

JULY 24, 1972

STAFF REPORT

KENAI RIVER KEYS EXCEPTION REQUEST

THE RECENT KENAI RIVER KEYS PRELIMINARY PLAT WAS REVIEWED AND APPROVED BY THE PLANNING COMMISSION AT THE JUNE 12, 1972 MEETING. AT THE TIME OF APPROVAL IT WAS UNDERSTOOD THAT WHILE ALASKA STATUTES PROHIBIT PRIVATE ROADS, THE SUBDIVIDER WOULD RESEARCH THE MATTER AND PROBABLY COME TO THE PLANNING COMMISSION WITH A REQUEST FOR AN EXCEPTION TO THE PUBLIC DEDICATION REQUIREMENTS OF THE BOROUGH'S SUBDIVISION ORDINANCE.

THIS REQUEST HAS BEEN RECEIVED JULY 7TH AND READS AS FOLLOWS:
(READ LETTER.)

THE PLANNING STAFF HAS REVIEWED THE MATTER AND RECOMMENDS THE EXCEPTION REQUEST BE GRANTED FOR ALL RIGHTS-OF-WAY IN THE SUBDIVISION BUT THE RIGHT-OF-WAY SHOWN ON THE EAST BOUNDARY OF THE TRACT TO BE SUBDIVIDED PROVIDED THE FOLLOWING ARE MET:

1. THE EASEMENTS ARE TO BE 60 FEET IN WIDTH AND BE SHOWN ON THE PLAT.
2. A COVENANT BE PLACED ON THE PLAT THAT NOTES IN GENERAL THAT IF A MAJORITY OF THE LOT OWNERS IN THE SUBDIVISION WISH TO DEDICATE THE EASEMENTS SHOWN ON THE PLAT TO PUBLIC USE THIS CAN BE DONE BY A MAJORITY OF THE LOT OWNERS ONLY.
3. THE EASEMENT AREAS ARE NOT TO BE USED IN CALCULATING

MINIMUM LOT SIZES.

THE FOREGOING RECOMMENDATION IS BASED ON THE FOLLOWING FINDINGS:

1. THE LETTER ADEQUATELY EXPLAINS AND JUSTIFIES THE 3 CRITERIA REQUIRED TO JUSTIFY SUCH AN EXCEPTION.
2. AS PROPOSED, THERE WILL BE NO CONFLICT WITH STATE LAW.
3. WITH THE EXCEPTION OF THE RIGHT-OF-WAY TO BE DEDICATED ON THE EAST BOUNDARY OF THE SUBDIVISION NO OTHER RIGHTS-OF-WAY ARE REQUIRED TO PROVIDE ACCESS TO OTHER TRACTS OF LAND CAPABLE OF SUBDIVISION.
4. 60 FOOT EASEMENTS WILL PROVIDED ADEQUATE RIGHT-OF-WAY FOR THE PUBLIC IF THEY SHOULD EVER BE DEDICATED TO PUBLIC USE.
5. WHILE IT IS APPARENT CONSIDERABLE USE IS MADE OF THIS PROPERTY BY OTHERS AT THIS TIME - GIVEN THE DEVELOPMENT OF ADDITIONAL ROADS AND PARKS ON THE KENAI RIVER AS WELL AS THE DEVELOPMENT ON INDIVIDUAL LOTS THE TRESPASSING PROBLEM SHOULD BECOME LESS AND LESS OF A PROBLEM.

had been rejected at the June 12, 1972, meeting for 2 feet contours and water, sewer and building covenants be provided. Mr. Best read portions of the covenants which were provided.

The planning staff has reviewed the plat and covenants and recommends preliminary approval as submitted.

Commissioner Holly moved, seconded by Commissioner English to approve the preliminary as submitted. The motion carried unanimously.

m. Green Acres Subdivision #2 (Final)

The staff report was given by Mr. Best noting that this is located on Feuding Lane Extended and Kenai Keys Road. The preliminary was approved June 26, 1972.

The planning staff has reviewed the plat and recommends approval as submitted.

Commissioner Hursh moved, seconded by Commissioner English to approve the plat as submitted. The motion carried unanimously.

n. High Cliffs Subdivision (Preliminary)

Mr. Best gave the staff report noting that this is located southeast of the junction of Skyline Drive and East Hill Road in the Homer area. A letter from the surveyor, Henning Johnson, was read.

The planning staff has reviewed the plat and recommends preliminary approval as submitted.

Commissioner Holly moved, seconded by Commissioner Hursh, to approve the preliminary plat as submitted. The motion carried unanimously.

o. Gregory Nbr. 5 Subdivision (Reconsideration)

Mr. Best gave the staff report noting that this plat was recorded and that an error in distances had been found in Block 11. This error has been corrected now and he would like approval from the commission to re-record the plat.

Commissioner Hursh moved, seconded by Commissioner Holly to approve the plat for recordation. The motion carried unanimously.

Agenda Item 6. Kenai River Keys Exception Request.

Mr. Darbyshire gave the staff report. The recent Kenai River Keys preliminary plat was reviewed and approved by the planning commission at the June 12, 1972, meeting, subject to several recommendations. At the time of approval it was understood that while Alaska statutes prohibit private roads the subdivider would research the matter and probably come to the planning commission with a request for an exception to the public dedication requirements of the borough's subdivision ordinance. This request has been received July 7, 1972. Mr. Darbyshire read portions of the letter as it was quite lengthy. The letter was signed by Groseclose, Linton and Huggins.

The planning staff has reviewed the matter and recommends the exception request be granted for all rights-of-way in the

subdivision but the right-of-way shown on the east boundary of the tract to be subdivided provided the following are met:

1. The easements to be reserved are to be 60' in width and be shown on the plat. These easements are not to be used as part of the lots when calculating lot area.
2. A covenant be placed on the plat that notes in general that if a majority of the lot owners in the subdivision wish to dedicate the easements shown on the plat to public use this can be done by a majority of the lot owners only.
3. The easement areas are not to be used in calculating minimum lot sizes.

The foregoing recommendation is based on the following findings:

1. The letter adequately explains and justifies the 3 criteria required to justify such an exception.
2. As proposed, there will be no conflict with the State law.
3. With the exception of the right-of-way to be dedicated on the east boundary of the subdivision no other rights-of-way are required to provide access to other tracts of land capable of subdivision.
4. Sixty foot easements will provide adequate right-of-way for the public if they should ever be dedicated to public use.
5. While it is apparent considerable use is made of this property by others at this time - given the development of additional roads and parks on the Kenai River as well as the development on individual lots - the trespassing problem should become less and less of a problem.

Commissioner Hursh asked what precedents were being set by granting this exception request. Commissioner Hursh felt that if one subdivision was allowed this that others should be also. Mr. Darbyshire stated that there were requirements that had to be met before this exception was granted and that they were met. Also, since there would be adequate access and that there would be the provision regarding the majority of the property owners needed to change this that the exception could be granted.

Commissioner Peck asked how many property owners were involved. Mr. Darbyshire stated that there were 3.

Mr. Darbyshire stated that the biggest problem is trespassers and that this should be alleviated now.

Mr. Groseclose stated that he talked to the State and that they told him that the state would build a road on the section line if the people would petition.

Commissioner Holly moved, seconded by Commissioner Hursh to grant the exception request. The motion carried unanimously.

Agenda Item 7. Floyd Howell -Special Consideration.

Mr. Best gave the staff report noting that this request is located on Beaver Loop Road approximately one mile southwest of the west junction with Kenai Spur Road. Mr. Best read the letter of request from Mr. Howell.

The Kenai Advisory Planning & Zoning Commission met July 12, 1972, and recommended that Mr. Floyd Howell be allowed to operate his gun shop as a home occupation in accordance with Kenai Planning and Zoning Ordinance, Section 14.5.

Mr. Best stated that Mr. Howell had been in to see him on August 11, 1971. Mr. Howell explained that he had taken down his sign and is conducting no business on the property except the gunsmith shop. He does store or park his construction and well drilling equipment on the property. He stated that he is going to write a letter asking the commission to determine whether a gunsmith shop can be considered a home occupation.

The planning staff has reviewed the request and suggests the exception be granted with the understanding that the discharge of firearms in connection with the business is prohibited.

Commissioner English moved, seconded by Commissioner Holly to grant the exception with the understanding that the discharge of firearms in connection with the business is prohibited. The motion carried unanimously.

Agenda Item 8. Other Business.

There was nothing discussed in regard to this item.

Agenda Item 9. Director's Report.

Mr. Darbyshire gave the director's report. There will be a public hearing on the zoning ordinance on August 15, 1972, held by the assembly.

The Solid Waste Refuse Disposal Study will be printed this week and mailed out to all assemblymen and commissioners. The planning studies, being done by the three planning interns, on Port Graham, English Bay and Tyonek will be done in approximately 6 weeks.

Mr. Best gave a report on the Local Roads and Trails. Commissioner Holly asked if the Moose Range was satisfied with Funny River Road. Mr. Best stated that they were not but that it was something that would have to be worked out between the highway department and the Moose Range.

Mr. Best stated that the paving of Marhenke Street should start in a few days and that it would only take a few days for completion.

Commissioner Holly moved that a letter be drafted to Sen. Palmer and Gov. Egan showing them the completion of roads; how the Local Roads and Trails money had been used and providing them with a cost to benefit ratio. A second to the motion was not made.

Mr. Darbyshire stated that if the bond issue fails, which contains the Local Roads and Trails money, a resolution could be drafted.