

## **E. NEW BUSINESS**

### **6. Wales Subdivision; KPB File 2022-061**

**Geovera LLC / Shenyer**

**Location: Shegota Loop, Tim Ave., Inlet Ave., Pleasant  
Spruce Rd. & Sterling Hwy.**

**Happy Valley Area**



Vicinity Map

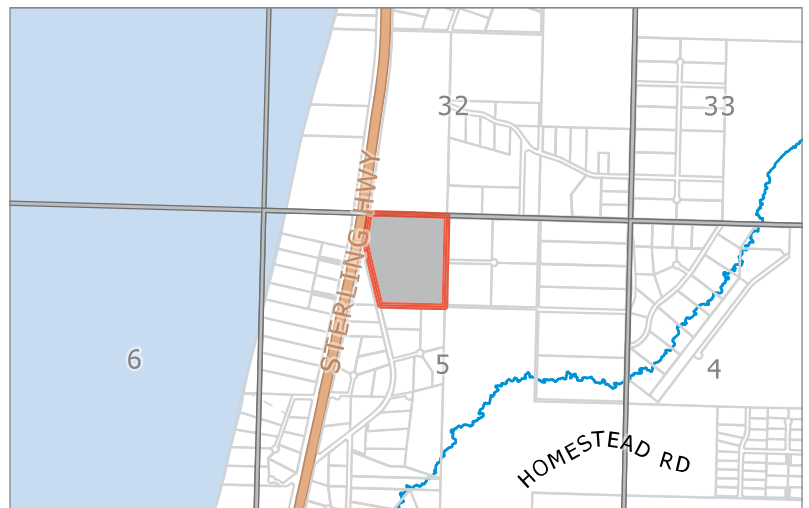
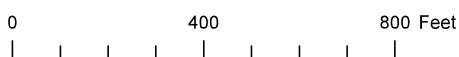


KPB File # 2022-061

S05-T03S-R14W

Happy Valley

4/29/2022









# NOTES

1. BASIS OF BEARING IS FROM THE PLAT OF COASTAL MEADOWS (HM 97-66).
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. A BUILDING 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.
4. THE FRONT 10 FEET ADJOINING RIGHTS-OF-WAY AS WELL AS 20 FEET WITHIN 5 FEET OF SIDE LOT LINES SHALL BE DESIGNATED AS A UTILITY EASEMENT.
5. 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.
6. 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.
7. ACCEPTANCE OF THE PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCROACHMENTS.
8. THESE LOTS ARE AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION (BK17, PO 9 HRD).

## 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:

THE SHELLBACK COURT RIGHT-OF-WAY.

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

## WASTEWATER DISPOSAL

TRACT A

THIS LOT IS AT LEAST 200,000 SQUARE FEET IN SIZE 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.

LOTS 1-10

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES ON THESE LOTS WITHIN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER \_\_\_\_\_ LICENSE # \_\_\_\_\_ DATE \_\_\_\_\_

## LEGEND

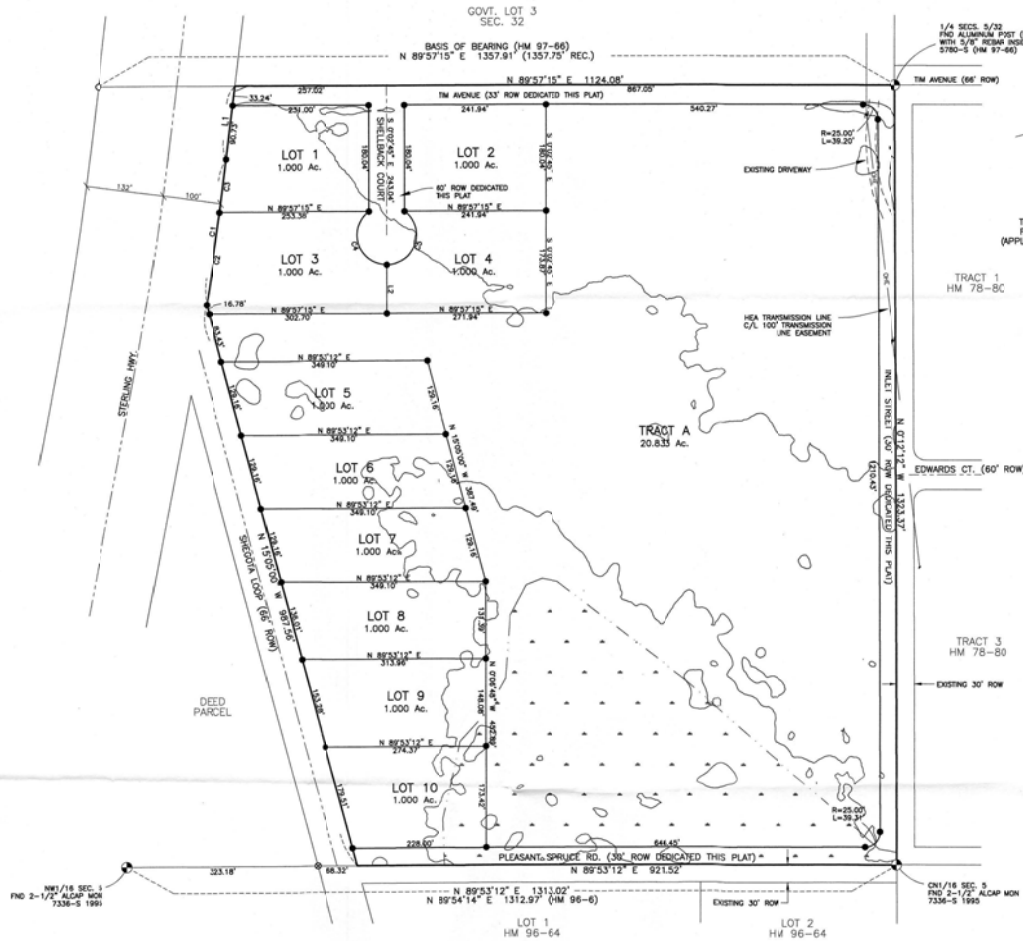
- INDICATES PRIMARY MONUMENT (AS SHOWN) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP (5780-S 1997) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7534-S, 2022) SET THIS SURVEY
- INDICATES 5/8" REBAR PER HM 96-6 RECOVERED THIS SURVEY
- INDICATES POTENTIAL LOW WET AREAS PER KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING

## LINE TABLE

LINE	BEARING	DISTANCE
L1	N 64°22' E	123.97
L2	N 92°55' W	83.97

## CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	247.30°	2836.00	250.14'	N 89°24' E	280.12'
C2	247.30°	2836.00	250.14'	N 89°24' E	280.12'
C3	247.30°	2836.00	250.14'	N 89°24' E	280.12'
C4	247.30°	2836.00	250.14'	N 89°24' E	280.12'



## CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, 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 HEREON.

CHARLES D. SHENYER  
PO BOX 543  
PATEROS, WA 98846

## NOTARY'S ACKNOWLEDGMENT

FOR CHARLES D. SHENYER  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2022

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

## PLAT APPROVAL

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH



HOMER RECORDING DISTRICT KPB FILE No. 2022-???

## WALES SUBDIVISION

THE SUBDIVISION OF THE NE1/4 NW1/4 SECTION 5 LYING EAST OF THE STERLING HIGHWAY AND SHEGOTS LOOP

LOCATED WITHIN SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 32.712 ACRES

OWNER: CHARLES D. SHENYER  
PO BOX 543, PATEROS, WA 98846

## GEOVERA, LLC

PO BOX 3235  
HOMER ALASKA 99603  
(907) 399-4345  
EMAIL: scsmith@gci.net

DRAWN BY: SCS APRIL 2022 SCALE: 1" = 100'  
CHK BY: SCS JOB #2022-01 SHEET 1 OF 1

KPB 2022-061

AGENDA ITEM E. NEW BUSINESS

ITEM 6 - WALES SUBDIVISION

<b>KPB File No.</b>	2022-061
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	Charles Shenyer of Pateros, WA
<b>Surveyor:</b>	Steve Smith / Geovera LLC
<b>General Location:</b>	Tim Avenue, Sterling Highway, Shegota Loop, Happy Valley

<b>Parent Parcel No.:</b>	159-111-08
<b>Legal Description:</b>	NE ¼ NW ¼ Section 5 Township 3S Range 14W
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 32 acre parcel into ten 1 acre lots and a 20.8 acre tract. A full 60 foot right-of-way dedication is proposed within the subdivision. Additional right-of-way width dedications are proposed along the north, east, and south boundaries of the subdivision.

**Location and Legal Access (existing and proposed):** The proposed plat is just north of mile 143 of the Sterling Highway. A portion of the subdivision fronts on state maintained Sterling Highway. Shegota Loop is a borough maintained right-of-way that provides two access points to the Sterling Highway. Pleasant Spruce, Inlet Street, and Tim Avenue provide additional access to the subdivision. A cul-de-sac is proposed within the subdivision, Shellback Circle. Tim Avenue coincides with section line easements and this plat will be dedicating a 33 foot width for the right-of-way. Tim Avenue is constructed and maintained by the borough. Pleasant Spruce Road is not constructed. Inlet Street appears to have a portion in use but is not maintained by the borough.

Lots 1, 3, and Tract A have frontage to the Sterling Highway. Lots 1, 2 and Tract A have frontage to Tim Avenue. Lots 5 thru 10 have access from Shegota Loop. Lot 10 and Tract A will also have access from Pleasant Spruce Road. Tract A also has access from Inlet Street. Lot 4 only has access by proposed Shellback Circle. The cul-de-sac provides access to Lots 1 thru 4.

The State of Alaska DOT is the agency that would have to grant driveway permits to the Sterling Highway. The Kenai Peninsula Borough Roads Department would be the entity for driveways off Tim Avenue. Due to the close proximity of Shellback Circle to the intersection of Tim Avenue and the Sterling Highway, as well as the distance between Tim Avenue and Shegota Loop, the desire would be for all driveways for Lots 1 thru 4 to be issued from the proposed cul-de-sac. ***Staff recommends a plat note be added that states "Lots 1 thru 4 shall be limited to access from Shellback Circle."***

Inlet Street appears to have some possible encroachments within the dedication. The existing travel way goes around some of the encroachments and even with the additional dedication being given by this plat, goes slightly into this property. KPB Code Compliance/Road Department are aware of the possible encroachment issues. ***Staff recommends the owner of the proposed plat work with the land owners to resolve the encroachment issue. Resolutions may require realignment or the issuance of a driveway or access easement.***

The block is closed and within compliant lengths.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	The ROW for Sterling Highway is generally as shown on sheet 15 of 38 State of Alaska Right of Way Plat F-021-1(2) and appears to be shown correctly.
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**Site Investigation:** Low wet areas are present within the southeastern portion of this subdivision. The area is depicted and the correct plat notes are present. **Staff recommends** the wet areas be depicted on the final but are currently shown in color and must be in black and white on the final.

The area is relatively flat with no steep areas present within the subdivision or within the proposed dedications.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Zone D is non-regulatory</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections

**Staff Analysis** The proposed plat will be subdividing an aliquot piece of land that lies to the east of the Sterling Highway and Shegota Loop.

Ten 1 acre lots will be created and a remaining tract with 20.8 acres. Dedications will be granted surrounding the property to bring existing dedications into compliance or to grant atop a used section line easement. The proposed dedications will bring Pleasant Spruce Road and Inset Street into compliance. The new proposed cul-de-sac is proposed as 60 feet wide and will be compliant.

The proposed design of Tract A is unusual. The large acreage tract will front Pleasant Spruce Road, Inlet Street, and Tim Avenue to provide access or possible intersections for future internal right-of-way dedications. There is an 80 foot by 350 foot portion of Tract A that fronts along the Sterling Highway and is located between Lot 3 and Lot 5. Looking at imagery this lot would most likely need to connect to Shegota Loop for access to the Sterling Highway. We generally see flag lots with narrower panhandles but this does appear to have the characteristics of a flag lot. Due to the width of this panhandle portion the concern would be the intended future plan to dedicate a right-of-way within this area. The intersection with the proximity of Shegota Loop and the Sterling Highway could cause some issues with DOT or the KPB Roads Department.

**Staff recommends** the plat committee review the design of Tract A and determine if this should be reviewed as a flag lot.

If the plat committee determines that Tract A should not have any of the requirements or notes of flag lots, no additional plat notes or depictions will be required.

If the plat committee determines that Tract A should be reviewed as a flag lot, several items will need to be discussed to determine the most appropriate plat notes and depictions on the plat.

If this is considered a flat log, per KPB 20.30.190(B), the access portion shall not be used for permanent structures or wastewater disposal area and building setbacks should apply to the lots fronting the access portion. In this case Lot 3, a portion of Lot 4 and Lot 5 will be subject to additional setbacks. That portion of code also states the design

must meet KPB 20.30.030(A) and KPB 20.30.090. This will meet those sections of code as it provides access to surrounding acreage tracts and does not contain steep grades. Staff recommends determining if a future right-of-way in this location will comply with 20.30.150 and if an intersection would be recommended in that location.

If it is determined that is a flag lot with the future possibility of being a dedicated right-of-way, **staff recommends 20 foot building setbacks be required for Lots 3, 4, and 5 in accordance with KPB 20.30.190(B) and 20.30.240, the setbacks be depicted and the following plat notes be added.**

- "Lots 3, 4 and 5 are subject to a 20 foot building setback for the portions adjoining the access area of Tract A."
- "No permanent structures or wastewater disposal is permitted within the panhandle portion of Tract A."

If it is determined that this should not be considered a flag lot and the plat committee does not wish to create additional setbacks **staff recommends the following plat note be placed on the plat "The access portion of Tract A may have possible limitations on future subdivision based on access issues, development trends in the area, or topography."**

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

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** This property was not previously platted, there are no platted easements to carry over. A recorded document granting an easement to Homer Electric Association is noted on the plat with no defined location.

The plat is proposing to dedicate 10 foot utility easements adjacent to all rights-of-way and increasing to 20 feet within 5 feet of all side lot lines. Due to the scale this may be difficult in some locations to clearly depict. There is currently a detail for the building setback. **Staff recommends the detail include the depiction of the utility easements to be granted by this plat and the plat note include "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	No comment
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: 22230 STERLING HWY  Existing Street Names are Correct: Yes  List of Correct Street Names: STERLING HWY PLEASANT SPRUCE RD SHEGOTA LOOP
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	<p>TIM AVE INLET ST EDWARDS CT</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: SHELLBACK CT</p> <p>Comments: 22230 STERLING HWY will be deleted. SHELLBACK CT should be SHELLBACK CIR due to north-south direction. SHELLBACK CIR will be approved.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena</p> <p>Comments: No comment</p>

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

#### **STAFF RECOMMENDATIONS** **CORRECTIONS / EDITS**

*Staff would recommend the detail be slightly revised. Due to common misconceptions about locations of roads and where setbacks begin, some revisions and more information is recommended. Instead of labeling as 'EDGE ROW' it would be advised to change to "PROPERTY LINE" and then include another notation "Dedicated ROW" to show the relationship between the two.*

#### **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.

- 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:** *Depict and label the 33 section line easement north of the subdivision. Include a reference to the highway project map for this portion of the Highway.*
  
- 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 KPB Addressing Officer approves the street name but the suffix must be corrected to Circle.*



- 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 proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:** *Include labels for the lots located to the northeast, southeast, and southwest of the subdivision. Verify that the lot to the north is Government Lot 3 and not an aliquot description that can be listed as "Unsubdivided"*

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#### **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.*

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

**Staff recommendation:** *Need to use required suffix.*

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.

**Staff recommendation:** *Determination if Tract A qualifies as a flag lot is needed.*

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#### **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: Soils analysis report is required for all lots and an engineer will need to sign the plat. Correct plat notes are present.*

**Staff recommendation:** *comply with 20.40.*

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#### **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 acceptance only states the cul-de-sac. The name should be updated for the correct suffix and include all other right-of-ways being granted by this plat.*

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.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*

*Add any notes for exceptions granted or notes determined to be required by the Plat Committee.*

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**RECOMMENDATION:**

**STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

**END OF STAFF REPORT**

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