E. NEW BUSINESS

2. Bay Ridge Estates Caron Addition; KPB File 2024-135

Fineline Surveys / Caron

Location: Diamond Ridge Road

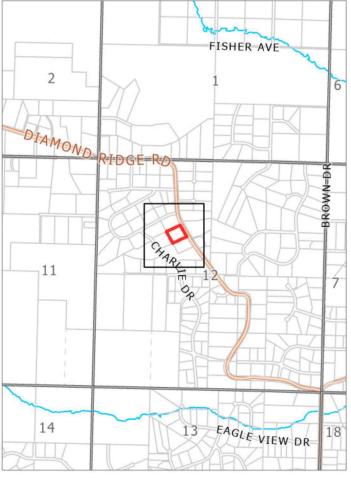
Diamond Ridge Area / Kachemak Bay APC



Vicinity Map



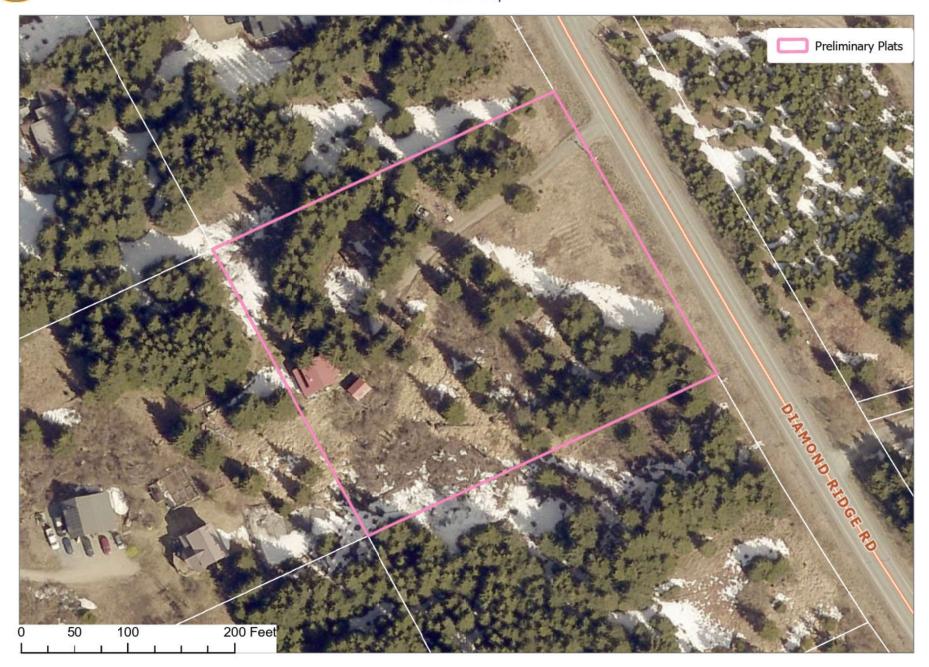


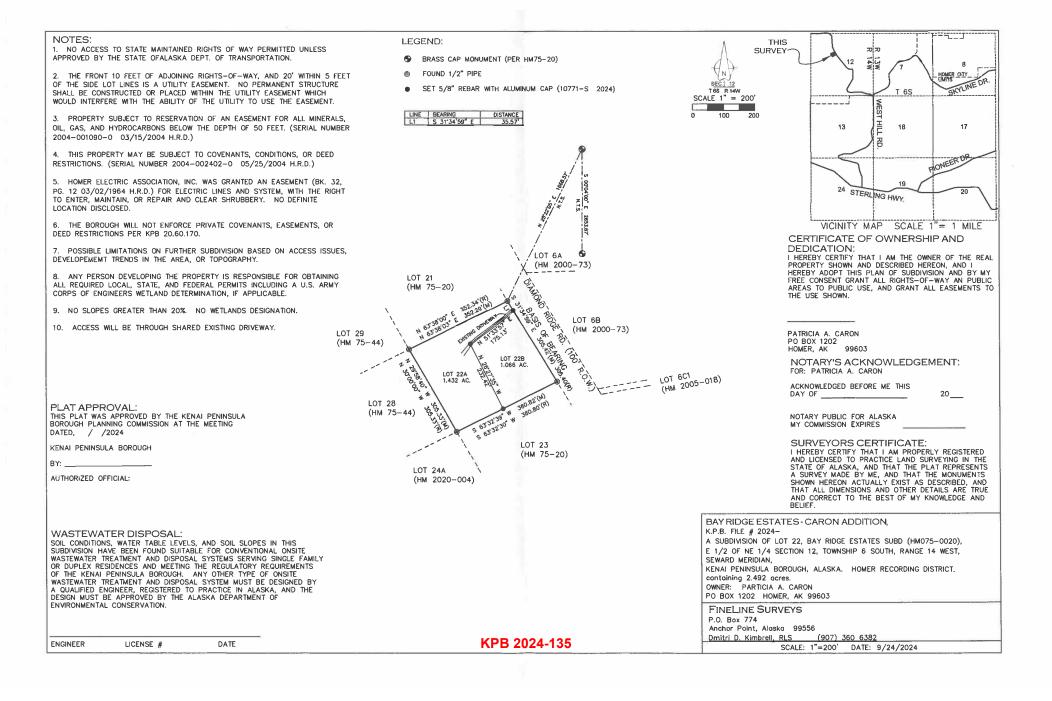


KPB FILE 2024-135 T06S R14W SEC 12 Diamond Ridge

Aerial Map







ITEM #2 - PRELIMINARY PLAT BAY RIDGE ESTATES – CARON ADDITION

KPB File No.	2024-135
Plat Committee Meeting:	January 13, 2025
Applicant / Owner:	Patricia Caron / Homer, Alaska
Surveyor:	Dmitri Kimbrell / Fineline Surveys
General Location:	Diamond Ridge Rd in Kachemak Bay APC

Parent Parcel No.:	173-500-04
Legal Description:	T 6S R 14W SEC 12 SEWARD MERIDIAN HM 0750020 BAY RIDGE ESTATES SUB LOT 22
	30B LOT 22
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	20.30.190

STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will subdivide a 2.492 acre lot into two new lots of size 1.066 acres and 1.432 acres.

Location and Legal Access (existing and proposed):

Access to the two lots in the plat is along Diamond Ridge Rd, a 100' dedicated right-of-way and developed State maintained road located on the east side of the plat.

This plat is not dedicating any more right-of-way nor is it finalizing a vacation of right-of-way.

There is not a section line easement affecting the proposed plat.

Block length is compliant around this plat being completed by Pitzman Ave to the south, Charlie Dr on the west, Da Mar Loop to the north and Diamond Ridge Rd on the east.

PER DOT: The platting action voids any previous issued permits. Land owners will need to reapply for driveway access permits to state road and right-of-way access.

KPB Roads Dept RSA review	Out of Jurisdiction: No
	Roads Director: Griebel, Scott Comments: Adjacent ROW is managed by AK DOT. No RSA comments or objections
SOA DOT comments	Wrong legal in the title block: E1/2 of the NW1/4

Site Investigation:

There is a dwelling and storage structure in the rear area of the plat that will be located on Lot 22A when the plat is complete. The structures are close to the rear lot line. The surveyor should be aware of any encroachments when doing the field survey and note them on the final plat if found. There is an existing drive on the property that is being split by the joint line of the proposed lots as it heads back off Diamond Ridge Rd. Staff recommends the owner consider creating access easements for the lots to alleviate issues of use. Since these would be private easements the borough has no enforcement over them. An exception to KPB 20.30.190 Lot -Dimensions has been requested for the flag lot being shown for proposed Lot 22A, the exception will be detailed later in the staff report

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The terrain of the lot is generally flat, having a slope to the west at approximately 2 percent across the plat.

There are no wetlands shown to be on the plat. the River Center review did identify the plat to be located in a FEMA designated flood hazard area. The Flood hazard Notice as shown in KPB 20.30.280(D) should be included on the plat along with the FEMA Panel and flood zone. Staff recommends the surveyor contact the KPB River Center Flood Admin to get the current data for the mylar at the time as FEMA Maps sill be in transition this year. The River Center review did not identify the plat to be in a habitat protection district.

KPB River Center review

A. Floodplain

Reviewer: Hindman, Julie
Floodplain Status: IS in flood hazard area
Comments: Within a non-regulatory mapped floodplain. No depiction
required. Code required plat note should be added with a reference to the
map panel.

Flood Zone: X Zone
Map Panel: 02122C-2015E
In Floodway: False
Floodway Panel:

B. Habitat Protection

Staff Analysis

State of Alaska Fish and Game

The land was originally part of the NW1/4 of Section 12, Township 6 South, Range 14 West S.M., Alaska. Bay Ridge Estates HM 75-020 was the first division of this portion of land and created 25 lots. This platting action will replat Lot 22 into two new lots.

Habitat Protection District Status: Is NOT within HPD

Reviewer: Aldridge, Morgan

Comments: No comments

A soils report will be required and an engineer will sign the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on December 12, 2024. 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.

Kachemak Bay Advisory Planning Commission is currently not active.

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

Utility Easements

The plat is proposing a 10' utility easement adjacent to the right-of-way that needs to be shown on the drawing.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

HEA has sent a comment concerning plat note 5 and an underground electric service needing an easement on the plat. The comment is included in the packet. Plat note 5 does not appear to affect this plat as noted by HEA comment, please confirm and correct as needed.

Utility provider review:

HEA	See comment in packet
ENSTAR	No comment or recommendation
ACS	
GCI	

KPB department / agency review:

Address in Desire	
Addressing Review	Reviewer: Leavitt, Rhealyn
	Affected Addresses:
	64609 DIAMOND RIDGE RD
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	DIAMOND RIDGE RD
	DI MIOND NIDGE NO
	Existing Street Name Corrections Needed:
	Existing Street Name Corrections Needed.
	All New Street Names are Approved: No
	All New Officer Names are Approved. No
	List of Approved Street Names:
	List of Approved Street Names.
	List of Street Names Denied:
	List of Street Names Deflied.
	Comments
	Comments:
	64609 DIAMOND RIDGE RD WILL REMAIN WITH LOT 22A
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
LOZMS Review 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 Review	Reviewer: Windsor, Heather
, 1000001119 1 1011011	Comments: No comment
	Comments. No comment

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Add plat notes for any easements not already listed.

Plat note 3 does not appear to be for this property, please remove.

Plat note 4 does not appear to affect this property, but Bk 83 Pg 602 does. Change the note to reflect correct documents as needed.

Add certificate to the surveyors note

Change the date in the Plat Approval to January 13, 2025

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- No structures are permitted within the panhandle portion of the flag lot.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.

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:

Modify the KPB File No to 2024-135

In the legal the filing of the subdivision should be HM75-0020

In the legal description change the NE1/4 to NW1/4

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:

Label Diamond Ridge Rd

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:

Several of the lot labels should have hyphens added.

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.

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:

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.

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EXCEPTIONS REQUESTED:

A. KPB Lots - Dimensions

Surveyor's Discussion:

There is an existing driveway on the property that is planned to be used as shared access. The panhandle portion of Lot 22a would vary in width (36'-72')

Findings:

- 1. The special circumstance is the intent to use the existing D/W to access both lots, the property line will be centered on the D/W
- 2. The exception is necessary for the preservation and enjoyment of a substantial property right. The owner wishes to develop and perhaps market lot 22B
- 3. Grant of the exception will not be detrimental to the public welfare or injurious to other property as this action will result in only 2 lots with no new D/W construction

Staff Discussion:

20.30.190. - Lots—Dimensions.

A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Findings:

4. The flag lot widens as it extends back.

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;

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Findings 1 & 4 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 2 appear to support this standard.
- 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 3 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.

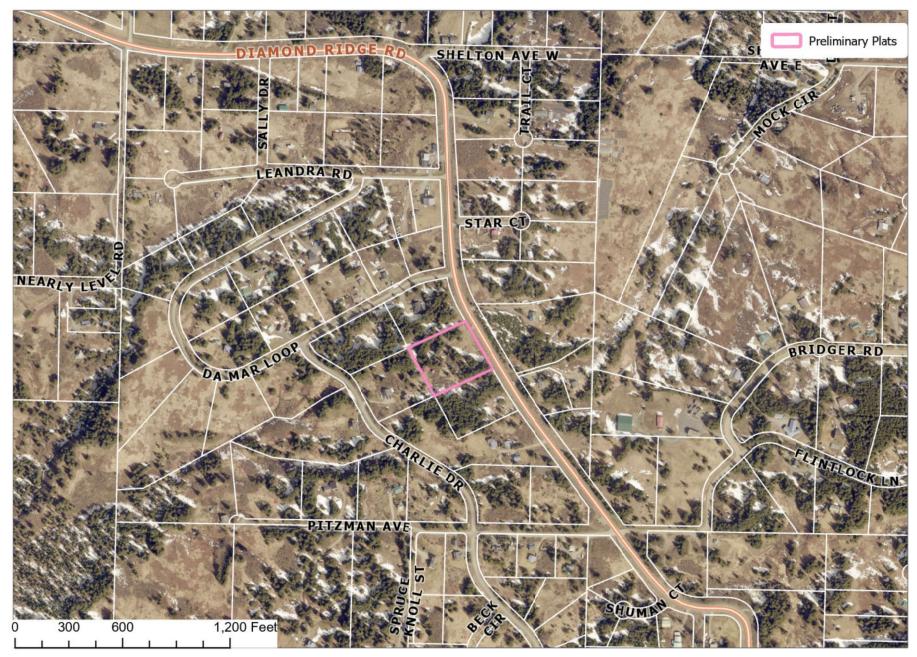
NOTE: 20.25.120. - REVIEW AND APPEAL.

A DECISION OF THE PLAT COMMITTEE 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

Aerial Map





Wetlands





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.





