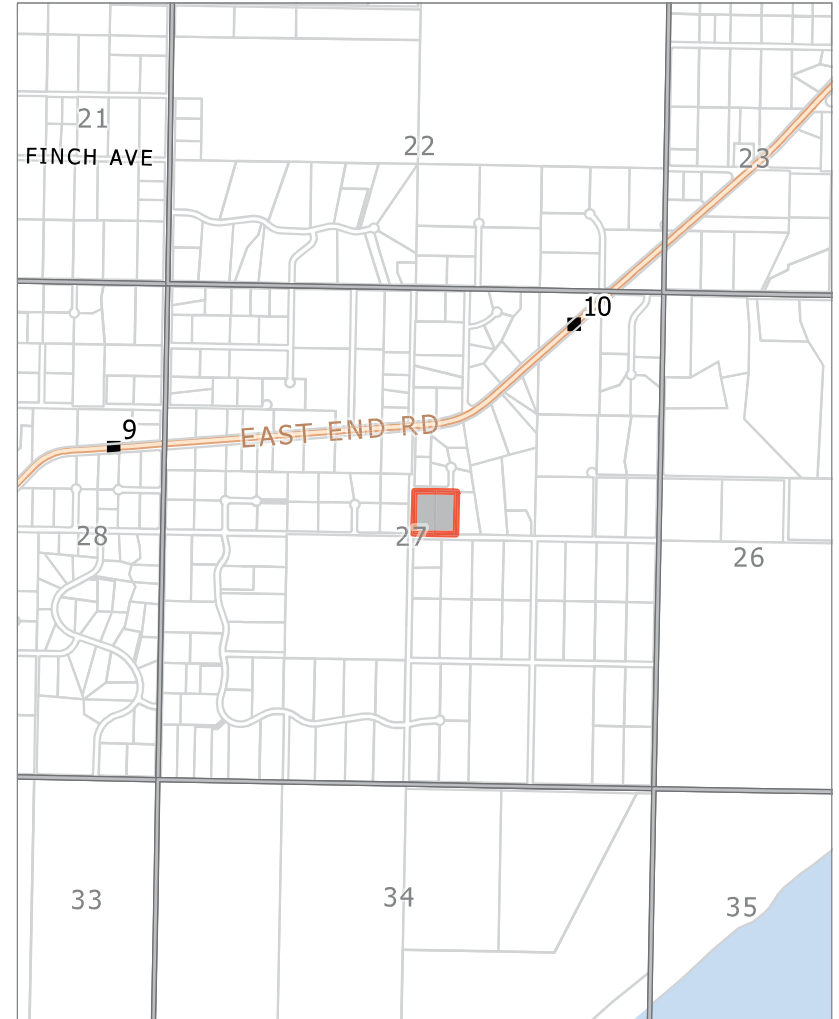
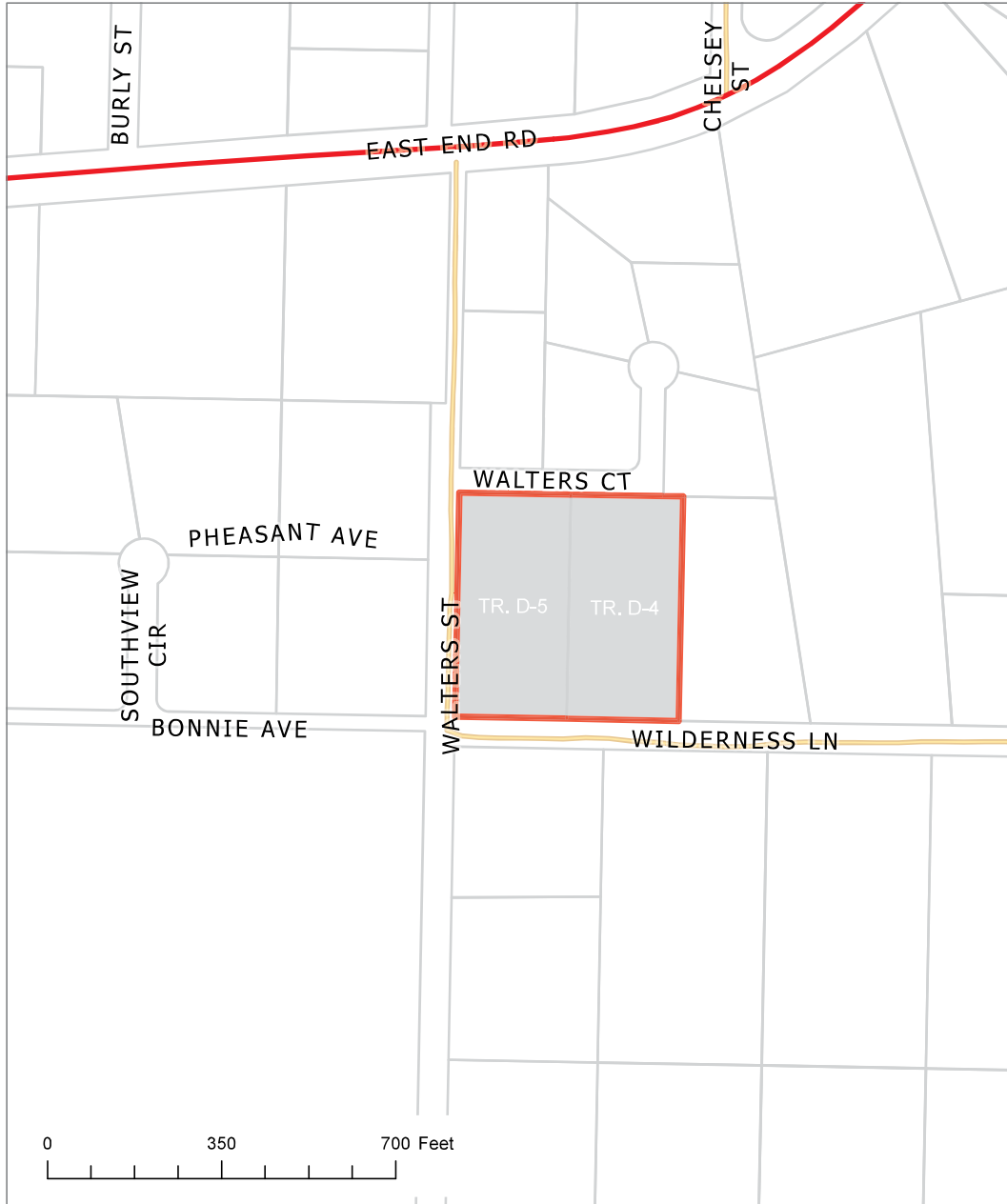
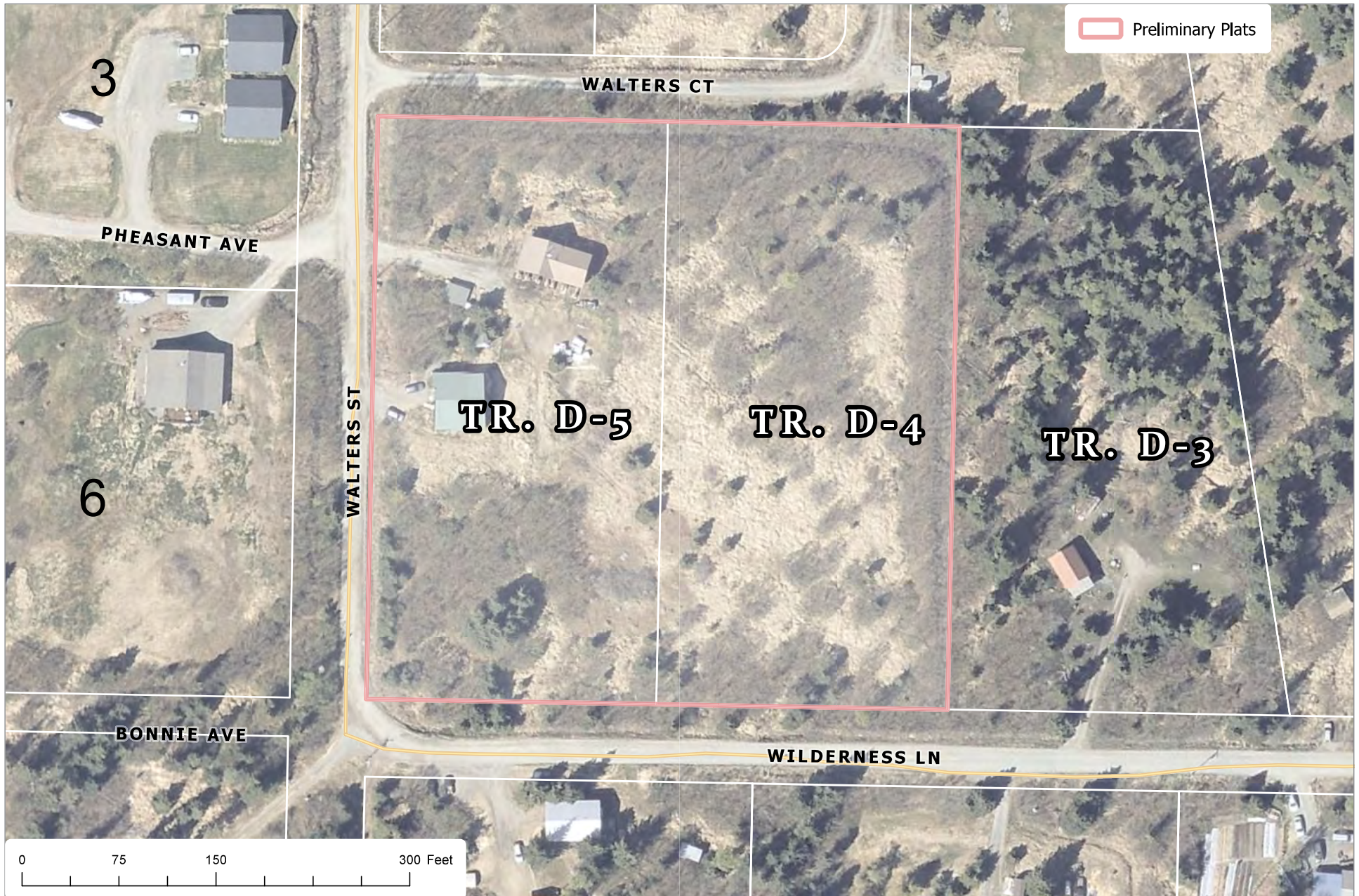


## **E. NEW BUSINESS**

- 5. King's Creek 2022 Replat; KPB File 2022-056  
Geovera LLC / O'Neill Community Property Trust  
Location: Walters Street, Walters Court & Wilderness Lane  
Fitz Creek Area / Kachemak Bay APC**



KPB File # 2022-056  
S27 T05S R12W  
Fritz Creek



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.



# NOTES

1. BASIS OF BEARING IS FROM THE PLAT OF KING'S CREEK 3 (HM 82-89).
2. WASTEWATER DISPOSAL: WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
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 OF THE BUILDING SETBACK IS 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.

## WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES ON THE 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

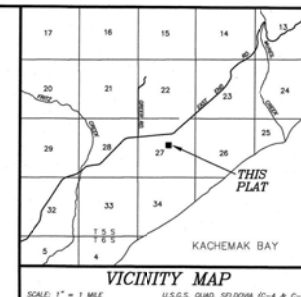
- INDICATES PRIMARY MONUMENT AS SHOWN RECOVERED THIS SURVEY
- INDICATES 1/2" REBAR (3686-S RECORD HM 82-69) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2022) SET THIS SURVEY

## PLAT APPROVAL

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

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

DATE \_\_\_\_\_



## CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE O'NEILL COMMUNITY PROPERTY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE O'NEILL COMMUNITY PROPERTY TRUST, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

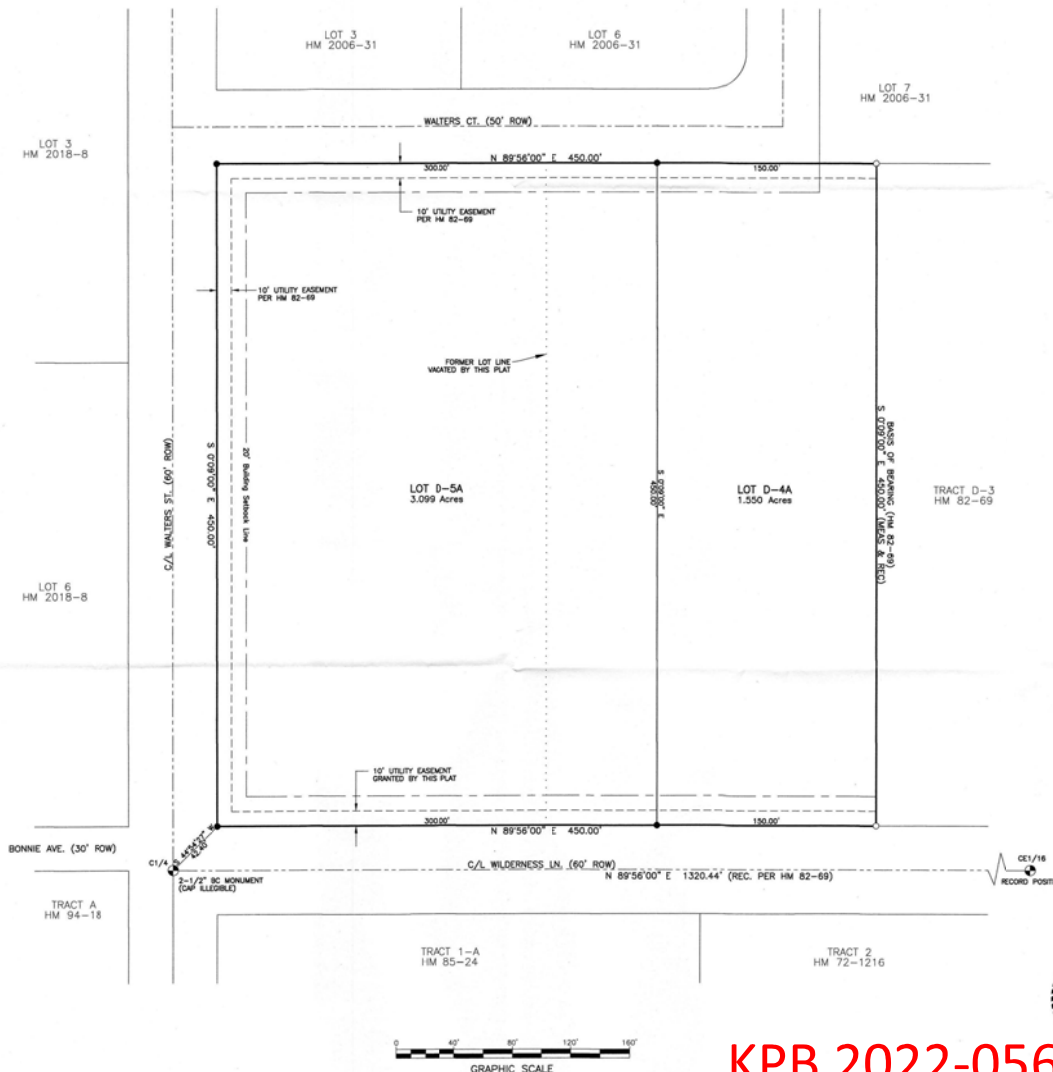
JOHN HOWARD O'NEILL  
CO-TRUSTEE, O'NEILL COMMUNITY  
PROPERTY TRUST  
PO BOX 15235  
FRITZ CREEK, ALASKA 99603

GAIL EMILY FORREST O'NEILL  
CO-TRUSTEE, O'NEILL COMMUNITY  
PROPERTY TRUST  
PO BOX 15235  
FRITZ CREEK, ALASKA 99603

## NOTARY'S ACKNOWLEDGMENT

FOR JOHN HOWARD O'NEILL AND GAIL EMILY FORREST O'NEILL  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2022.

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



KPB 2022-056

HOMER RECORDING DISTRICT KPB FILE No. 2022-??

## KING'S CREEK 2022 REPLAT

BEING A RECONFIGURATION OF LOTS D-4 AND D-5,  
KING'S CREEK 3 (82-69 HRD)  
LOCATED WITHIN THE SW1/4 NE1/4, SEC 27,  
T. 5 S., R. 12 W., SEWARD MERIDIAN, KENAI PENINSULA  
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA  
CONTAINING 4.649 ACRES  
OWNER: O'NEILL COMMUNITY PROPERTY TRUST  
PO BOX 15235 FRITZ CREEK, ALASKA 99603

## GEOVERA, LLC

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

DRAWN BY: SC5 DATE: MARCH 2022 SCALE: 1" = 40'  
CHK BY: SC5 JOB #2022-14 SHEET 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - KING'S CREEK 2022 REPLAT

<b>KPB File No.</b>	2022-059
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	O'Neill Community Property Trust of Fritz Creek, AK
<b>Surveyor:</b>	Steve Smith / Geovera LLC
<b>General Location:</b>	Walters Street and Wilderness Lane, Fritz Creek / Kachemak APC

<b>Parent Parcel No.:</b>	172-460-11 and 172-460-12
<b>Legal Description:</b>	Lots D-4 and D-5 King's Creek 3, Plat HM 82-69
<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 adjust a shared lot line between two lots. One of the lots will increase from 2.324 acres to 3.099 acres. The other lot will decrease from 2.324 acres to 1.55 acres.

**Location and Legal Access (existing and proposed):** The proposed plat is located in the Fritz Creek area. The plat is located between Walters Street, Walters Court, and Wilderness Lane. Walters Street is a varying width borough maintained right-of-way located near mile 9.5 of state maintained East End Road. Walters Street is along the western boundary of the subdivision. Along the northern boundary is Walters Court. This right-of-way is developed but not maintained. It runs from Walters Street east-west for approximately 410 feet and then continues north to end with a cul-de-sac. At the end of the constructed portion of Walters Street is Wilderness Lane. Wilderness Lane runs along the southern boundary of the plat and is constructed for approximately 2,270 feet. Only the western 1,300 feet is maintained by the borough.

An existing driveway is present from Walters Street to the improvements that will be within proposed Lot D-5A. Proposed Lot D-4A will have access from Walters Court or Wilderness Lane.

East End Road, Walters Street, Wilderness Lane, Neal Street, and section line easements define the block. The distance along Walters Street from East End Road to Wilderness Lane is compliant. Any dedications by this subdivision would only connect to Walters Court and not improve the larger block. ***Staff recommends the plat committee concur that an exception is not required in an effort to improve the block length as any required dedications would not benefit the area.***

The parent plat created the two lots involved in this subdivision as well as creating two lots to the north. Those lots were replatted and created seven lots and dedicated the entire right-of-way of Walters Court. The dedication was only granted as a 50 foot wide right-of-way. The borough code at the time of that subdivision allowed for cul-de-sacs that serve no more than 6 lots to be only 50 feet wide (former KPB 20.20.110). As two of the lots within the subdivision had access from Walters Street this was allowable. This plat could be required to give a 10 foot dedication for Walters Court but that would only bring the east-west portion into compliance. The north-south portion would remain 50 feet wide. Due to improvements on the lots east of the dedication, the ability to get additional right-of-way from them will be unlikely. ***Staff recommends that the plat committee concur that an additional 10 foot dedication for Walters Court is not required at this time.***

If the plat committee does not concur, a 10 foot dedication along Walters Court will be required and an acceptance of the right-of-way will need to be added to the plat to be signed by the Kenai Peninsula Borough.

KPB Roads Dept. comments	Out of Jurisdiction: No
--------------------------	-------------------------

	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

**Site Investigation:** There are no low wet areas present within the subdivision. The property does slope but there are no steep grades present.

Multiple improvements are within proposed Lot D-5A and there does not appear to be any improvements on Lot D-4A. The lot to the east has improvements and access from Wilderness Lane. There does not appear to be any encroachment issues related to the property within this subdivision.

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 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 preliminary plat was originally subdivided by King's Creek, Plat HM 79-112, into Tract D. Tract D was replatted by King's Creek 3, Plat HM 82-69. That plat created Tracts D-4 and D-5, the current lot configurations. Tracts D-1 and D-2 of King's Creek 3, Plat HM 82-69, were replatted by King's Creek Nine, Plat HM 2006-31, which granted the Walters Court right-of-way along the northern boundary of this subdivision.

A soils report will be required 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.

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** King's Creek, Plat HM 79-112, created Tract D and created 10 foot utility easements along each side of existing HEA power lines. The depictions on that plat appear that those easements were 10 feet from the rights-of-way. Tract D was replatted by King's Creek 3, Plat HM 82-69. That plat created Tracts D-4 and D-5, the current lot configurations. That plat depicted 10 foot utility easements along Walters Street and the northern boundary of the lots. This plat is proposing to grant 10 foot utility easements adjacent to Wilderness Lane. **Staff recommends** the location of the easement along the western boundary be verified that the one created by HM 79-112 is within the easement shown on HM 82-69 and on this plat. The easement width should be adjusted to ensure that the original 10 feet on each side of the line is carried over. If the easement adjacent to Walters Street is the easement from HM 79-112, updated the label to state Plat HM 79-112.

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: 38420 WALTERS ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: WALTERS ST WALTERS CT BONNIE AAVE WILDERNESS LN</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 38420 WALTERS ST will remain with lot D-5A. 54410 WILDERNESS LN will remain with lot D-4A.</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: Wilcox, Adeena Comments: No comment</p>
Advisory Planning Commission	

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.

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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.

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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.

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20.40.010 Wastewater disposal.

*Platting Staff Comments:* Soils report will be required and an engineer will need to sign the plat.

**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:** Update the wording in plat note 4, "The front 10 feet adjoining rights-of-way is designated as a utility easement."

**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.

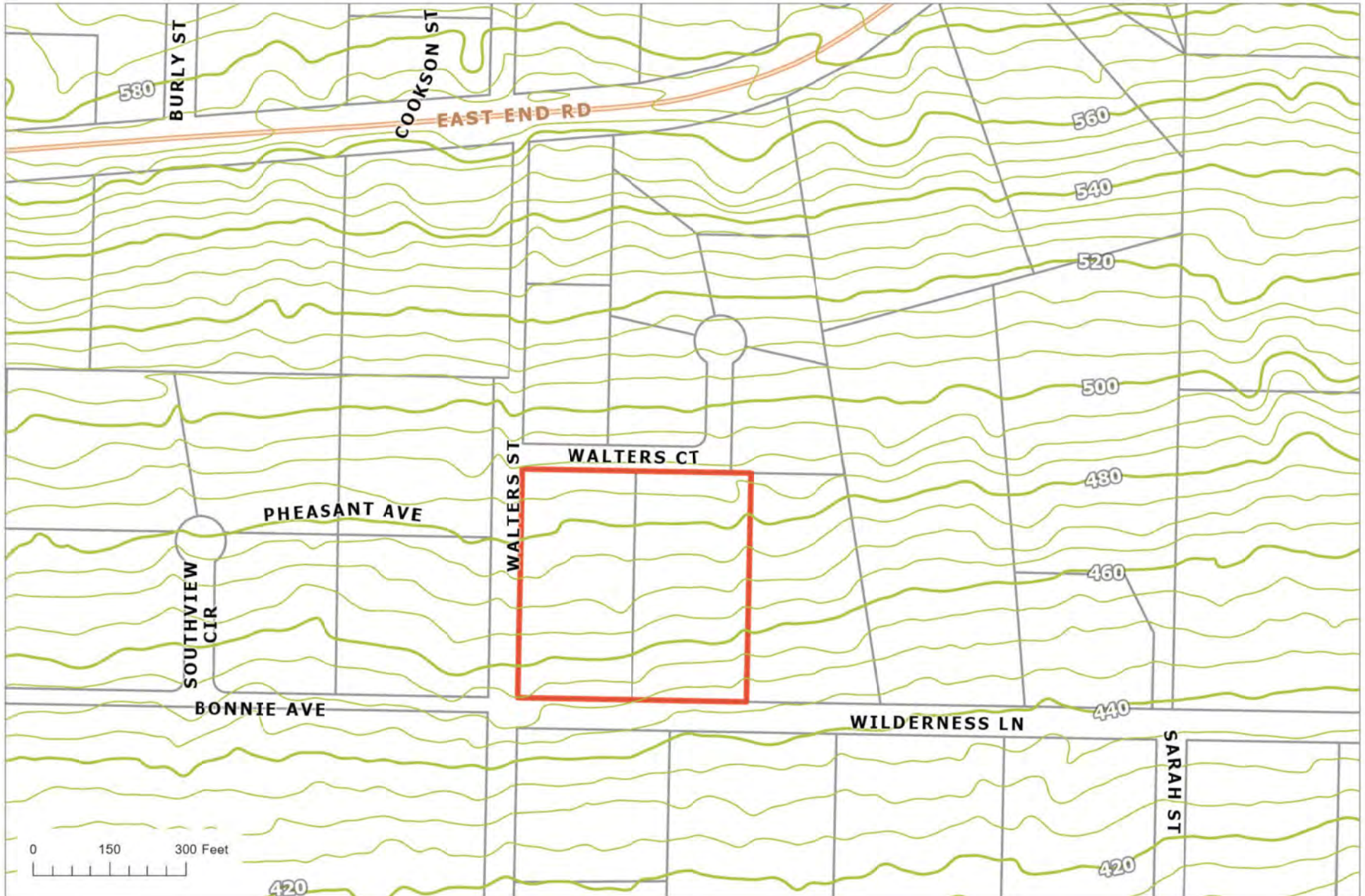
**END OF STAFF REPORT**





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.





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.

CERTIFICATE OF OWNERSHIP  
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND  
DESCRIBED HEREON I HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING  
SUCH EASEMENTS FOR PUBLIC UTILITIES DEDICATED BY ME FOR PUBLIC  
USE

*Daniel L. Mershon*  
DANIEL L. MERSHON BOX 1677 HOMER, AK 99603

*Christy L. Mershon*  
CHRISTY L. MERSHON

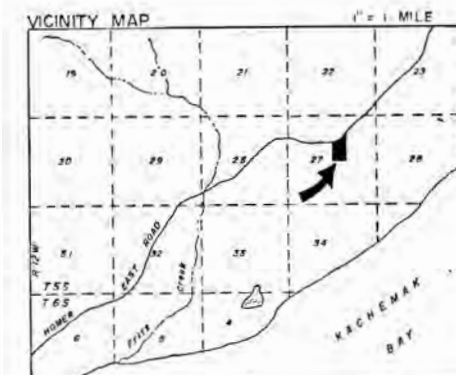
NOTARY'S ACKNOWLEDGEMENT (for Daniel & Christy Mershon)  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY of May, 1992

NOTARY PUBLIC FOR ALASKA  
JERRY ANDERSON  
JERRY ANDERSON, Notary Public  
JERRY ANDERSON, Notary Public  
JERRY ANDERSON, Notary Public

DATE 7/10/92  
JERRY ANDERSON, Notary Public

PLAT APPROVAL  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLAN-  
NING COMMISSION AT THE MEETING OF May 2, 1992  
KENAI PENINSULA BOROUGH

BY *W. J. Best*  
AUTHORIZED OFFICIAL



DATE: MAY, 1992  
SCALE: 1" = 100'  
DRAWN BY: F H  
FLD BK NO.: 110  
JOB NO.: 1417

**KING'S CREEK 3**  
Being a replat of Tr 'D', Kings Creek, plat no  
79-112, H.R.D. Located in the SW 1/4 NE 1/4,  
Sec 27, T 5 S, R 12 W, S 4 M

CONTAINING 17.254 ACRES  
**ABILITY SURVEYS**  
JERRY ANDERSON, RLS BOX 1263 HOMER, ALASKA

# LEGEND

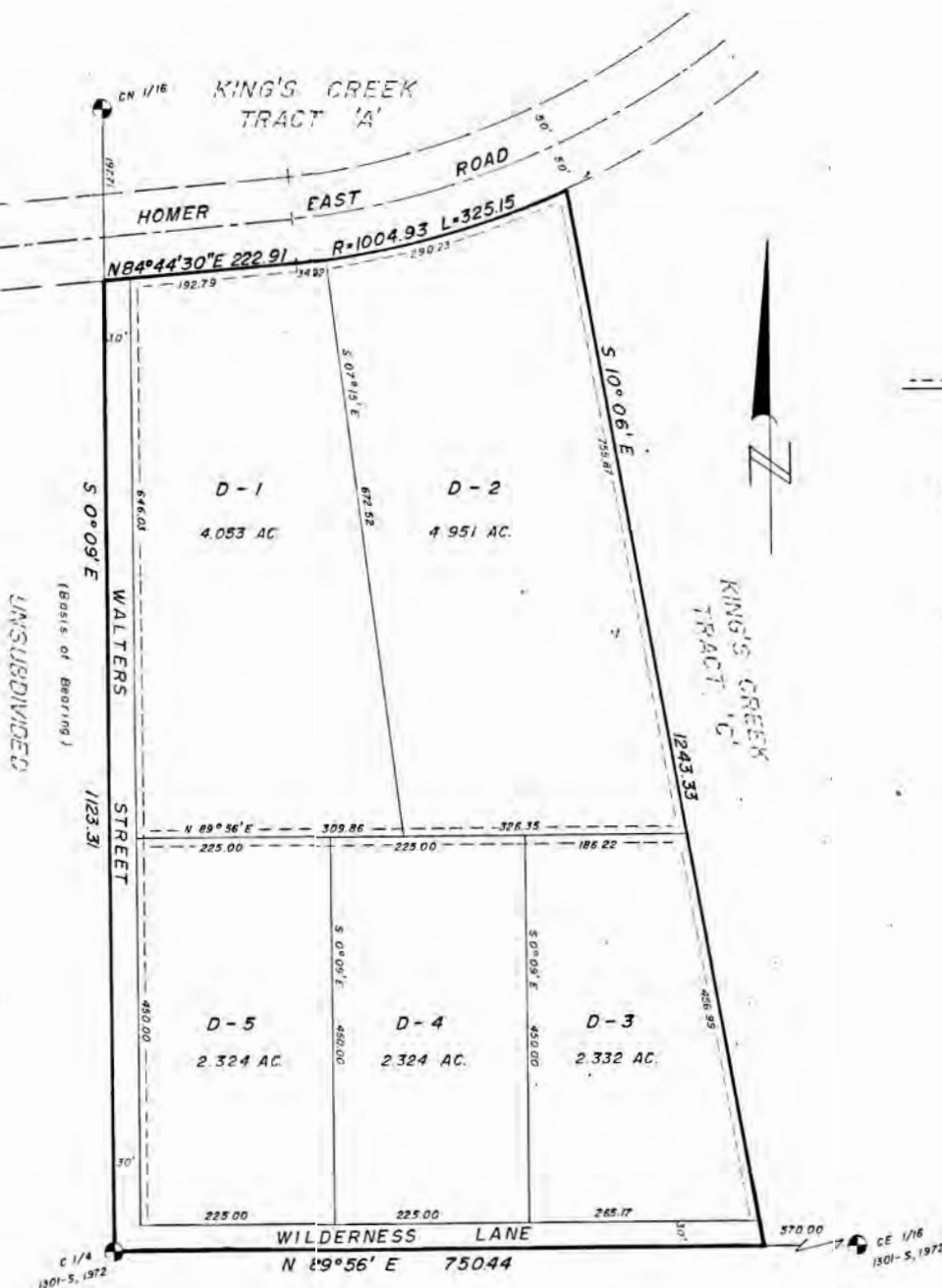
⊙ B.C. MONUMENT RECOVERED THIS SURVEY

⊥ SET 1/2" x 24" REBAR

--- 10' UTILITY EASEMENT

## NOTES:

1. A 20' BUILDING SETBACK SHALL EXIST ALONG ALL  
DEDICATED RIGHTS OF WAY UNLESS A LESSER  
STANDARD IS APPROVED BY RESOLUTION OF THE  
APPROPRIATE PLANNING COMMISSION
2. ACCESS TO LOT D-1 SHALL BE RESTRICTED TO  
WALTERS STREET.



KACHEMAK WILDERNESS ACRES

82-69  
RECORDED - FILED 10-1  
Homer REC. DIST.  
DATE 9-29-1984  
TIME 2:37 P.M.  
Surveyed by K.P. Broun  
Subdivided, H.R.



77-112

RECORD FILE 3-

RECORD FILE 3-

DATE 8-27-79 TO 8-27-79

TIME 1:57 P.M.

Submitted by RPA

Address [illegible]

N

## NOTES:

1. A 20' Building Setback exists along all rights of way.
2. This subdivision meets the requirements of AS 29.33.170
3. No field survey was performed and no monuments were set.
4. This plat was prepared from record data and aerial photography, and dimensions shown are approximate only.

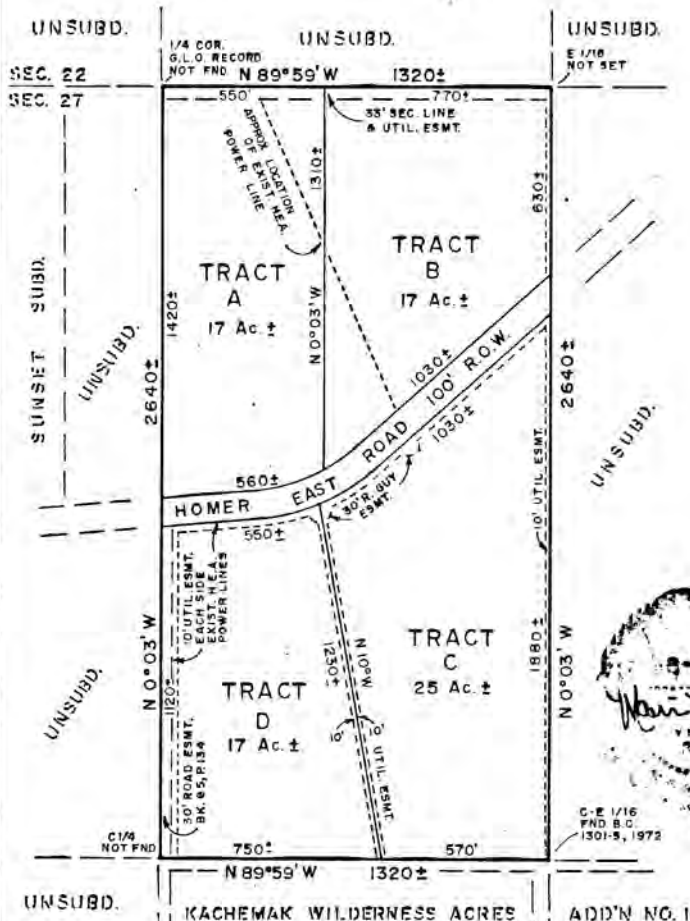
## LEGAL DESCRIPTIONS

- TRACT A: The West 550 feet of that portion of the  $\frac{1}{2}$  NE $\frac{1}{4}$  Section 27, T5S, R12W, S.M., Alaska, lying North of the northerly right of way line of Homer East Road, containing 17 acres, more or less.
- TRACT B: That portion of the  $\frac{1}{2}$  NE $\frac{1}{4}$  Section 27, T5S, R12W, S.M., Alaska, lying North of the northerly right of way line of Homer East Road, excepting the West 550 feet thereof, containing 17 acres, more or less.
- TRACT C: That portion of the  $\frac{1}{2}$  NE $\frac{1}{4}$  Section 27, T5S, R12W, S.M., Alaska, lying South of the southerly right of way line of Homer East Road, more particularly described as follows: Beginning at the Center-East one-sixteenth (C-E1/16) corner of said Section 27; thence N89°59'W, along the East-West centerline of said Section 27, a distance of 570 feet; thence N10°W a distance of 1,230 feet, more or less, to a point on the southerly right of way line of Homer East Road; thence Northeasterly along said southerly right of way line a distance of 1,030 feet, more or less, to a point on the East boundary of said  $\frac{1}{2}$  NE $\frac{1}{4}$  Section 27; thence S00°03'E, along said East boundary a distance of 1,880 feet, more or less, to the point of beginning, containing 25 acres, more or less.
- TRACT D: That portion of the  $\frac{1}{2}$  NE $\frac{1}{4}$  Section 27, T5S, R12W, S.M., Alaska, lying South of the southerly right of way line of Homer East Road, more particularly described as follows: Beginning at the Center-East one-sixteenth (C-E1/16) corner of said Section 27; thence N89°59'W, along the East-West centerline of said Section 27, a distance of 570 feet to the true point of beginning; thence N10°W a distance of 1,230 feet, more or less, to a point on the southerly right of way line of Homer East Road; thence Southwesterly along said southerly right of way line a distance of 550 feet, more or less, to a point on the West boundary of  $\frac{1}{2}$  NE $\frac{1}{4}$  Section 27; thence S00°03'E, along the North-South centerline of said Section 27, a distance of 1,120 feet, more or less, to the Center one-quarter corner (C $\frac{1}{4}$ ) of said Section 27; thence S89°59'E, along the East-West centerline of said Section 27, a distance of 750 feet, more or less, to the true point of beginning, containing 17 acres, more or less.



C-E 1/16  
FND B.C.  
1301-S, 1972

9/17/79



**CERTIFICATE OF OWNERSHIP**  
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 to the use of public purposes.

JOHN RUSSELL KING MARGARET L. KING  
BOX 4-1124, ANCHORAGE, ALASKA 99509  
(BY ATTORNEY IN FACT BENJAMIN WALTERS, JR.)

**NOTARY'S ACKNOWLEDGEMENT**  
Subscribed and sworn to before me this 18th day of Sept 1979

Margaret L. King 6/21/79  
Notary Public for Alaska My commission expires

**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 hereon are true and correct.

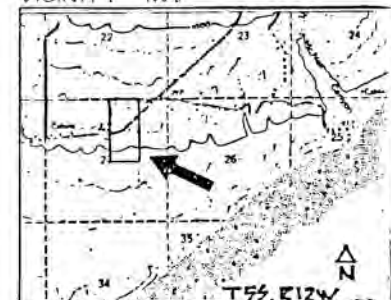
Marvin L. Hanson 9/17/79  
MARVIN L. HANSON, L.S. No. 3815-S DATE

**PLAT APPROVAL**  
This plat, having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of July 18, 1979, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinance and law pertaining thereto.

KENAI PENINSULA BOROUGH

BY Phyllis Warming

## VICINITY MAP



DATE SEPT, 1979

SCALE 1"=400'

DRAWN BY MH

DESIGNED BY MH

JOB NO 1083

FLD BK NO 80

**KING'S CREEK**  
A SUBDIVISION OF THE  $\frac{1}{2}$  NE $\frac{1}{4}$  SEC. 27, T5S, R12W, S.M., ALASKA  
CONTAINING 80 ACRES, MORE OR LESS

**Ability-Surveys**  
REGISTERED SURVEYORS  
ENGINEERS PLANNERS  
Jerry Anderson • Marvin Hanson  
Box 1263 Homer Alaska 99603 (907) 233-8440