

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – MCFARLAND SUBDIVISION 2021 REPLAT

KPB File No.	2021-130
Plat Committee Meeting:	September 27, 2021
Applicant / Owner:	Three Bears Alaska, Inc. of Wasilla, AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Sterling

Parent Parcel No.:	065-050-30, 065-050-31, 065-050-32, 065-050-33, 065-050-34, and 065-050-35
Legal Description:	Lots 20-24 and northern 160 feet of Tract E, McFarland Subdivision Amended, Plat K-797
Assessing Use:	Commercial / Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots into one 1.06 acre lot and combine four lots into one 3.06 acre lot.

Location and Legal Access (existing and proposed): The subdivision is located in Sterling near mile 81 of state maintained Sterling Highway. Along the western boundary is Midway Drive, a 40 foot wide right of way, that is improved and borough maintained. Through the years as subdivisions occur additional right of way width have been requested. This has resulted in the right of way width for Midway Drive varying as it continues south.

The subdivision is located within a closed block that meets the KPB block length requirements. The Sterling Highway, Midway Drive, and section line easements define the block. The block is compliant except it is slightly short the minimum requirement along the section line easement where it connects to the Sterling Highway. ***Staff recommends the Plat Committee concur there is nothing this subdivision can do to improve a short block length outside its boundary.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: The RSA has no comments at this time
SOA DOT comments	The ROW for Sterling Hwy is as shown on Sterling Highway Mile 79-94 ROW Map (IR-0A3-3(3)/56375) sheets 56-57 of 74 (Plat 2013-26 KRD) and appears to be shown correctly.

Site Investigation: The site is relatively flat and there are no low wet areas present on the property.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks
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	Reviewer: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

Staff Analysis McFarland Subdivision Amended, K-797, created the lots within this subdivision. The parent plat was completed in the early 1960s. The lots are all approximately 0.5 acres with one larger at 0.9 acres. Midway Drive was dedicated as a 40 foot wide right of way as were others within that area.

Two of the small lots are proposed to be combined into one 1.06 acre lot. Four other lots will be combined to create one 3.06 acre lot. On the KPB GIS imagery, it does appear that structures encroach across the property lines. Many of the structures have been removed and work to clear the site is ongoing.

Midway Drive was dedicated as 40 feet wide. As subdivisions have been completed through the years, additional 10 feet of right of way has been dedicated on each side of the existing right of way. **Staff recommends this platting action provide a 10 foot right of way dedication for Midway Drive.**

A soils report will not be required, as the preliminary plat will be creating lots that will be increasing in size by more than 1,000 square feet.

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 did not grant any utility easements within the lots included with this preliminary plat. Plat note 6 refers to the easement granted by document to Homer Electric Association. The location was not defined. Plat note 5 refers to an easement granted to ENSTAR. The recording district needs to be added to the note. It states that it is the southernmost 10 feet of former Lot 21. **Staff recommends if the location of the easement is known, depict and refer to the plat note and add the recording district information.**

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 comments
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 33097 STERLING HWY 33077 STERLING HWY 33041 STERLING HWY 33031 STERLING HWY 33021 STERLING HWY 38088 MIDWAY DR 33057 STERLING HWY
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	<p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: STERLING HWY MIDWAY DR</p> <p>Existing Street Name Corrections Needed: OTTER TRAIL should be OTTER TRAIL RD PUKTIS AVE should be PUKITIS AVE Recommend adding CHEVY AVE</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: Existing addresses will be deleted and new addresses assigned upon request.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>

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:** Amended needs to be added to the subdivision name. Acreage is different from the parent lots. Verify and update accordingly.
- 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:**
- Add the suffix “RD” to Otter Trail Road

- Add a label for Chevy Avenue and a road width label
- Correct the spelling of Pukitis Avenue.
- Provide 40 foot and 50 foot wide labels on Midway Drive

- 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: *Update to include the suffix "RD" on Otter Trail Road*

- 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 proposed 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: *To the west of the subdivision update the label to Tract I, Plat K-798*

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:*

20.30.030. Proposed street layout-Requirements.

A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

Staff recommendation: *Provide the source information for the Sterling Highway within the right of way depiction or within a plat note.*

20.30.120. Streets-Width requirements.

A. The minimum right-of-way width of streets shall be 60 feet.

1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

Staff recommendation: *Provide a 10 foot dedication for Midway Drive.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: *This plat will increase the lots by more than 1,000 square feet. Per 20.40.020(A)(2), a wastewater system review will not be required.*

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.

20.60.040. 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: If a 10 foot portion of Midway Drive is required, an acceptance to be signed by the Kenai Peninsula Borough will be required.

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:

- Reword plat note 2, “The front 15 feet adjacent to dedicated right of ways is a utility easement. No...”
- Add “KRD” or “Kenai Recording District” to note 5.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Provide a certificate of acceptance for KPB to accept the dedication of Midway Drive right of way. Comply with 20.60.190.

RECOMMENDATION:

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

