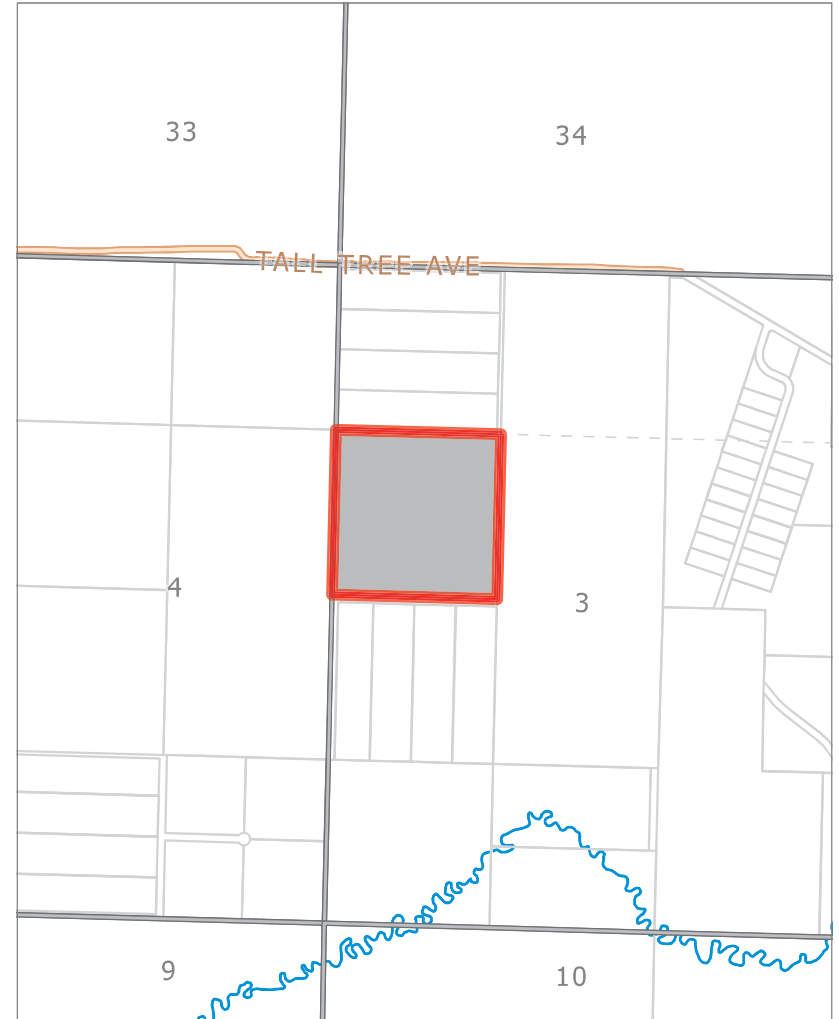
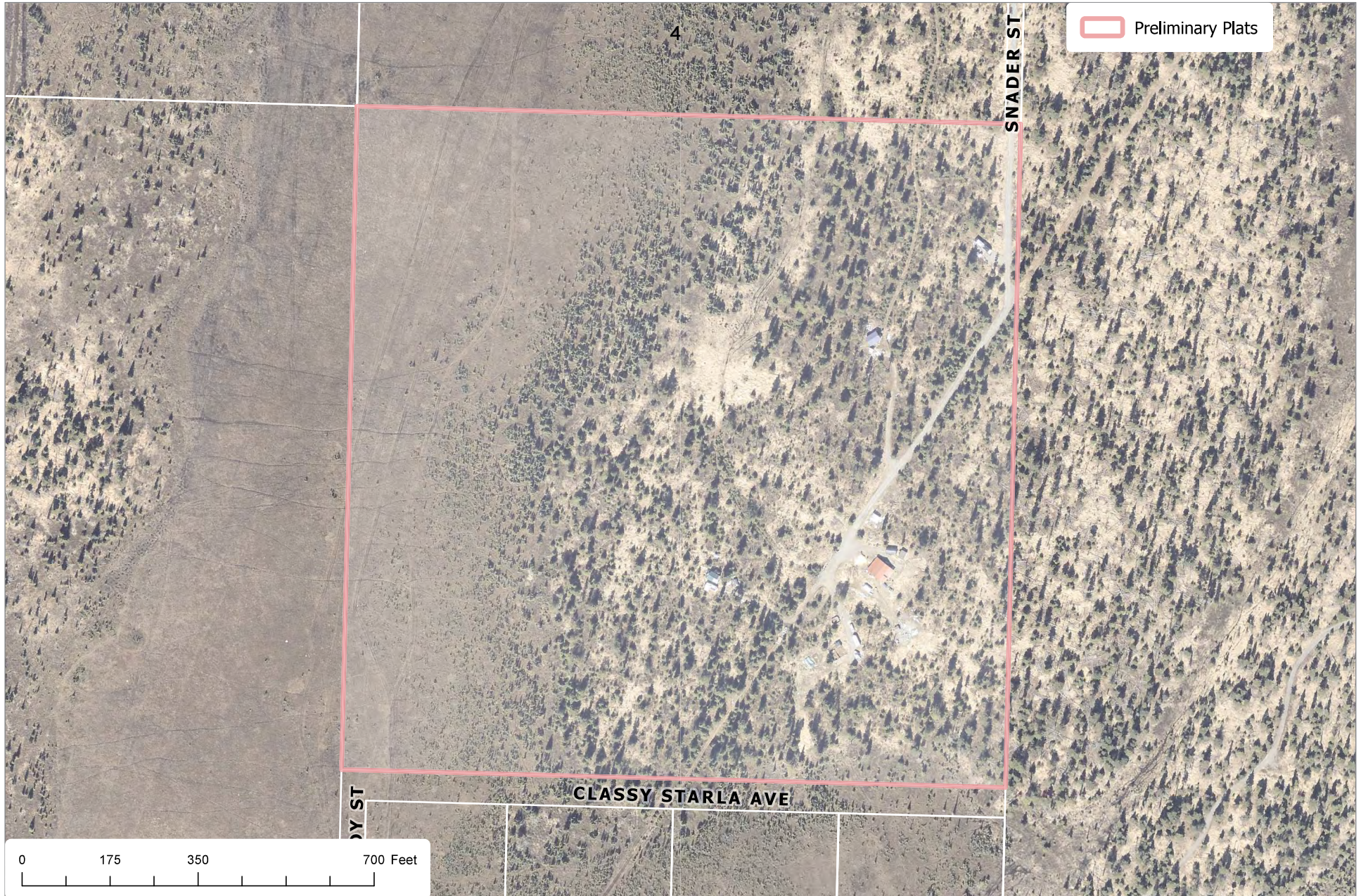


E. NEW BUSINESS

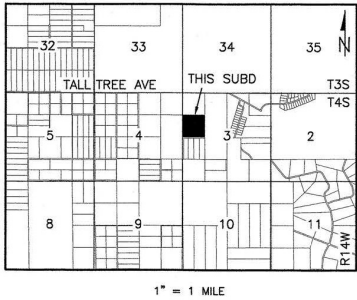
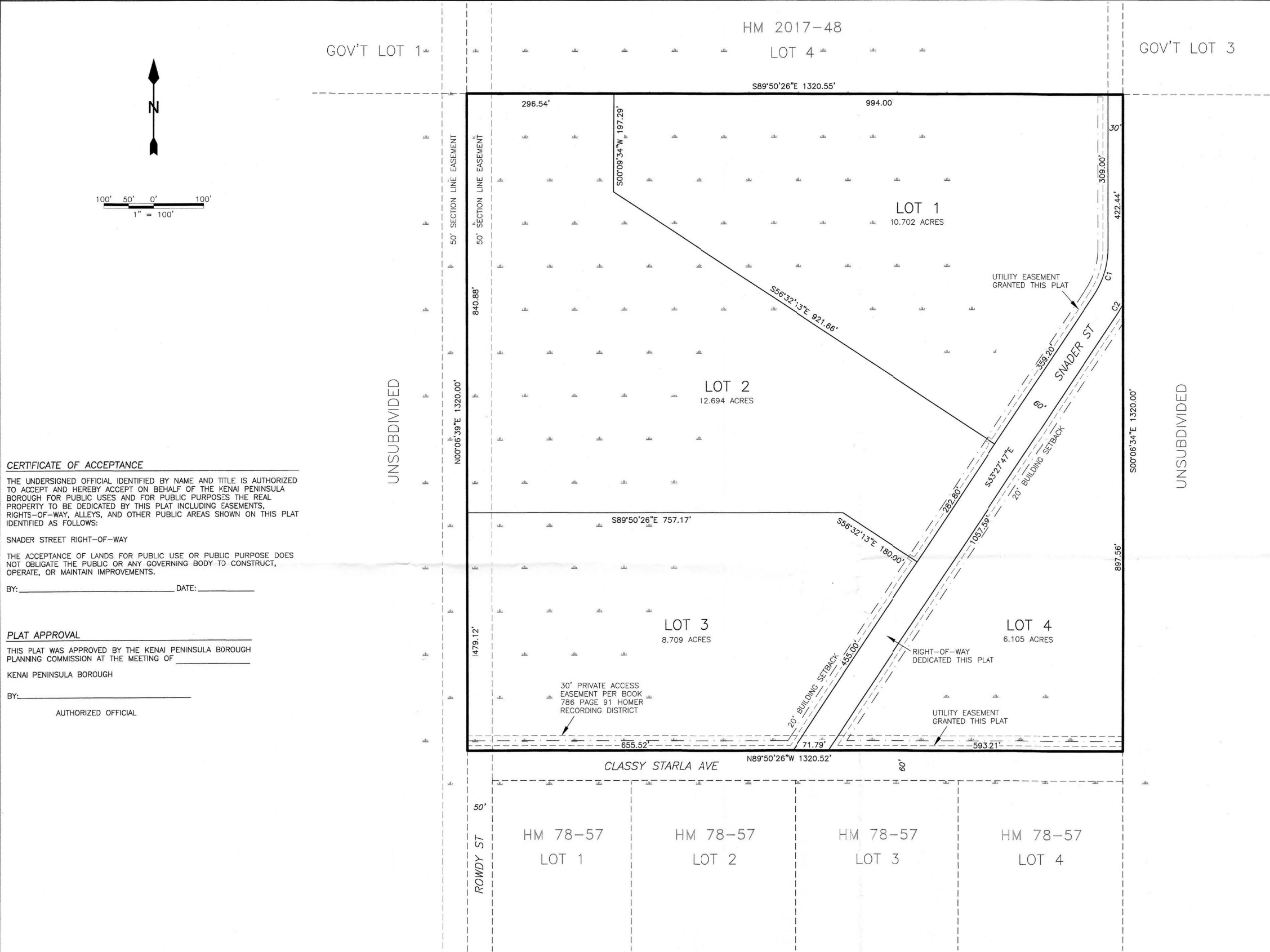
- 3. Monk Acres; KPB File 2022-071
Peninsula Surveying LLC / Monk
Location: Snader Street & Classy Starla Avenue
Anchor Point Area / Anchor Point APC**



KPB File # 2022-071
S03 T04S R14W
Anchor Point



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPT ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

SNADER STREET RIGHT-OF-WAY

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

KENAI PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL

- NOTES**
1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
 2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 3. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
 4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	99.61	170.00	33°34'21"	51.28	98.19	N16°40'36"E
C2	15.98	230.00	3°58'50"	7.99	15.98	N31°28'22"E

LEGEND

WETLANDS PER THE KENAI WATERSHED FORUM COOK INLET
WETLANDS MAPPING

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY OWN FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MONICA MONK
PO BOX 39423
NINILCHIK, AK 99639

NOTARY ACKNOWLEDGMENT

FOR: MONICA MONK
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

WASTEWATER DISPOSAL

LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

KPB FILE NUMBER: _____

PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

**PLAT OF
MONK ACRES**

A SUBDIVISION OF
SW1/4 NW1/4 SEC. 3, T4S., R14W., S.M.
HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH
CONTAINING 39.996 ACRES

OWNER: MONICA MONK
PO BOX 39423, NINILCHIK, AK 99639

SCALE: 1" = 100' DATE: MAY 17, 2022
DRAWN: JLS SHEET: 1 OF 1



KPB 2022-071

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - MONK ACRES

KPB File No.	2022-071
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Monica Monk of Ninilchik, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying LLC
General Location:	Tall Tree Avenue, Anchor Point /Anchor Point APC

Parent Parcel No.:	165-030-47
Legal Description:	SW 1/4 NW 1/4 Section 3, Township 4 South, Range 14 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into four lots ranging in size from 6.105 acres to 12.694 acres. A right-of-way dedication is proposed.

Location and Legal Access (existing and proposed): Near mile 150 of the Sterling Highway is Tall Tree Avenue. Tall Tree Avenue is a varying width right-of-way. The right-of-way coincides with section line easements and some portions have not been dedicated at this time. The Kenai Peninsula Borough maintains the first 1.5 miles of Tall Tree Avenue. A constructed Tall Tree Avenue continues to the east and the proposed subdivision is about 2.5 miles from the end of the maintained portion. Snader Street, off Tall Tree Avenue, is a 30 foot wide dedication that provides access to the subdivision from the north. This plat is proposing to dedicate a northern 30 foot wide portion and a 60 foot diagonal portion over the existing travelway. This will provide a connection to dedicated 60 foot wide Classy Starla Avenue, which is not constructed. The new lots will have access from the newly dedicated Sander Street.

A 50 foot wide section line easement is located along the western boundary with an adjacent 50 foot to allow for a 100 foot easement. An exception has been requested to 20.30.030 to not dedicate atop the section line easement.

The area contains many large acreage tracts with trails being used for access. The block will be closed for the western portion if section line easements are used but the lengths will not be compliant north and south. Lot 4 will be within a block that is not closed. The subdivision to the north was granted exceptions to KPB code for block length and street dedications on September 11, 2017. They were not required to dedicate an east-west right-of-way to provide a compliant block. The subdivision is providing dedications atop existing travelways, there are wetlands along the west. An exception for block length has been received as well as request to not dedicate right-of-way along the northern boundary.

A private access easement was granted by document and is depicted and labeled along the southern boundary the subdivision. **Staff recommends the book and page numbers must be corrected to Book 91 and Page 786.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

Site Investigation: There does not appear to be any steep slopes present within the subdivision boundary. Low wet areas are present and are depicted on the final plat. The correct wetland determination note is present. **Staff recommends the wetland depiction remain on the final plat.**

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 Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections.

Staff Analysis This is a subdivision of an aliquot piece of property with an existing travelway present.

Due to the size of the lots a soils report will not be required. The correct wastewater disposal note is present.

There are several structures present on the property. It does appear that all should be clear of property lines but when the field survey is performed this should be verified. If a structure crosses a property line, the line must be adjusted to not create an encroachment.

There are several items that can be seen along the proposed dedications. If any of these are non-permanent items, they should be removed from the right-of-way prior to finalization of the plat. Any permanent structures within the proposed right-of-way will not be allowed. The right-of-way will either need to be adjusted or the buildings relocated prior to recording of the plat. When the field survey is performed all structure and improvement locations should be documented. If the surveyor finds no issues, provide a written statement stating there will be no encroachments. If some encroachments are detected an as-built will be required prior to administrative approval that shows all encroachments issues have been resolved.

If any structures will be within the setback or utility easements that will be created by this plat, the structures should be depicted on the final and appropriate notes added that states the structures pre-date the setback or utility easement.

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.

Anchor Point Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

Utility Easements There are no previously platted utility easements. The certificate to plat did not indicate any easements have been issued by recorded document.

The plat is proposing to grant 10 foot utility easements along the dedicated rights-of-way that will increase to 20 feet within 5 feet of the side lot lines. The depiction is present and includes "granted this plat". ***Staff recommends the plat note be revised to state "The front 10 feet adjoining dedicated rights-of-way that increase to 20 feet within 5 feet of the side lot lines is granted as utility easement by this plat."***

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	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 28251 SNADER ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SNADER ST CLASSY STARLA AVE ROWDY ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 28251 SNADER ST will be deleted and new addresses assigned.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan 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: Wilcox, Adeena Comments: No comment</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

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

- 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 an additional label for width and street name for Snader Street located north of the subdivision.*

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: *final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.*

20.30.150. Streets-Intersection requirements.

A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.

B. Offset intersections are not allowed. The distance between intersection centerline shall be no less than 150 feet.

C. Intersections of access streets with arterial streets or state maintained roads shall be limited to those intersections required for safe access consistent with KPB Title 14.

D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.

Staff recommendation: *Verify the angle at the Snader Street and Classy Starla Avenue intersection. Staff finds that it is approximately 57 degrees. If the angle is less than 60 degrees, provide a compliant intersection.*

KPB 20.40 – Wastewater Disposal

Staff recommendation: *final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.*

20.40.010 Wastewater disposal.

Platting Staff Comments: Due to the size of lots, a soils report will not be required. Correct plat note is present.

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.*

- *A note for any exceptions granted.*
- *Additional notes may be required if any possible encroachments are found within the setbacks or utility easements.*

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-Requirements and KPB 20.30.170 – Blocks-length requirements

Dedicating the 50' section line easement along the west and providing a dedication on the northern boundary

Surveyor's Discussion: The property is in a fairly remote area near the end of Tall Tree Avenue. There are many large tracts of land in the area. There is an existing road from the end of Snader Street that goes through the property all the way to the southern boundary, where it intersects Classy Starla Avenue. This road will be dedicated with the new plat. The entire length of the section line easement is in a swampy wet area it is unlikely that a road would ever be constructed along the easement. The north boundary is also mostly wetlands. It is unlikely that a road would ever be constructed in these areas.

Staff Discussion: Staff grouped the two exceptions. If the plat committee wishes to address separately, two motions will be required. The block is closed within the western portion of the subdivision if the section line easements are used. A dedication along the western boundary will not change any access currently available. The dedication along the north would bring the block into compliance but would go through wet areas. The lot to the north of the subdivision as well as the ones within this subdivision are all large enough to be replatted and can grant additional right-of-way at that time.

Findings:

1. The block is defined by section line easements, Tall Tree Avenue, Sander Street, and Classy Starla Avenue.
2. This is a recreational area.
3. Multiple structures are located within the subject property as well as neighboring lots.
4. The western portion of the subdivision contains low wet areas.
5. Per the Kenai Watershed Forum Wetlands Assessment, the western portion of the subdivision contains Lakebed and Drainageway.
6. The lots being created are large enough to be further subdivided.
7. The block exceeds allowable limits.
8. A dedication along the northern boundary will provide compliant blocks for the property to the north and the western portion of this subdivision.
9. The plat to the north did not require a dedication along the southern boundary that would abut the subject preliminary plat.
10. Exceptions to block length and dedications were granted to the northern plat by the KPB Plat Committee on September 11, 2017.
11. No surrounding properties will be denied access or utilities.

Denial of the exception will require a dedication along the northern and western boundaries.

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 and 9-11 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 and 9-11 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 and 9-11 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.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

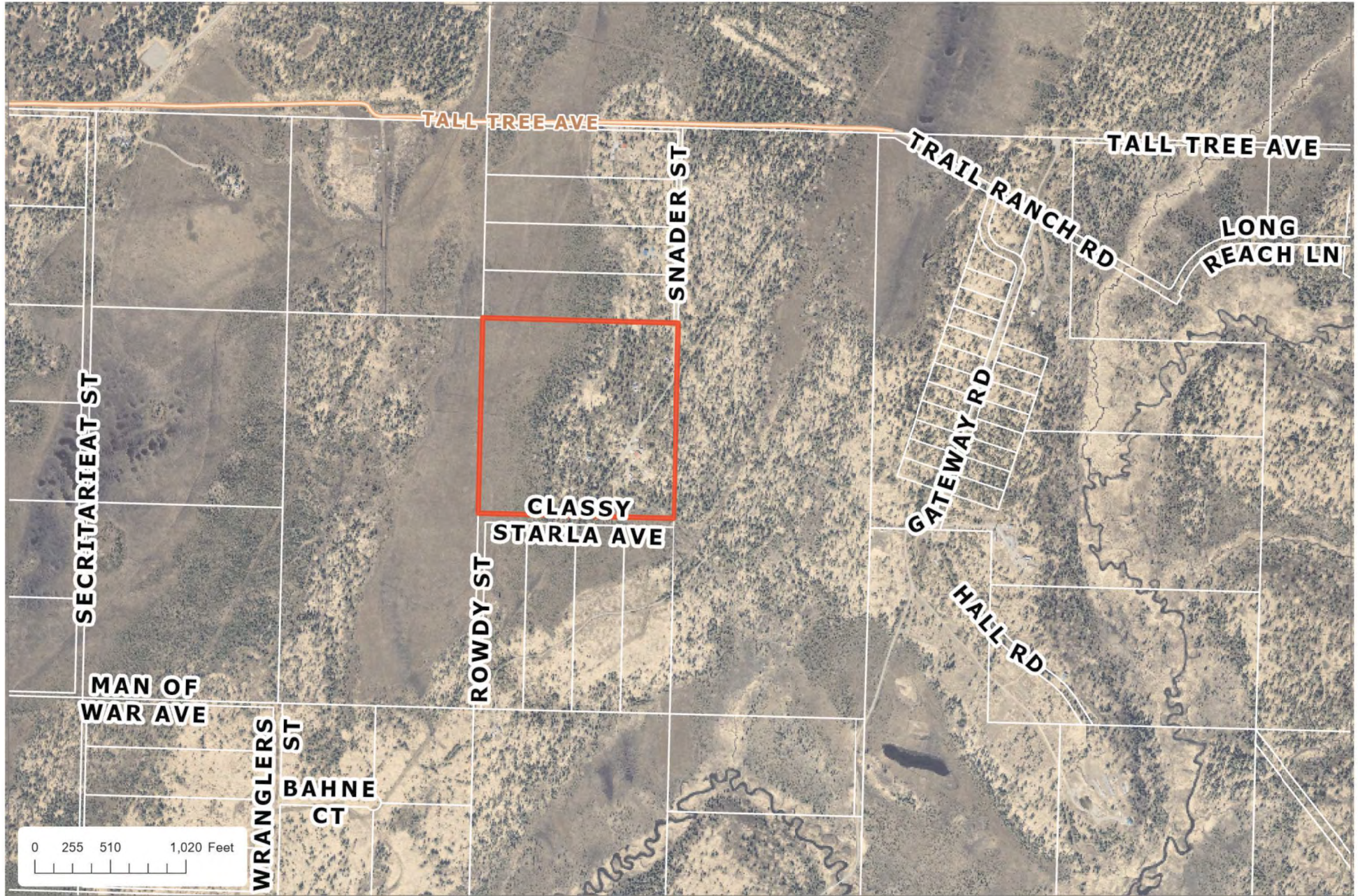
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

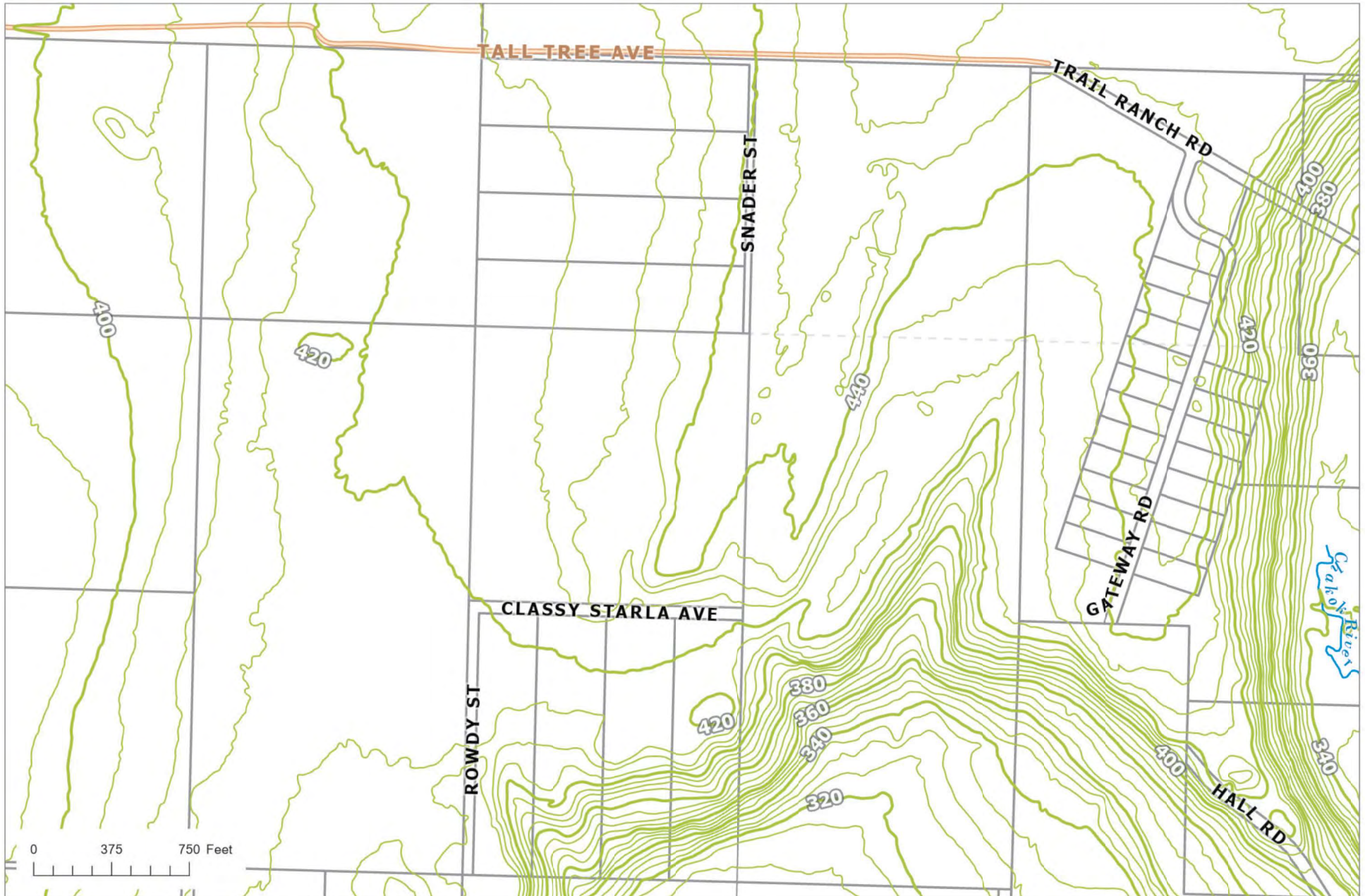
END OF STAFF REPORT



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