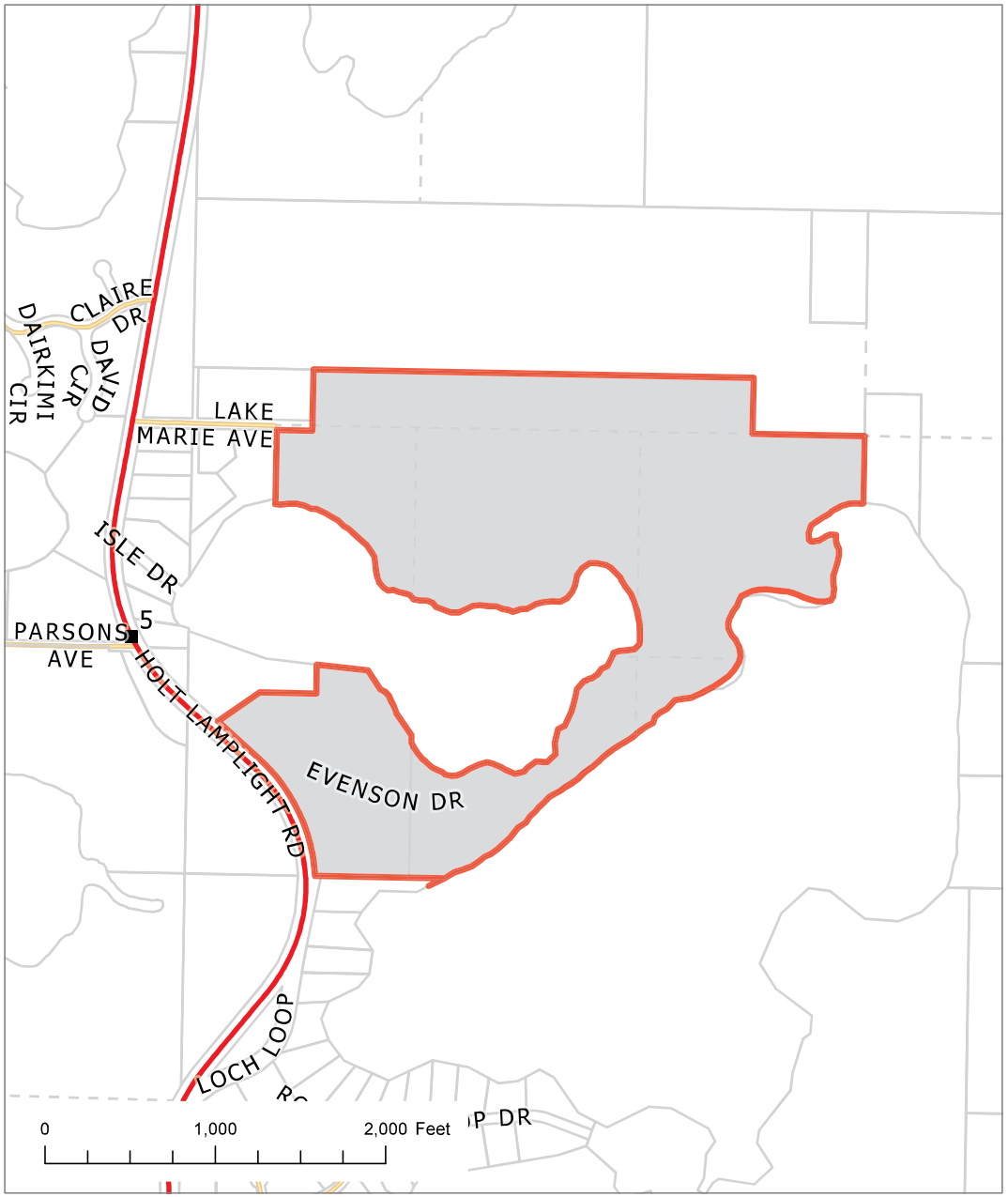
E. NEW BUSINESS

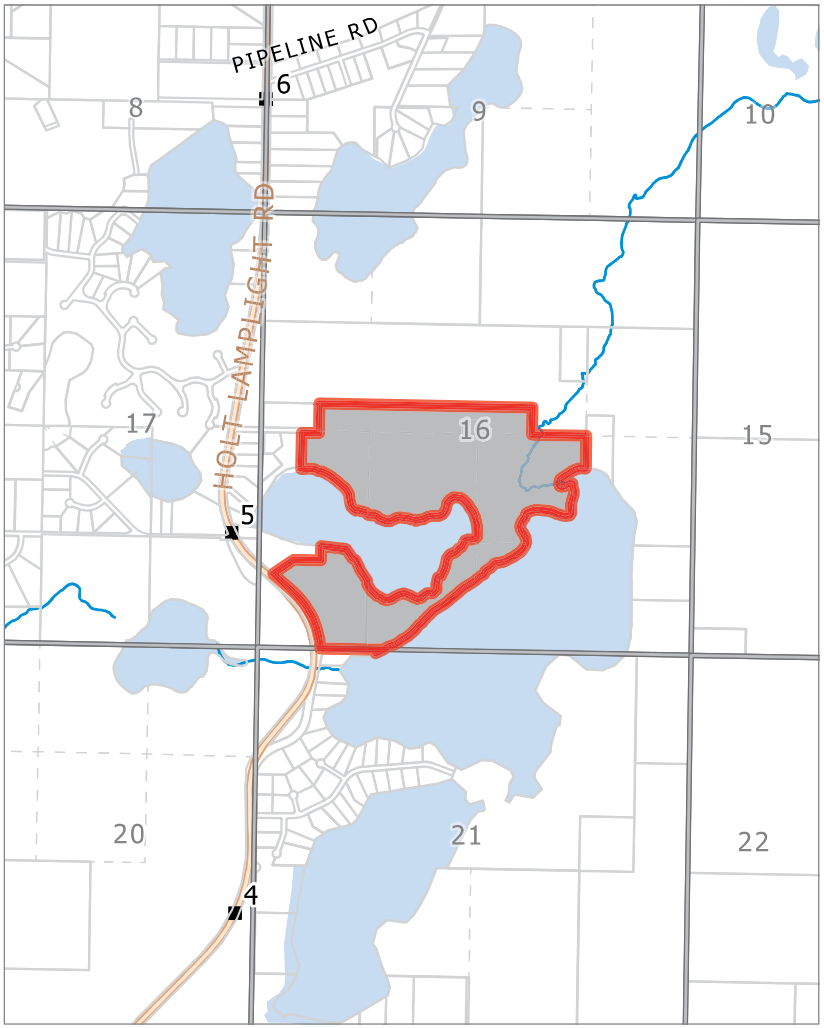
9. Thorsland Subdivision Addition No. 1; KPB File 2022-069
Segesser Surveys / Evenson
Location: Lake Marie Ave. & Holt Lamplight Rd.
Nikiski Area

Kenai Peninsula Borough Planning Department

Vicinity Map

5/20/2022





KPB File # 2022-069
S16 T07N R11W
Nikiski

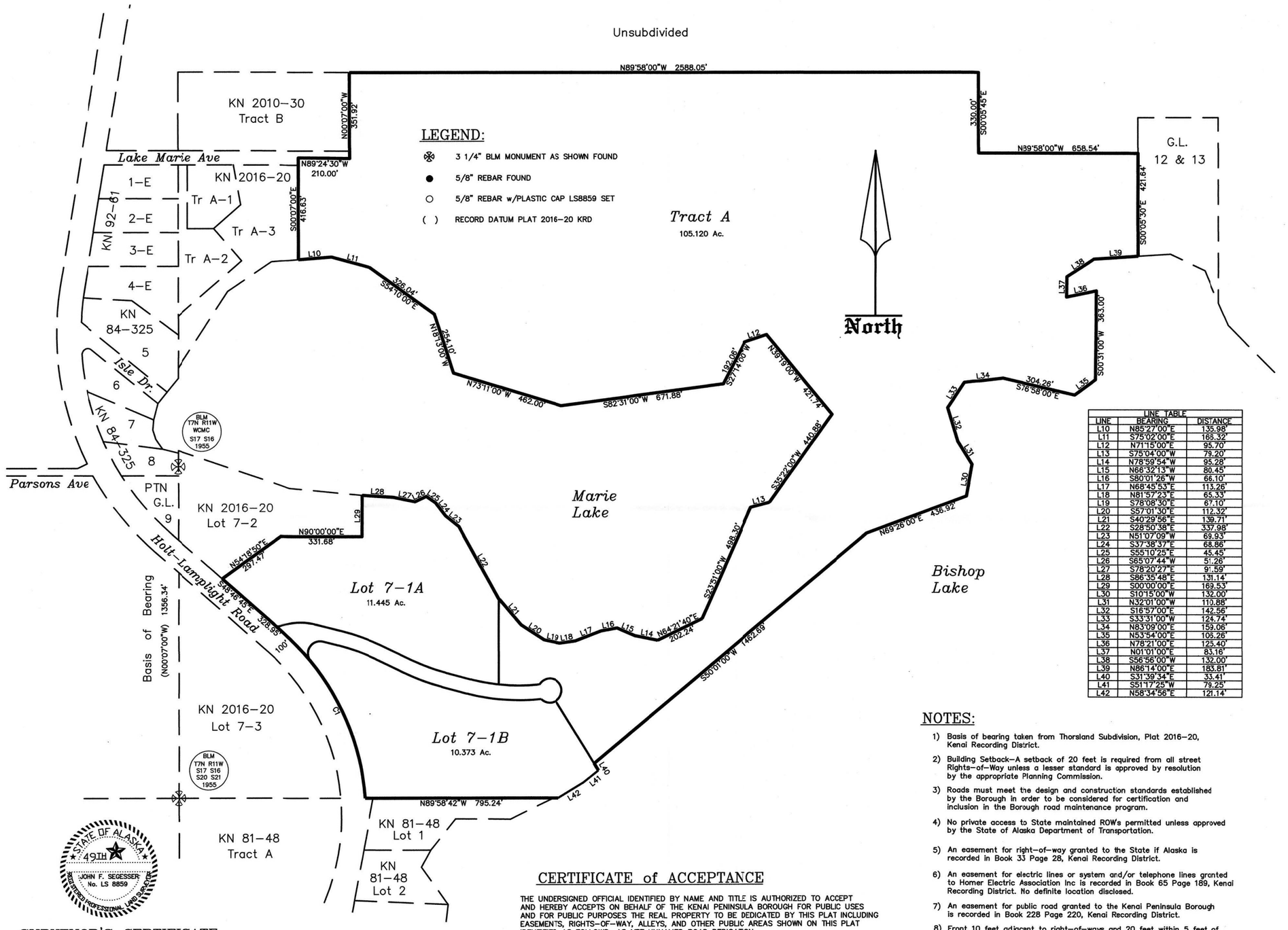
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Kenai Peninsula Borough Planning Department

Aerial Map

KPB File Number 2022-069
5/20/2022

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.



LEGEND:

- ✠ 3 1/4" BLM MONUMENT AS SHOWN FOUND
- ● 5/8" REBAR FOUND
- ○ 5/8" REBAR w/PLASTIC CAP LS8859 SET
- ( ) RECORD DATUM PLAT 2016-20 KRD

LINE TABLE		
LINE	BEARING	DISTANCE
L10	N85°27'00"E	135.98'
L11	S75°02'00"E	168.32'
L12	N71°15'00"E	95.70'
L13	S75°04'00"W	79.20'
L14	N78°59'54"W	95.28'
L15	N66°32'13"W	80.45'
L16	S80°01'26"W	66.10'
L17	N68°45'53"E	113.26'
L18	N81°57'23"E	65.33'
L19	S78°08'30"E	67.10'
L20	S57°01'30"E	112.32'
L21	S40°29'56"E	139.71'
L22	S28°50'36"E	337.98'
L23	N51°07'09"W	69.93'
L24	S37°38'37"E	68.86'
L25	S55°10'25"E	45.45'
L26	S65°07'44"W	51.26'
L27	S78°20'27"E	91.59'
L28	S86°35'48"E	131.14'
L29	S00°00'00"E	169.53'
L30	S10°15'00"W	132.00'
L31	N32°01'00"W	110.88'
L32	S16°57'00"E	142.56'
L33	S33°31'00"W	124.74'
L34	N83°09'00"E	159.06'
L35	N53°54'00"E	105.26'
L36	N78°21'00"E	125.40'
L37	N01°01'00"E	83.16'
L38	S55°56'00"W	132.00'
L39	N86°14'00"E	183.81'
L40	S31°39'34"E	33.41'
L41	S51°17'25"W	79.25'
L42	N58°34'56"E	121.14'

NOTES:

1) Basis of bearing taken from Thorsland Subdivision, Plat 2016-20, Kenai Recording District.
2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
4) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
5) An easement for right-of-way granted to the State if Alaska is recorded in Book 33 Page 28, Kenai Recording District.
6) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association Inc is recorded in Book 65 Page 189, Kenai Recording District. No definite location disclosed.
7) An easement for public road granted to the Kenai Peninsula Borough is recorded in Book 228 Page 220, Kenai Recording District.
8) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. 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.
9) WASTEWATER DISPOSAL: These lots are at least 200,000 square feet and conditions 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.

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

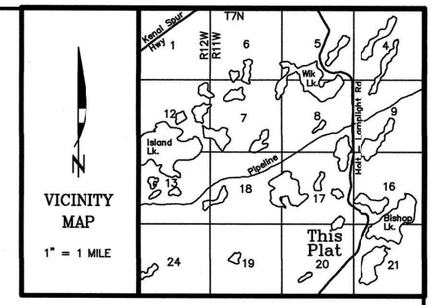
Date _____

STATE OF ALASKA 49TH JOHN F. SEGESSER No. LS 8859 REGISTERED PROFESSIONAL LAND SURVEYOR

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS 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: AS YET UNNAMED ROAD DEDICATION.
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

_____ DATE _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH



CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JAMES L. EVENSON _____ NEDRA T. EVENSON
4140 FOLKER ST. APT 205
ANCHORAGE, ALASKA 99508

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS_____ DAY OF _____ 20___.

_____
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS_____ DAY OF _____ 20___.

_____
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

_____
AUTHORIZED OFFICIAL

KPB FILE No.

Thorsland Subdivision Addition No. 1

A resubdivision of Lot 7-1 Thorsland Subdivision, Plat 2016-20, and a portion of Government Lot 8, Section 16, T7N, R11W, S.M., Kenai Recording District.

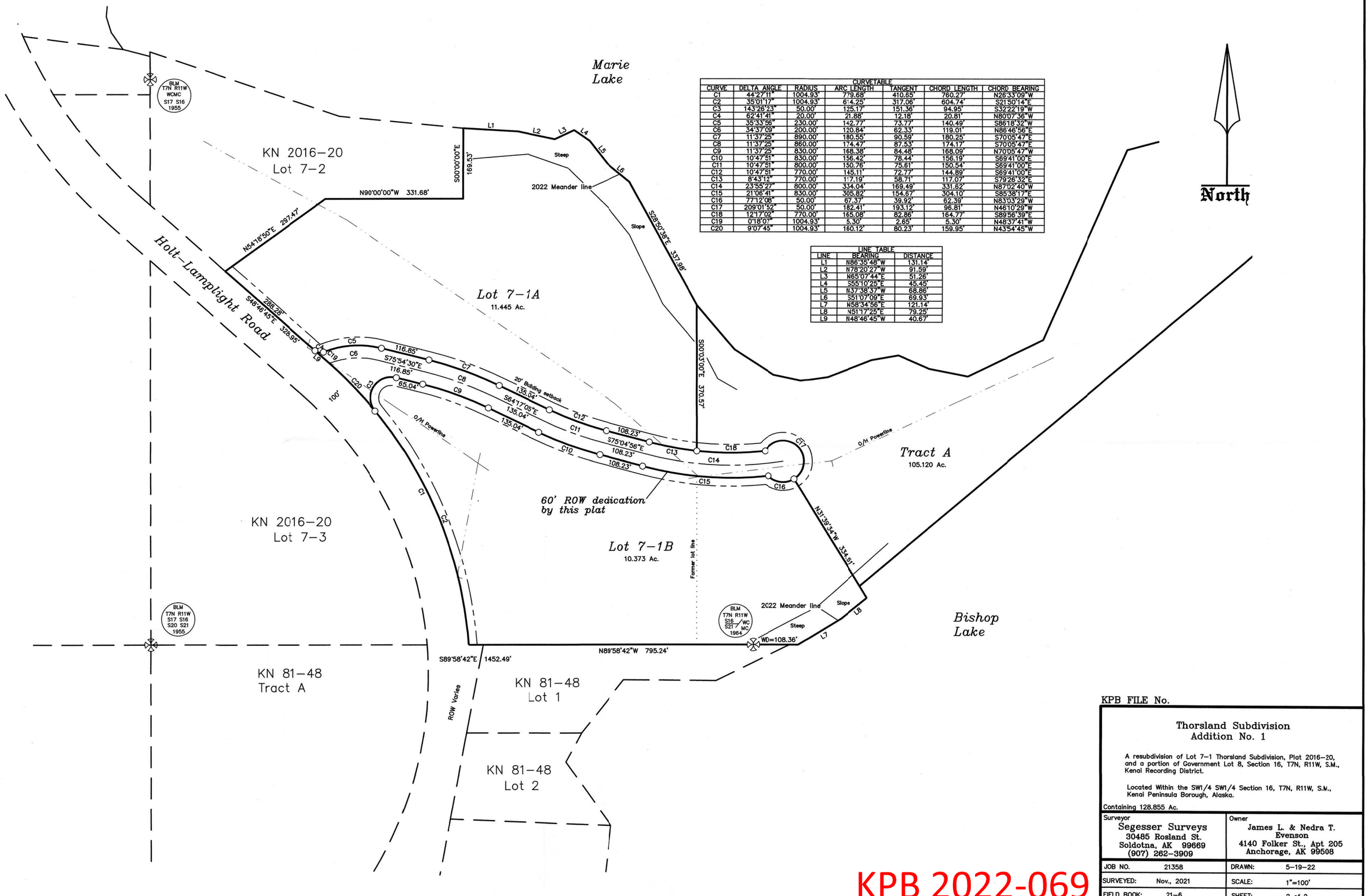
Located Within the SW1/4 SW1/4 Section 16, T7N, R11W, S.M., Kenai Peninsula Borough, Alaska.

Containing 128.855 Ac.

Surveyor	Owner
Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	James L. & Nedra T. Evenson 4140 Folker St., Apt 205 Anchorage, AK 99508

JOB NO.	21358	DRAWN:	5-19-22
SURVEYED:	Nov., 2021	SCALE:	1"=200'
FIELD BOOK:	21-6	SHEET:	1 of 2

KPB 2022-069



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	44°27'11"	1004.93'	779.68'	410.85'	760.27'	N26°33'09"W
C2	35°01'17"	1004.93'	614.25'	317.06'	604.74'	S21°50'14"E
C3	143°26'23"	50.00'	125.17'	151.36'	94.95'	S32°22'19"W
C4	62°41'41"	20.00'	21.88'	12.18'	20.81'	N80°07'36"W
C5	35°33'56"	230.00'	142.77'	73.77'	140.49'	S86°18'32"W
C6	34°37'09"	200.00'	120.84'	62.33'	119.01'	N86°46'56"E
C7	11°37'25"	890.00'	180.55'	90.59'	180.25'	S70°05'47"E
C8	11°37'25"	860.00'	174.47'	87.53'	174.17'	S70°05'47"E
C9	11°37'25"	830.00'	168.36'	84.48'	168.09'	N70°05'47"W
C10	10°47'51"	830.00'	156.42'	78.44'	156.19'	S69°41'00"E
C11	10°47'51"	800.00'	150.76'	75.61'	150.54'	S69°41'00"E
C12	10°47'51"	770.00'	145.11'	72.77'	144.89'	S69°41'00"E
C13	8°43'12"	770.00'	117.19'	58.71'	117.07'	S79°26'32"E
C14	23°55'27"	800.00'	334.04'	169.49'	331.62'	N87°02'40"W
C15	21°06'41"	830.00'	305.82'	154.67'	304.10'	S85°38'17"E
C16	77°12'08"	50.00'	67.37'	39.92'	62.39'	N83°03'29"W
C17	209°01'52"	50.00'	182.41'	193.12'	96.81'	N46°10'29"W
C18	12°17'02"	770.00'	165.08'	82.86'	164.77'	S89°56'39"E
C19	0°18'07"	1004.93'	5.30'	2.65'	5.30'	N48°37'41"W
C20	9°07'45"	1004.93'	160.12'	80.23'	159.95'	N43°54'45"W

LINE TABLE

LINE	BEARING	DISTANCE
L1	N86°35'48"W	131.14'
L2	N78°20'27"W	91.59'
L3	N65°07'44"E	51.26'
L4	S55°10'25"E	45.45'
L5	N37°38'37"W	68.86'
L6	S51°07'09"E	69.93'
L7	N58°34'56"E	121.14'
L8	N51°17'25"E	79.25'
L9	N48°46'45"W	40.67'

KPB FILE No.

Thorsland Subdivision Addition No. 1

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Located Within the SW1/4 SW1/4 Section 16, T7N, R11W, S.M., Kenai Peninsula Borough, Alaska.

Containing 128.855 Ac.

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Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	James L. & Nedra T. Evenson 4140 Folker St., Apt 205 Anchorage, AK 99508

JOB NO.	21358	DRAWN:	5-19-22
SURVEYED:	Nov., 2021	SCALE:	1"=100'
FIELD BOOK:	21-6	SHEET:	2 of 2

KPB 2022-069

AGENDA ITEM E. NEW BUSINESS

ITEM 9 - THORSLAND SUBDIVISION ADDITION NO 1

KPB File No.	2022-069
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Evenson Estate of Anchorage, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Holt Lamplight Road, Lake Marie Avenue, Nikiski

Parent Parcel No.:	013-105-12 and 013-105-15
Legal Description:	Lot 7-1 Thorsland Subdivision KN 2016-20, Government Lots 4-6, 8, 9, S1/2 S1/2 S1/2 NW1/4 and S1/2 SW1/4 SW1/4 NE1/4 (excluding Plats KN 2003-71, KN 2006-43, and KN 2010-30, in Section 16, Township 7 North, Range 11 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure a lot, government lots, and aliquot parcels into one tract and two lots. The tract will be 105 acres and the lots will be 10.373 acres and 11.445 acres. A new right-of-way dedication is proposed.

Location and Legal Access (existing and proposed): The proposed plat is located near mile 5 of Holt Lamplight Road, a state maintained right-of-way. The newly proposed right-of-way will be directly off Holt Lamplight Road and will provide access to all three parcels being created. Lake Marie Avenue is a borough maintained right-of-way located to the north that provides additional access to proposed Tract A. The Nikiski Senior Center is located on Lake Marie Avenue and is adjacent to proposed Tract A.

The proposed cul-de-sac appears to be proposed on an existing drive that provides access to an improvement that is located between Marie Lake and Bishop Lake. The proposed length of the cul-de-sac exceeds the length limits stated within KPB 20.30.100. The surveyor has discussed with staff that the dedication could be shortened to comply. ***Staff recommends*** *the length of the cul-de-sac be revised to comply with KPB Code unless an exception is requested and granted.*

There are two recorded easements that were granted for right-of-way or public roads. They are noted on the plat. The locations are defined within the documents and should be verified that they pertain to this plat. If they are within the boundary of the proposed plat, the location should be depicted if possible. If depiction is difficult, the plat note should give an approximate location of the easements. It is possible that these easements are now within areas that have since been dedicated as right-of-way and should be noted as such. ***Staff recommends*** *the easements be verified and depicted and noted in detail.*

The depiction of Lake Marie Avenue on sheet one appears to need revision. The current depiction indicates that the right-of-way narrows to 30 feet that is only dedicated on the northern side of the right-of-way. Senior Shore Addition Number 2, Plat KN 2010-30, created Tract B to the north and also dedicated a full 60 foot wide right of way from the eastern edge of Tract A-3 to the eastern edge of Tract B. ***Staff recommends*** *the depiction of Lake Marie Avenue be revised to show existing dedications.*

The block is not closed. Tract A is proposed to be 105 acres with frontage along Marie Lake and Bishop Lake. Bishop Creek is also present within the eastern portion of the Tract. Due to the location of the water bodies and the large size of the property a compliant block will be difficult. ***Staff recommends*** *the plat committee concur that an exception to block length nor additional dedications to improve block length are required at this time.*

An exception has been requested to KPB 20.30.030, to not dedicate an extension of Lake Marie Avenue at this time.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Holt Lamplight Road is generally as shown on KPB Right of Way Map Lamplight Rd. Phase II (Kenai Plat 85-44) and appears to be shown correctly.

Site Investigation: The proposed plat is along the shores of Marie Lake and Bishop Lake. The narrowest portion between the two lakes is approximately 170 feet. Per KPB Imagery, a structure is located between the two lakes. Within the eastern portion of proposed Tract A is Bishop Creek. Bishop Creek is an anadromous stream that goes through the property and connects to Bishop Lake. ***Staff recommends*** *Bishop Creek be depicted on the plat and the anadromous note be added to the plat as well as notes regarding the meander lines of the lakes and any source information for the meanders be listed.*

Other than the lakes the majority of the property is free from low wet areas. Per KPB GIS data, there is some additional wetlands near Bishop Lake in addition to some low wet areas surrounding the creek. ***Staff recommends*** *the low wet areas be depicted on the final plat and the wetland determination note be added to the plat.*

There are some steep slopes present within the subdivision. Most of these areas are found along the edge of the lakes or near Bishop Creek. The slopes do not appear to impact the area proposed for right-of-way dedication. There are some additional steep areas found throughout the subdivision with the majority being with proposed Tract A. Due to the size of the proposed Tract A, staff does not feel the steep slopes need to be depicted within its boundary at this time however, the two lots should have any steep slopes shown as it may impact development. ***Staff recommends*** *any steep slopes present within proposed Lot 7-1A and Lot 7-1B be depicted on the final plat if the information will not interfere with other required information.*

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 totally or partially within HPD Comments: KPB\maldridge C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis The property within this subdivision is from a large acreage parcel that included aliquot described land in addition to government lots. Several subdivisions have been done from this original property. Several plats off Lake Marie Avenue have been done as well as the Thorsland Subdivision from which one of the lots in this plat is from. The largest portion of this subdivision is what would be considered an unsubdivided remainder from those plats and is now going to be part of this survey.

A soils report will not be required due to the sizes of the lots.

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 plat contains the note to grant utility easements within the front 10 feet adjacent to rights-of-way that increases to 20 feet within 5 feet of the side lot lines. Due to the scale of the plat and the size of Tract A, ***staff recommends*** *a detail that shows the typical setback and utility easements being created by this plat.*

The parent Lot 7-1 had some easements granted with the recording of Thorsland Subdivision, Plat KN 2016-20. The parent plat granted 15 foot utility easements along Holt Lamplight Road. ***Staff recommends*** *sheet two depict the 15 foot utility easements and provide a note stating they were "granted per KN 2016-20."*

Some overhead powerlines are depicted on the plat. The ones that were depicted on Thorsland Subdivision, Plat KN 2016-20, were granted 20 foot wide easements per the plat note located on the plat. "Existing overhead power line is the centerline of a 20 foot wide distribution line easement including guys and anchors." ***Staff recommends*** *the existing easements be depicted and labeled with width and site the source of creation or depict and refer to a plat note that contains the additional details.*

Additional powerlines are indicated within this subdivision but outside the original Thorsland Subdivision, Plat KN 2016-20. An additional easement was granted by recorded document and is included in plat note 6. That easement had no defined location. If it is determined that the existing power lines fall under this already granted easement then no additional easements for the power lines will be required. ***Staff recommends*** *the owner and surveyor work with the utility providers to determine the required easements and that they be depicted and granted 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	Reviewer: Haws, Derek Affected Addresses: 49576 EVENSON DR Existing Street Names are Correct: No List of Correct Street Names: PARSONS AVE LAKE MARIE AVE Existing Street Name Corrections Needed: Newly dedicated ROW should be labeled EVENSON DR (SN 2009-11) HOLT - LAMPLIGHT RD should be HOLT LAMPLIGHT RD All New Street Names are Approved: No

	List of Approved Street Names: List of Street Names Denied: Comments: 49576 EVENSON DR will remain with Tract A. Newly dedicated ROW should be labeled EVENSON DR (SN 2009-11).
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Wilcox, Adeena Comments: No Comment

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.*

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:** The legal description needs to be updated to include all the government lots, the aliquot portions, and excluding the three Senior Shore Subdivision plats. The ownership will need to be updated to the Estate has both owners listed have passed.*

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:** Provide width labels for Lake Marie Avenue and Isle Drive on sheet 1. Provide a label for Holt Lamplight Road that includes the plat number for the right-of-way information, Plat KN 85-44. Remove the hyphen from Holt Lamplight labels.*

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:** Shaded "this plat" is not shown in vicinity.*

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

Staff recommendation: *The proposed dedication is atop a private road that had been named Evenson Drive. Include the name for the new dedication on both sheets and a width label is needed on sheet 1.*

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: *Sheet 1 – The lots adjacent to Holt Lamplight Road along the east have block designations that should be added, update the recording number for Tract A-3 that is adjacent to the plat, provide a label width for Parsons Avenue, review the depiction of the Parsons Avenue intersection and update as needed, revised the depiction for the lot south of Parsons Avenue as this appears to be two lots in that area and both will need labels.*

Sheet 2 – Update the depiction of the lots across Holt Lamplight Road and provide labels, and add labels for the lots adjacent to Lot 7-2.

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.*

20.30.100. Cul-de-sacs.

A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

Staff recommendation: *The cul-de-sac will need to be shortened unless an exception is requested and received.*

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

> ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:
> Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

Platting Staff Comments: Bishop Creek is located in the northeast corner and should be depicted with the correct plat note added.

Staff recommendation*: comply with 20.30.290*.

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: Lots will be larger than 200,000 square feet and a soils analysis report 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:** the right-of-way will need the name added to the certificate of acceptance.*

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.*

- *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.*
- *ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.*
- *The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*
- *Subject to rights of the public and/or governmental agencies in and to that portion of said premises lying below the mean high water mark of Bishop Creek, Bishop Lake, and Marie Lake and any questions or right of access to the water in the event said lands do not in fact abut the water.*

Plat notes 5 and 7 refer to specific locations for right-of-way easements. Determine the location and if needed provide additional information on the locations within the notes or provide a depiction on the plat.

20.60.190. Certificates, statements, and signatures required.

***Staff recommendation**: The certificate of ownership will need to be revised to be on behalf of the estate and provide the name of the executor or representative. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-requirements Continuation of Lake Marie Avenue.

Surveyor's Discussion: My clients have no intention of developing that property at this time.

Staff Discussion: Per KPB Code, dedications must provide for continuation or appropriate projection of all streets in surrounding areas. A continuation of Lake Marie Avenue would be required with this subdivision plat. A straight through dedication at this time would split the owner's property and result in an additional lot being created that they do not wish to create. There are some large acreage lots in the area that are owned by Alaska Mental Health Trust Authority. There are two lots that are to the east and north of the proposed plat. The access to those properties is

unknown and they may have access easements or use navigable waters for access. One of those lots is private while the other is under Bureau of Indian Affairs ownership. A dedication of Lake Marie Avenue will not provide them access at this time and anything that would be of benefit would require crossing an anadromous stream.

If the exception request is denied, a dedication to continue Lake Marie Avenue will be required.

Findings:

1. Tract A is proposed as a 105 acre parcel.
2. A dedication will split the owner's property, thus creating an additional lot.
3. The dedication will provide access to Alaska Mental Health Trust Lands right at Bishop Creek.
4. The large acreage tracts surrounding the subdivision have additional access.
5. The access for the smaller lots in the area is unknown.
6. The only lot with potential to benefit would be the Bureau of Indian Affairs property.
7. The BIA property would acquire a 30 foot width access that crosses steep terrain, wetlands, and an anadromous stream.
8. Future development of the large acreage tract can provide appropriate continuations of the right-of-way at that time.
9. Isle Drive provides public access to Marie Lake.
10. Public access to Bishop Lake is undetermined due to unknown status of some section line easements in the area.

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, 2, 4, and 7-9 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, 2, 4, and 7-9 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, 2, 4, and 7-9 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.

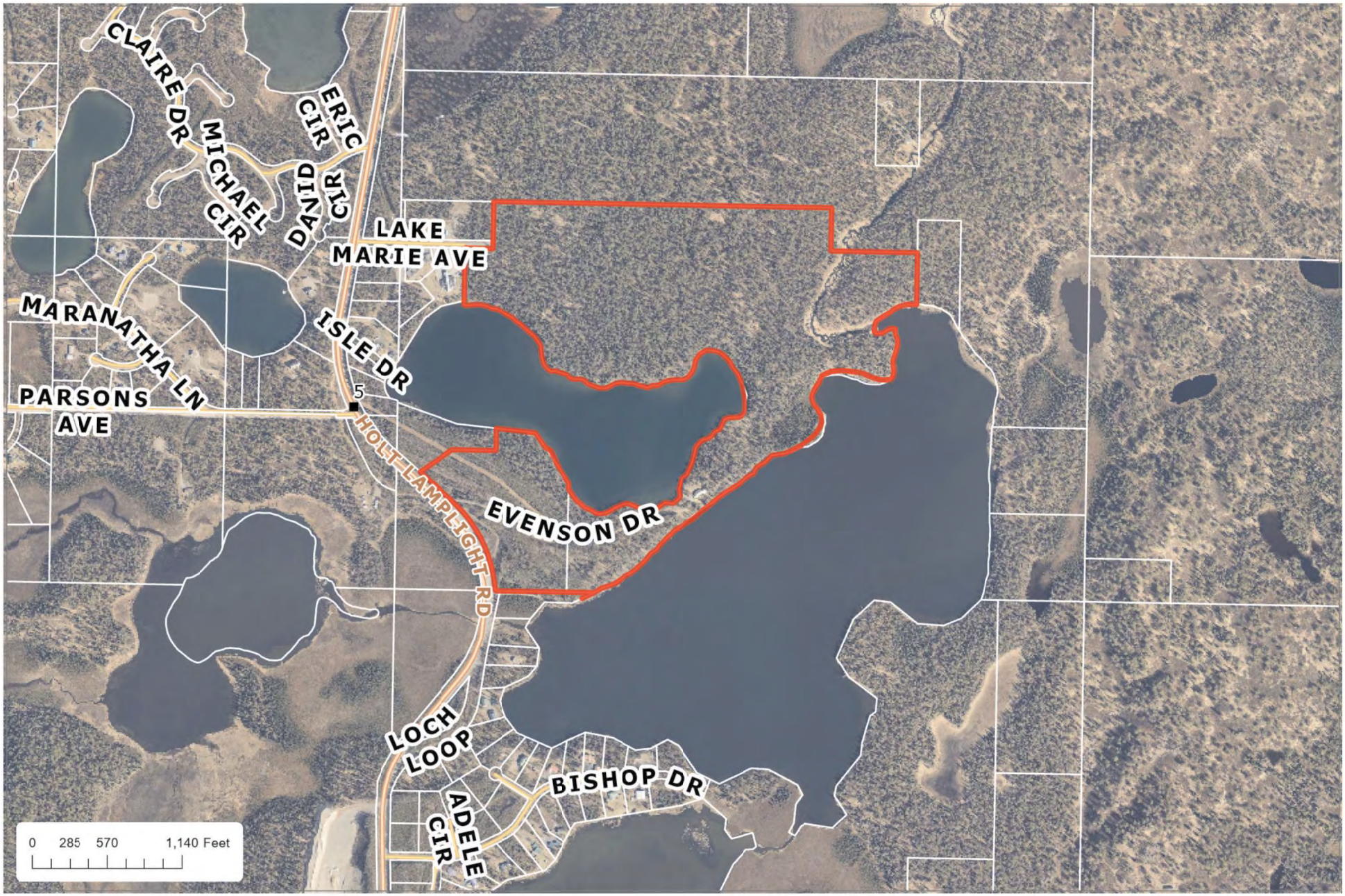
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

Kenai Peninsula Borough Planning Department

Aerial

KPB File Number 2022-069
6/6/2022



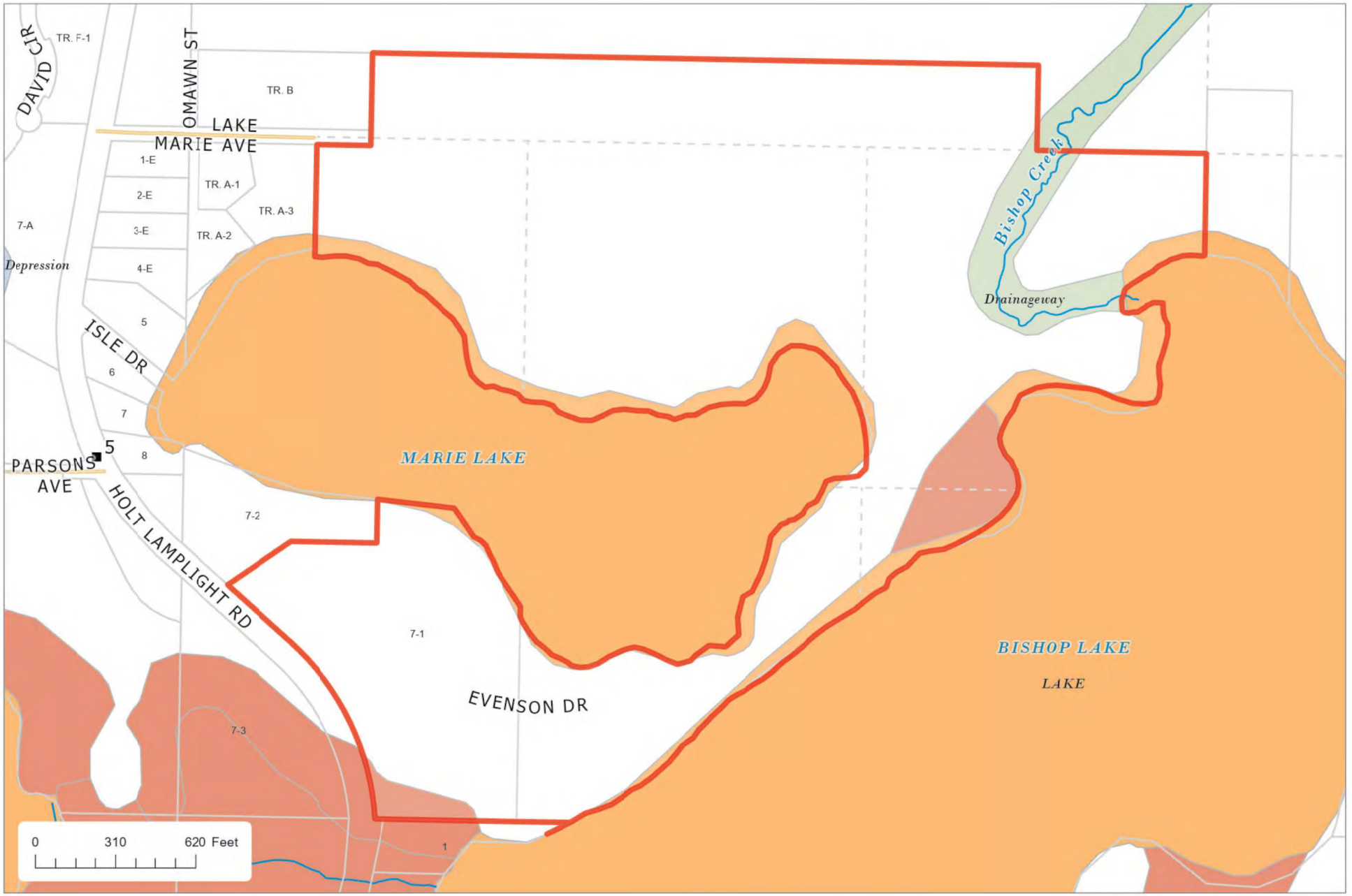
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Kenai Peninsula Borough Planning Department

Wetlands

KPB File Number 2022-069

6/6/2022



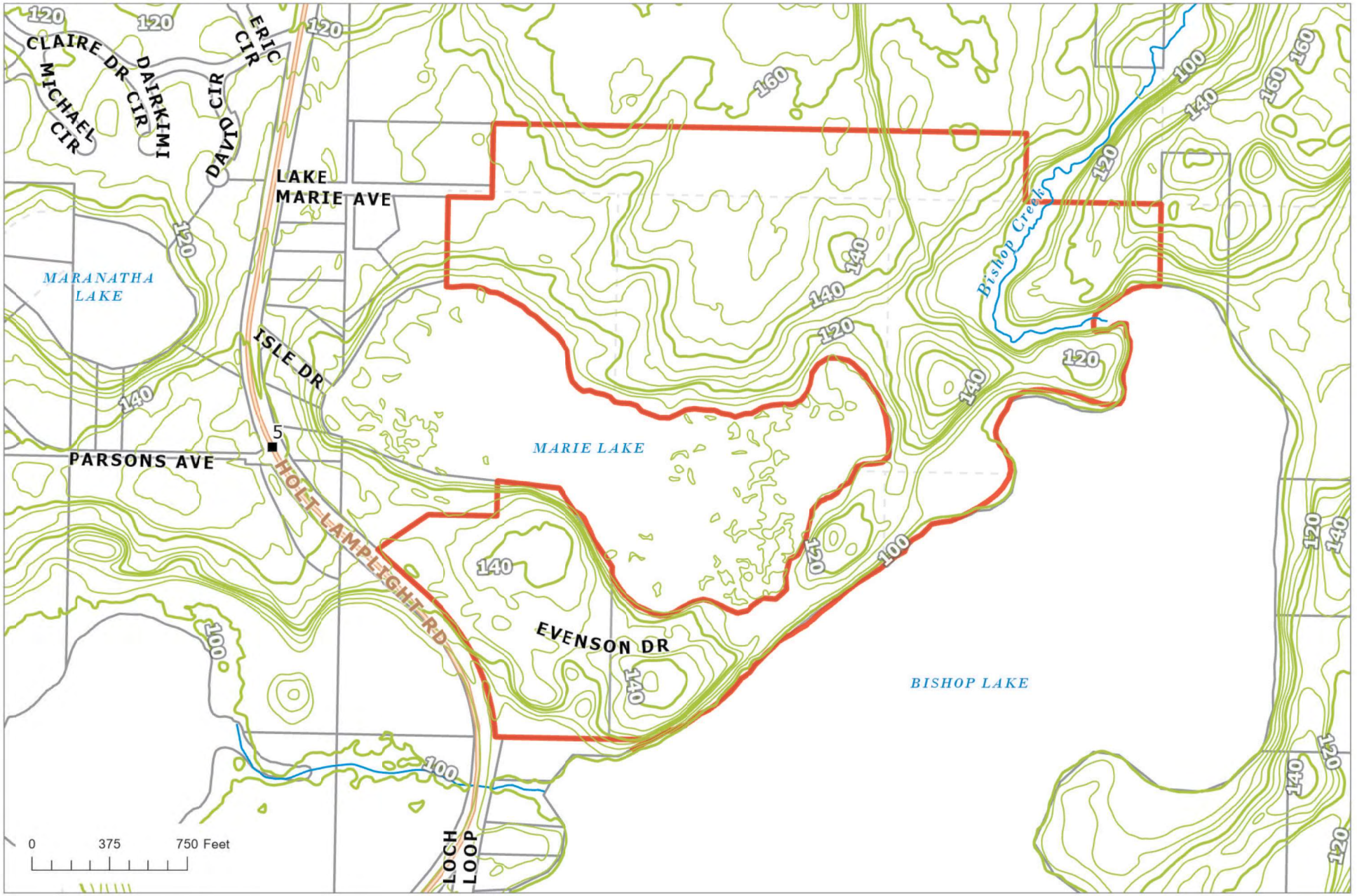
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Kenai Peninsula Borough Planning Department

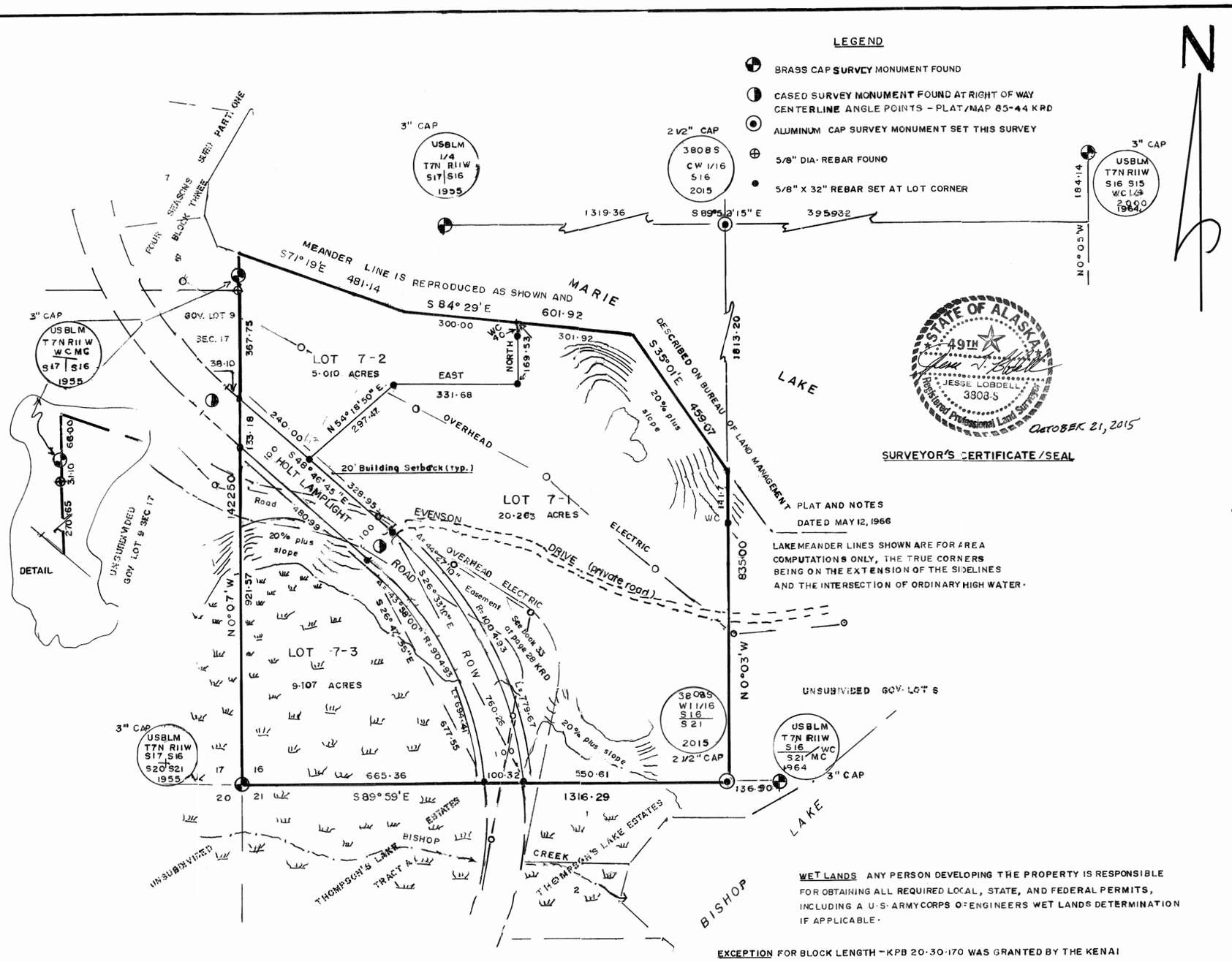
Aerial with 5-foot Contours

KPB File Number 2022-069

6/6/2022



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.



LOCATION MAP 1" = 1 mi

STATE OF ALASKA 49TH
JESSE LOBDELL 3808-S
Registered Professional Land Surveyor
OCTOBER 21, 2015

SURVEYOR'S CERTIFICATE/SEAL

LAKE MEANDER LINES SHOWN ARE FOR AREA COMPUTATIONS ONLY, THE TRUE CORNERS BEING ON THE EXTENSION OF THE SIDELINES AND THE INTERSECTION OF ORDINARY HIGH WATER.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

James L. Evenson Nedra T. Evenson

JAMES L EVENSON NEDRA T EVENSON

P O BOX 324
KENAI, ALASKA

NOTARY'S ACKNOWLEDGEMENT

FOR: James L. Evenson AND Nedra T. Evenson
ACKNOWLEDGED BEFORE ME THIS 22nd DAY OF October, 2015

Susan C. Tauriainen
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 2/1/2017

State of Alaska
Notary Public
Susan C. Tauriainen

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 12, 2015.

KENAI PENINSULA BOROUGH
BY: Max J. Best
AUTHORIZED OFFICIAL

WASTEWATER DISPOSAL

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

EXCEPTION FOR BLOCK LENGTH - KPB 20.30.170 WAS GRANTED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THEIR MEETING OF OCTOBER 12, 2015.

BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION

EASEMENTS - GENERAL FOR ELECTRIC LINES OF SYSTEMS GRANTED HOMER ELECTIC ASSOCIATION RECORDED AT BOOK 65 PAGE 189 KRD. EXISTING OVERHEAD POWER LINE IS THE CENTERLINE OF A 20 FT. WIDE DISTRIBUTION LINE EASEMENT INCLUDING GUYS AND ANCHORS.

NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT.

PORTIONS OF THIS SUBDIVISION ARE WITHIN KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS STREAM HABITAT PROTECTION DISTRICT. SEE CHAPTER 21.18 BOROUGH CODE OF ORDINANCES FOR RESTRICTIONS THAT AFFECT DEVELOPMENT OF THIS SUBDIVISION.

2016-20
Kenai
DIST 5/25/2016
DATE 1:18 PM
TIME

THORSLAND SUBDIVISION

A SUBDIVISION OF GOVERNMENT LOT 7 IN SEC. 16 T7N R11W OF THE SEWARD MERIDIAN SITUATED WITHIN THE KENAI PENINSULA BOROUGH, ALASKA

SCALE	AREA SUBDIVDED INCLUDING ROWs	SURVEY COMPLETED
1" = 200'	37.275 ACRES	DATE: APR. 14, 2016

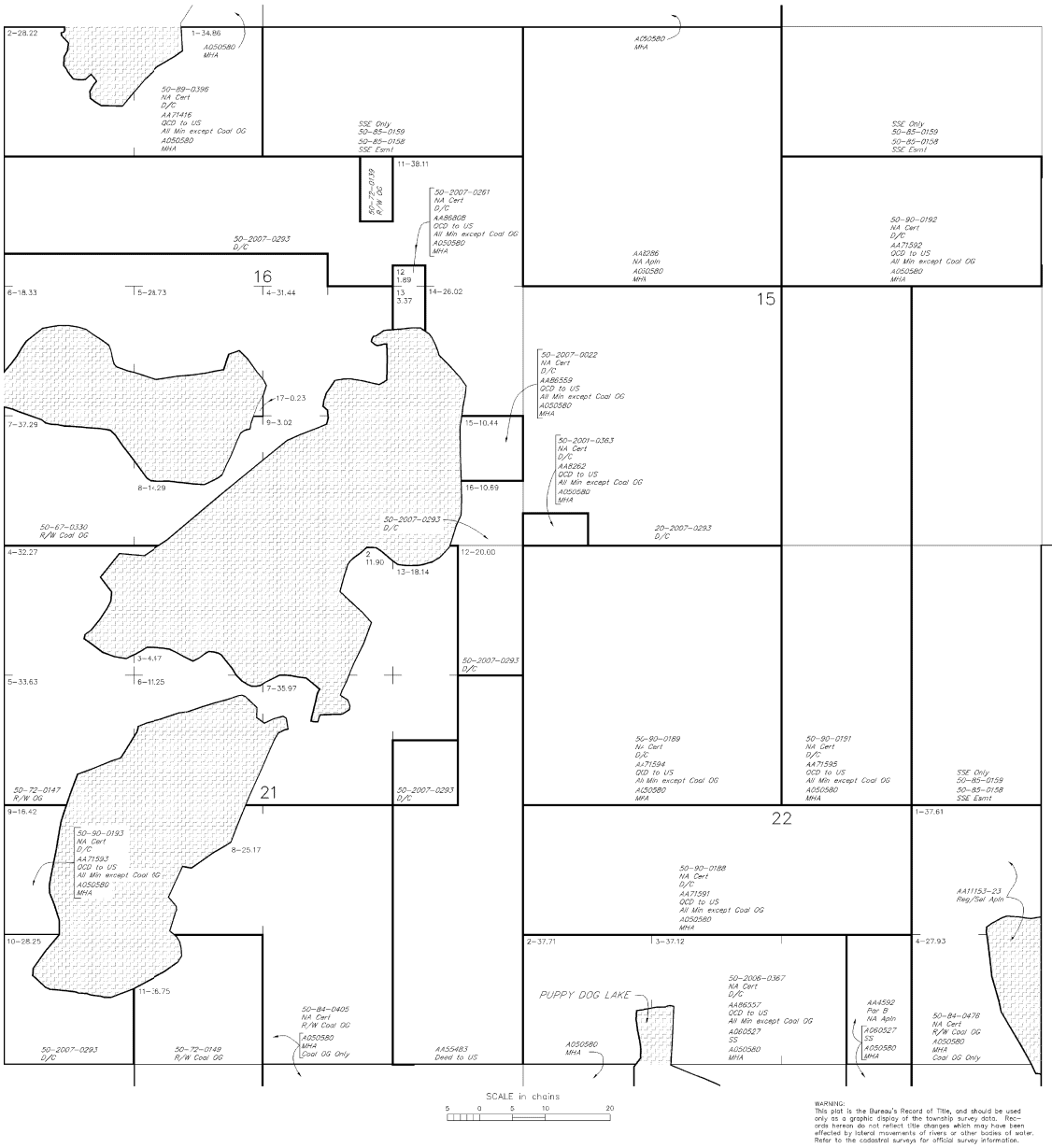
JIM AND NEDRA EVENSON OWNERS P O BOX 324 KENAI, ALASKA 99611	JESSE LOBDELL - SURVEYOR P O BOX 7517 NIKISKI, ALASKA 99635

BASIS OF BEARING - N 0°07' W FOR THE LINE BETWEEN SECTIONS 16 AND 17, PLAT OF MAY 12, 1966 US BUREAU OF LAND MANAGEMENT

KENAI RECORDING DISTRICT

KPB FILE NUMBER 2015-107

SURVEYED TOWNSHIP 7 NORTH RANGE 11 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP SUPPL SEC 15,16,21,22

NO 4

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PL 92-203 Wdl AA6698, Lds W/I AA6698-A

PLO 5183 Wdl Aid of Leg & Cl affects Lds/Interests not conveyed W/I Kenai National Moose Range

PLO 5184 Wdl Cl affects Lds/Interests not conveyed

AA6698-A V/Sel Apln Excl Nav waters, patented Lds & Lds W/I 2 miles of the city limits of Kenai & Soldotna

A060527 SS Amdt PL 96-487 Sec 906(e) Top Filed

A058731 SS Reserved Min Estate Only

Group Survey 954, approved on 1/23/2007, affects lands within section 15

WARNING:
This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

CURRENT TO	
8-17-2007	

NO 4
Sew Mer
T 7 N
R 11 W
ACAD