

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - KINDER SUBDIVISION

<b>KPB File No.</b>	2021-079
<b>Plat Committee Meeting:</b>	June 28, 2021
<b>Applicant / Owner:</b>	Larae A. and Paul D. Bartolowits of Clam Gulch, Alaska Lynda Jean and William Michael Blake of Kasilof, Alaska
<b>Surveyor:</b>	Tony Wilson
<b>General Location:</b>	Cohoe area

  

<b>Parent Parcel No.:</b>	133-110-04
<b>Legal Description:</b>	Portions of the N1/2 SE1/4 and the S1/2 NE1/4, lying West of Cohoe Loop Road and except that parcel per Deed recorded in Book 50 Page 287, Section 26, Township 3 North, Range 12 West.
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 137 acre parcel (acreage to be verified) into four lots that will be 3.3 acres each and a 126 acre tract. The plat will dedicate a 30 foot wide matching right of way for Cache Street along the western boundary and a 30 foot matching right of way for Fairway Avenue along the north boundary that coincides with a 30 foot public access easement.

**Legal Access (existing and proposed):** Legal access exists from Cohoe Loop Road, Fairway Avenue on the north, Cache Street on the west and a 33 foot section line easement on the east.

Cohoe Loop Road is a 100 foot wide State of Alaska DOT right of way that is constructed and maintained. Per KPB GIS Imagery there is an existing driveway within proposed Tract A that leads to residential structures near the lake. Any additional access from Cohoe Loop Road will require State of Alaska Department of Transportation approval as noted in plat note 2.

Fairway Avenue is a 30 foot wide right of way along the north of the subdivision. Fairway Avenue does widen to 60 feet west of the subdivision. A public road easement has been recorded as noted in plat note 5. This subdivision will dedicate atop the public road easement providing a full 60 foot wide dedicated right of way. Fairway Avenue is constructed and maintained by the Kenai Peninsula Borough.

Cache Street is currently a 30 foot wide right of way along the western subdivision boundary. The proposed plat will provide a matching 30 foot dedication to make a code compliant right of way width. Per KPB GIS Imagery, Cache Street is constructed to Mandy Court but is not maintained by the Kenai Peninsula Borough.

A 66 foot wide section line easement affects the eastern boundary and connects between Cohoe Loop Road and Cohoe Silver Street. South of the subdivision, the section line easement width is 83 feet. Cohoe Silver Street is not maintained by the Kenai Peninsula Borough and it appears that only approximately 310 feet is constructed from Aurora Avenue located approximately 1,335 feet south of the proposed subdivision.

The Certificate to Plat contains right of the public and/or government agencies in and to that portion of said premises lying below the mean high water mark of Lakeshore Lake and any questions of right of access to the lake in the event said lands do not in fact abut the lake. The plat shows the lake as unnamed. Staff researched a State Directory and KPB GIS data to find Lakeshore Lake and found no record of that name being associated with the lake present on proposed Tract A. Additional research should be done by the surveyor and/or owners to determine if there is access to the lake. If it is determined that it is not the lake, work with the title company to clear up the

Certificate to Plat. If there is access, it should be depicted and/or a plat note be provided explaining the access as contained in the Certificate to Plat.

The block length is not compliant. The block does not close as there is no dedication from Cache Street south to Aurora Avenue. A request has been received for an exemption to block length.

KPB Roads Dept. comments	The Road Service Area has no comment at this time.
SOA DOT comments	Please provide the source of the existing ROW for Cohoe Loop Rd. in a note on the plat. If no source of existing ROW for Cohoe Loop Rd., please dedicate 50' half-width ROW to match Plat 88-88. Please provide methodology of determining centerline of Cohoe Loop Rd. as shown on plat.

**Site Investigation:** The subdivision is flat and not affected by steep slopes. The plat depicts and labels the low wet area and a portion of the unnamed lake. **Staff recommends** the entire lake be depicted with a broken or dashed line as it is not a boundary line.

Plat note 8 is not required and may be removed if the surveyor wishes.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Is not within an AWHPD.
State Parks Review	No comments

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### **Staff Analysis**

The proposed subdivision will create four lots and one large acreage tract. The parent parcel is an aliquot parcel with a record of survey that was recorded in 2009, recording number KN 2009-25. A portion of the aliquot parcel was subdivided by deed in 1968. This deed parcel is excluded from the subdivision. It appears that the deed parcel does not front on the lake within proposed Tract A.

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.

Per KPB GIS Imagery, some structures on the deed parcel appear to be close to property lines. If any encroachments are determined during the field survey then provide an explanation on how the encroachment will be resolved with the final plat submittal. **Staff recommends** that if encroachments exist provide a plat note stating, "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."

It appears that the scale may be off on the preliminary plat. **Staff recommends** the scale be corrected with the final submittal.

### **Utility Easements**

Per KPB 20.30.060(D), the front ten feet adjoining rights-of-way shall be designated as a utility easement. **Staff recommends** that a plat note be added to comply with KPB 20.30.060(D).

There are two general easements, with no definite location disclosed, that have been granted to Homer Electric Association by recorded documents. These easements are referenced in plat note 6.

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 comments or recommendations
ACS	
GCI	Approved as shown.

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 29074 Cohoe Loop Road 29084 Cohoe Loop Road Existing Street Name Corrections Needed: Cohoe Loop should be labeled Cohoe Loop Road Access Avenue between L1 Blk 2 and L1 Blk 4 should be Rilinda Road.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are no local option zoning district or material site issues with this proposed plat.
Assessing – Adeena Wilcox	No comment
Advisory Planning Commission	N/A

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.

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:**

- Provide a title block area.
- Revise the name of the subdivision so it is clear that the name is 'Kinder Subdivision' and this plat will be creating Lots 1-4, Blk. 1 and Tract A and that Lots 1-4, Blk. 1 and Tract A is not part of the subdivision name.
- The names and addresses of the owners as shown on the certificate to plat and KPB records needs to be added within the title block.
- The KPB file number, 2021-079, needs to be added within the title block.
- The acreage needs to be verified as it does not match KPB Assessing records that shows 137.14 acres.

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:**

- *There are two right of ways labeled as “Access Avenue”. The southern right of way label needs corrected to Rilinda Road.*
- *Provide a label for the 33 foot section line easement abutting the subdivision within Road River Subdivision.*
- *The 66 foot section line easement located north of Cohoe Loop Road is not required and can be removed if the surveyor wishes.*
- *Depict and label the 50 foot section line easement next that extends to the south from the southeast corner of the subdivision and adjoining Cohoe Silver Street.*

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:** *Correct the scale of the vicinity map.*

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:** *The certificate to plat makes reference to rights of the public to access Lakeshore Lake. Staff did not find reference to that lake name in Dictionary of Alaska Place Names, KPB GIS feature points file, or KPB GIS Water Bodies file. Verify if any public access it provided to the lake and if not work with the title company to remove this item.*

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:**

- *All surrounding subdivisions with the names Ramsel should have two “L’s”, (Ramsell).*
- *On the northeast side of Cohoe Loop Road the Road River Subdivision label should be revised to include “Amended”.*
- *Tract 8 located to the west of the subdivision is part of Herrin Subdivision KN 76-156. Add the subdivision information.*
- *The Herrin Subdivision No. 3 label needs to be moved down or change the layout as it currently makes Tract 8 to the north appear to be part of that subdivision.*
- *The labels need to be adjusted as some of them are very hard to read. Code requires all text to be a minimum of 10 point. Please make sure that all text complies. If the labels comply look into adjusting the text style or font type to make it easier to read.*

H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

**Staff recommendation:** *Complete the depiction of the lake boundary with a dashed or broken line style.*

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### KPB 20.30 Design Requirements

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

#### 20.30.060. Easements-Requirements.

A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers. **Staff recommendation:** *The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. Grant utility easements requested by the utility providers. Revise plat note 6 to remove the term "Blanket Easement" and instead add "no definite location disclosed". The front 10 feet along all right of ways is to be granted by this plat as utility easements. Add the appropriate note. Due to the scale of the plat depiction may be difficult. There is a reservation easement in the certificate to plat that should be listed in a plat note. The powerline information may be removed from the final plat unless depicting a utility easement.*

#### 20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

C. The setback shall be noted on the plat in the following format:  
Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

D. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

**Staff recommendation:** *Depict and label the 20 foot building setback adjoining the right of ways or provide a typical drawing that depicts and labels the 20 foot building setback.*

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#### KPB 20.40 -- Wastewater Disposal

##### 20.40.010 Wastewater disposal.

**Platting Staff Comments:** *Lots 1 through 4 are less than 200,000 sq. ft. and will require a soils analysis report. Tract A is greater than 200,000 sq. ft. and will not require a soils analysis report. The wastewater disposal note present on the plat is correct but should contain a reference to Tract A as that note will apply to only the tract.*

*The wastewater note needs to be revised. The note currently on the plat should be noted it is for Tract A only. An additional plat note will need to be added for Lots 1-4. A soils analysis report will be required for the lots and an engineer will need to sign the plat.*

**Staff recommendation:** *Provide a wastewater disposal report, and the correct wastewater disposal note for Lots 1-4. 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 State of Alaska DOT to accept the Cohoe Loop Road right of way dedication and a Certificate of Acceptance for KPB to accept the Fairway Avenue, Cache Street, and Hidden Avenue right of way dedications. The KPB statement can have the title "Authorized Official" added.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100 feet. The drawing shall be plotted on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, legible, and in black ink. The minimum text size should be 10 point (0.1") font or the equivalent. Where necessary, 8 point (0.08") capitalized font or the equivalent can be used to label features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

**Staff recommendation:** Correct the text height so that all text is 10 point (0.1") font size. Where necessary, 8 point (0.08") capitalized font can be used to label features. Comply with 20.60.070.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

**Staff recommendation:** Depict the survey markers used, or provide a note, to show how the Cohoe Loop Road right of way was determined. Comply with 20.60.110.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

**Staff recommendation:** provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

**Staff recommendation:** *Revise the boundary of the subdivision to be the thickest line depicted. The boundary of the subdivision includes the boundary of the Deed Parcel. The adjoining lot lines and the section line easements lines appear to be the same line style. Provide unique line styles for the adjoining lot boundaries that is different from the easements.*

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.*

- *Add a plat note for any exceptions granted by the Plat Committee and include the meeting date they are granted.*
- *The front 10 feet of the building setback is a utility easement.*
- *No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.*
- *Reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.*
- *A wastewater disposal note should be added for an engineer to sign. "WASTEWATER DISPOSAL: Lots 1-4 – Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences. An Engineer's Subdivision and Soils Report is available from the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation." The signature line for the Engineer should also provide a location for their license number and the date they sign.*

*Make the following corrections to plat notes.*

- *Plat note 1 has "Planning" misspelled.*
- *Plat note 5 needs the date revised to January 4, 2006.*
- *Revise plat note 6 "This subdivision is subject to general easements with no definite location disclosed granted to Homer Electric Association, Inc recorded in...."*
- *Plat note 7 should state "Wastewater Disposal: Tract A which is at least..."*
- *Plat note 8 needs the word "be" added between "may" and "construed".*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:**

- *Provide an acceptance of right of way dedications to be signed by SOA DOT and KPB.*

- *The certificate of ownership needs to have “am” changed to “are” in the first line and correct to “hereon” in the second line.*
- *The notary’s acknowledgement should include the middle initial for the Bartolowits.*
- *Verify the mailing address for the Blake’s. KPB Assessing records have a PO Box on file. If the Homestead address is correct the owners should contact the KPB Assessing department to update their information.*
- *Providing some additional spacing between lines within the notary will prevent signatures and dates from covering printed words.*
- *The Blake acknowledgments have additional lines that should be moved or removed.*
- *Comply with 20.60.190.*

### **EXCEPTIONS REQUESTED:**

**A. KPB 20.30.030 – Proposed street layout – Requirements** (continuation of Cohoe Silver Street, Hidden Avenue, Mandy Avenue, and Cloudy Avenue)

Owner/Surveyor Discussion: We the owners of the N½ of SE¼, S½ of NE¼ are submitting an application for subdivision as attached. We are asking for an exception to KPB 20.30.030 for the continuation of Cohoe Silver Street and Hidden Avenue. Tract A is a large 126-acre parcel that could be subdivided in the future, not dedicating cul-de-sacs or extending the roads at this time on these two boundaries leaves the widest future design options available.

Staff Discussion: Staff has included all other streets that would be required to be extended per 20.30.030.

Cohoe Silver Street is located at the southeast corner of the subdivision and is a combination of dedicated right of way and section line easements. Hidden Avenue is located at the southwest corner and is a 30 foot dedicated right of way. Mandy Court and Cloudy Court are located on the west boundary.

The extension of right of way dedications will help to provide a closed block. The dedication of Hidden Avenue will also improve the block to the south so that future dedications within the KPB parcel will be compliant with KPB Code.

Tract A will remain a large acreage tract that can be further subdivided. Right of way dedications can be granted when further subdivision of Tract A occurs.

This parcel to the south is a 155 acre Kenai Peninsula Borough owned parcel. If the Plat Committee requires the dedication of Hidden Avenue a matching 30 foot dedication can be expected if/when the KPB parcel is subdivided.

If the extension of Hidden Avenue is denied, a 30 foot right of way dedication will be required along the southern boundary to connect to Cohoe Silver Street. If the extension of Cohoe Silver Street is denied, a 30 foot right of way will be required along the eastern boundary. If the extension of Mandy Ct./Ave. and Cloudy Ct./Ave. is denied then 60 foot right of way dedications will be required to be extended into the subdivision and connect to Cohoe Loop Road.

### **Findings:**

1. Proposed Tract A will be approximately 126 acres and can be further subdivided.
2. The subdivision is bordered to the south by a 155 acres owned by the Kenai Peninsula Borough.
3. If, or when, the KPB parcel to the south is subdivided, Hidden Avenue would provide legal access.
4. Cache Street is dedicated along the western boundary with a matching dedication proposed with this subdivision.
5. Section line easements provide access from Cohoe Loop Road to Cohoe Silver Street and further south to Aurora Avenue.

6. The block length along dedicated Cache Street will be approximately 2,660 feet.
7. The southern portion of Tract A contains wetlands and a freshwater pond.
8. Per KPB GIS data, the wetlands are approximately 120 feet from the southern boundary.
9. Dedication was not required on Road River Subdivision Amended, KN 84-329.
10. Cohoe Silver Street will connect to Cohoe Loop Road, a state maintained right of way.
11. The extension of Hidden venue will provide a connection between Hidden Avenue and Cohoe Silver Street.
12. If the Plat Committee requires the dedication of Hidden Avenue a matching 30 foot dedication can be expected if/when the KPB parcel is subdivided.
13. No parcels will be denied legal access.

Staff recommends that the Plat Committee vote on each right of way dedication separately.

Staff reviewed the exception request and **recommends granting approval** to not extend Cohoe Silver Street, Mandy Ct./Ave., and Cloudy Ct./Ave.

Staff reviewed the exception request and based on findings 2, 3, 11, and 12 **recommends denial** to not extend Hidden Avenue as a 30 foot wide half right of way.

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, 5, 13 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1, 4, 5, 13 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1, 4, 5, 13 appear to support this standard.**

**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

### **EXCEPTIONS REQUESTED:**

#### **B. KPB 20.30.170 – Blocks – Length Requirements**

Owner/Surveyor Discussion: We the owners of the N½ of SE¼, S½ of NE¼ are submitting an application for subdivision as attached. We are asking for an exception to KPB 20.30.170, Block length for the south and west boundary of the parcel. Tract A is a large 126-acre parcel that could be subdivided in the future, not dedicating cul-de-sacs or extending the roads at this time on these two boundaries leaves the widest future design options available.

Staff Discussion: The subdivision is within an open block. The block is defined by section line easements, Cohoe

Loop Road, Fairway Avenue, and Cache Street. The southern boundary of the subdivision abuts a 155 acre lot owned by the Kenai Peninsula Borough.

The owners are asking to not be required to provide dedications within the subdivision or along the southern boundary. A block map has been provided that shows the various lengths of the block.

Tract A will remain a large acreage tract that can be further subdivided. Right of way dedications within the boundary of the subdivision can be granted when the tract is subdivided allowing the dedications to meet the needs of the design.

If the exception is denied, numerous right of way dedications will be required to create compliant blocks.

#### **Findings:**

1. Proposed Tract A will be approximately 126 acres and can be further subdivided.
2. The subdivision is bordered to the south by a 155 acres owned by the Kenai Peninsula Borough.
3. Cache Street is dedicated along the western boundary with a matching dedication proposed with this subdivision.
4. Cache Street ends when it meets Hidden Avenue and does not continue south into the KPB parcel.
5. Cache Street dedications continue south of the KPB parcel.
6. Section line easements provide access from Cohoe Loop Road to Cohoe Silver Street and further south to Aurora Avenue.
7. The block length along Fairway Avenue will be approximately 1,800 feet.
8. The block length along dedicated Cache Street will be approximately 2,660 feet.
9. The block length along Cohoe Loop Road to the section line easements is approximately 1,900 feet.
10. The distance along the section line easement is approximately 900 feet within the subdivision.
11. The distance from the section line easement to the next intersection, Aurora Avenue, along Cohoe Loop Road is approximately 2,400 feet.
12. The southern portion of Tract A contains wetlands and a freshwater pond.
13. Per KPB GIS data, the wetlands are approximately 120 feet from the southern boundary.
14. A right of way dedication and required building setback will be approximately 70 feet from the wetlands.
15. No parcels are being denied access.

Staff reviewed the exception request and recommends granting approval. The owners are put on notice that further subdivision of Tract A will require right of way dedications or approval of an exception request.

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, 15 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, 6, 15 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, 15 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.

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**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**