E. NEW BUSINESS

6. Whitcomb Subdivision Addition Number 7; KPB File 2025-068 Edge Survey & Design / Donchi, Scribner Location: James Street off Funny River Road Funny River Area / Funny River APC



Planning

Vicinity Map

5/2/2025



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



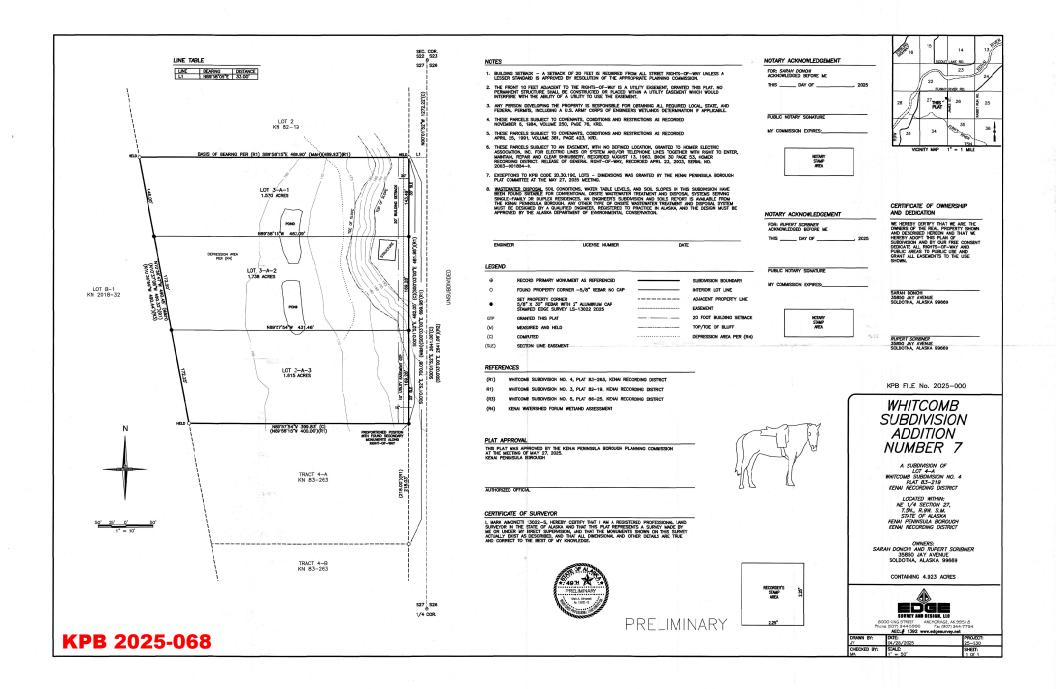
Aerial Map



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AGENDA ITEM E. NEW BUSINESS

ITEM #6 - PRELIMINARY PLAT WHITCOMB SUBDIVISION ADDITION NUMBER 7

KPB File No.	2025-068
Plat Committee Meeting:	May 27, 2025
Applicant / Owner:	Sarah Donchi and Rupert Scribner of Funny River, Alaska
Surveyor:	Jason Young / Edge Survey and Design
General Location:	Funny River Area
Parent Parcel No.:	066-460-13
Legal Description:	T 5N R 9W SEC 27 SEWARD MERIDIAN KN 0830263 WHITCOMB SUB ADDN NO 4 LOT 3-A
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite / Onsite
Exception Request	20.30.190- Lots-Dimensions

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.92-acre lot into three lots ranging in size from 1.57-acres to 1.74-acres.

Location and Legal Access (existing and proposed):

The proposed plat is located along James Street, south of Funny River Road at milepost 13. James St is a 66-foot dedicated right-of-way with an installed road, maintained by the Borough. James Street gives access to all three lots of the subdivision.

The plat is not dedicating any new right-of-way nor is it vacating any. *Staff recommends* the surveyor label James St and the right-of-way on the east side of the plat.

There is a section line easement on the east side of the plat as noted in the Certificate to Plat. *Staff recommends* the surveyor verify the easement and show it on the drawing in James St.

Block length is not compliant along this plat. To create proper road placement for block division, a road should be located at the north end of the plat. Due to steep terrain in this location a road is not feasible. There are also wetlands on the backside of the entire plat also making for unhospitable location for a road to go into. *Staff recommends* the Plat Committee concur an exception to KPB 20.30.170 Block -length requirements is not needed due the circumstances noted.

KPB Roads Dept RSA review	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil Comments: RSA has no objection at this time.
SOA DOT comments	No comments

Site Investigation:

There is a building located on the plat, that when complete will be located on Lot 3-A-2. The Code Compliance Officer has noted that the house appears to be close to and possibly in the 20' building setback line. Per KPB Assessing information the house looks to have been built in 1982. Whitcomb Subdivision Addition No 3 KN 82-19 which created the 20' setback, did not show the house or note it at the time of platting. The structure identified on

the drawing do not look to be the same shape as the structure shown on KPB GIS data. KPB GIS aerial photo data shows two box shaped structures attached together with one being near the property line. *Staff recommends* the surveyor verify the location of the structures and the location to the front property line and inform staff if there is an issue with the structure into the building setback line. If an issue is found a Building Setback Encroachment Permit Application will need to be applied for to resolve the issue of the setback.

There are steep areas on the plat with the top and toe of slopes shown on the drawing near the east side near the road. Staff recommends the contours be removed but the top and toe of slope to remain of the finals plat.

The KWF Wetlands Assessment has identified an area of Depression classification as shown on the plat. The line notating the Depression area needs to be extended to the south line. The proper permitting note is on the plat.

The River Center review has identified the plat to be located in FEMA designated non-regulated flood zone Aunshaded requiring no depiction on the drawing. The Flood Hazard Notice as listed in KPB 20.30.280.D needs to be added to the plat notes and include the FIRM Panel and zone designation.

The plat is not in a habitat protection district.

KPB River Center review	A. Floodplain
	Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: This is within a non-regulatory flood zone. X - Unshaded is an area of minimal of flood hazard. No depiction is required but plat note should be present.
	Flood Zone: X (unshaded) Map Panel: 02122C-0955F In Floodway: False Floodway Panel:
	B. Habitat Protection
	Reviewer: Aldridge, Morgan
	Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	No Response

Staff Analysis

The subdivision was originally part of the NE1/4 of Section 27, Township 5 North, Range 9 West, S.M. Alaska. Whitcomb Subdivision Addition No. 3 KN 82-19 first subdivided the land into 6 lots and 2 tracts. Whitcomb Subdivision Addition No. 4 KN 83-263 resubdivided Tract B and Lots 3 & 4 of KN82-19 into the current layout for Lot 3-A. the current platting action is subdividing Lot 3-A into three new lots.

The surveyor has requested an exception to KPB 20.30.190 Lot Dimensions to be reviewed later in the staff report.

A soils report will be required and an engineer will sign the final plat as the new lots are all below 200,000 sq ft. and the parent plat did not have a soils report on file.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Funny River Advisory Planning Commission minutes were not available when the staff report was prepared on May 15, 2025 (KPB 21.02.020). Meeting notes will be provided with the desk packet if available but not necessarily addressed in the staff report.

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

Utility Easements

The parent plat Whitcomb Subdivision Addition No. 3 KN 82-19 dedicated a 20' Utility easement which was carried forward to Whitcomb Subdivision Addition No. 4 KN 83-263. The new plat needs to carry forward the 20' utility easement which is currently being shown as a 10' utility easement. *Staff recommends* the change as noted.

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.

Utility provider review:

HEA	No Comment
ENSTAR	No Comments or Recommendations
ACS	No response
GCI	Approved as Shown

KPB department / agency review:

Addressing Review	Reviewer: Leavitt, Rhealyn Affected Addresses: 35701 JAMES ST Existing Street Names are Correct: Yes List of Correct Street Names: JAMES ST
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments: 35701 JAMES ST WILL REMAIN WITH LOT 3A2.
Code Compliance	Reviewer: Ogren, Eric Comments: It appears the Structures on the parcel are with in the 20ft building set back and would need an approval of a PC resolution to allow this. to continue.
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

	Comments: No comment
Advisory Planning Commission	Unavailable

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Plat note 6 list easements in Homer Recording District Vol 30 Page 53 is unreadable, Inst 2003-001884-0 is in Sec 14, T4S, R15W release Vol 30 Page 53, this does not appear to affect this plat and can be removed.

PLAT NOTES TO ADD

- 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 to 2025-068 Change Lot 4-A in the legal description to 3-A Parent plat filing is KN 83-263

C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff recommendation:

Add the road name of James St and right-of-way width on the road. Verify and add the section line easement as per CTP #6, in James St.

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:

Add the name of James St and 66' ROW to the drawing

Parent Plat Whitcomb Subdivision Addition No. # KN82-19 granted a 20' Utility Easement that was carried forward to KN 83-263 and needs to be carried forward to this plat.

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:

Parcel to the west needs corrected to Lot <u>1B</u> Parcels to the south need corrected to <u>Lots</u> rather than tracts Parcel to the north needs <u>Block 1</u> added to the lot label. H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read; *Staff recommendation:*

Line for the limits of the Depression area needs to be continued across plat to the south

N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

Staff recommendation:

House close to setback and different shape than in aerial photos, need confirmation of location from surveyor.

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.

EXCEPTIONS REQUESTED:

A. KPB 20.30.190 Lot Dimensions

<u>Surveyor's Discussion:</u> Request for exception to KPB code 20.30.190 – Lot Dimensions

The Surveyor/Applicant has submitted the following proposed Findings in support of the exception request.

- 1. Only proposed Lot 3-A-1 requires an exception to KPB 20.30.190; Lots 3-4-2 and 3-A-3 meet all applicable lot dimension requirements.
- 2. KPB Code 20.30.190 establishes a maximum length to width ratio of 3:1. Proposed Lot 3-A-1 has a length to width ratio of 3.4:1, exceeding the standard by 19.8 feet in width.
- 3. The exception is minor in nature, representing a small deviation from the code, and does not substantially alter the intended character of the subdivision.
- 4. An existing structure located on proposed Lot 3-A-2, 148.5 feet from the north boundary, limits flexibility in lot design and contributes to the hardship in meeting dimensional requirements.
- 5. Strict application of the lot dimensions standard would require significant and unnecessary alterations to the existing parcel layout, potentially impacting existing structures and infrastructure.
- 6. Proposed Lot 3-A-1 meets or exceeds all other applicable subdivision standards, including minimum lot area and access requirements.
- 7. Granting the exception will allow for a more practical subdivision layout while preserving the orderly development of the area.
- 8. The proposed subdivision is compatible with surrounding development and existing parcel patterns within the vicinity.

- 9. Granting the requested exception will not be detrimental to public health, safety, or welfare and will not adversely impact adjoining properties or future development potential.
- 10. Approval of the exception is consistent with the purposes of Title 20 and the broader goals of the Kenai Peninsula Borough Comprehensive Plan, which encourages flexibly in subdivision design where appropriate.

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.

Staff reviewed the exception request and recommends granting approval

Staff recommends the Committee (or Commission, as applicable) 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 KPB Title 20, the Committee may authorize exceptions to any of the requirements set forth in KPB Title 20. A request for an exception shall be in writing and presented to the 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 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 **Findings 3 - 6** 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 4, 5, 7 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 8-10 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: KPB 20.25.120. - REVIEW AND APPEAL.

IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.

A DECISION OF THE PLAT 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





Aerial Map



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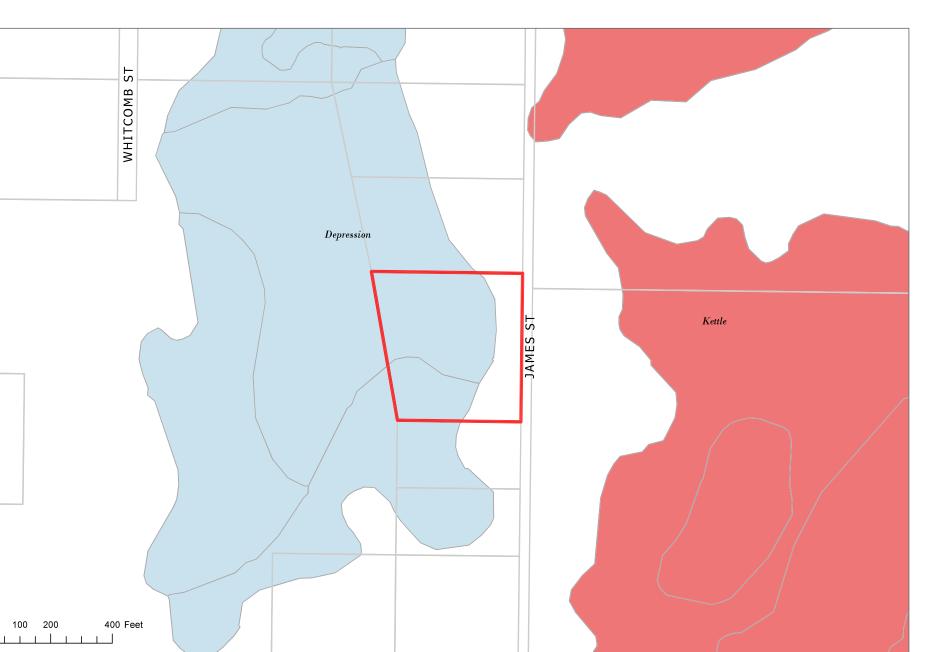


Wetlands

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KPB File 2025-068

5/2/2025



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