

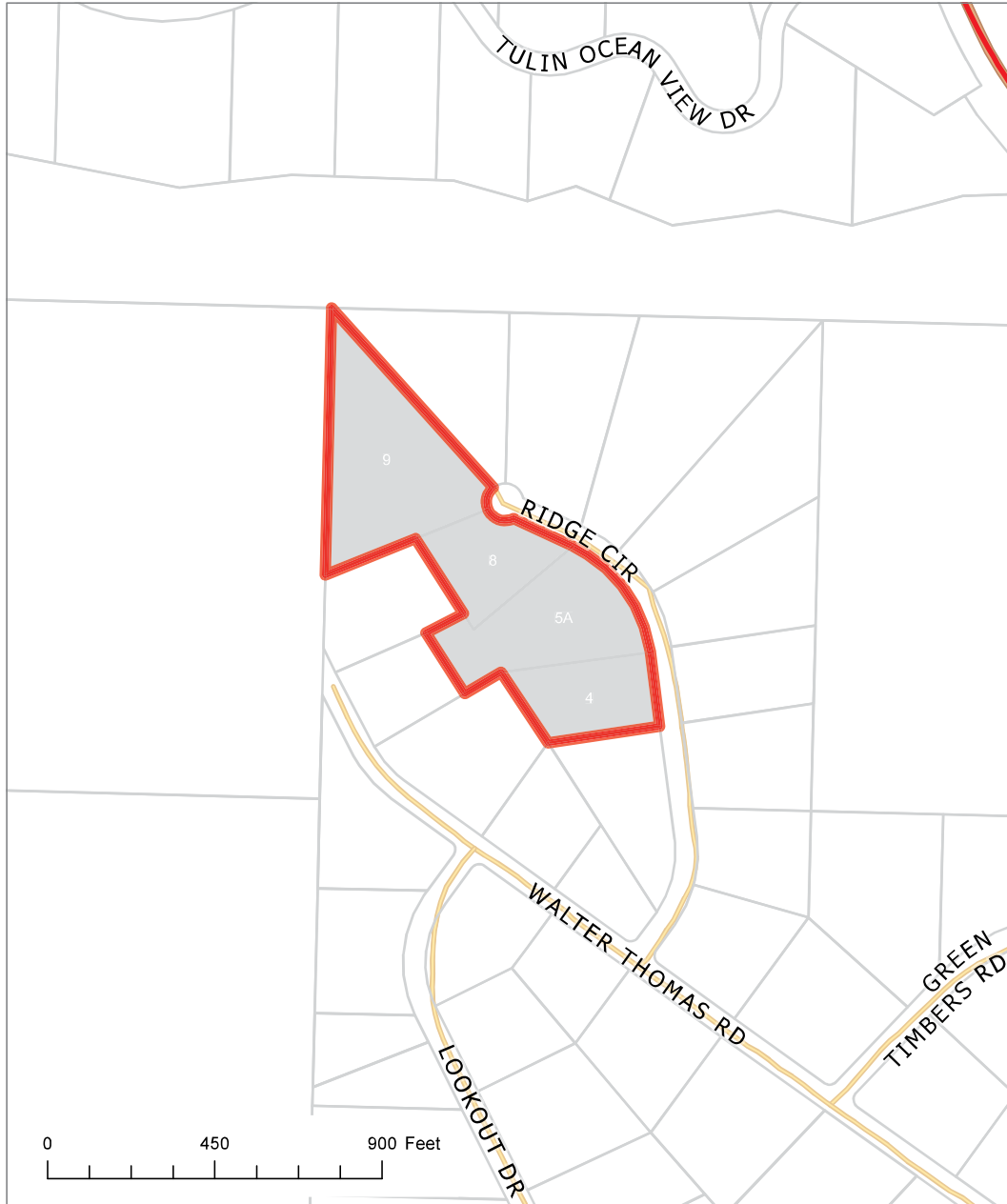
E. NEW BUSINESS

4. Diamond Cape No. 6; KPB File 2022-094

Orion Surveys

Storyknife Writer's Retreat & Dana H. Stabenow Living Trust

Diamond Ridge Area / Kachemak Bay APC



KPB File # 2022-094
S09 T06S R14W
Diamond Ridge



Notes:

1. A building setback of 20' is required from all street rights of way unless a lesser standard is approved by the appropriate Planning Commission.
2. The front 15' of the building setback and the entire setback within 5' of side lot lines is a utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
3. Covenants, conditions and restrictions affecting this subdivision are recorded at Bk. 99 Pg. 12 H.R.D.
4. Covenants, conditions and restrictions affecting this subdivision are recorded as Serial No. 2017-003593-0 and 2021-002648-0, H.R.D.
5. The borough will not enforce private covenants, easements, or deed restrictions per KP.B 20.60.170.
6. An easement that affecting Lot 4-A is recorded at Bk. 102 Pg. 861, H.R.D.
7. An easement for electric and/or telephone utility facilities that may affect this subdivision is recorded at Bk. 25, Pg. 115 H.R.D. No definite location.
8. An easement for driveway purposes affecting Lot 4-A is recorded at Bk. 102, Pg. 861 H.R.D.
9. Acceptance of this plat does not indicate acceptance of any encroachments by the borough.
10. Roads must meet the design and construction standards established by the Borough in order to be certified for inclusion in the Borough Road Maintenance program.
11. No field survey was performed. This plat was prepared from record information on Plats HM2006-62 and HM77-78.

LEGEND

- Primary Monument as noted
 - 1/2" Rebar, 3686-S, 1977
 - 5/8" Rebar with Surv-Kap, 3686-S, 2006
 - Surv-Kap, 7610-S
 - Utility Pole at corner position per HM2006-62
- All monumentation is of record per HM77-78 and HM2006-62

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____.

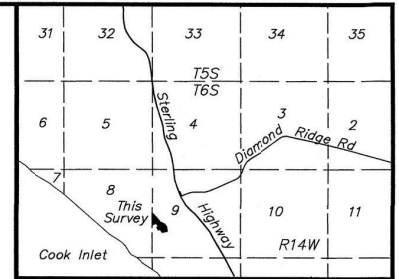
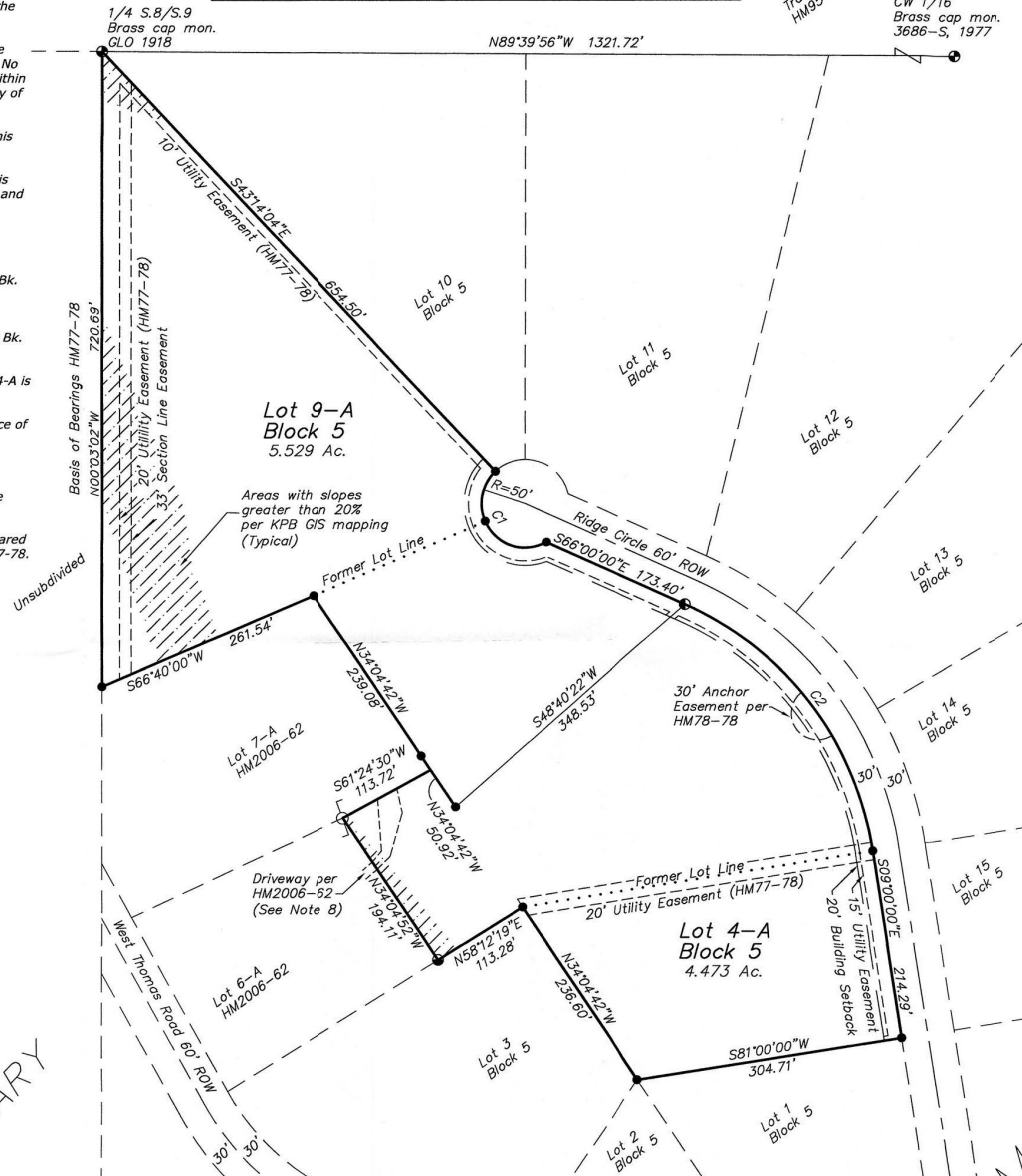
By: _____ Date: _____
Authorized Official
Kenai Peninsula Borough



WASTEWATER CERTIFICATE:

The parent subdivision for lots resulting from this platting action were approved by the Kenai Peninsula Borough on August 29, 1977 and September 25, 2006. Wastewater treatment and disposal systems must meet the regulatory requirements of the Department of Environmental Conservation.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	144.77'	99.24'	S36°11'02"E	165°53'33"
C2	370.00'	368.09'	353.10'	N37°30'00"W	57°00'00"



VICINITY MAP 1" = 1 Mile

Ownership Certificate:

We hereby certify that we are the owners of the real property shown and described hereon and 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.

By Dana H. Stabenow, Trustee
Dana H. Stabenow Living Trust
PO Box 233
Homer, AK 99603

Notary's Acknowledgement:

For _____
Acknowledged before me this _____ day
of _____, 20____.

Notary Public for Alaska
My commission expires: _____

By Erin Hollowell
For The Storyknife Writer's Retreat
PO Box 233
Homer, AK 99603

Notary's Acknowledgement:

For _____
Acknowledged before me this _____ day
of _____, 20____.

Notary Public for Alaska
My commission expires: _____



Diamond Cape No. 6

A replat of Lots 4, 8, and 9, Block 5
Diamond Cape Unit 1, HM77-78 and
Lot 5-A Diamond Cape No. 5, HM2006-62
Within NW1/4 SW1/4 Section 9, T6S., R14W., SM,
Kenai Peninsula Borough,
Homer Recording District,
Third Judicial District, Alaska
Containing 10.002 Acres more or less.

Prepared for:
The Storyknife Writer's Retreat
PO Box 233
Homer, AK 99603
Dana H. Stabenow Living Trust
PO Box 233
Homer, AK 99603

Prepared by:
Orion Surveys
PO Box 15025
36570 Maria Road
Fritz Creek, AK 99603
(907) 399-7028
tom@orionsurveys.com

Scale: 1"=100'

Date: 2/15/2022

FB: NA Job# 947

KPB File No. 2022-

KPB 2022-094

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - DIAMOND CAPE NO 6

KPB File No.	2022-094
Plat Committee Meeting:	July 18, 2022
Applicant / Owner:	Storyknife Writer's Retreat and Dana H. Stabenow Living Trust all of Homer, AK
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Ridge Circle, Diamond Ridge / Kachemak Bay APC

Parent Parcel No.:	173-630-19, 173-630-20, 173-630-22, and 173-630-60
Legal Description:	Lot 4, 8, and 9 Block 5 Diamond Cape Unit 1 HM 77-78 and Lot 5-A Diamond Cape No 5 HM 2006-62
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine four lots into two lots by removing two common lot lines. The new lots will be 4.473 and 5.529 acres.

Location and Legal Access (existing and proposed): The proposed plat is near mile 168 of the Sterling Highway in the Diamond Ridge area. It is located along and at the end of Ridge Circle, a borough maintained right-of-way that ends with a cul-de-sac. Ridge Circle is accessed from the Sterling Highway by either Green Timbers Road or Walter Thomas Road, both are borough maintained rights-of-way.

Access for the new lots will not change from the existing access from Ridge Circle. A 33 foot section line easement is located on the western boundary of the subdivision and is depicted and labeled. **Staff recommends the leader for the Section Line Easement be revised or the label adjusted as it is difficult to see due to the slope depiction.**

There is a driveway easement noted in the plat notes. This is for a driveway that is located in the western portion of proposed Lot 4-A. It is depicted with a reference to the appropriate plat note.

Ridge Circle is a cul-de-sac that exceeds the 1,000 foot length requirement as set out in KPB Code. The cul-de-sac is approximately 1,500 feet in length. The right-of-way was dedicated by Diamond Cape Unit 2, Plat HM 77-78. **Staff recommends the plat committee concur that there is nothing this plat can do to bring the cul-de-sac length into compliance with current KPB Code.**

The block is not compliant and an exception has been requested.

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

Site Investigation: There are no low wet areas within the proposed plat's area. Steep slopes are present and are shaded on the plat. Some of the steep slopes are present within the section line easement and may affect the ability to use the easement. **Staff recommends the steep slopes depiction remain on the final plat.**

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy
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	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 The property within this proposed plat was originally subdivided by Diamond Cape Unit 1, HM 77-78. The subdivision created Lots 4, 5, 8, and 9 Block 5 and dedicated Ridge Circle. Diamond Cape No Five, HM 2006-62, replated Lot 5 with lots to the west and created Lot 5A. This plat will be combining Lot 5-A, HM 2006-62, and Lot 4, HM 77-78, into Lot 4-A that will be 4.473 acres. Lots 8 and 9, HM 77-78, will be combined into Lot 9-A that will be 5.529 acres.

The lots will be increasing in size and were previously approved by the Kenai Peninsula Borough. A soils report will not be required as outlined in KPB Code 20.40.

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.

Kachemak Bay 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 Diamond Cape Unit 1, HM 77-78, granted a 10 foot utility easement along the eastern lot line and a 20 foot utility easement along the western property line of Lot 9. Both of those easements are depicted within the new Lot 9-A and the plat is referenced. That plat also granted a 30 foot anchor easement along Ridge Circle within Lot 5 and a 20 foot utility easement centered on the shared lot line between Lots 4 and 5. Those easements were carried over onto Diamond Cape No. Five, HM 2006-62. They are being shown on the plat with reference to the granting plat. **Staff recommends** correct the recording number for the plat for the anchor easement label.

Diamond Cape No. Five, HM 2006-62, also granted 10 foot utility easements along the right-of-way. This plat is going to be granting 15 feet along the right-of-way that increase to 20 feet within 5 feet of the side lot lines. This will be increasing the existing portions from 10 to 15 and provide a utility easement in those portions along Ridge Circle that did not previously have an easement granted.

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 recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 41595 RIDGE CIR 41625 RIDGE CIR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: RIDGE CIR</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: 41595 RIDGE CIR will remain with lot 5-A. 41625 RIDGE CIR will remain with lot 4-A.</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: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	<p>Comments not received when the staff report was prepared.</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.*

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: *Verify the PO Box for Storyknife Writer's Retreat, KPB Assessing records differ from what is shown on the plat. Add "Block 5" to Lot 5-A information.*

- 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: *Correct Lot 2 Block 5 located to the south to Lot 2-A Block 5 and plat HM99-69 and West Thomas Road should be labeled as Walter Thomas Road. Label and depict the section line easements adjacent and providing a connection to Walter Thomas Road.*

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: The lots are increasing in size and a soils analysis 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.*

- *Add a plat note for any exceptions granted.*

Plat note 10 may be removed as no new right-of-way dedications are proposed.

It appears that plat note 6 and 8 are for the same easement. Please remove one of the notes.

Plat note 7 should include a reference to Book 49 Page 319 as this was an additional HEA easement.

Add reference to Plat Note 11 to KPB Code 20.60.200(A), which allows no field survey for this plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Add to the signature lines to which former lots they are signing on behalf of. Verify the PO Box for the Storyknife Writer's Retreat. Include Erin Hollowell's title for the Storyknife Writer's Retreat. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *This plat is removing lot lines and a field survey will not be required. Comply with 20.60.200*

EXCEPTIONS REQUESTED:

KPB 20.30.170 – Blocks-Length requirements

Surveyor's Discussion: We request an exception to KPB 20.30.170 Block Length, as Ridge Circle is just over the code minimum at ~1,420'. All lots on the west side of Ridge Circle, where these lots are located, are well served by the existing ROW and West Thomas Road also provides access to lots west of here. The block appears well served and no additional ROW is needed.

Staff Discussion: A cul-de-sac, by KPB Code definitions, is to be permanently closed. Walter Thomas Road, that is located to the south, continues to the northwest and ends at a 40 acre parcel. If that property is ever subdivided it can provide a continuation of the right-of-way. To the west of that 40 acre property our lots with steep terrain that go down to the coast of Cook Inlet. There are some section line easements in the area to improve the block lengths but due to unusual road designs, cul-de-sacs, and roads that are not dedicated through at this time, the block lengths are not compliant.

Findings:

1. The proposed subdivision is located at the end of a cul-de-sac.
2. Cul-de-sacs are to be permanently closed.
3. A section line easement is present along the western boundary.
4. Steep terrain with slopes greater than 20 percent are located in the section line easement area.
5. Roads within the subdivision and leading to the subdivision are constructed and borough maintained.
6. There are some larger acreage lots in the area that will need to provide right-of-way continuations when subdivided.
7. There are areas of steep terrain that make connections to other rights-of-way difficult.

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 1-7 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 1-7 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 1-7 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:

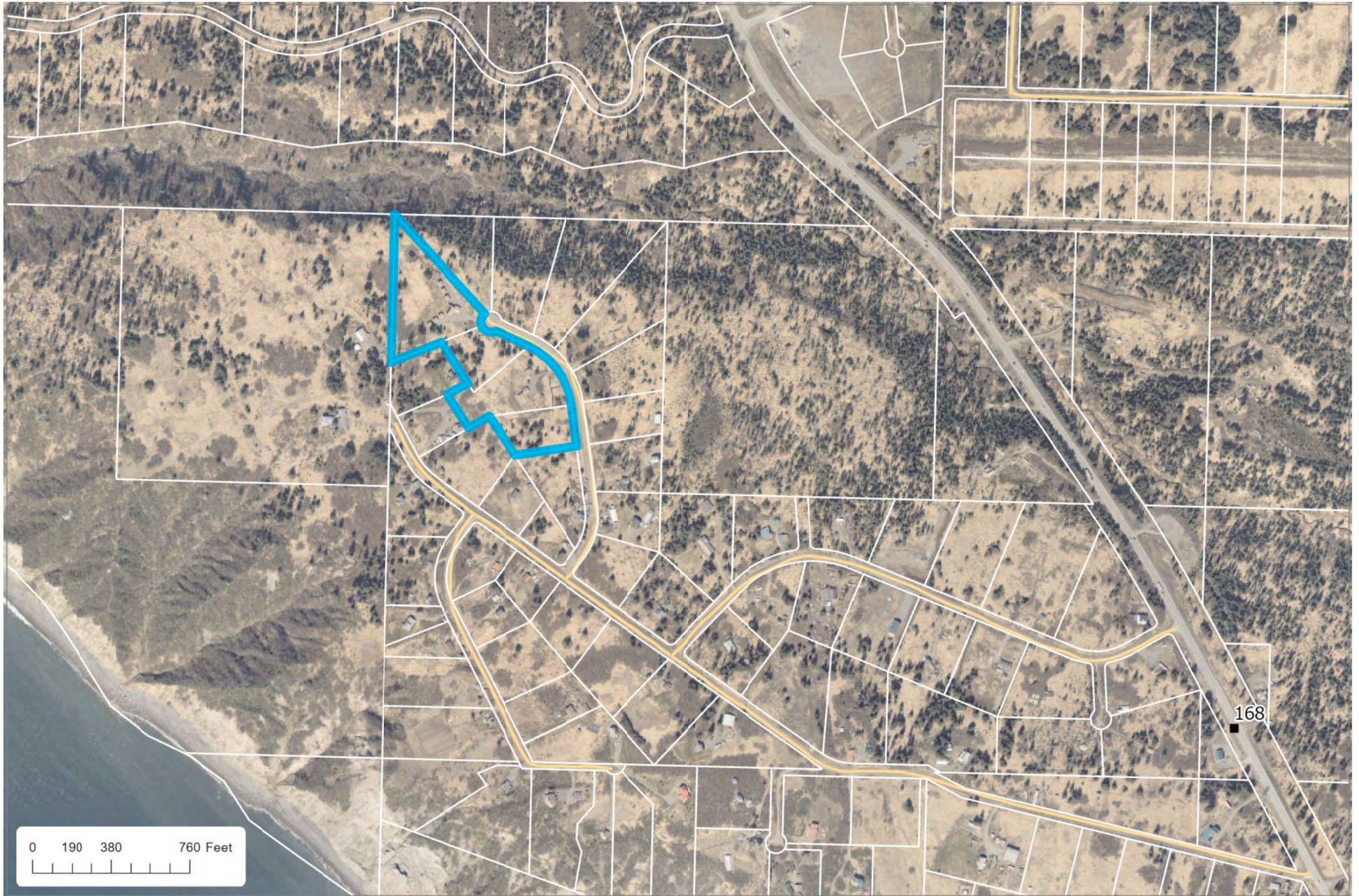
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

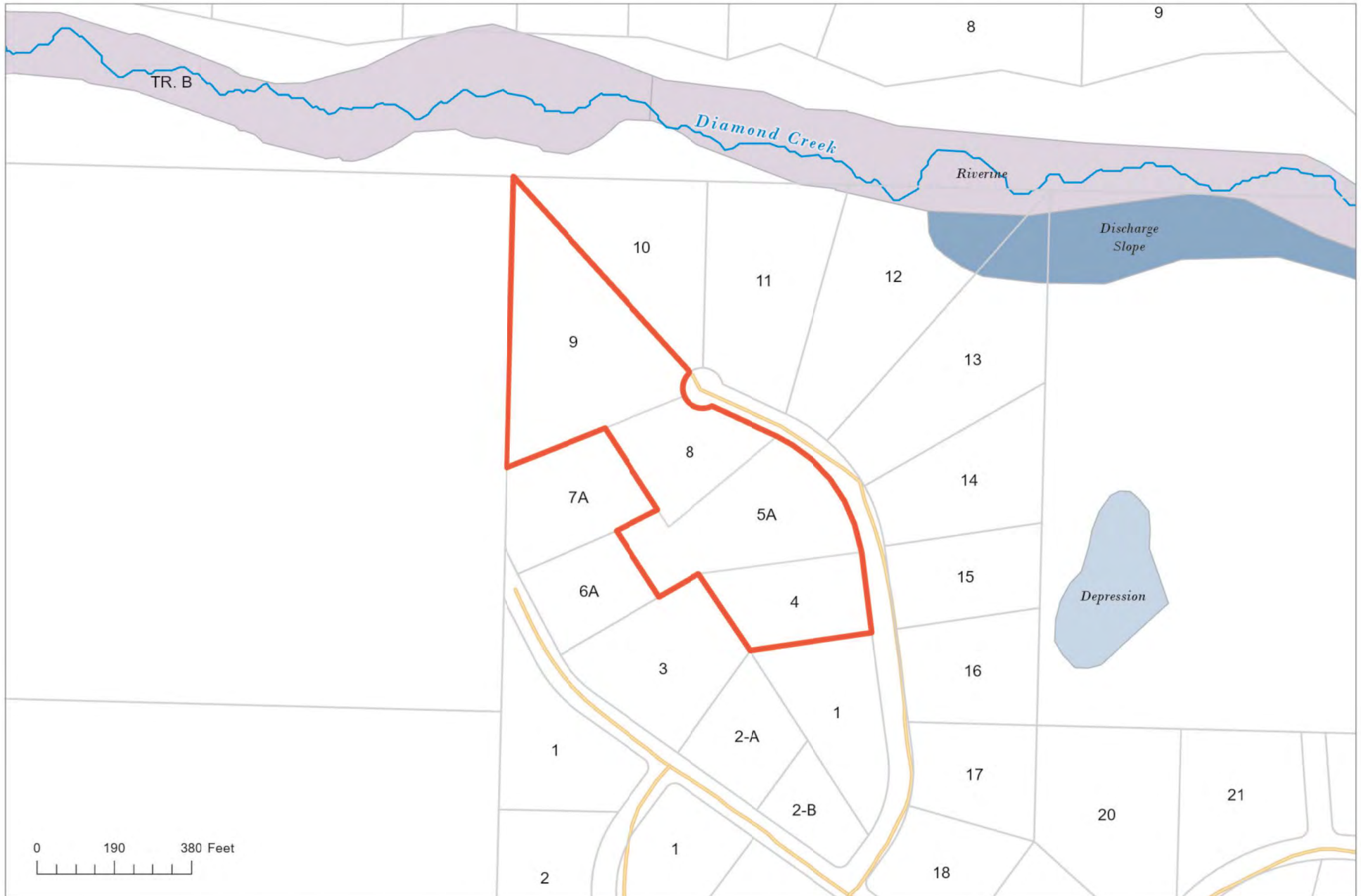
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

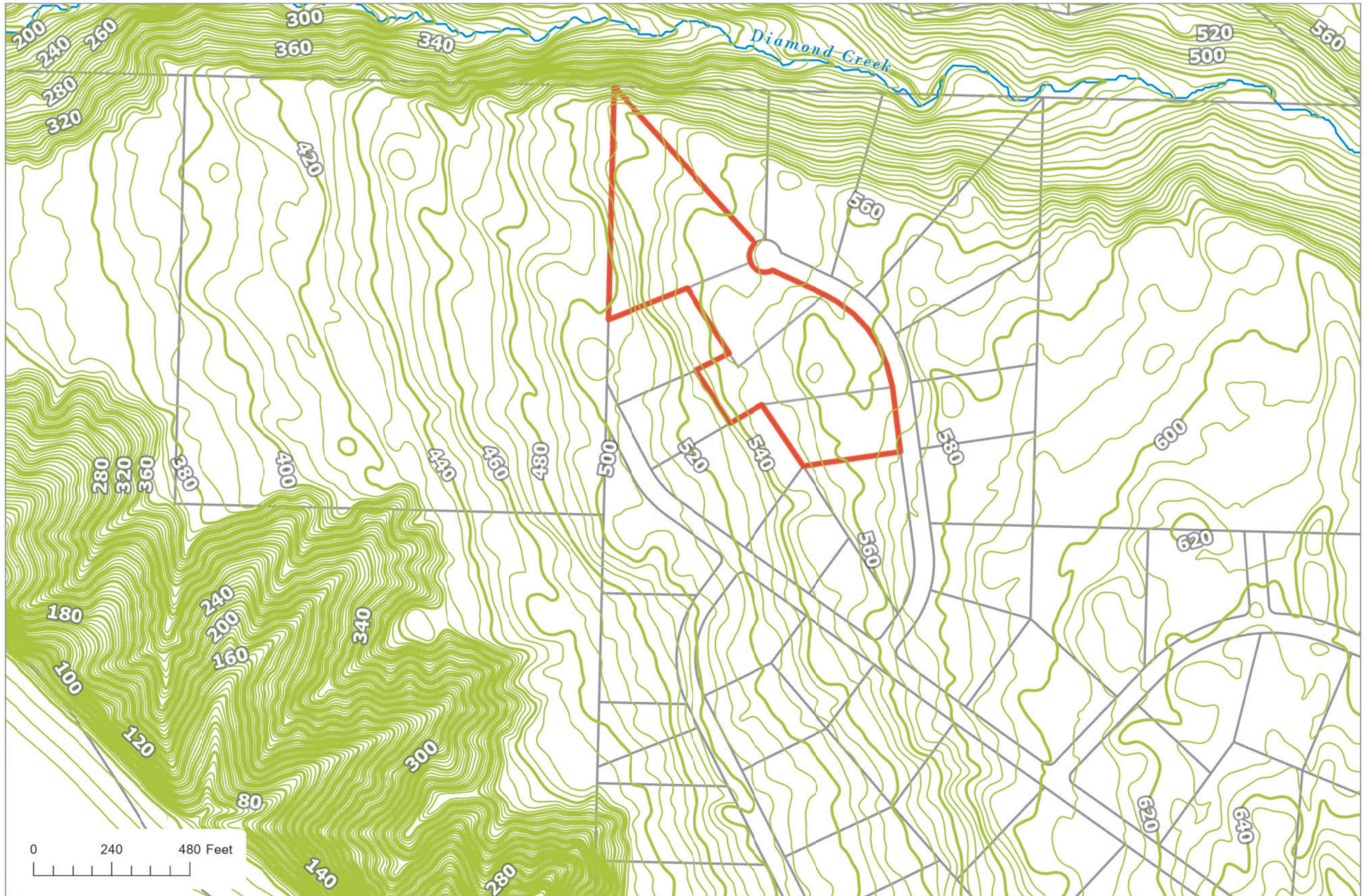


0 190 380 760 Feet

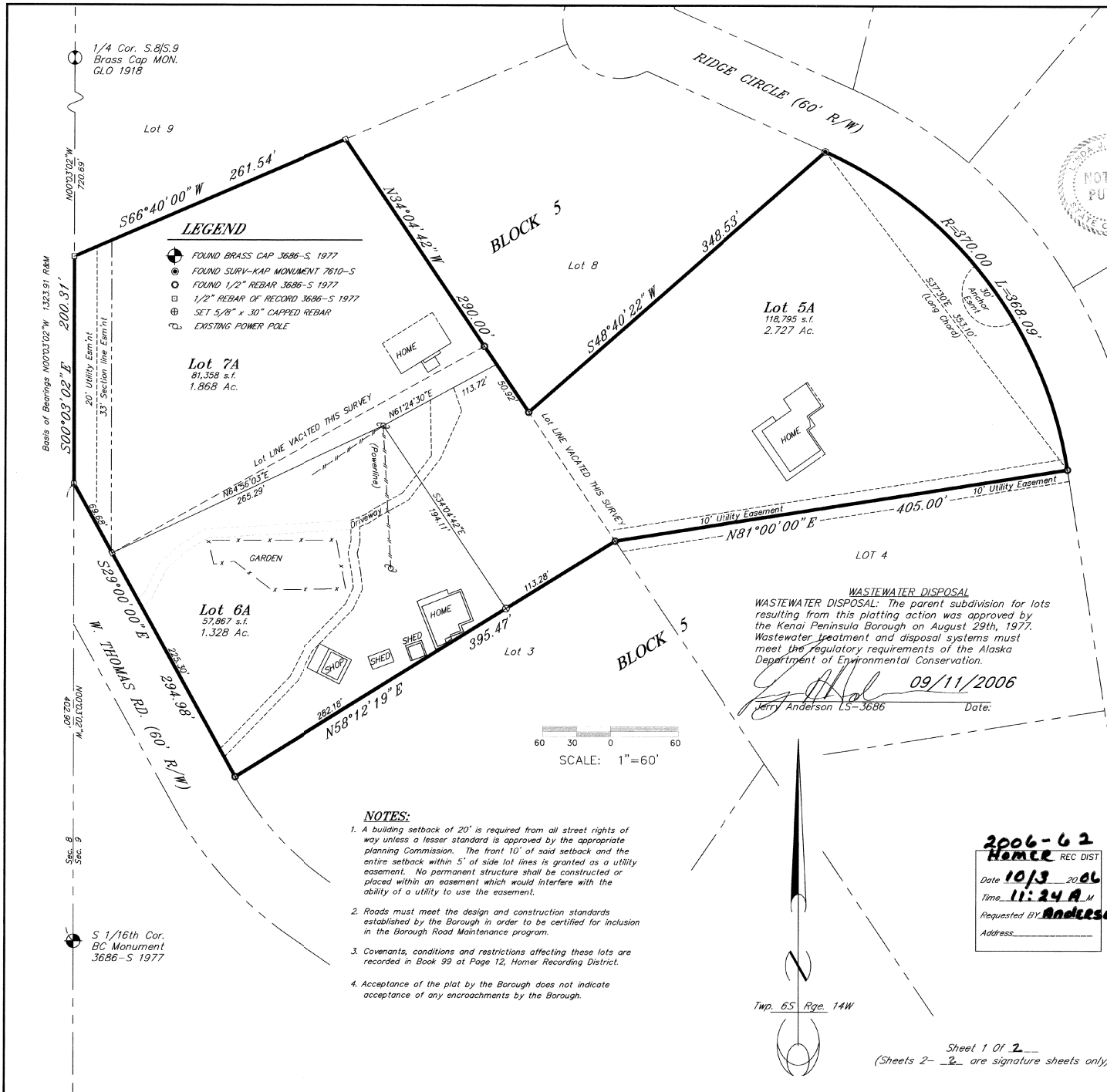
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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CERTIFICATE OF OWNERSHIP

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 free consent dedicate all rights of way and public areas to public use, and grant all easements to the use shown. (Lots 5 & 6)

Dana Stabenow
P.O. Box 483
Homer Alaska 99603

NOTARY'S ACKNOWLEDGMENT

For Dana Stabenow
Subscribed and sworn to before me this 20th day of October 2006

[Signature]
Notary Public for Alaska My Commission Expires:

SURVEYORS' CERTIFICATE

I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.

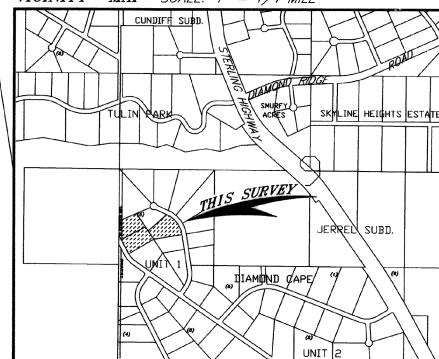
[Signature] 09/11/2006
Date

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of September 25th 2006

KENAI PENINSULA BOROUGH
BY: *[Signature]*
Authorized Official

VICINITY MAP SCALE: 1" = 1/4 MILE



DATE JULY 2006

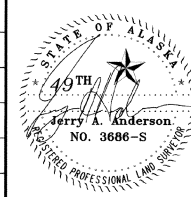
SCALE 1" = 60'

GRID No. AR-68

FLD. BK. No. 310/79

KPB FILE No. 2006-180

JOB No. 2068/1



"DIAMOND CAPE No. FIVE"

A REPLAT OF LOTS 5, 6, & 7, BLOCK 5, ACCORDING TO PLAT HM77-78 WITHIN THE NW1/4 OF THE SW1/4 OF Sec. 9, Twp. 6S, Rge. 14W S.M. ALASKA CONTAINING 5.929 ACRES AND THREE LOTS

ANDERSON
DEVELOPMENT
CONSULTANTS

SURVEYORS-PLANNERS-DESIGNERS
JERRY ANDERSON PLS
1-800-961-6231
P.O. BOX 18
DORA MO 65637

ANDERSON DEVELOPMENT CONSULTANTS

JERRY A. ANDERSON PLS

P.O. BOX 18

DORA MO 65637

(417) 261-2734

DIAMOND CAPE No. FIVE

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the real property shown and described hereon. I hereby adopt this plan of subdivision, and by my free consent dedicate all rights of way and public areas to public use and grant all easements to the uses shown. (Lot 7)

Lucy C. McKinney

Lucy Carolyn McKinney

P.O. Box 1048

Homer, Alaska 99603

9-21-06

Date

THIS IS TO CERTIFY that on this 21st day of Sept., 2006, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Lucy Carolyn McKinney, known to be the individual described in and who executed the foregoing instrument, and she acknowledged to me that s/he signed and sealed the same freely and voluntarily for the purposes therein described.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first hereinabove written.

Carol R. Barrett

Notary Public for Alaska

My Commission Expires: May 27, 2009

Sheet 2 of 2



Anderson 2006-62

1. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING REGULATORY LAW AT THE TIME OF CONSTRUCTION.
2. A 20' MINIMUM SETBACK LINE EXISTS ALONG ALL RIGHTS OF WAY.
3. THE STATE OF ALABAMA RESUMES ALL WASTEWATER DISPOSAL SYSTEMS TO BE LOCATED A MINIMUM OF 10' FROM ANY WATER SOURCE.
4. ALL RIGHTS OF WAY RETURNS ARE 25' RADII.
5. 12"x24" REBAR SET AT ALL LITE CORNERS.
6. REBAR OR BEARING IS TO BE ONE WARPING SPACING (S) BETWEEN UC & SS MEMBER FACT RATE 2 IN UC & 3 IN SS OR EQUAL AND WAS CARVED TO THIS SPECIFY THROUGH PROTECTIVE CURBS IN THE AREA.

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN. I HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES AND ROADWAYS, DEDICATED BY ME FOR PUBLIC USE.

JOSEPH T. FROST
1394 NE 140
SEATTLE WASHINGTON
98120

Dora L. Lipe *Joseph T. Lipe*
 JAMES HENRY HENNING, Clerk of Court, at JAMES HENNING
 THE CITY OF
 COUNTY OF
 STATE OF

NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN BEFORE ME THIS 26 DAY OF JULY 1971
 I, James M. Ekin Notary Public for Washington
 MY COMMISSION EXPIRES July 27th, 73

SURVEYOR'S CERTIFICATE
I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT A
LAND SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN
LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN ARE
TRUE AND CORRECT.

PLAT APPROVAL
THIS PLAT HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH
PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE
MEETING OF August 29, 1977 IS HEREBY ACKNOWLEDGED AND
ACCEPTED AS THE OFFICIAL PLAT SUBJECT TO ANY AND ALL CONDITIONS
AND REQUIREMENTS OF ORDINANCES APPERTAINING THERETO
KENAI PENINSULA BOROUGH
Phyllis Warner
BY

DATE:	JULY, 1977
SCALE:	1" = 100'
DESIGNED BY:	SW
CHECKED BY:	J.A.
DRAWN BY:	J.H.

FLD BK NO. 32828
DIAMOND CAPE UNIT

CONTAINS 70 Pgs. 600000

ABILITY SURVEYS

JERRY ANDERSON, WLS BOB TIGGS HOMER, AK

77-78
Tanner
11-16-77
4-23-78
MID
Jalston

DIAMOND CASE UNIT 2

LEGEND

● SET B.C. MCH

○ END-GLD B.C. MCH. FELD