

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – COHOE ESTATES SUBDIVISION 2021 ADDITION

KPB File No.	2021-117
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Stephen E Smith of Kasilof, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Cohoe

Parent Parcel No.:	133-340-02
Legal Description:	Lot 7 Block 2 of Cohoe Estates Subdivision, Plat K-1646
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.6 acre parcel into two lots that will be 2.54 acres and 1 acres in size.

Location and Legal Access (existing and proposed): The subdivision is located in the Cohoe Area on Larry Avenue which is a 60 foot wide right of way that appears to be partially constructed but not maintained by KPB. Larry Avenue is located approximately at mile 10.25 of Cohoe Loop Road. Cohoe Loop Road is a 15 mile looped road that is located off the Sterling Highway. The closer access is by the northern Cohoe Loop Road intersection near mile 111 of the Sterling Highway.

Ledoux Road, section line easements, Juliana Street, Hermansen Drive, and Cohoe Loop Road provide a closed but non-compliant length block. Larry Avenue brings the block into compliance for the north-south length but the dedication does not go through at this time to close the block. Ledoux Road is constructed through but only partially dedicated. An 80 acre lot is located at the end of Larry Avenue and has Ledoux Road and Hermansen Drive providing additional access. The development of that lot will required dedications that could improve or bring the blocks in the area into compliance. **Staff recommends the plat committee concur that an exception for KPB 20.30.170 block length is not required, as any dedications at this time will not bring the block into compliance.**

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	Not on the state road system, no comment

Site Investigation: The lands within the proposed subdivision are relatively flat and the subdivision is not affected by low wet areas.

Floodplain Hazard Review	Not within flood hazard area, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments
SOA Fish and Game Comments	No objection. Public access to public lands and waters will not be affected.

Staff Analysis The proposed subdivision will divide existing Lot 7 into two lots. Lot 7 was created by Cohoe Estates Subdivision, K-1646, a subdivision of aliquot lands recorded in 1969. Lot 7B is proposed to be a 1 acre square fronting on Larry Avenue. Lot 7A is proposed to be a 2.54 acre lot with a 91 foot by 209 foot panhandle.

Per KPB 20.30.190 – Lots-Dimensions, Lot 7B is subject to a building setback along the panhandle of Lot 7A. If there are existing structures within the new setback additional notes will be required. **Staff recommends the setback be depicted and a plat note regarding the setback be added.**

An existing driveway is shown on the preliminary plat that crosses both Lot 7B and 7A. It appears that the driveway currently provides access to multiple improvements as well as being used to access the lot to the east. The applicant does not own the lot to the east. Although not required Staff strongly encourages the granting of driveway easements over the existing travel way to eliminate any encroachment issues. Any driveway easement would be private and can be granted by separate document.

If the driveway is depicted on the final plat, **Staff recommends** it be noted as a private drive.

There are numerous structures visible on the aerial imagery. It cannot be determined if they are permanent in nature and if so if they encroach into the building setback. **Staff recommends the surveyor confirm whether an encroachment affects the replat. If a permanent structure or structures cross a lot line, staff requests a note be placed on the final plat to indicate that acceptance of the plat by the Borough does not indicate acceptance of any encroachments.**

A soils report will be required and an engineer will sign the final plat.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

Utility Easements The parent plat granted several utility easements. The 10 foot easement along the north has been depicted and labeled correctly. The parent plat also granted a 10 foot easement along the western boundary. That easement will need to be depicted and labeled.

This platting action will grant utility easements adjoining the dedicated right of ways.

There are two easements granted to Homer Electric Association, Inc with no disclosed areas. Those easements will need to be referenced within the plat notes.

Staff recommends the depiction of the eastern easement be added, update the label for existing easements to “10’ Utility Easement granted by plat K-1646”, depict the new easements being granted, and revise the plat note as noted in the final review portion of the staff report.

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	No comments or objections
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 53592 Larry Avenue (address will be deleted and new addresses assigned) Existing street names listed are correct. No new street names to approve.
Code Compliance – Eric Ogren	Code compliance review not available.

Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department

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: *Correct the spelling of 'Alaska' in the description. Update the state abbreviation to "AK" for owner and surveyor.*

- 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: *Revise the right of way depiction, as it appears the same as the section lines.*

- 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: *Include lot labels for Lot 1 and Lot 4 located to the northeast and northwest.*

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

Staff recommendation: *A block label is needed.*

KPB 20.40 -- Wastewater Disposal

- 20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis will be required and an engineer will need to sign the plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

- 20.60.180. 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 note for any exceptions granted.
- Subject to easements for electric lines or system and/or telephone lines together with right to enter, maintain, repair, and clear shrubbery as granted to Homer Electric Association, Inc. in documents recorded in Misc. Book 5 Page 52 and Misc. Book 31 Page 144, KRD. No definite location disclosed.
- Flag note will be required. Wording is dependent on the approval of an exception.
- If the driveway will be shown add, "Private road shown is for use of owners only and is not dedicated to public use."
- If encroachments exist add, "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."
- Add a plat note for any driveway easements granted by recorded documents.
- Lot 7B is subject to a 20 foot building setback along the flag portion of Lot 7A.

EXCEPTIONS REQUESTED:

KPB 20.30.190 (B) – Lots-Dimensions

(access portion may not be used for permanent structures or wastewater disposal area)

Surveyor's Discussion: If the 91 foot access for Lot 7A is considered a flag, note to read "no structures permitted to block travel way" not "no structures permitted."

Staff Discussion: Staff has reviewed the plat and has determined that Lot 7A should be considered a flag lot. The surveyor is requesting that the standard note for a flag lot not contain the typical wording.

Per KPB Code 20.30.190(B), the access portion may not be used for permanent structures or wastewater disposal area. The standard note used for flag lots is "No structures are permitted within the panhandle portion of the flag lots(s)." No findings were presented by the surveyor regarding the request.

Per KPB GIS imagery, that appears to be structures within the panhandle of proposed Lot 7A.

The panhandle is 91 feet wide. Lot 7A is 2.5 acres in size and can be further subdivided. If Lot 7A is subdivided it may require a 60 foot wide right of way dedication. The ex

If denied, a note will be required on the plat that states permanent structures will not be allowed within the panhandle portion of Lot 7A. Approval of the exception will result in a plat note to be placed on the plat to read "No structures are permitted to block the travel way within the panhandle portion of Lot 7A."

Findings:

1. The proposed plat will create a flag lot.
2. The flag lot is proposed to be 91 feet wide and 209 feet long.
3. If the flag is at least 60 feet wide, it is subject to a building setback restriction.
4. Per KPB Code, the access portion may not be used for permanent structures or wastewater disposal area.
5. An existing driveway crosses Lot 7B and Lot 7A.
6. The driveway is not entirely within the panhandle portion of the flag lot.
7. There may currently be structures existing within the flag portion of the lot.
8. Allowing structures within a panhandle may limit further subdivision of Lot 7A.
9. Requiring a dedication atop the current driveway would result in a substandard lot within the southeast corner.
10. A dedication within the panhandle portion will result with either structures within the right of way or a 30 foot panhandle that is longer than allowed by code.

Without additional information regarding the status of the existing structures, if there are well are wastewater disposal systems already present, or the intent to develop the panhandle, and based on findings 1, 2, 4, 7, 8, 10 **Staff cannot** support the exception request.

The plat committee could consider with denial of the exception that an additional note be added with the standard plat note. "Structures within the panhandle are allowed for the life of the current structure. No new structures, additions, or modifications to existing structures may occur within the panhandle."

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

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT