

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – BARKER SUBDIVISION #2

<b>KPB File No.</b>	2021-055
<b>Plat Committee Meeting:</b>	May 10, 2021
<b>Applicant / Owner:</b>	Naptowne Holdings, LLC
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Corner of Sterling Highway, Scout Lake Loop Road, and Greenwood Court; Sterling Area

<b>Parent Parcel No.:</b>	063-680-10, 063-680-11
<b>Legal Description:</b>	Lots 4 and 5, Block 1 of Barker Subdivision, KN 78-199
<b>Assessing Use:</b>	Residential/General Commercial
<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 combine two parcels that are 0.84 acres into one lot that will be 1.682 acres.

**Legal Access (existing and proposed):**

The proposed subdivision is located at approximate milepost 83.5 of the Sterling Highway in the Sterling area. The subdivision has access by way of the Sterling Highway, Scout Lake Loop Road and Greenwood Court. Sterling Highway is a varying width right of width that is maintained by the State of Alaska DOT. Scout Lake Loop Road is a 100 foot wide right of way that is maintained by the State of Alaska DOT. Greenwood Court is a 60 foot wide right of way that is improved and maintained by the Kenai Peninsula Borough. Greenwood Court was originally named Sterling Drive but due to a vacation on the western end the street name was changed by Resolution SN 1996-04. Per KPB GIS imagery, this subdivision has one driveway on the Sterling Highway and two driveways on greenwood Court.

KPB Roads Dept. comments	Within jurisdiction; no comments
SOA DOT comments	The ROW for the Sterling Highway is as shown on sheet 48 of 74, Sterling Highway Mile 79-94, plat 2013-26

**Site Investigation:**

The subdivision appears to be relatively flat and contains no low, wet areas.

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

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**Staff Analysis**

The proposed subdivision will combine two lots into one lot. These lots were both created by Barker Subdivision, KN 78-199. Per the parent plat, these lots were 40,068 and 40,015 square feet. This plat will increase the lot size and provide more adequate area for on site water and wastewater disposal.

The State of Alaska project IR-0A3-3(3), as seen in KN 2013-26, page 48, acquired additional right of way for the Sterling Highway. This created a change to the lot acreage and these lots currently do not comply with minimum lot size. Parent Lot 4 was reduced to approximately 37,026 square feet and Lot 5 to approximately 36,590 square feet. Combining the lots will create one lot that is compliant with minimum lot size.

Per KPB Code 20.40.020(A)(2), the plat will increase the lot sizes by 1,000 sq. ft. and a soils analysis report is not required. **Staff recommends** the correct wastewater disposal plat note be added to the plat.  
“WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.”

Notice of the proposed plat was mailed to the beneficial interest holder on April 27, 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 block is not compliant to KPB Code. The block length along Scout Lake Loop Road is approximately 280 feet, which is short of the minimum length. The block length along the Sterling Highway is slightly too long with an approximate length of 1,500 feet. The block length along the Sterling Highway was compliant until a portion of Sterling Drive was vacated by plat KN 94-63. **Staff recommends** that the Plat Committee concur that an exception is not required as any dedications granted will not improve the block length.

The current lots share an access from the Sterling Highway. This platting action will combine the lots to remove issues of encroachment between the two lots, if any exist.

**Staff recommends** the following corrections/edits be made

**CORRECTIONS / EDITS**

Plat notes to be added:

- Provide the correct wastewater disposal note.
- The certificate to plat contains a reservation of 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 Land 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.”

Revise plat note 5 to include the recording information of KN 2013-26.

Within the vicinity map, add road to Scout Lake Loop Road.

Provide the status of adjacent lands within 100 feet of the subdivision boundary.

Include Block One within this subdivision boundary.

**Utility Easements**

The 5 foot utility easement from the parent plat is being carried forward. This platting action will grant the front 10 feet of the building setback and the entire building setback within 5 feet of the side lot lines as a utility easement.

**Utility provider review:**

HEA	No comments.
ENSTAR	No comments or objections

ACS	No objections.
GCI	

**KPB department / agency review:**

Planner – Bryan Taylor	There are not any Local Option Zoning District issues or material site issues with this proposed plat.
Code Compliance – Eric Ogren	No comments
Addressing – Derek Haws	Affected addresses: 35021 Sterling Highway, 35051 Sterling Highway. 35021 Sterling Highway will remain on Lot 4A. All existing street names are correct.
Assessing – Adeena Wilcox	No comments

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

**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**