

AGENDA ITEM E. NEW BUSINESS

**ITEM 2 - Kenai Landing Subdivision 2021 Addition**

<b>KPB File No.</b>	2021-089
<b>Plat Committee Meeting:</b>	July 12, 2021
<b>Applicant / Owner:</b>	Kenai Landing Inc. of Homer, Alaska and PRL Logistics Inc. of Anchorage, Alaska
<b>Surveyor:</b>	Mark Aimonetti, Jason Young / Edge Survey & Design, LLC
<b>General Location:</b>	Bowpicker Lane, Seacatch Drive and Columbia Street, at the end of Cannery Road, City of Kenai

<b>Parent Parcel No.:</b>	049-101-03, 049-101-23, 049-101-24, 049-101-25
<b>Legal Description:</b>	Parcel 1: Tract 1, Kenai River Shores Subdivision Plat No KN 2015-29 Parcel 2: Tract A, Kenai Landing Cottages Subdivision, Plat No KN 2005-29 and Alaska Tidelands Survey 115 Plat K-1358, Parcel 3: Lot 1, Kenai Landing Cottages Subdivision, Plat KN 2005-29
<b>Assessing Use:</b>	Commercial Condo and Residential Accessory Bldg., Residential Vacant, and General Commercial.
<b>Zoning:</b>	Heavy Industrial
<b>Water / Wastewater</b>	Community

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide three Tracts and a tideland survey into 2 lots that include a portion of the tideland survey, 6 upland tracts, and 3 tracts within the tideland survey. The two lots are 0.7 and 0.9 acres with the upland tracts ranging in size from 4.2 acres to 20.5 acres. The three tracts within the former tideland survey range between 1.0 acres to 3.1 acres.

**Legal Access (existing and proposed):** The proposed subdivision is located at the end of state maintained Cannery Road within the City of Kenai. Bowpicker Lane is an 83 foot wide dedicated right of way/section line easement. Bowpicker is constructed and provides access to the subdivision. A 66 foot wide section line easement exists within the subdivision and extends east from Old Cannery Road. The eastern portion of the section line easements were vacated by Section Line Easement Plat KN 2013-57.

Tracts A-1, A-2, A-3 and Tract B all front on dedicated Bowpicker Lane. A 50 foot public access easement, granted to the City of Kenai, provides a connection from the end of the section line easement to the Kenai River. The section line easement and the public access easement provide legal access to Tract A-4, Tract A-5, Tract C, Lot 1, and Lot 2. Tract D and Tract E. located within the tideland survey, do not front on a dedicated access as legal access is from the Kenai River.

A 66 foot section line easement is centered on the property line between Tract A-3 and B and a portion of Tract A-5. The eastern portions of the 66 foot section line easement was vacated by plat KN 2013-57. A 33 foot access easement is shown within Tract A-5 which becomes a 40 foot access easement as it turns to the south. **Staff recommends** the surveyor confirm if this is a private easement, and if so provide a label stating that the easement is private.

The block is an open block defined by section line easements, Bowpicker Lane, Sea Catch Drive, and Columbia Street. Due to the Kenai River a closed block is not possible but road dedications can improve the block and provide compliant block lengths as they currently exceed requirements. An exception has been requested.

No right of way dedications are proposed with this platting action.

KPB Roads Dept. comments	Outside jurisdiction; no comments
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SOA DOT comments	The ROW for Cannery Road is as shown on KPB Right of Way Map MA-21047 Kenai-Alaska (Plat 84-109) and appears to be shown correctly.
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**Site Investigation:** The area is generally flat and not affected by steep terrain. Low wet areas, identified as tidal by the Kenai Watershed Form mapping, have been depicted on the plat. **Staff recommends** the low wet areas be clearly identified with a darker boundary line or the use of hatching or symbols.

Proposed Tracts C, D, and E and portions of Lot 1 and 2 are part of Tideland Survey 115 (K-1358) and are located below the meander line and are within the Kenai River. An existing dock will be within Lot 1 and an existing ramp will be within Lot 2.

Flood Zones are labeled and depicted. City of Kenai does not participate in the FEMA program. The flood zone information may be left or may be removed. Staff has requested a flood note be carried over from a parent plat and is noted further in the staff report.

The proposed subdivision is along the Kenai River and affected by Anadromous Waters Habitat Protection District. A note is present on the plat but staff has requested that it be reworded to match code requirements. This change is noted further in the staff report.

Floodplain Hazard Review	Within the City of Kenai; no comments
Anadromous Waters Habitat Protection District Review	Is totally or partially within an AWHPD
State Parks Review	No comments

**Staff Analysis** This proposed plat is located at the end of Cannery Road in the City of Kenai. In 1912 a cannery was located on this site.

Tract A is affected by a common interest community (CIC) or site condominium. Common Interest Communities are allowed under State statute and are a way to transfer interest in a portion of property without subdividing the parent parcel. KPB code does not address common interest communities and common interest communities are not subject to KPB subdivision requirements. Condominium plans and plats are not required to be reviewed by the Planning Department. The KPB Assessing Department does assess each condominium unit separately. As this subdivision will change the parcel boundaries and will not coincide with the unit boundaries of the common interest community, **Staff recommends** that the common interest community be dissolved before the recording of the final plat. A copy of the documents to be recorded, submitted to the planning department will suffice.

Multiple buildings are located within the proposed subdivision. The units within the common interest community encompasses the improvements. The City of Kenai staff report noted that a Conditional Use Permit for a Planned Unit Residential Development (PUD) was approved in May 2021. The approval of the Conditional Use Permit will allow for the construction of Phase A of the PUD for 60 residential units.

An easement granted by book 48 page 292 may not be within the boundaries of this subdivision. The provisions also state until access by public road is available. **Staff recommends** the surveyor review the easement and determine if it is still applicable and add a note if it is determined to affect this subdivision.

Notice of the proposed plat was mailed to the beneficial interest holder on June 21, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property has a community water system and a community wastewater disposal system. An exception for soils analysis report requirements has been requested.

The City of Kenai heard the proposed plat at their June 9, 2021 meeting. Per their staff report, an installation agreement is not required. They recommended approval subject to the following conditions.

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations. *(This wording is included in plat note 7).*
2. Add a Plat Note as following: Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other infrastructure, improvements will have to be improved to meet City of Kenai Standards in effect at the time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required. *(This is plat note 25).*
3. Property owner will provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.
4. The City of Kenai requests to receive approval from the Kenai Peninsula Borough on exception to requirements of Subdivision Code.
5. Plat Note 22 should update the KPB Plat Committee meeting date as necessary.
6. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
7. Property owner will receive approval from the Kenai Peninsula Borough on exceptions to requirements in the Kenai Peninsula Borough Subdivision Regulations.
8. Staff members of the City of Kenai would be available for any future discussion on the topic of exceptions.

**Utility Easements** There have been multiple easements granted by document. Many of these are discussed further in the staff report regarding plat notes. There is an existing 15 foot utility easement along portions of right of ways with additional width being given to increase a 10 foot to 15 foot along right of ways.

**Staff recommends** to provide the record information that granted the 20 foot electrical easement on the existing distribution line.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	
ENSTAR	ENSTAR contacted staff to inform us that they are working with the surveyor / owners to get needed easements. They intend to record as a separate document. ENSTAR is planning to submit comments that if received prior to the meeting will be available in the desk packet.
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 2101 Bowpicker Lane, 2291 Bowpicker Lane, 2301 Bowpicker Lane, 2321 Bowpicker Lane Existing street names listed are correct. City of Kenai will advise on affected addresses.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	Within the City of Kenai; no review required

Assessing – Adeena Wilcox	The proposed plat is unclear as to how Tract D and E will have legal access and utility access. Some lots and tracts may not meet the minimum lot size requirements for well and septic as defined by Borough Code. Plat is subject to existing condo restrictions. While this plat references prior condo filings, it does not address how the proposed changes will alter the condos. Assessing suggest the Planning Department review proposed condoization plans prior to this plat approval.
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**

There is also a listing for (R7) for Phase 7 of the condominiums. Staff did not find reference to (R7) on the plat.

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:**

*Below are recommendations for sheet 1 and 2.*

1. *Within the title block add the Alaska Tideland Survey Information.*
2. *Update Kenai Landing Inc. street address to "Homer" as there currently is a typo.*

*The following correction is for sheet 2.*

1. *The title block states the scale is 1" = 200'. The only mapping on the sheet is for the utility easement and setback example. The scale for that is 1" = 50". Adjust the scale listed for items shown on the plat.*

#### 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:** *The city limits for Kenai run along Bowpicker Lane and then west along Old Cannery Road. Depict and label the boundary between the City of Kenai and the Kenai Peninsula Borough. It appears there may be a space in Bowpicker. Bowpicker is one word. On the northwest corner of the subdivision is Sea Catch Drive located at the end of Bowpicker Lane. Provide a label for Sea Catch Drive.*

#### 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 contained many easements, confirm if the easements of record affect the subdivision and if so, depict and label with the record information.*

#### 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:** *Add a plat note or within the depiction of Cannery Road a reference to the ROW map as commented on by DOT. "ROW Map MA-21047 Kenai-Alaska (Plat KN 84-109) Sheet 6".*

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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:

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

**Staff recommendation:** *This subdivision is within the City of Kenai and not subject to the KPB 20 foot building setback requirement. Remove the depiction of the 20 foot building setback from the typical drawing. The setback was not included on parent plats so a note is not required.*

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** *The City of Kenai does not meet the specified requirements for the application and consideration of different standards.*

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### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

*Platting Staff Comments:* An exception has been requested for Lot 1 and 2. The City of Kenai has requested the DEC compliance certificate.

**Staff recommendation:** *Provide the DEC certificate to the City of Kenai Planning Department and provide documentation from the City of Kenai that their request has been met. Comply with 20.40.*

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### 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. 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.*

- *Lots within this subdivision may be located within a designated flood hazard area.*
- *No structures are permitted within the panhandle portion of flag lot Tract B.*
- *Per the certificate to plat there are additional easements that do not appear to be noted or depicted. If it is determined they do not apply work with the title company to remove the reference from the certificate to plat.*
  - *Easement affecting the portion of said premises and for the purpose of road. Recorded October 20, 1967 in Book 48 Page 292, Kenai Recording District. (Determine if it applies to this subdivision, if not work with title company to have removed.)*
  - *Right of way including the terms and conditions therein recorded on July 21, 1986 in Book 291 Page 361, Kenai Recording District. (Determine if this easement applies to this subdivision, if no work with the title company to have it removed from the certificate to plat)*

Remove the following plat notes.

- Remove plat note 1 as this is within the City of Kenai and falls under their zoning regulations. Parent plats did not have a setback so the note per 20.30.250 does not apply.
- Remove plat note 6 as this subdivision is within the City boundary.
- Remove plat note 8 and 9 as the City of Kenai does not participate in the FEMA program.
- Remove plat note 20 as those exceptions were granted for parent plats and are not being carried forward.

Revise the following plat notes.

- Within plat note 2 remove the reference to the building setback. The parent plats granted easements of 15 and 10 feet. Revise the note to read “The front 15 feet adjacent to rights-of-way is a utility easement. Plat KN 2015-29 granted 15 feet and Plat KN 2005-29 granted 10 feet utility easements. This plat will grant additional 5 feet as utility easements to bring the 10 foot utility easements to a width of 15 feet. No permanent structures...” If additional right of way is required the note will need to be revised to reflect new easements being granted.
- Plat note 14 has a couple of typos. Correct dates to “June 22, 2011” and “May 31, 2012”.
- Plat note 17 needs to be updated to match what is found in new code that took effect on April 1, 2021. Correct the code reference to “20.60.170”.
- Plat note 18 has an incorrect date of “July”. It should be “October”.
- Plat note 19 should reference that it applies to parent Tract A. Spell out “Association”. The note states the sketch was ambiguous when in fact it was the wrong sketch that was recorded. The sketch recorded was not near this subdivision. Revise to read “Said easement description was ambiguous and referred to the attached exhibit for location. The exhibit recorded as part of the document is not located within the subdivision therefore the easement is not depicted on the plat.”
- Plat note 21 should include the full note as required by KPB Code. “ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.”
- Plat note 22 will need to have the date revised.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Correct Mr. Hyde’s name to Ronald Hyde Jr. on his signature line and notary acknowledgment. Correct Mr. Faulkner’s name to Jonathan Faulkner on his signature line and notary acknowledgment. Mr. Faulkner’s address needs “Homer” corrected. Comply with 20.60.190.

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### **EXCEPTIONS REQUESTED:**

- A. KPB 20.30.190 – Lots-Dimensions**  
**KPB 20.30.200 – Lots-Minimum Size**  
**KPB 20.40.010 – Wastewater disposal** (Lots 1 and 2)

Surveyor’s Discussion:

Staff Discussion: Lot 1 is proposed to be approximately 0.963 acres with 0.448 acres (19,515 sq. ft.) as upland. The approximate depth to width ratio is 3.3:1.

Lot 2 is proposed to be approximately 0.737 acres with 0.510 acres (22,276 sq. ft.) as upland. The approximate depth to width ratio is 6.9:1.

Lot 1 contains a dock and Lot 2 contains a boat-launching ramp to the Kenai River. The submittal states that Lot 1 and Lot 2 will be used for launching and docking marine vessels.

Plat note 23 states that no wastewater will be generated on Lots 1 and 2 and any wastewater system that may be installed in the future must be approved by DEC.

If the exception is denied the lots will be required to be redesigned to provide 40,000 square feet, comply with the 3:1 depth to width ratio, and a soils analysis report will be required and an engineer will need to sign the plat.

**Surveyor's Findings:**

1. Lots 1 and 2 will not be developed
2. Lots 1 and 2 will not produce wastewater.
3. The land and improvements are for parking, and for docking and launching of marine vessels only. There are no permanent residences or offices planned or associated with this use. There is no wastewater produced by this use; the small amounts generated by transient users is met with portable toilets.
4. Historically, potable water for marine vessels is trucked in.
5. If the need for wastewater services arises in the future, the adjacent owner operates an approved, large volume wastewater treatment facility is agreeable to connection.
6. Note with 20.40.080 will be provided.

**Staff's Findings:**

7. Proposed Lots 1 and 2 will contain portions of tidelands as shown on Alaska Tidelands Survey No. 115.
8. Currently condominium units exists with the same boundary as Lot 1 and Lot 2.
9. City water and sewer are not available for this area.
10. Development must comply with City of Kenai zoning.
11. Proposed Lot 1 has a dock within the tideland area.
12. Proposed Lot 2 contains a boat launch.
13. The property is subject to the Anadromous Waters Habitat Protection District and the River Center should be contacted prior to development.
14. The depth to width ratio for Lot 1 is 3.3:1. If using only upland area the ratio is 2.1:1.
15. The depth to width ratio for Lot 2 is 6.9:1. If using only upland area the ratio is 2.6:1.

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, 8, 10, 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 1-6, 8, 10, 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 1-6, 8, 10, 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.

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**EXCEPTIONS REQUESTED:**

**B. KPB 20.30.030 – Proposed street layout-Requirements**  
**KPB 20.30.120 – Streets-Width requirements**  
**KPB 20.30.170 – Blocks-Length requirements**  
**KPB 20.30.210 – Lots-Access to Street**

**Surveyor's Discussion:**

**Staff Discussion:** This exceptions have been grouped but may be voted on separately.

Per 20.30.030, streets provided on the plat must provide fee simple right-of-way dedication to the appropriate governmental entity. In this case that would be the City of Kenai. The City of Kenai did not request any right of way dedications. Code further states the dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means for ingress for surround acreage tracts. There must also be adequate access and turn around areas for emergency vehicles. Per code a continuation of Columbia Street should extend south into the proposed subdivision.

The owner has requested an exception for street width requirements. The proposed design is not including any right of ways to be dedicated that are of substandard width. They are referencing the 50 foot public access easement in their findings. This was granted at a 50 foot width. If the plat committee determines a right of way dedication should exist atop this or the other public access easements within the subdivision this exception will be required to not grant 60 foot right of ways. The owner wishes to not increase the width of the existing public access easements.

The block is an open block defined by the section line easements, Bowpicker Lane, Sea Catch Drive, and Columbia Street. The Kenai River limits the ability for portions to be within a closed block. The distance along Bowpicker Lane exceeds code by 20 feet. If a continuation of Columbia Street were to be required it would also exceed code unless additional right of ways were dedicated to create new intersections.

Per KPB 20.30.210, each lot shall abut on a fee simple dedicated street unless the land is classified by agricultural per state statutes. Tracts A-4, A-5, C, D, E, Lot 1, and Lot 2 do not abut dedicated right of ways. There are currently public access easements that provide access to those lots with the exception of Tract D and Tract E. Both of those are within a tideland survey and have legal access from the Kenai River.

If the exception is denied the following will be require.

- An extension of Columbia Street will be required.
- Right of way dedications will be required coinciding with the existing public access easements and section line easements.
- All right of way dedications will need to be 60 feet in width.
- Right of way dedications will be required so that all lots front on a dedicated right of way.

**Surveyor's Findings:**

1. An exception to code is likely not required in so far as an existing SLE acts as dedicated legal access to all subdivided Tracts under 20.30.030.
2. Applicant has provided an access plan verifying the existence of legal access to the subdivision boundary and that construction design requirements under KPB Chapter 20.30 are practical and economical. 20.30.050 defines legal access "where unrestricted, public ROW connects the subdivision to the state



highway system... and one of the following is met.” The applicant has presented satisfactory evidence meeting criteria #2 thereunder.

3. 20.30.050(A)(1) directly references section lines as a means of legal access.
4. Parcel A abuts the 50'-wide public access easement created in replacement of a section line easement and carries with it all of the same rights, titles and interests to the public that a section line does. The wording of the easement supports this conclusion
5. With reference to 20.30.050(A)(4), the state easement carries the full weight of a judicial decree since it absolutely involved a quasi-judicial proceeding involving the department of law and their consent.
6. The KPB was party to the State easement agreement and the public process that created the easement; the 60' (*believe this is a typo and should be 50'*) width requirement was agreed to by the KPB at the time. It is neither fair nor reasonable to re-visit this ROW width.

#### **Staff's Findings:**

7. Development of this subdivision must comply with the City of Kenai zoning regulations.
8. The City of Kenai did not request additional right of ways.
9. Columbia Street ends at the subdivision and a continuation would be appropriate.
10. Columbia Street is not constructed at this time.
11. Columbia Street is 60 feet wide, an adequate turn around width.
12. The extension of Columbia Street is affected by a pond and tidal marsh and a roadway is unlikely to be constructed.
13. This subdivision is subject to multiple access easements.
14. There is a 33 foot section lines easement, a 33 foot access easement, 40 foot public access easement, and 50 foot public access easement.
15. A projection of Old Cannery Road would be to grant a right of way dedication along the section line easement.
16. The section line easement and a 50 foot wide public access easement provides legal access within the subdivision.
17. The City of Kenai is listed as the Grantee of the 50 foot public access easement.
18. The block is an open block.
19. The Kenai River limits the ability for portions of the subdivision to be within a closed block.
20. The block length along Bowpicker Lane exceeds code requirements by approximately 20 feet.
21. The block is defined by section line easements, Bowpicker Lane, Sea Catch Drive, and Columbia Street.
22. This platting action will create nine parcels with
  - a. Four lots fronting on at least a dedicated right of way.
  - b. Five lots fronting only on a public access easement.
  - c. Two lots not fronting on a dedicated right of way or public access easement as the only legal access if from the Kenai River.

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, 7, 8, 12-14, 16, 19 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, 7, 8, 12-14, 16, 19 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, 7, 8, 12-14, 16, 19 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**