUR DATA WETLAND - TYPE 'LAKE' (FROM KENAI PENINSULA BOROUGH GIS DATASET 'KWF WETLANDS ASSESSMENT)

WETLAND - TYPE "DEPRESSION" (FROM KENAI PENINSULA BOROUGH GIS DATASET "KWF WETLANDS ASSESSMENT)



DETAIL LOT 6A LOT 10 406 sq. ft. TRACTA

KPB 2024-006

CERTIFICATE OF OWNERSHIP

CERTIFICATE OF OWNERSHIP

1. JUSDI WANNER, THE UNDERSIGNED. DO HEREBY CERTIFY THAT I AM
THE EXECUTIVE DIRECTOR OF THE ALASSA MENTAL HEALTH TRUST
1. LIND OFFICE, AND ACTING BY AND THOUGH THE STATE OF ALASSA,
DEPARTMENT OF NATURAL RESOURCES, ALASSA MENTAL HEALTH
1. ALASSA DEPARTMENT OF NATURAL RESOURCES, ALASSA MENTAL HEALTH
1. ALASSA AS ASSAGETTO THE OWNER THE ALASSA MENTAL HEALTH
1. TRUST AUTHORITY A PUBLIC COPPORATION WITHIN THE ALASSA
DEPARTMENT OF REVIEWING, ASA 70.00 IT 5 SEQ. I HEREOTY
1. TRUST AUTHORITY A PUBLIC OFFICATION WITHIN THE ALASSA
DEPARTMENT OF REVIEWING, ASA 70.00 IT 5 SEQ. I HEREOTY
1. TRUST AUTHORITY AND DEBICATE FOR PUBLIC OF PRIVATE USE AS NOTED.
ALTOHORY AND DEBICATE FOR PUBLIC OF PRIVATE USE AS NOTED.
ALSONOMING DUBLIC THE THE ALASSA AND RIGHTS OF WAY AS
SHOWN AND DESCRIBED HEREON.

ALASKA MENTAL HEALTH TRUST LAND OFFICE

JUSDI WARNER EXECUTIVE DIRECTOR ALASKA MENTAL HEALTH TRUST LAND OFFICE 2800 CORDOVA STREET, SUITE 201 ANCHORAGE, AK 99503

NOTARY'S ACKNOWLEDGMENT

STATE OF ALASKA

THIRD JUDICIAL DISTRICT) ss.

NOTARY PUBLIC IN AND FOR THE MY COMMISSION EXPIRES STATE OF ALASKA

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENALPENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF XXXXXXX

DATE AUTHORIZED OFFICIAL

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON SEHALF OF THE KENAI PENNISULA BORDUIGH FOR PUBLIC USES AND FOR PUBLIC UPPROSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS.

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

DATE

ALITHODIZED OFFICIAL KENAI PENINSULA BOROUGH 144 NORTH BINKLEY STREET SOLDOTNA, ALASKA 99669

NOTES

VICINITY MAP

1 INCH = 1 MILE

LICENSE No.

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 HEREBON ACTUALLY STATE DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT.

BUKU SALIZ LS-14837
REGISTERED LAND SURVEYOR DATE

PLAT OF

THREE PONDS SUBDIVISION

A SUBDIVISION OF

W 1/2 S/W 1/4, SECTION 34. T 4 N, R 11 W, SEWARD MERIDIAN KENAI RECORDING DISTRICT CONTAINING 79.94 ACRES



907.290.89-WWW.FIXEDHEIGHT.CO

ALASKA MENTAL HEALTH TRUST AUTHORITY 3745 COMMUNITY PARK LOOP, SUITE 200; ANCHORAGE, AK 99508 DRAWN BY: CHECKED BY: ATP

KPB FILE NO.: xxx-xxx SURVEY DATE: AUGUST 1, 2023 SCALE: SHEET 1 OF 2

ITEM #1 - PRELIMINARY PLAT SUBDIVISION NAME

KPB File No.	2024-006
Plat Committee Meeting:	February 26, 2024
Applicant / Owner:	Alaska Mental Health Trust Authority of anchorage
Surveyor:	Buku Saliz / Fixed Height LLC
General Location:	Cardwell Rd & Sterling Highway Kasilof area

Parent Parcel No.:	131-170-28 & 131-170-29
Legal Description:	W1/2 SW1/4 Sec 34, T4N, R11W SM AK
Assessing Use:	Vacant
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite
Exception Request	20.30.100

STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will subdivide 79.94 acres parcel into ten new lots ranging in size 4.622 acres to 6.881 acres. Lot 10 is 406 sq ft being a remnant in the corner of the property near the northeast divided by the lake.

Location and Legal Access (existing and proposed):

The plat is located along the Sterling Highway at milepost 103 in the Kasilof area. Sterling Highway crosses the plat giving access to Lots 3, 4 and 9. Lots 1, 2, 3, 4, 5 and 7 will have access from currently named Three Pond Road a proposed cul-de-sac. Lots 7 and 8 have access from Kowakan Street which this plat dedicates half the right-of-way to. Lot 9 also has access from Cardwell Road. Access to the Sterling Highway will be limited by the DOT for Lots 3, 4 and 9. Lot 10 has no access by road and several exceptions to code have been requested as detailed

The length of Three Ponds Road exceeds 1,000 feet and an exception has been requested.

Block length is not compliant. With the location of the lakes and no roads accessible where currently needed **staff recommends** the Committee concur that an exception is not needed.

The plat is affected by section line easements on the south and west lines as shown. **Staff recommends:** to label the section line easements outside of the plat where roads are not dedicated. Verify the width of the section line easement within the plat.

Cardwell Road on the south line of Lot 9 has the centerline of the road shown lying north of the section line easement. **Staff recommends:** Cardwell Road be dedicated 33 feet north of the centerline of the existing road and south to the property line.

On the east side of Lot 9 Tract C1 is being replatted and has a proposed half cul-de-sac along the adjacent line to Lot 9. This plat will need to match the cul-de-sac for dedicating the west half of the cul-de-sac. A copy of the plat has been supplied to the surveyor for said purposes.

Staff recommends: the Plat Committee concur that these two recommendations for rights-of-way need to be met as part of the approval of the plat.

KPB Roads Dept. comments	Out of Jurisdiction: No

	Roads Director: Griebel, Scott
	Comments:
	The west portion lots (1,2,5,6,7,8) and lot 9 appear to be supported by adequate existing ROW dedication and new dedication along a section line. Eastern lake
	parcels (3&4) will rely upon DOT access permitting. A substantial portion of lot 4
	is somewhat stranded and will likely present conflict with existing resident
	development. Lot 9 involves existing encroachment by 1986 "grandfathered"
	Cardwell Rd. This plat may present a resolution opportunity.
SOA DOT comments	Sterling Highway ROW appears to be shown correctly

Site Investigation:

Currently the site has no improvements located on it.

There are steep areas on the plat that are shown as hatched on the drawing. There is an exhibit supplied by the surveyor showing the contours of the plat.

There are wetlands on the plat, located over the ponds located on and around the ponds on the plat. They are no flooding hazards identified affecting the plat.

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:
	Comments:
State of Alaska Fish and Game	

<u>Staff Analysis</u> The plat was an aliquot piece of land previously not platted. No easements are listed in the certificate to plat.

Lot 10 is a 406 sq ft piece of land that is cut off by the pond in the northeast corner of the plat. The lot is a remnant more attached to Tract A of Brewer Subdivision Fowler Addition KN 95-79 in staff's opinion that just happens to be on the applicant's property due to lines. Exceptions are needed for lot 10 as follows:

20.30.050 Legal Access - no access to a road

20.30.200 Lots- Minimum size – 40,000 not met

20.40 Wastewater Disposal - no room for system

A soils report will not be required as all the lots are over 200,000 sq ft.

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 plat is in the Kalifornsky APC area which is inactive at this time

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

There does appear to be encroachment issues. Neighbors to the east look to be maintaining areas between their property and the ponds on the plat. *Staff recommends*: the owners may consider contacting these neighbors to check intent and see if there is interest in pieces of the plat. If so, the plat would need to come back to the Committee as addition of lots would be a major change. *Staff recommends*; If the plat were to come back for review, it would be beneficial to include the adjacent owners in the plat to include them by combining theirs and the pieces in use as new lots in the plat.

The name of Three Ponds Road was denied by Addressing in agency review comments. Addressing has notified staff that since this is an extension of Fifty-Niner Avenue, the cul-de-sac will be known as Fifty-Niner Circle.

Utility Easements

There are no utilities listed in the certificate to plat to be noted or shown.

The plat proposed a 10' utility easement along all rights-of-way. This is shown along Three Ponds Road only and should be added to all other rights-of-ways on the plat.

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	No comment
ENSTAR	No comment
ACS	
GCI	
SEWARD	
ELECTRIC	
CHUGACH	
ELECTRIC	
TELALASKA	

KPB department / agency review:

KPB department / agency review	
Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: NONE
	Existing Street Names are Correct: Yes
	List of Correct Street Names: FIFTY NINER AVE, KOWAKAN ST, STERLING HWY, CARDWELL RD.
	Existing Street Name Corrections Needed: PUCKER BRUSH ST
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:

	THREE PONDS RD
	Comments: No other comments
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
Advisory Planning Commission	

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

PLAT NOTES?

- 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).
- No access to state maintained rights-of-ways permitted unless approved by the State of Alaska Department of Transportation.
- Add a plat note for reference to item 4 in the certificate to plat.
- Add a plat note for reference to item 5 in the certificate to plat.
- Add note for 10' utility easement.
- Add note for 20' building setback line
- Modify plat note 7 and remove 20.30.170 exception.
- Add the date of February 26, 2024 to plat note 7.

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:

- After Seward Meridiam add State of Alaska.
- Add Kenai Peninsula Borough to the legal
- KPB File no is 2024-006

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:

- Correct spelling of Brush on Pucker Brush Street.
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;

Staff recommendation:

Add a north arrow to the detail.

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:

- Check all properties for correct labeling around plat as there are several needed.
- To the southwest add missing lot labels

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:

Staff recommendation: comply with 20.40.

KPB 20.60 - Final Plat

Staff recommendation: final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

- Match the address of the owner under the Certificate of Ownership with the address in the title block.
- Add the date of February 26, 2024 to the Plat Approval.

EXCEPTIONS REQUESTED:

A. KPB 20.30.100 Cul-de-sacs

<u>Surveyor's Discussion:</u> An exception is requested to the borough code requiring that permanently closed roads shall be no longer than 1,000 feet long.

Page 5 of 9

Findings:

- 1. It is undesirable to add additional access points along the Sterling Highway.
- 2. Due to the size and location of the lakes on this property, there are limited places to place usable Right-of-Way.
- 3. The surrounding properties all have legal access and most have physical access. Future extension of roads within this subdivision seems unlikely.

Staff Discussion:

The cul-de-sac is an extension of the road Fifty-niner Avenue from the west coming into the plat. the location is influenced by the lakes on the property.

Findings:

- 4. The length of the cul-de-sac is 1,095 ft from start to the center of the bulb.
- 5. The cul-de-sac maneuvers between the lakes to make usable area for the lots.
- 6. Access to Sterling Highway is limited / restricted without permission.
- 7. The cul-de-sac will not affect other properties.

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 1-3 & 6 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 1-3, 5 & 6 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 1-4,6 & 7 appear to support this standard.

B. Exceptions For Lot 10

KPB 20.30.030 Proposed Street layout, 20.30.050 Legal Access

Surveyor's Discussion:

20.30.030 An exception is requested to the borough code requiring that streets provided on the plat must provide fee simple right-of-way dedication to the appropriate governmental entity.

20.30.050 An exception is requested to the borough code requiring legal access to all lots.

Findings:

- 1. There is no point within this subdivision that could provide legal access to this lot.
- 2. The only legal access to the lot is water access.

Page **6** of **9**

3. Due to the shape of the parent parcel and the lake, this lot is segregated from the rest of the land in this subdivision.

Staff Discussion:

These two exceptions were combined as there are closely related in content and findings. If the Committee wishes to vote on them separately, they may do so with separate findings and motions.

Findings:

- 4. A road to this lot is improbable.
- 5. Access is through the adjacent land owner.
- 6. This exception will not affect any adjacent land owners if permitted.

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 1-4 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 1-3 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 1-3, & 6 appear to support this standard.

C. Exceptions For Lot 10

KPB 20.30.200 Lot- Minimum size, 20.40 Wastewater Disposal

Surveyor's Discussion:

20.30.200 An exception is requested to the borough code requiring that lots shall contain at least 40,000 square feet if both he well and wastewater disposal are to be located on the lot.

20.40 an exception is requested to the borough code requiring that all lots within a proposed subdivision meet the applicable standards for wastewater disposal

Findings:

- 1. The lot size is constrained by the lake and adjoiners property.
- 2. This lot can only be the size and shape it is.
- 3. Due to the shape of the parent parcel and the lake, this lot is segregated from the rest of the land in this subdivision. There is no way to make this lot larger.

Staff Discussion:

These two exceptions were combined as there are closely related in content and findings. If the Committee wishes

Page **7** of **9**

to vote on them separately, they may do so with separate findings and motions.

Findings:

- 4. The lot is in a wetland entirely.
- 5. This lot is not usable.
- 6. Not having a wastewater system will not affect the property in any form.

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 1-6 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 1-6 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 1-6 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.

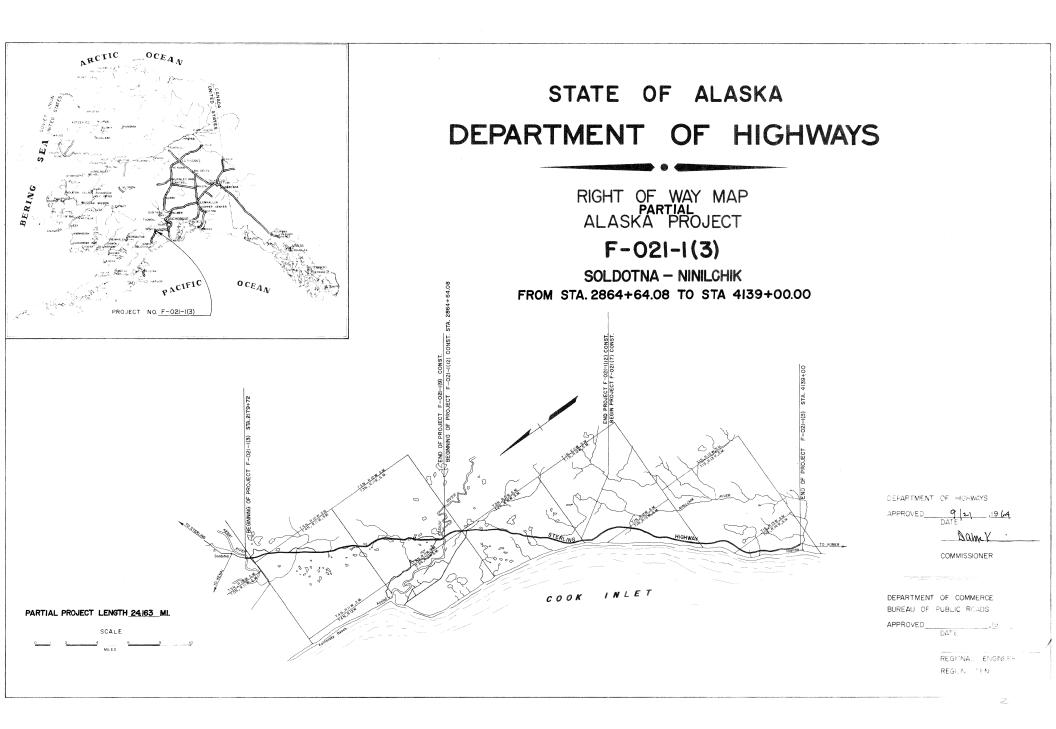
NOTE: 20.25.120. - REVIEW AND APPEAL.

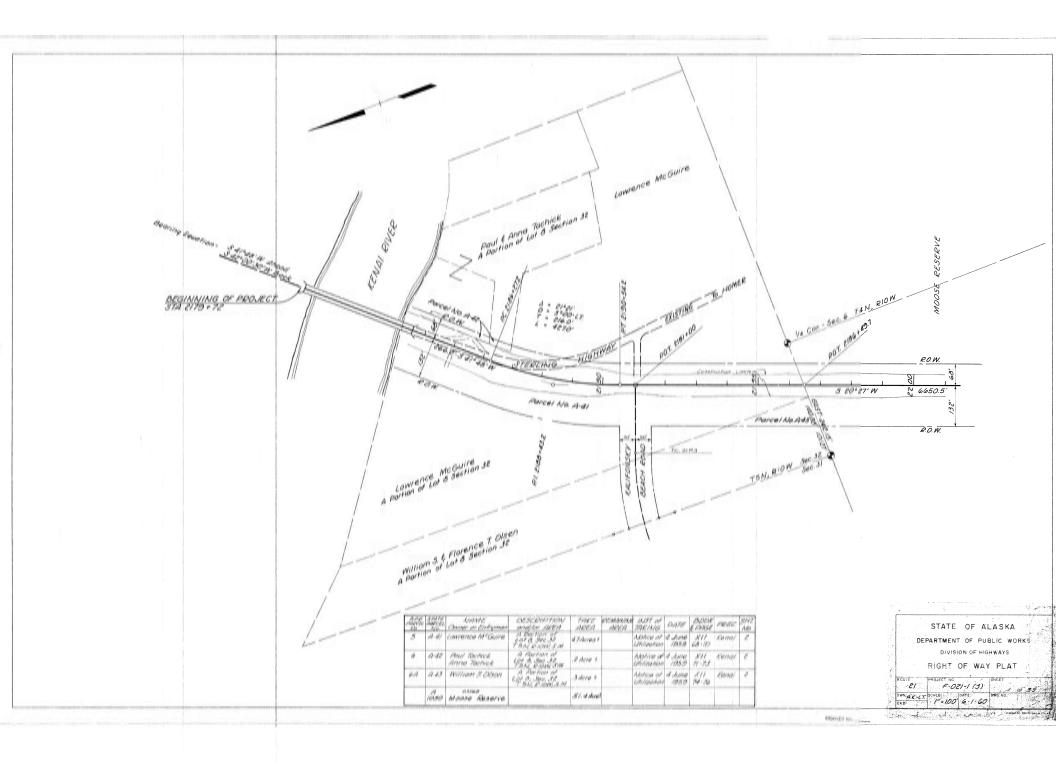
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

Page **8** of **9**

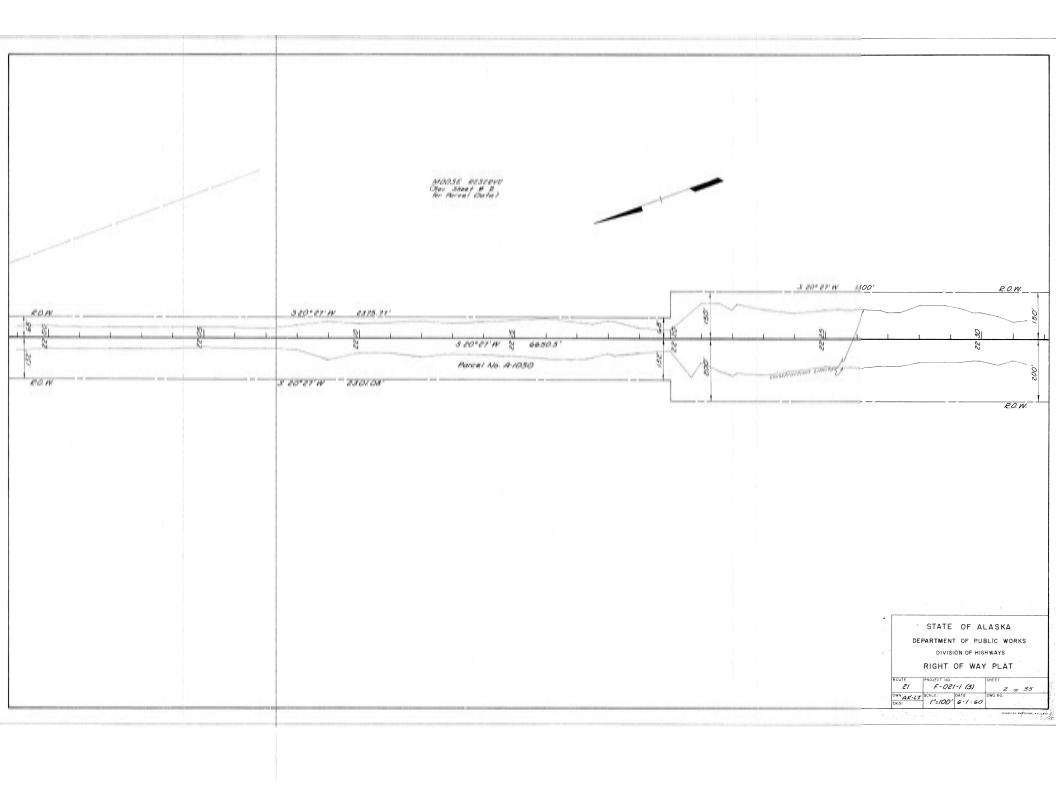
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

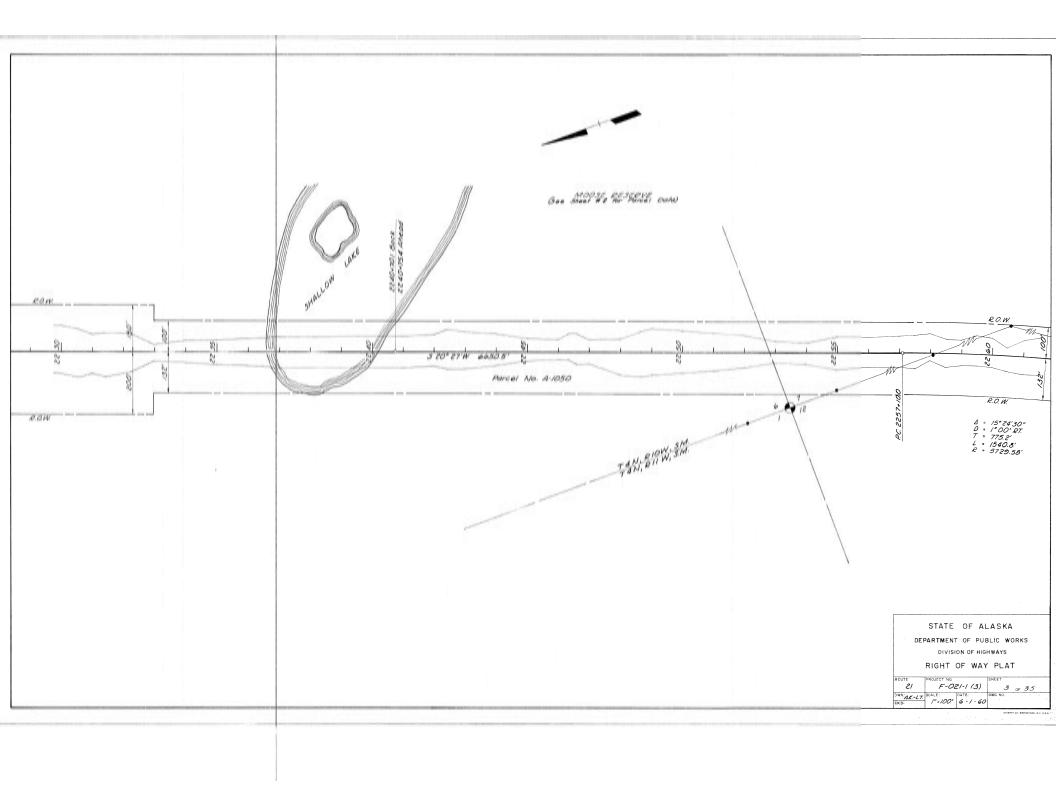


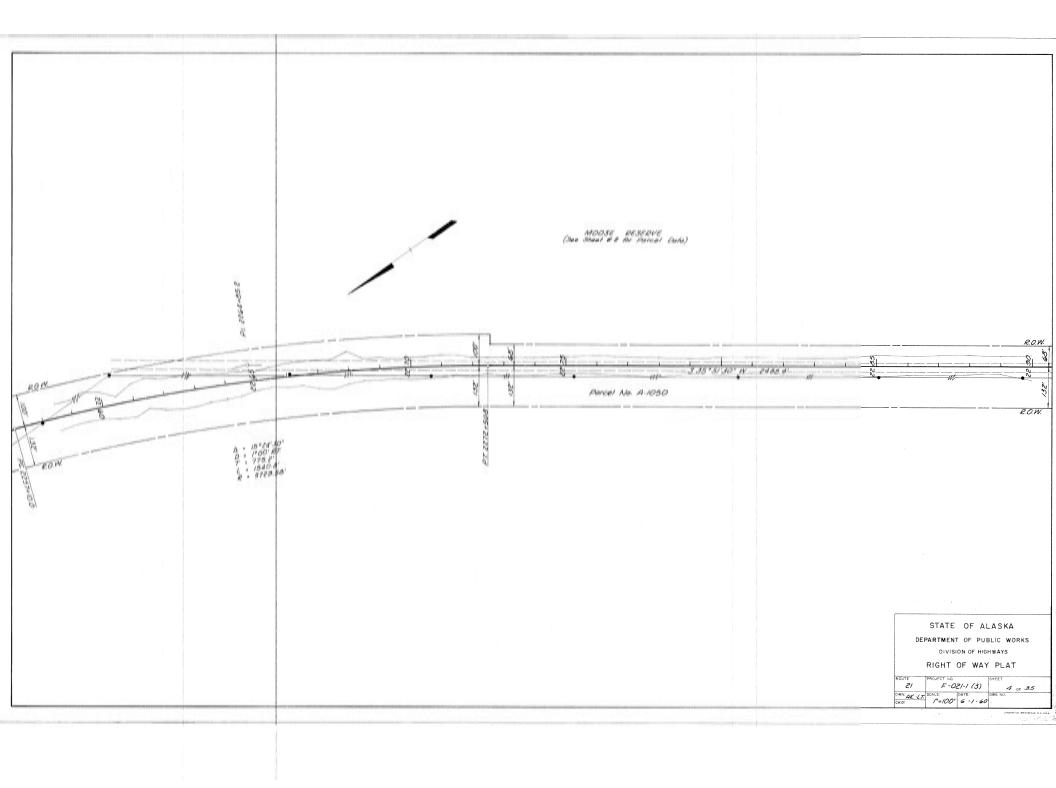


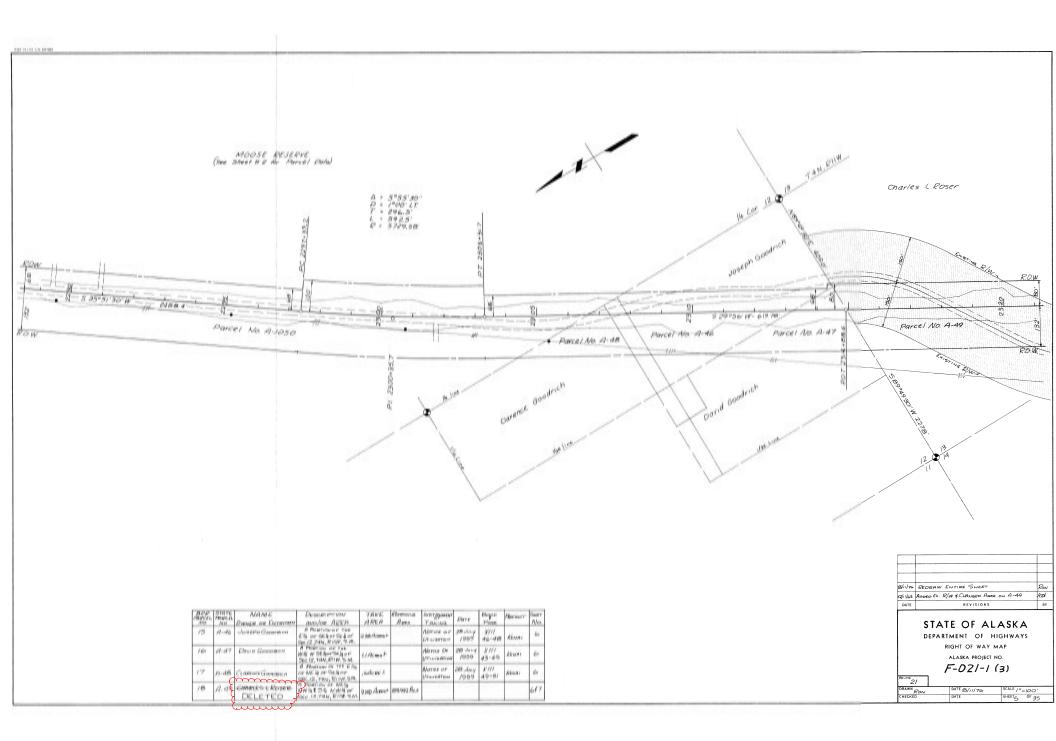
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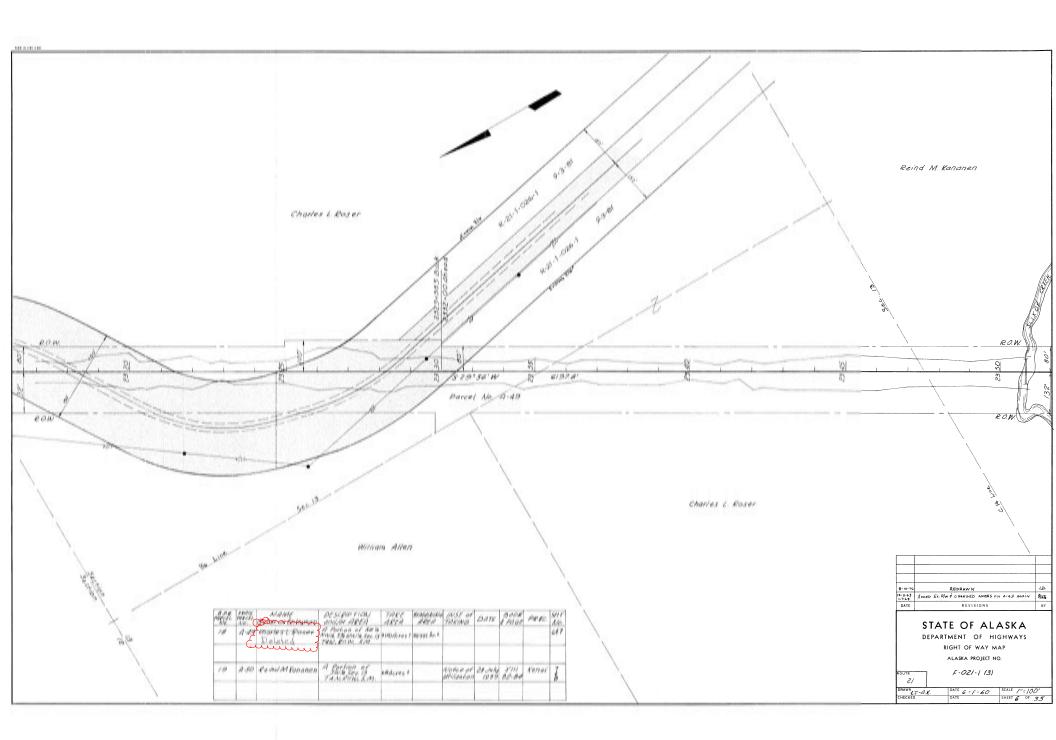


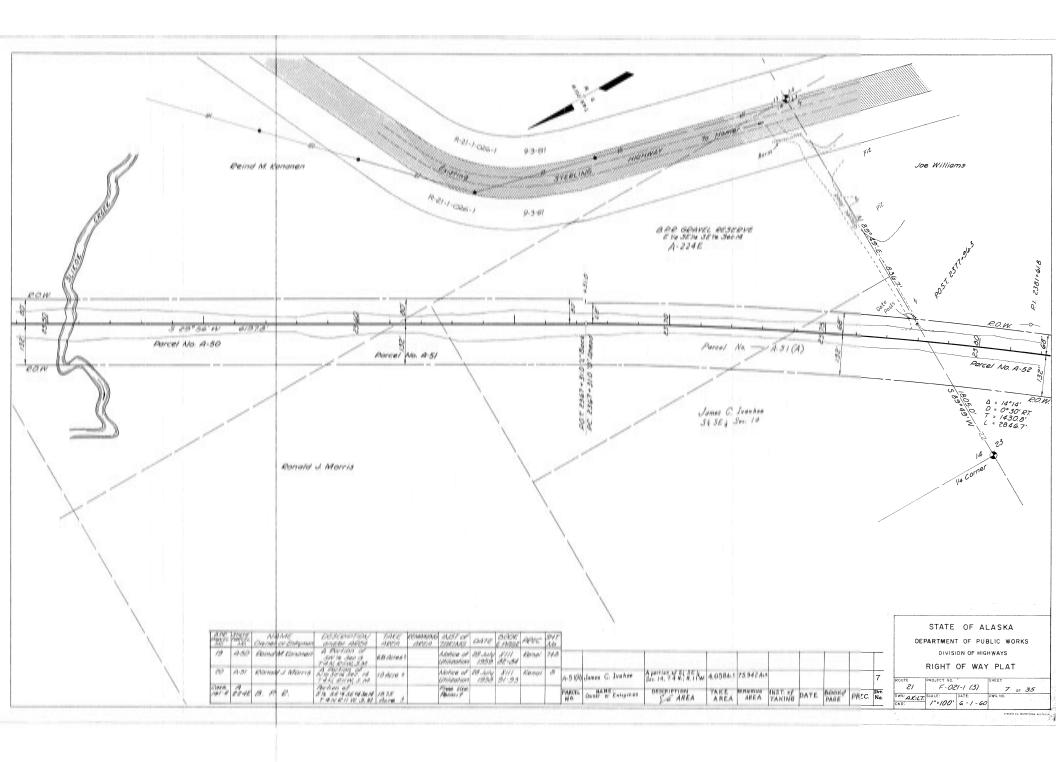
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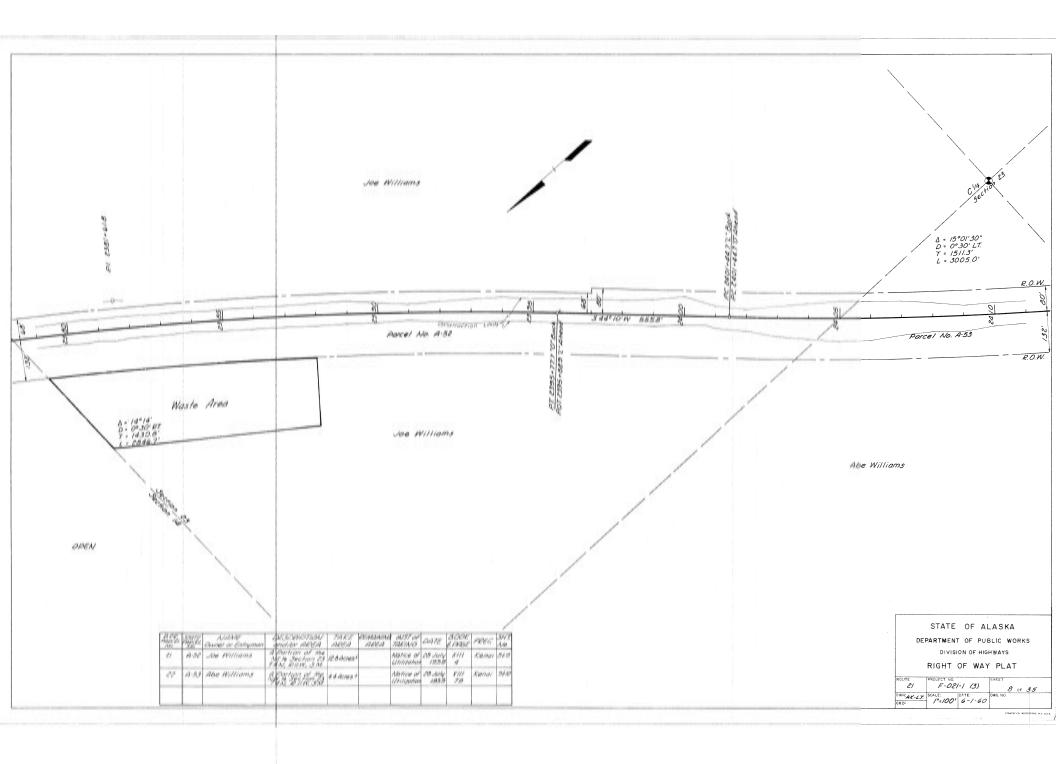


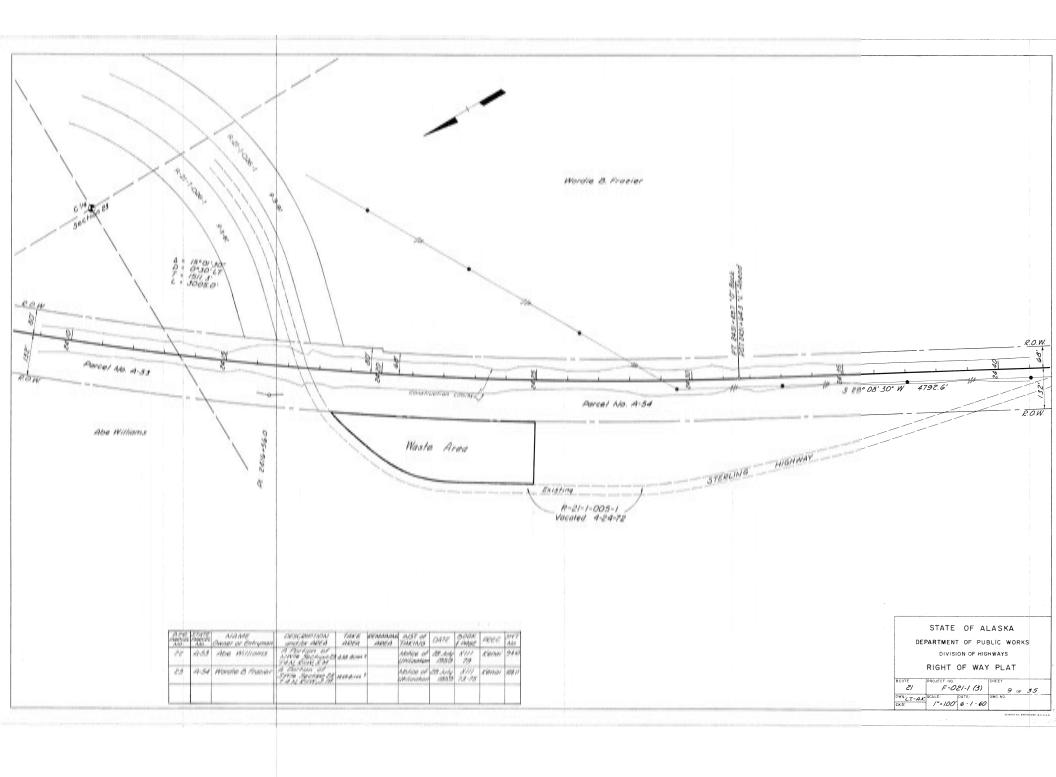




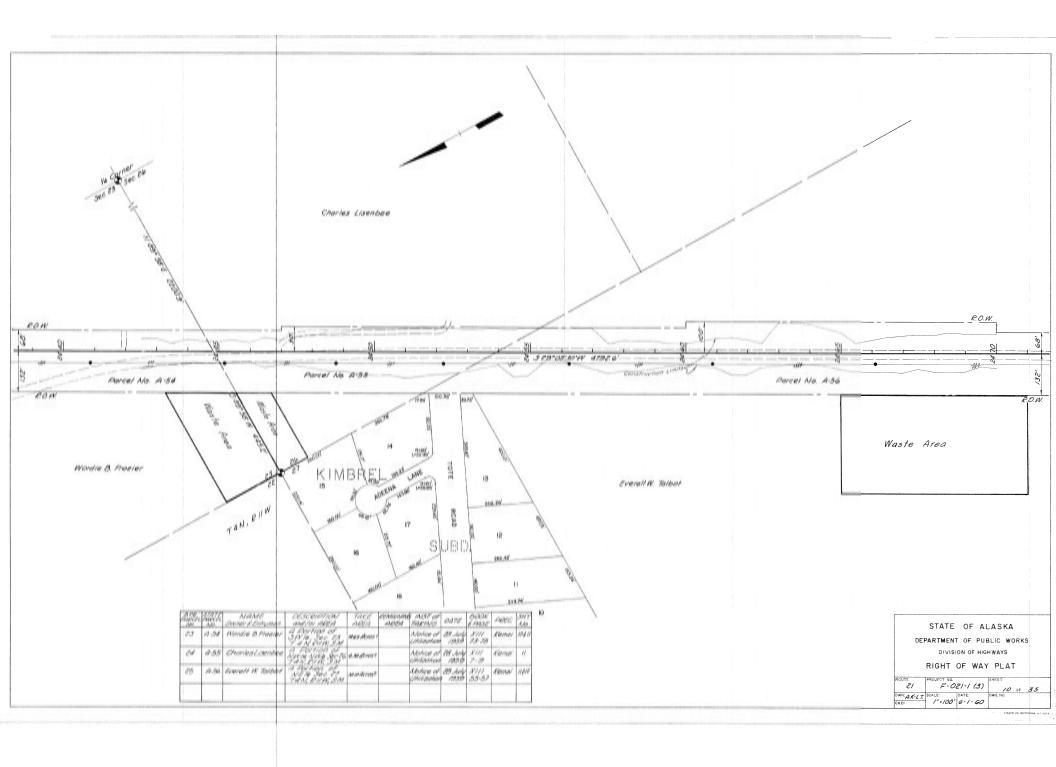




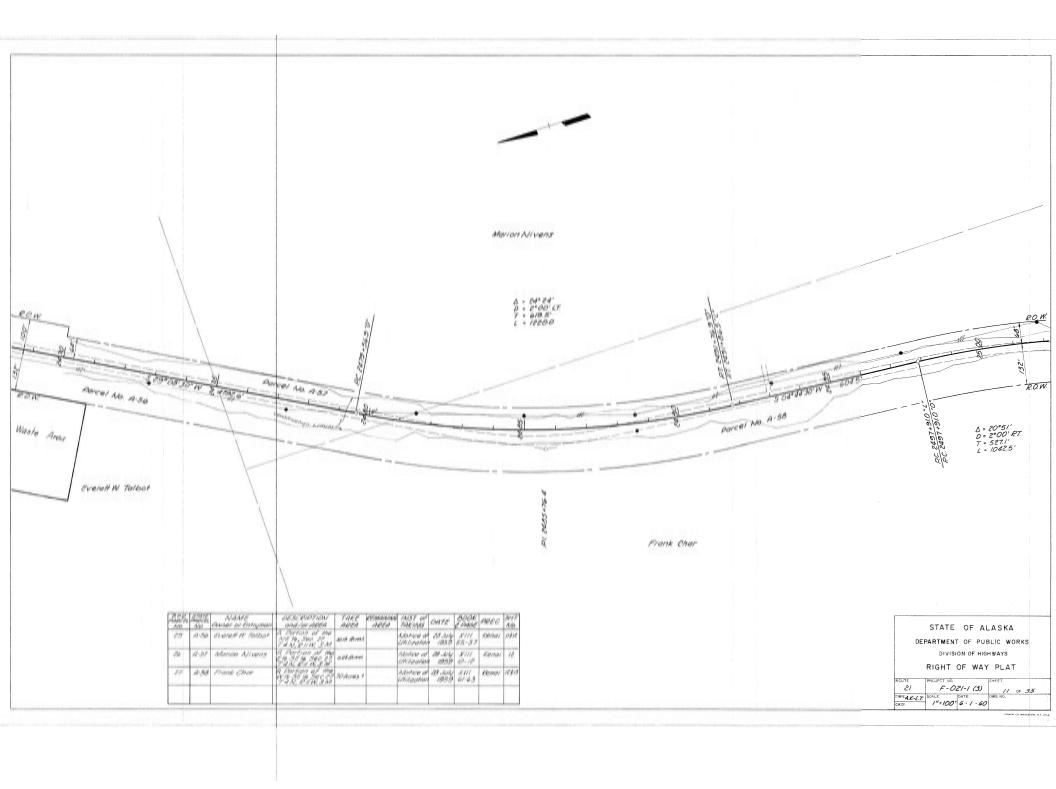


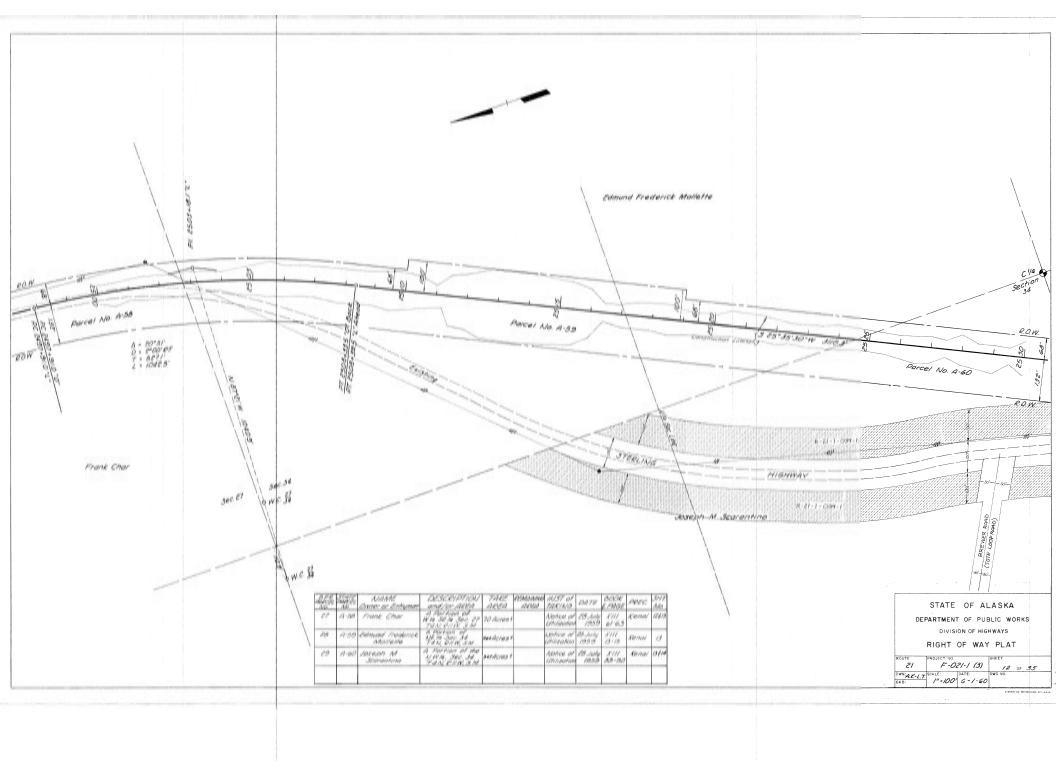


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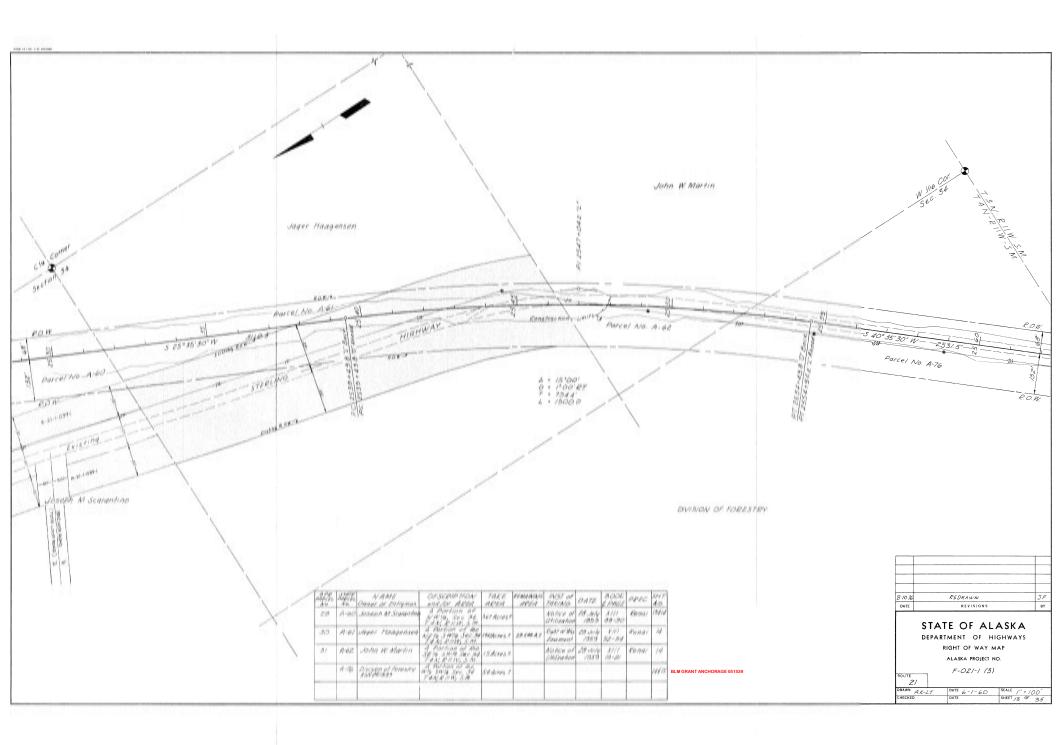


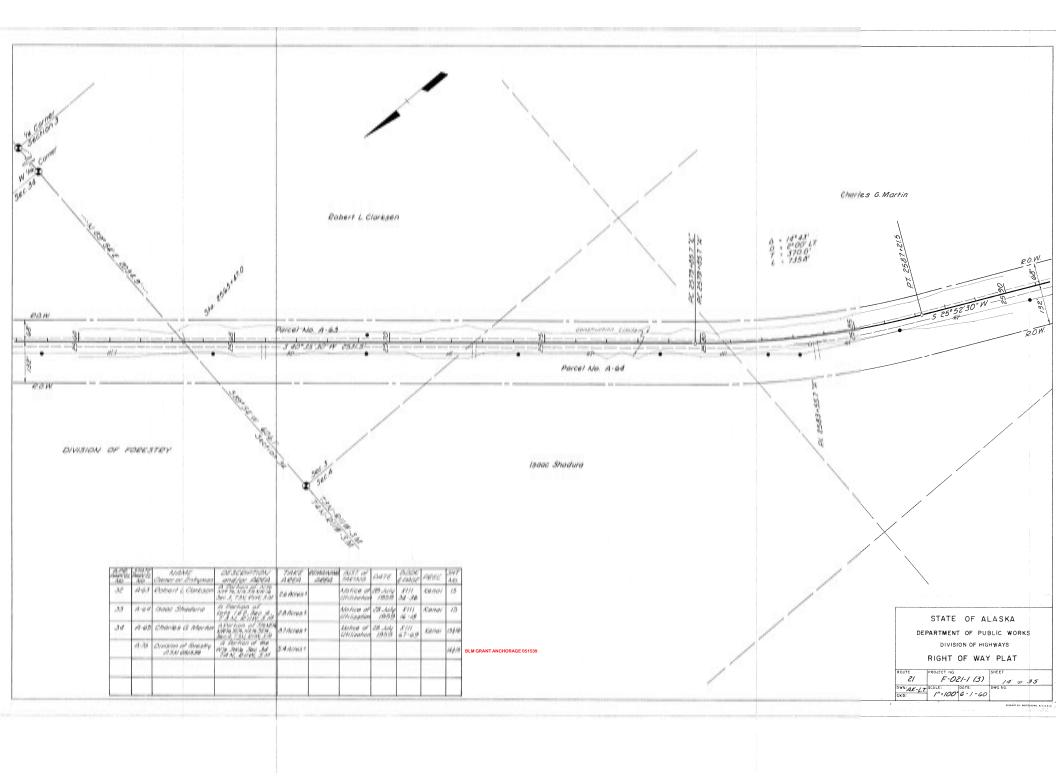
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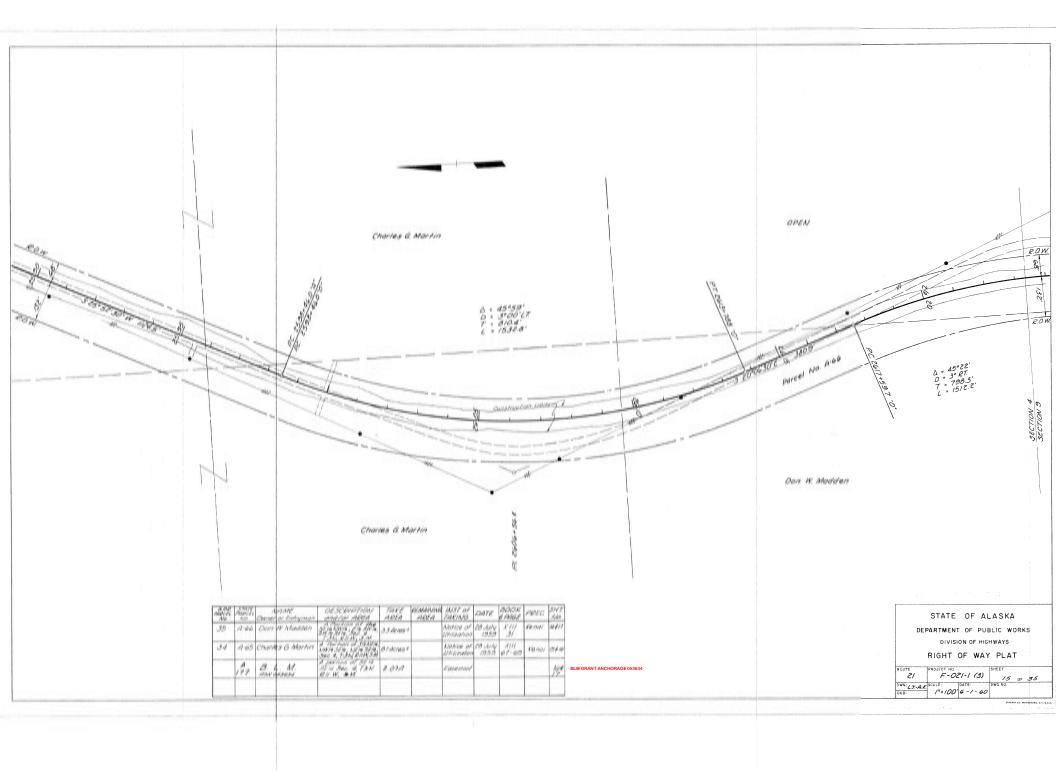




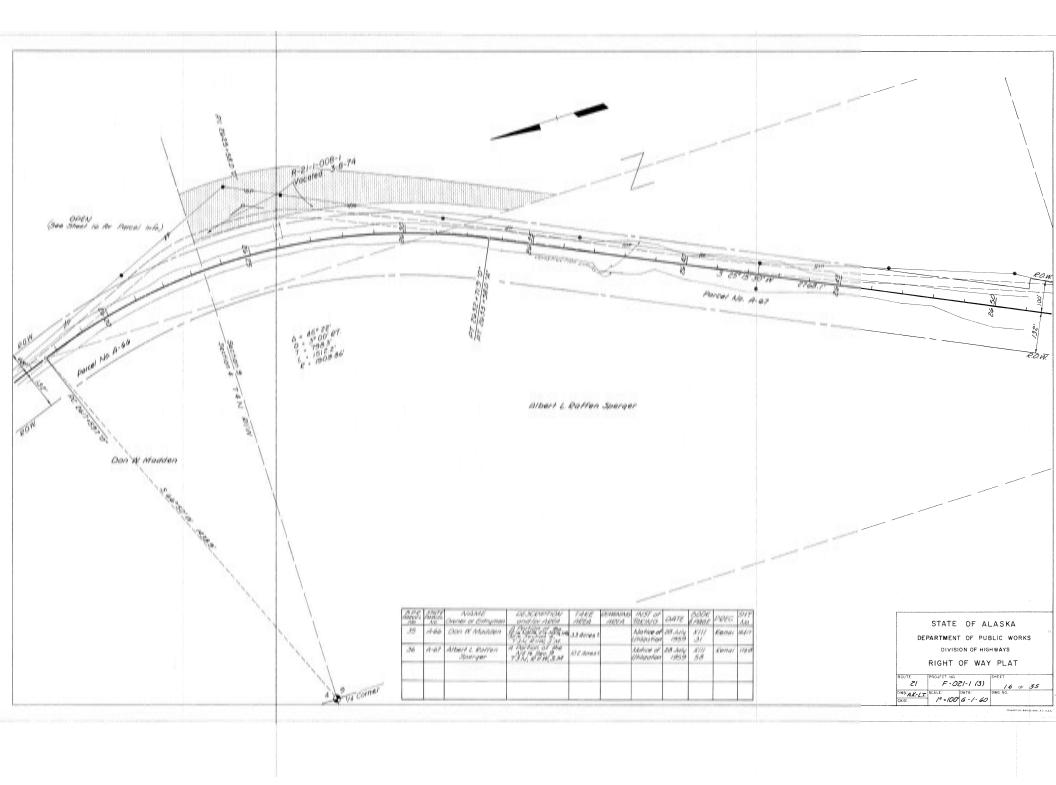
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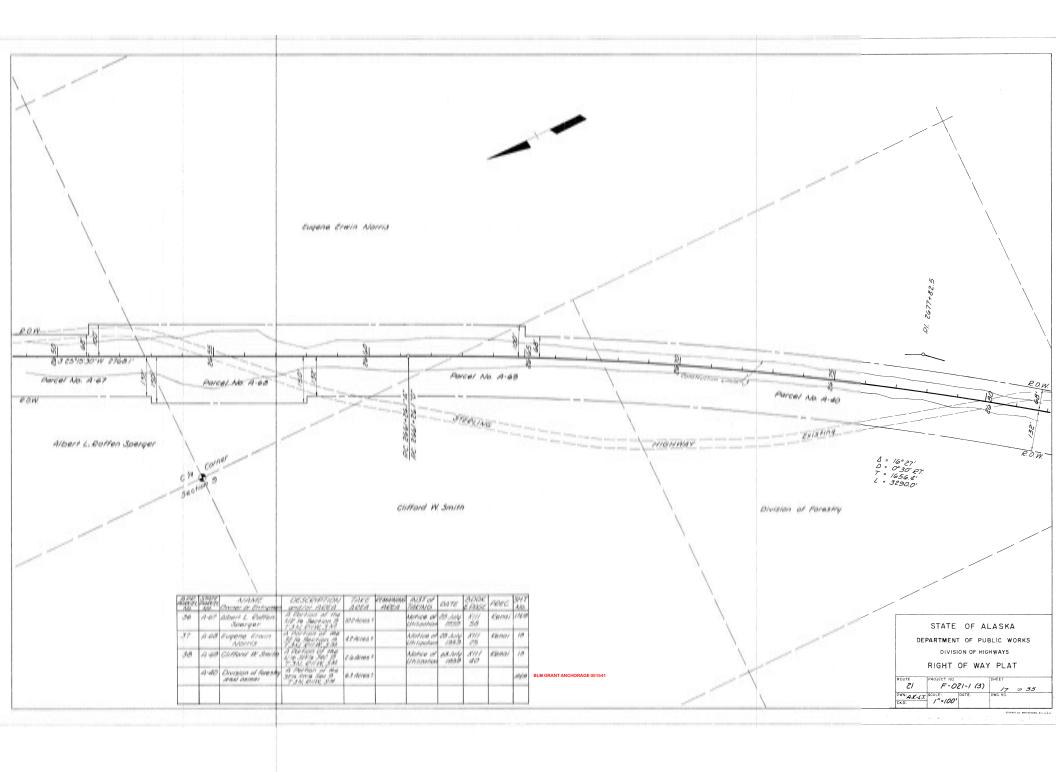


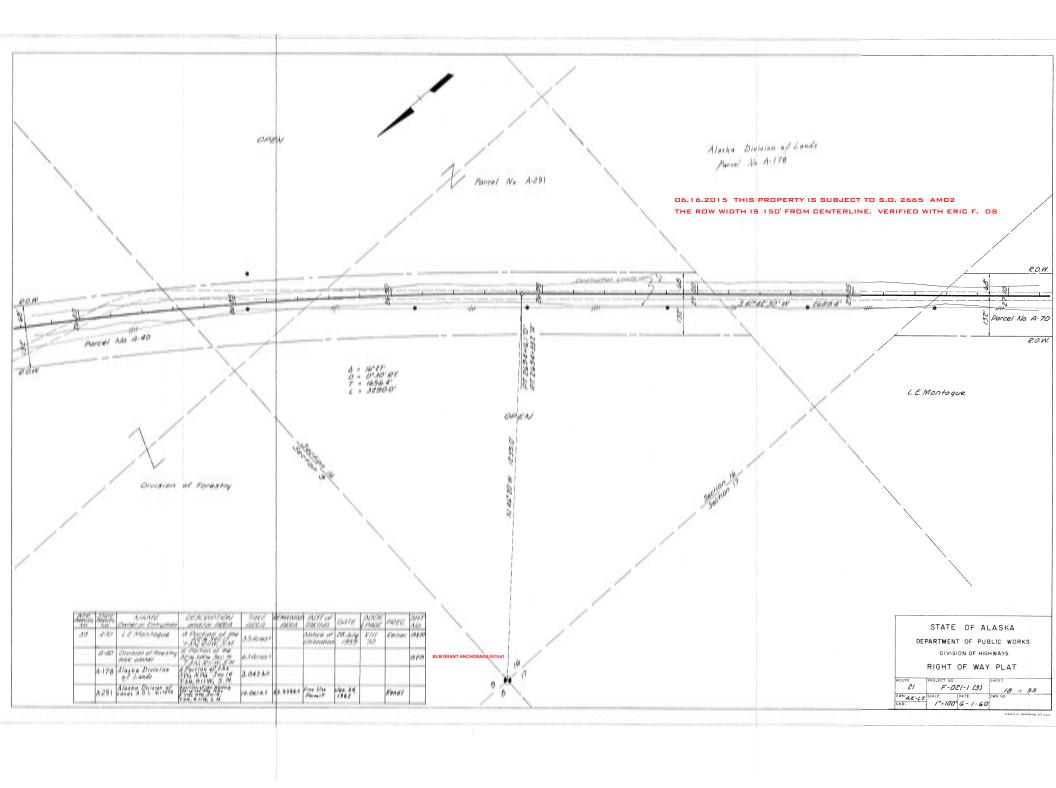


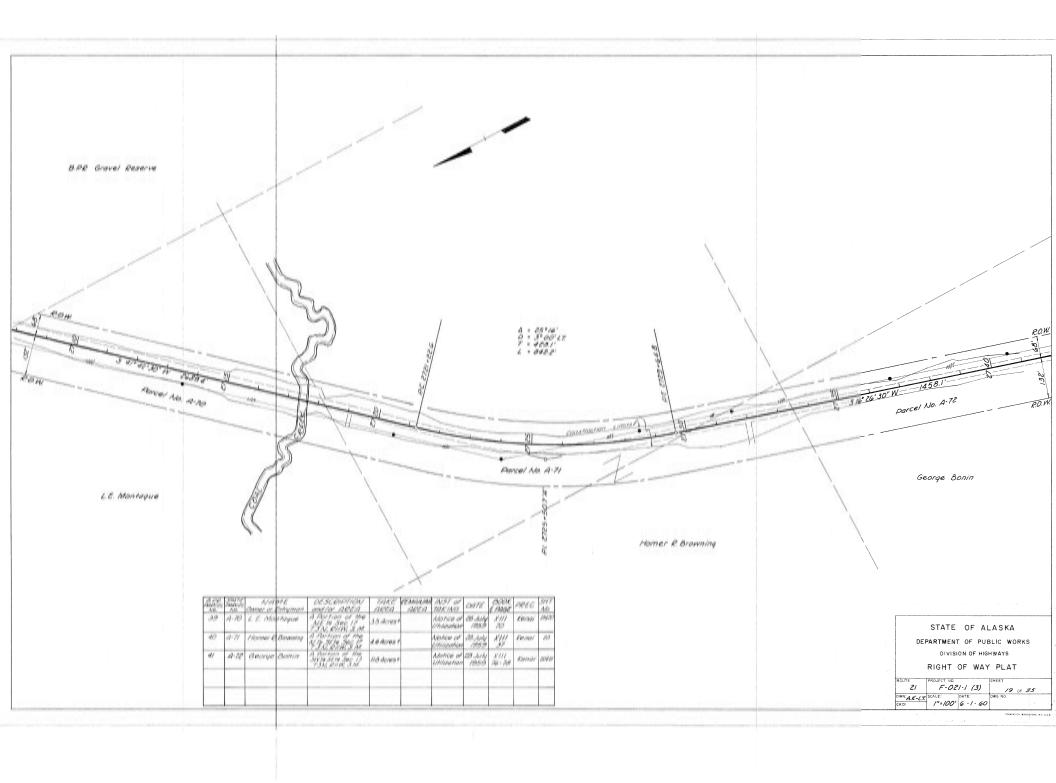


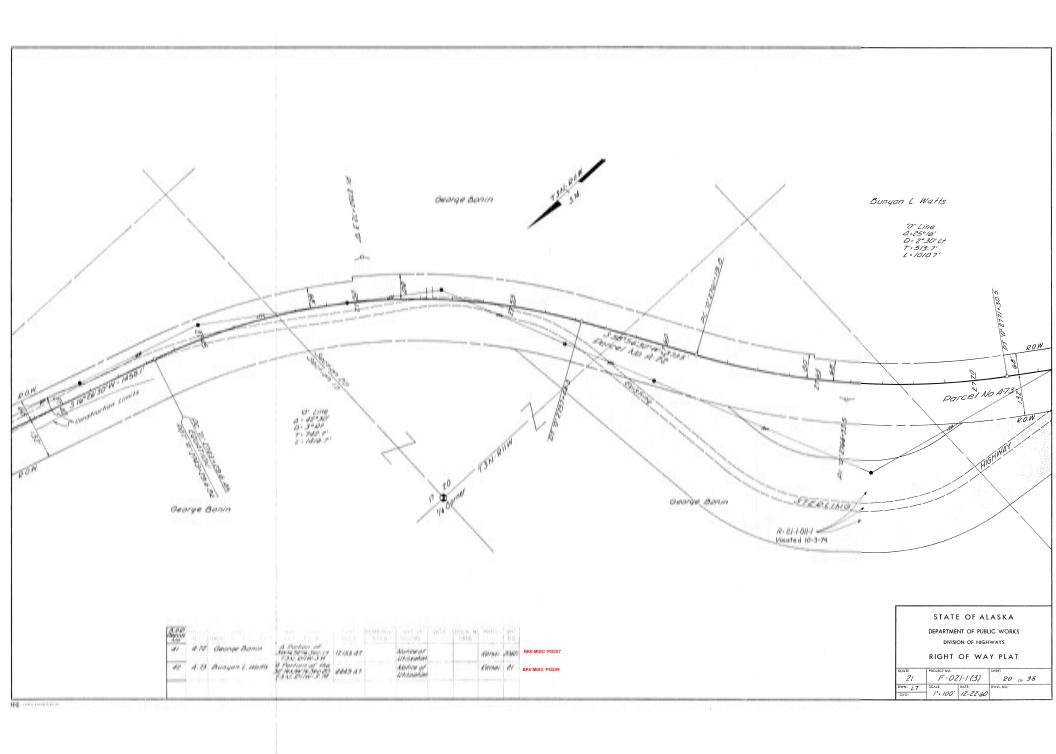
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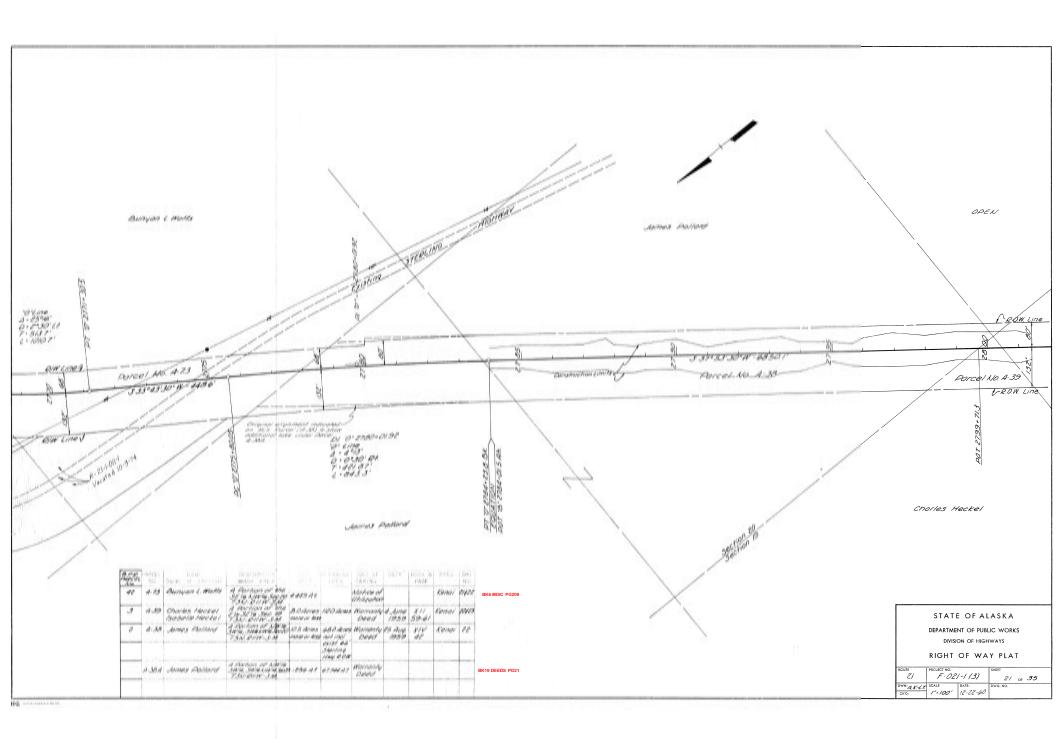


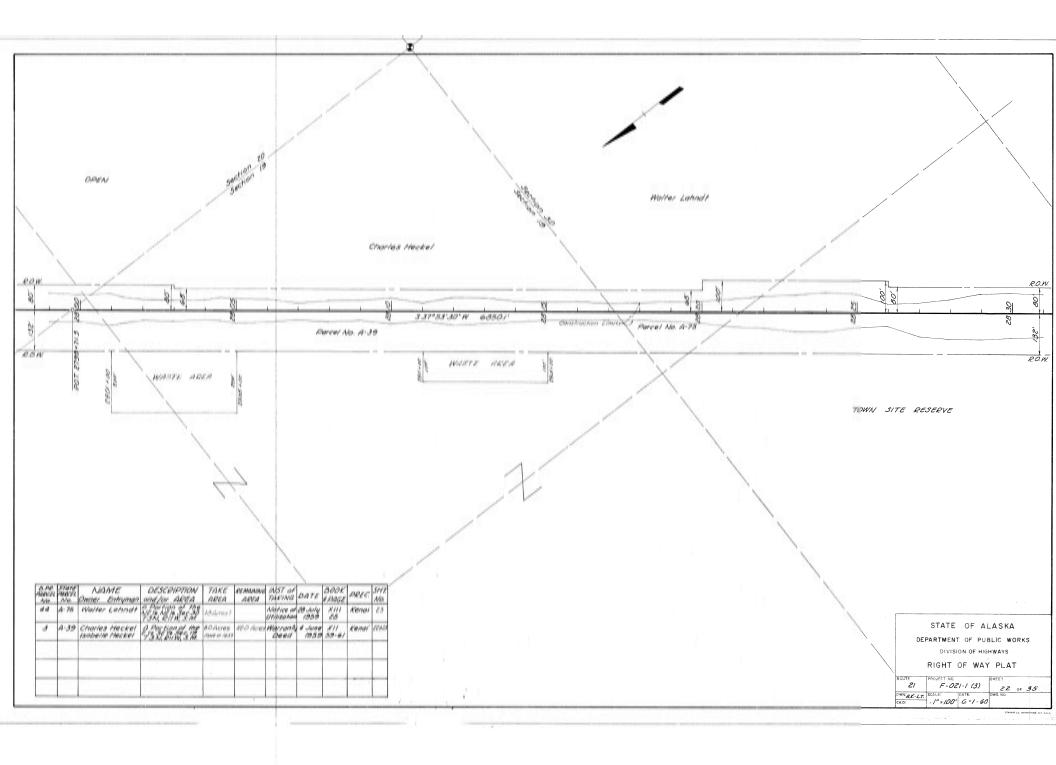


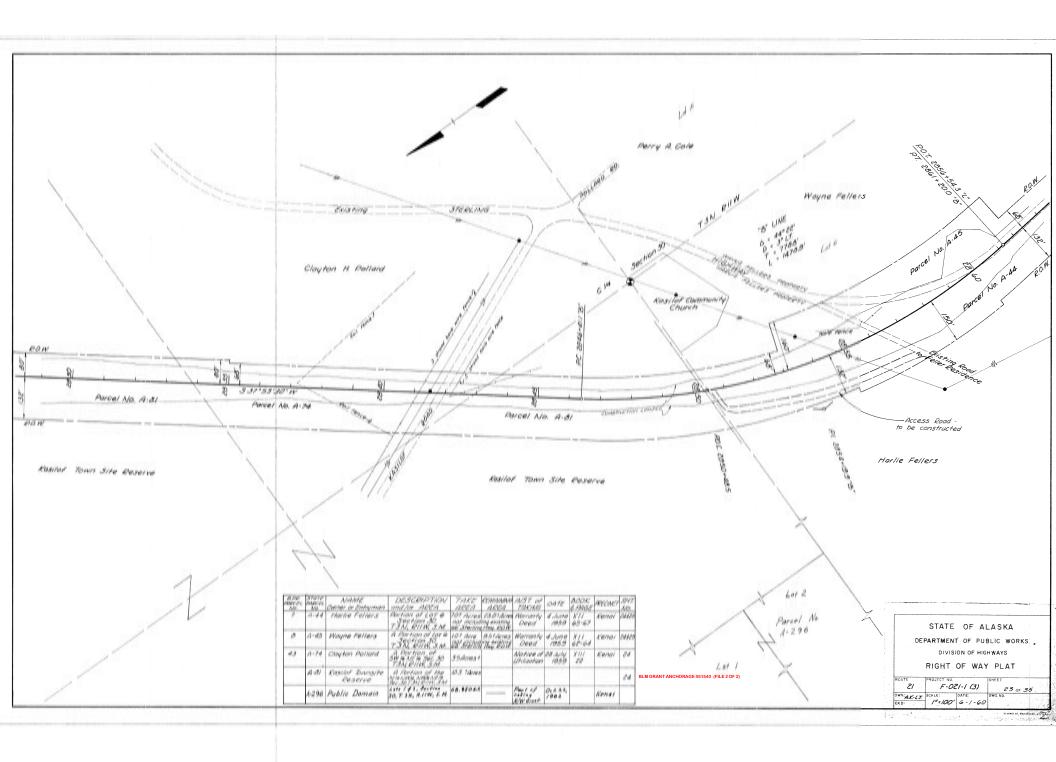


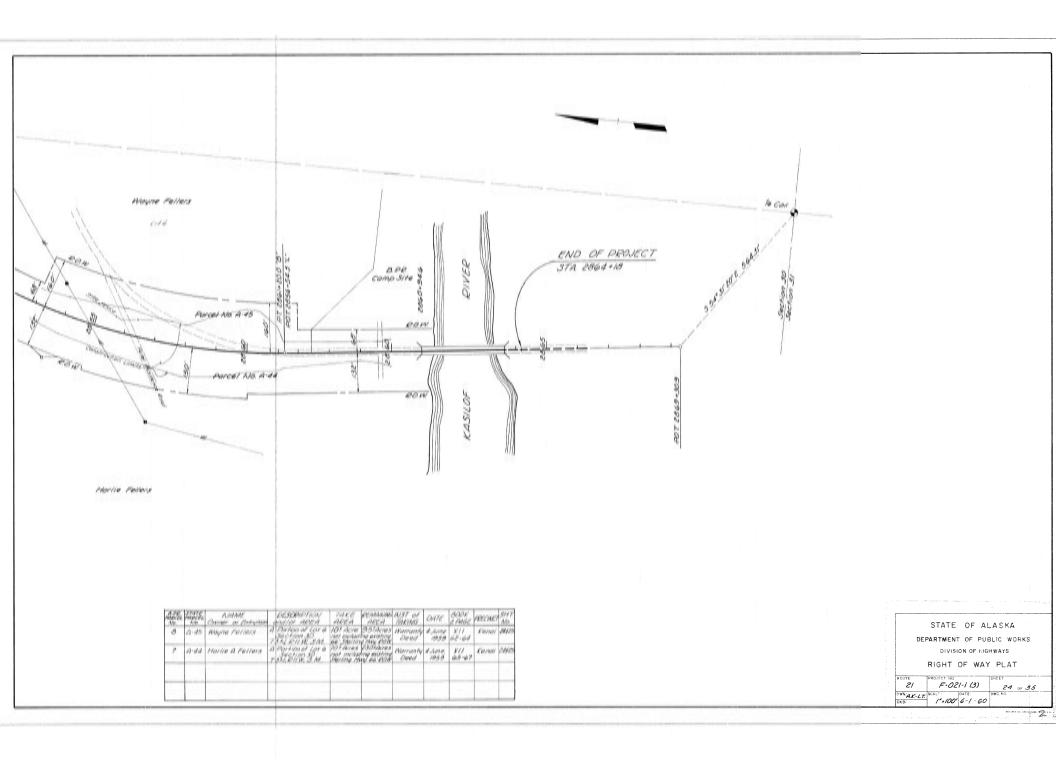


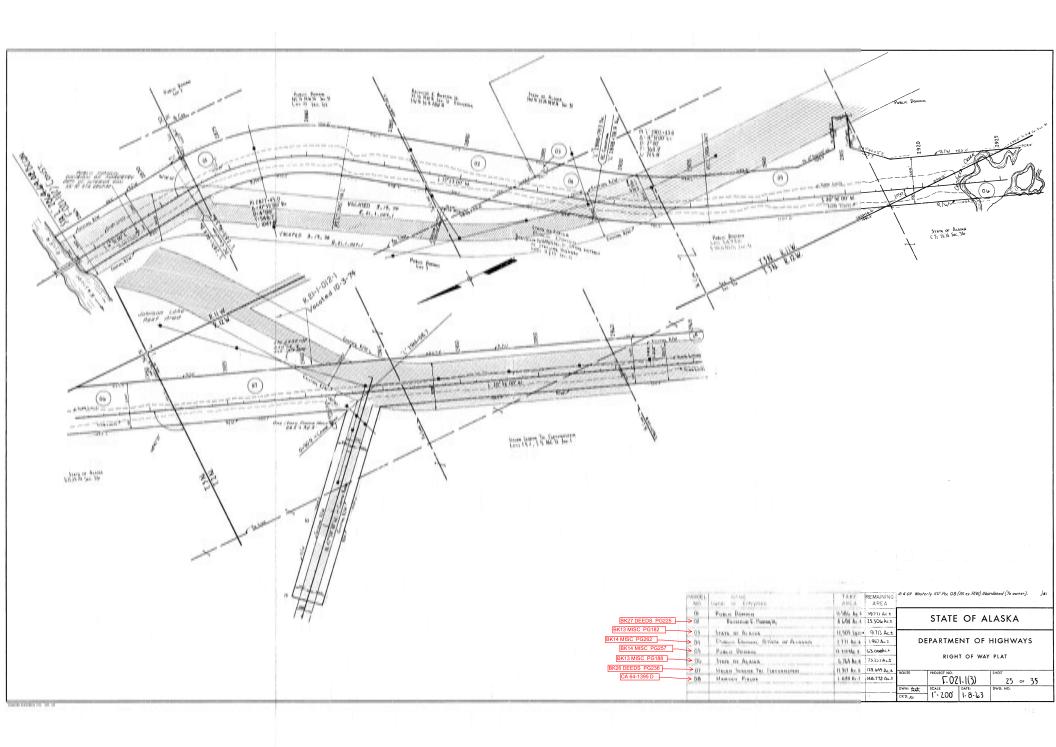


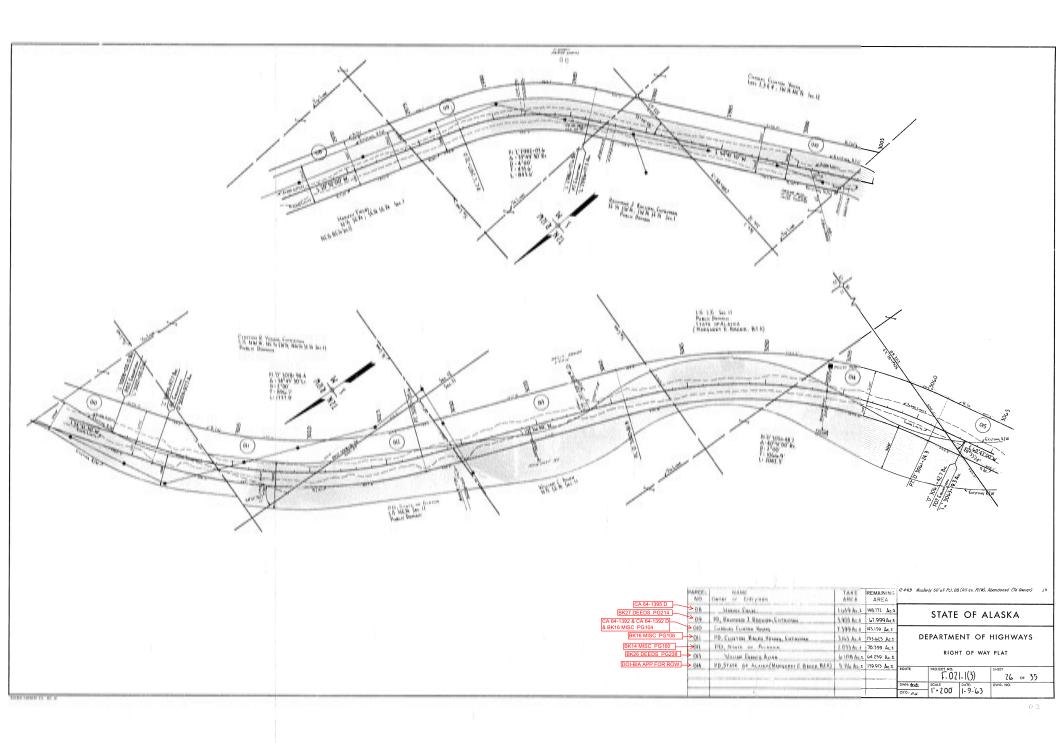


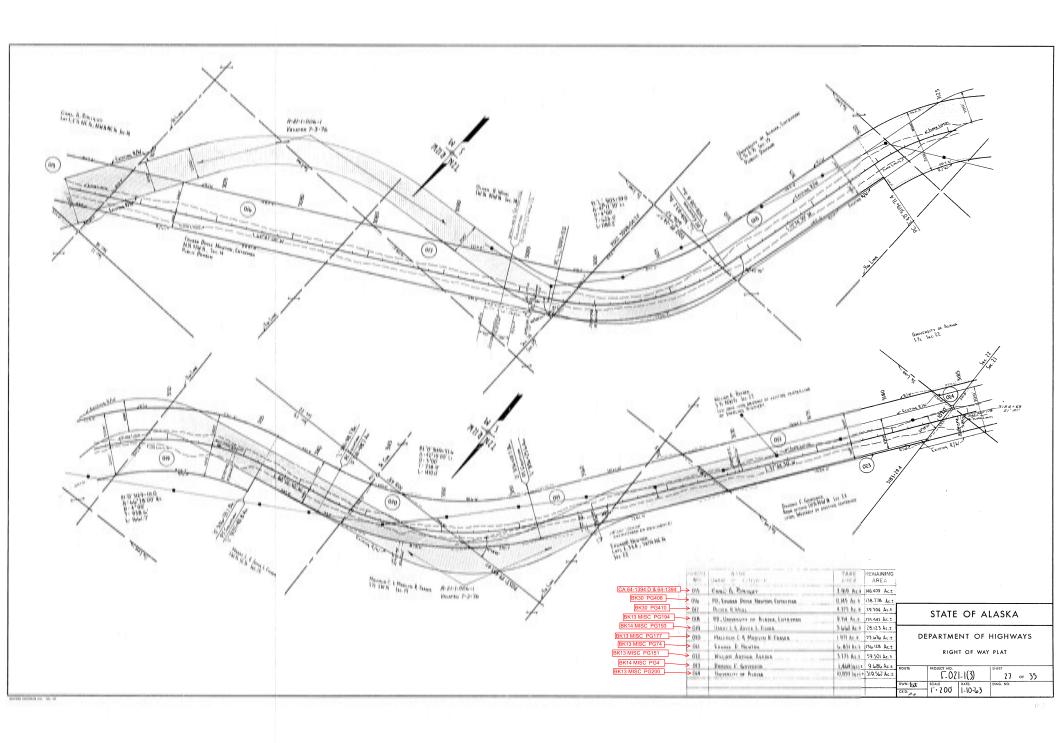


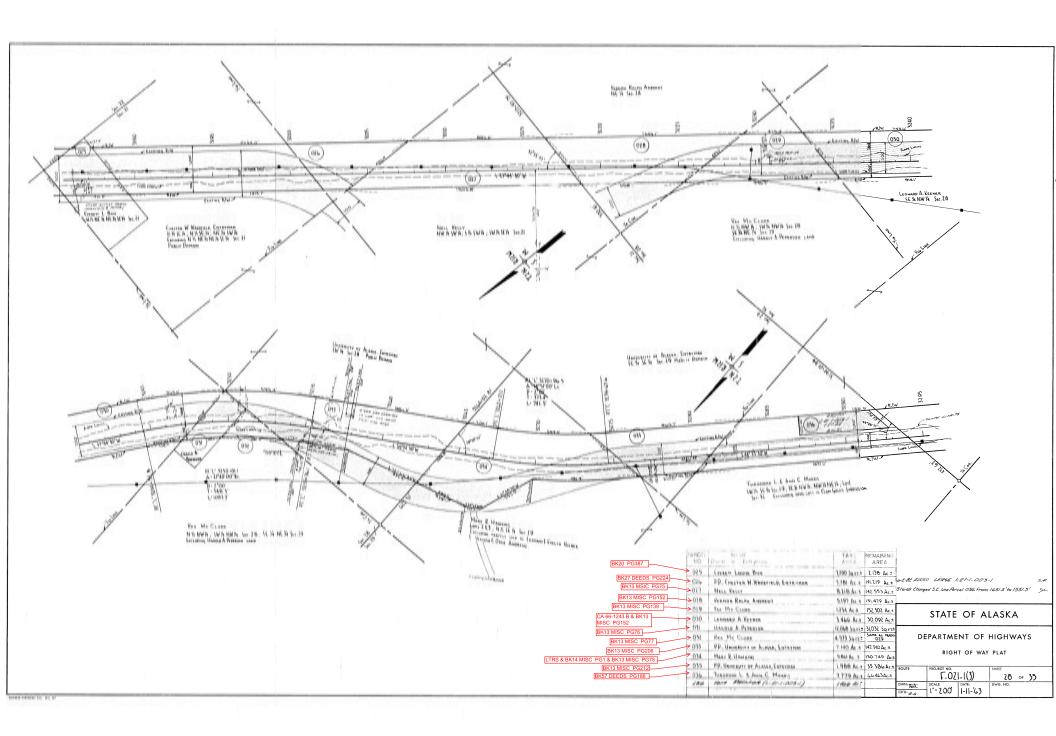


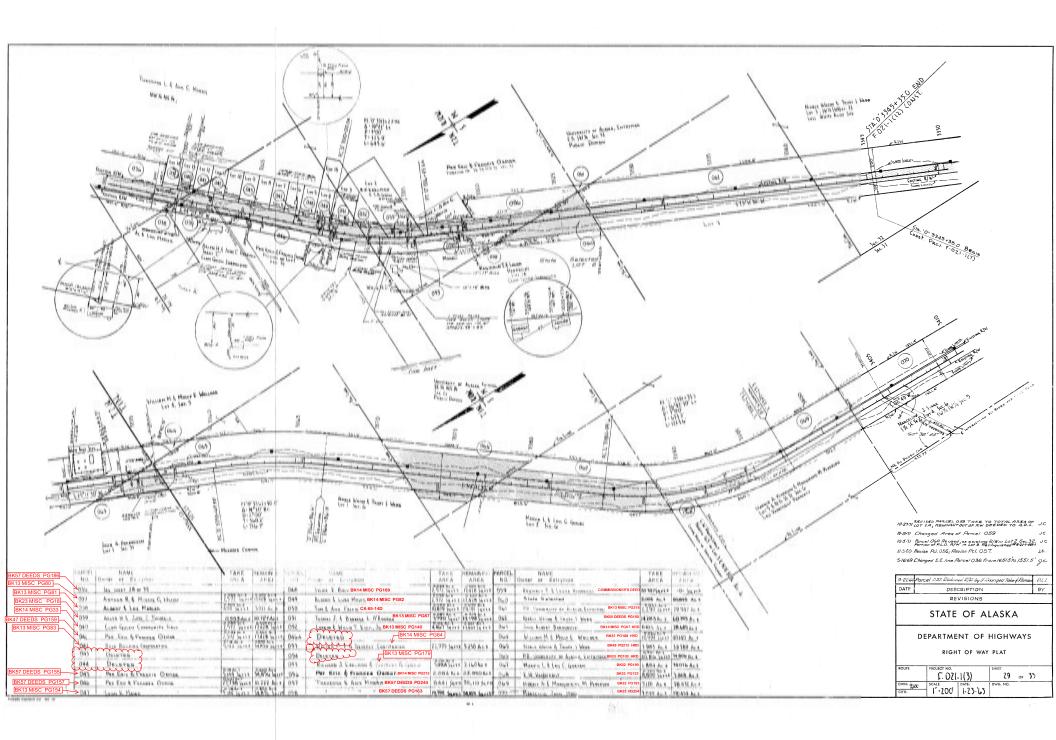


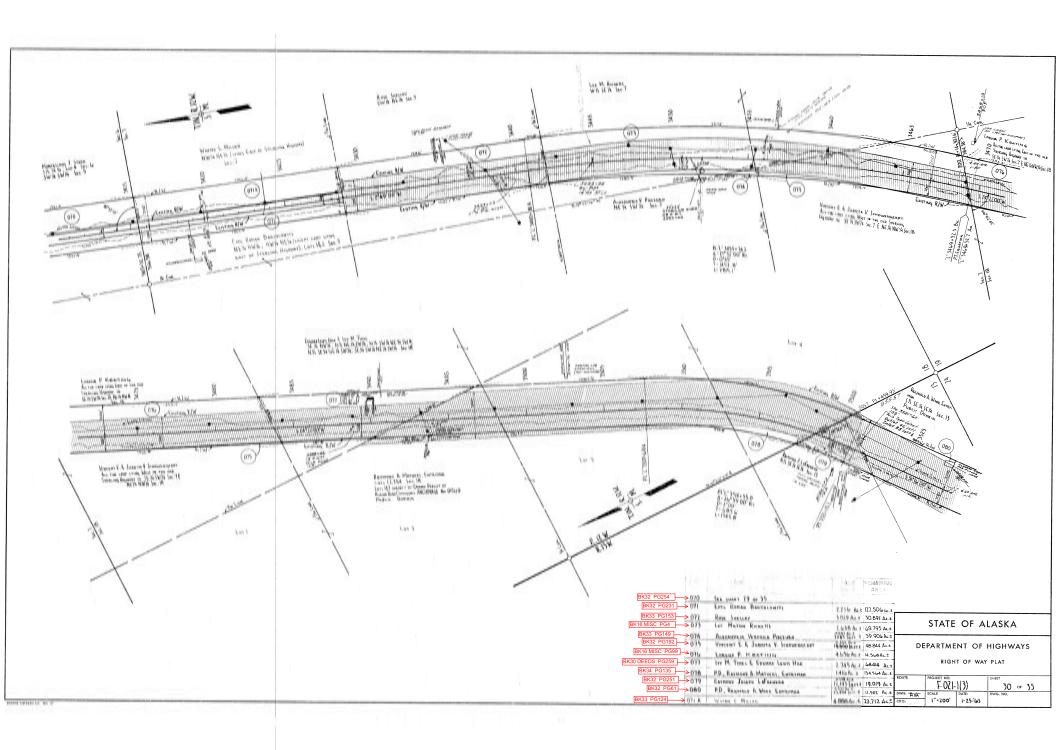


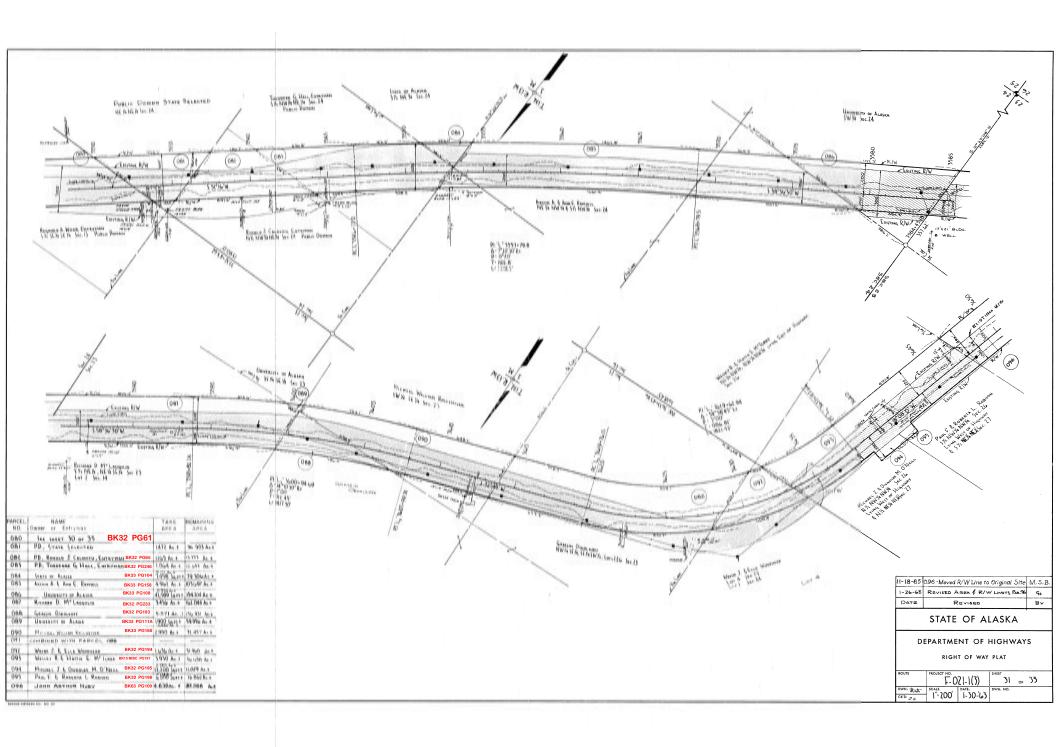


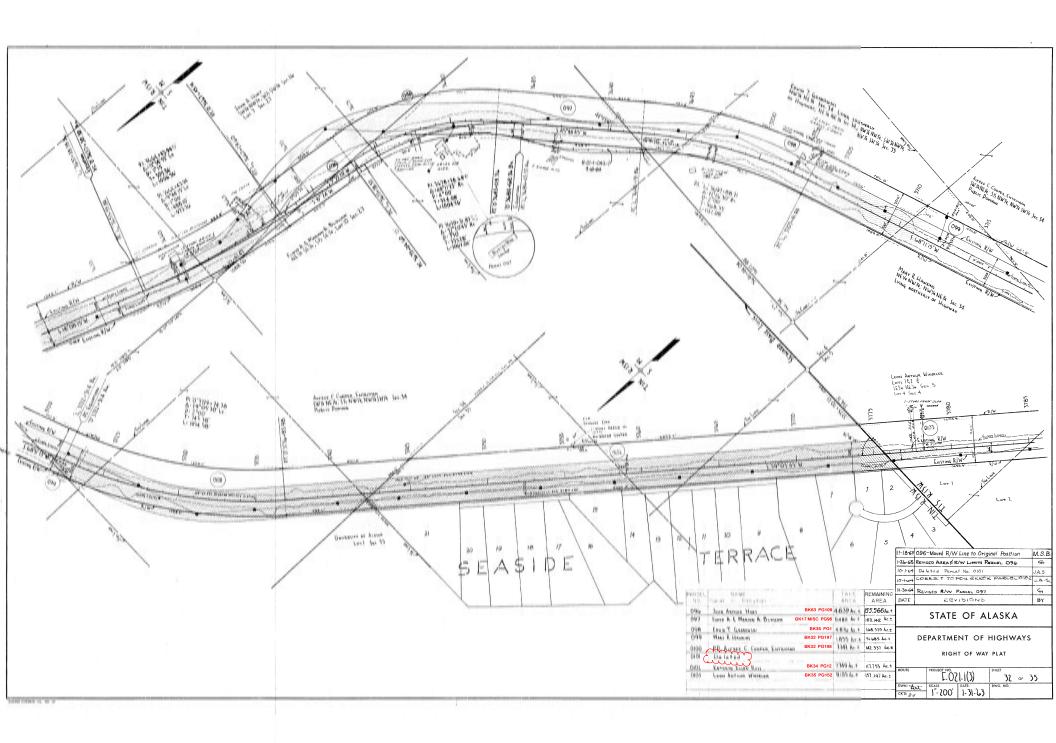


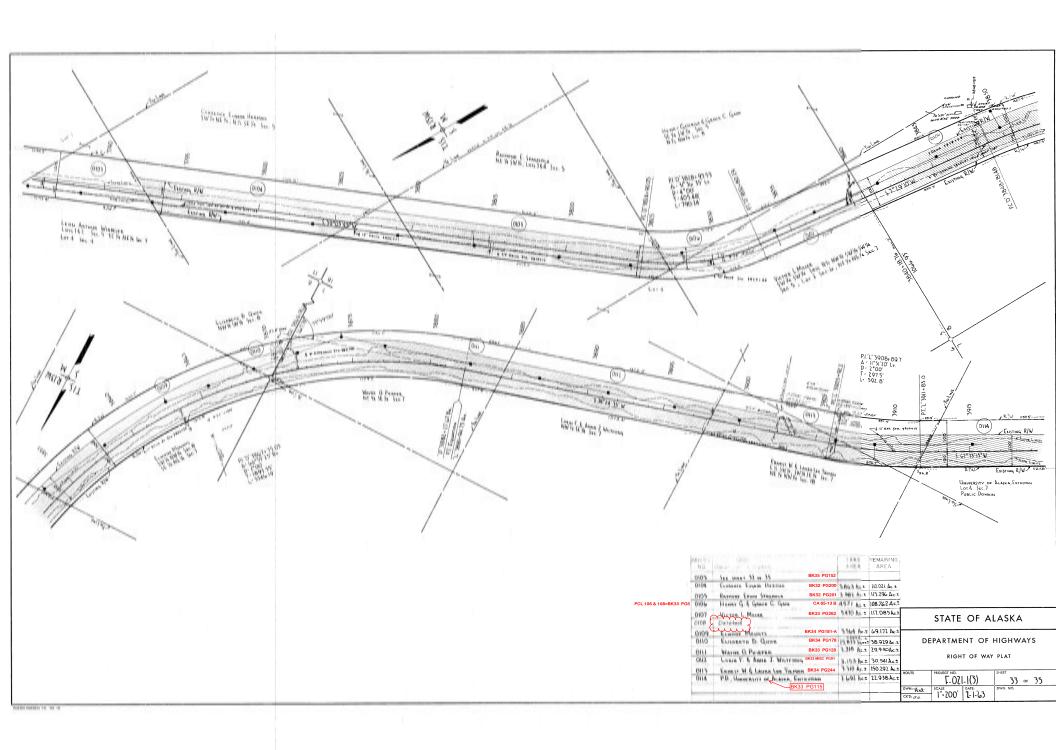


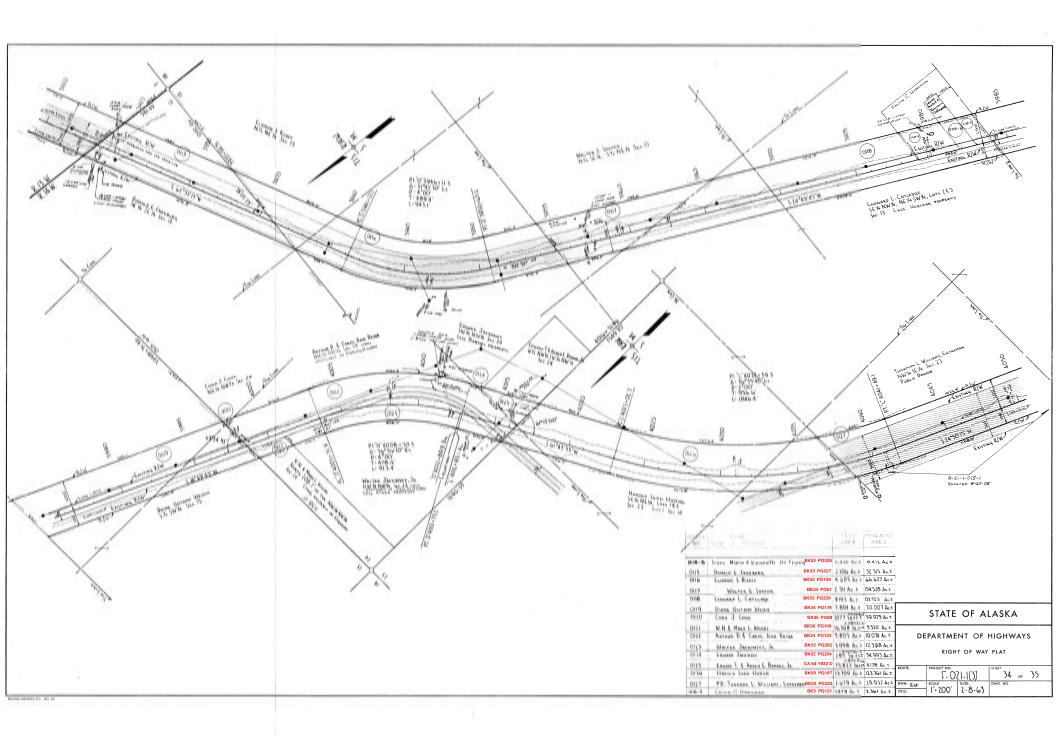


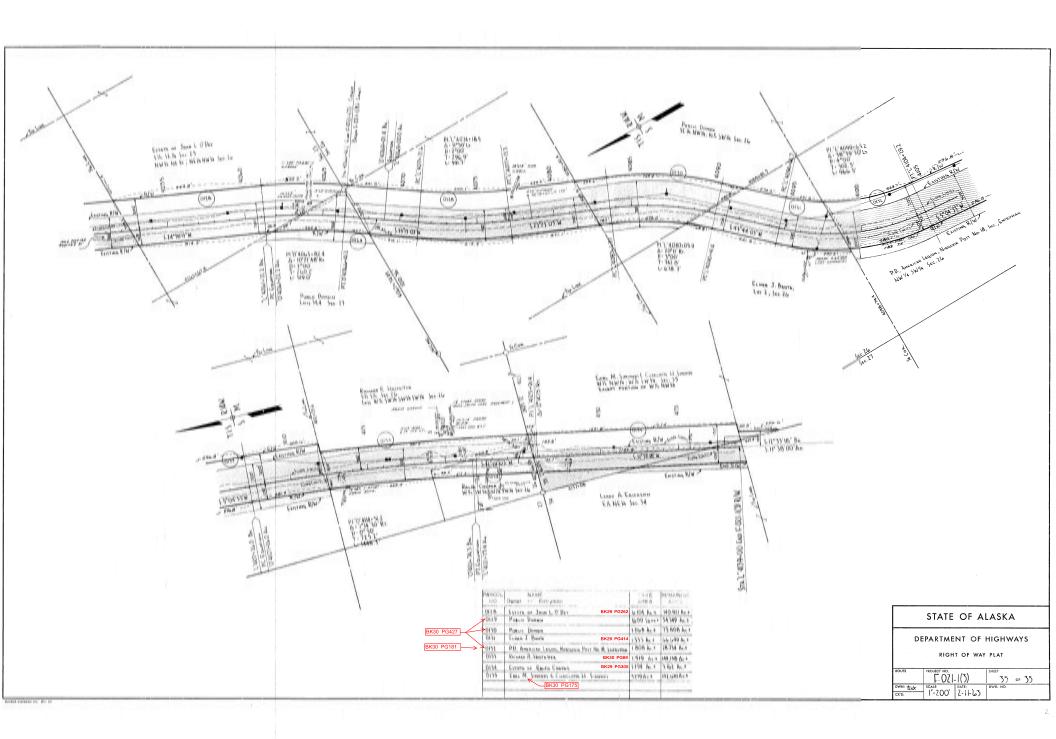














Kenai Peninsula Borough Planning Department

Aerial Map

KPB File 2024-006 2/1/2024



