

## **E. NEW BUSINESS**

**8. Heath Subdivision No. 5; KPB File 2022-153**



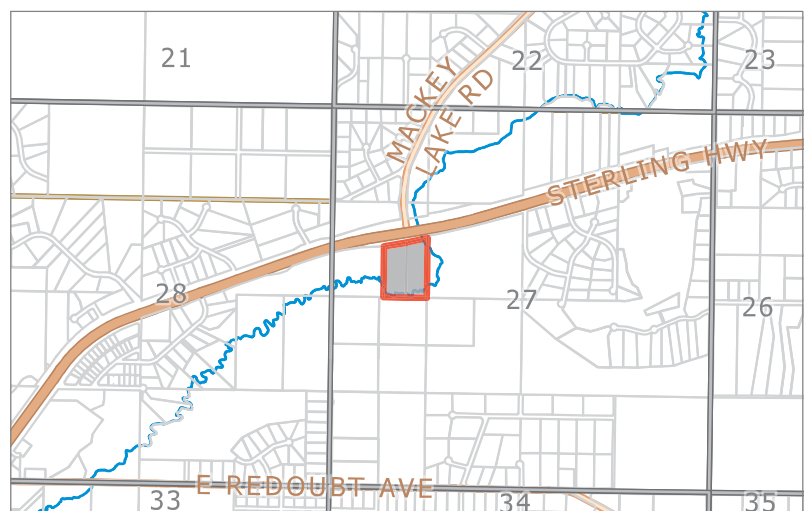
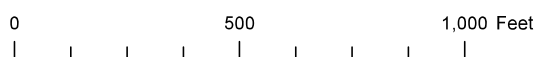
# Kenai Peninsula Borough Planning Department

## Vicinity Map

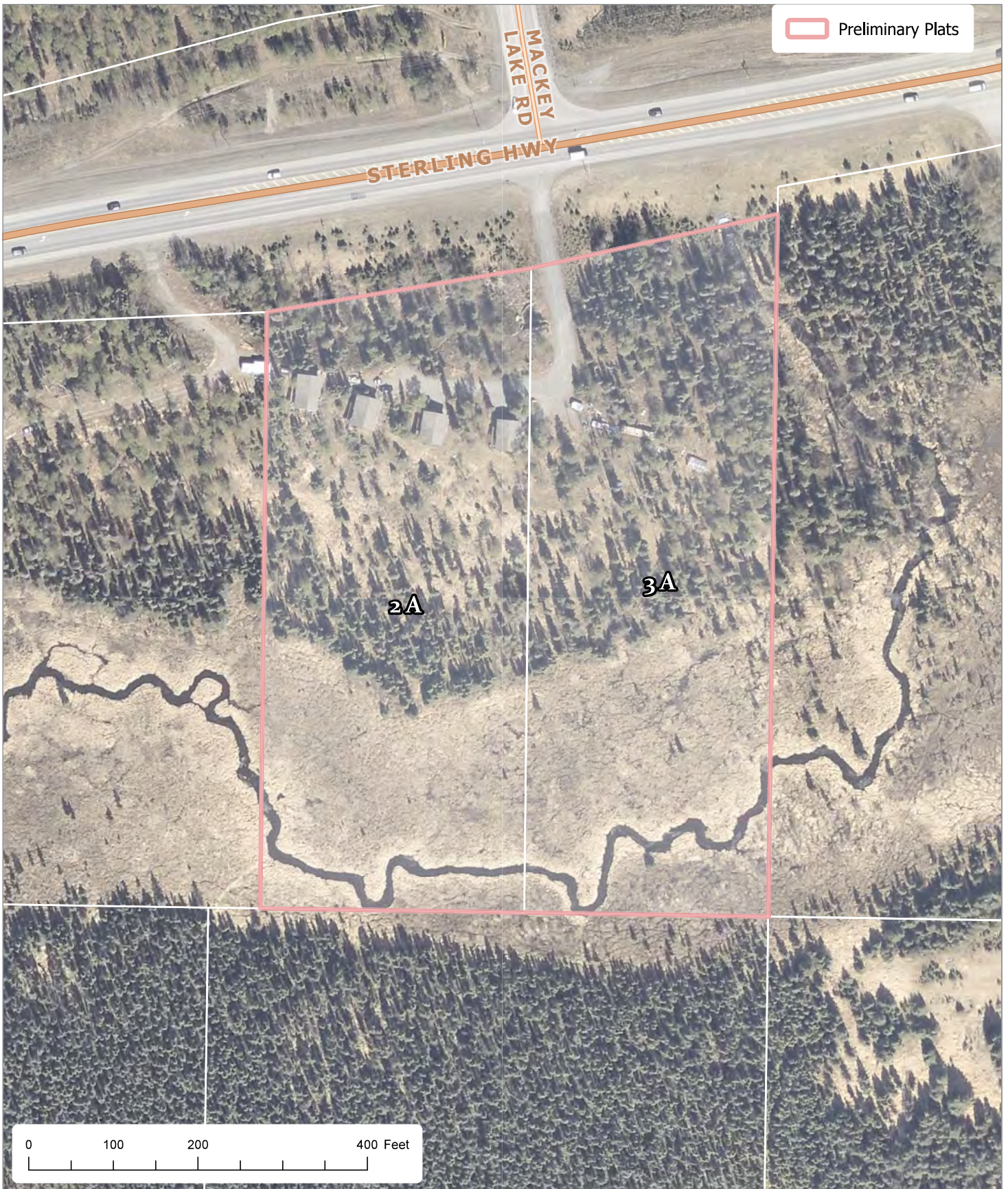


KPB File 2022-153  
T 05N R 10W SEC 27  
Soldotna

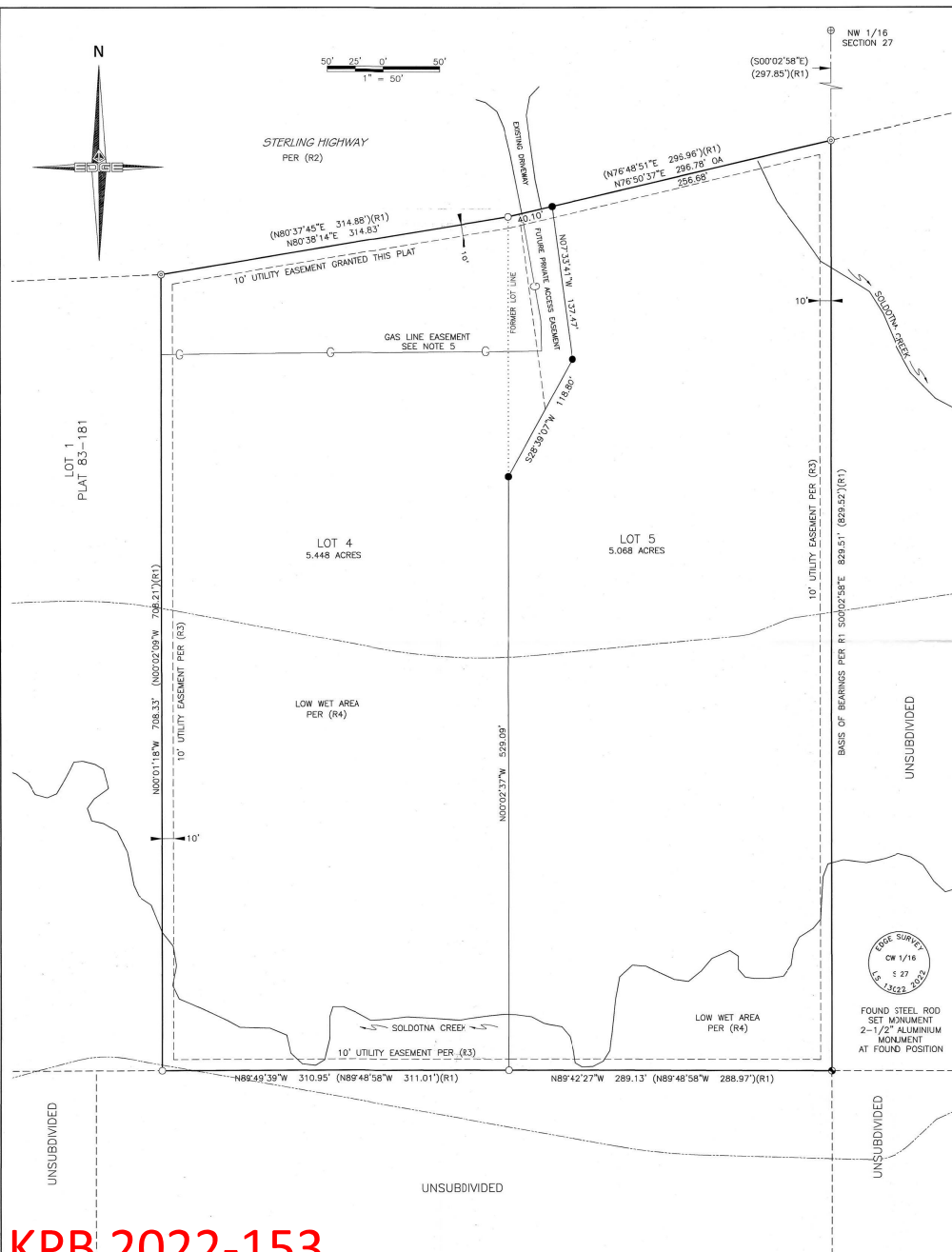
10/11/2022











#### NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- PER THIS PLAT THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. 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.
- ANADROMOUS HABITAT PROTECTION NOTE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18 AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
- THIS PLAT SUBJECT TO RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR USES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 601, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1959; PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1958; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2665, DATED OCTOBER 16, 1951; AMENDMENT NO. 1 THERETO, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THERETO, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.
- THIS PLAT SUBJECT TO EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES THEREOF: FOR PIPELINES AND RELATED PURPOSES, IN FAVOR OF ENSTAR NATURAL GAS COMPANY, RECORDED: MARCH 12, 2008, SERIAL NO.: 2008-002552-0, AS SHOWN.
- THIS PLAT SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF SOLDOTNA CREEK AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE CREEK IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE CREEK.
- WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

#### NOTARY ACKNOWLEDGEMENT

FOR: JANICE K. SHIELDS  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

PUBLIC NOTARY SIGNATURE

NOTARY  
STAMP  
AREA

#### NOTARY ACKNOWLEDGEMENT

FOR: DONALD E. SHIELDS  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

PUBLIC NOTARY SIGNATURE

NOTARY  
STAMP  
AREA

#### LEGEND

- |      |                                     |       |                          |
|------|-------------------------------------|-------|--------------------------|
| ⊕    | PRIMARY MONUMENT OF RECORD          | _____ | SUBDIVISION BOUNDARY     |
| ○    | FOUND YELLOW PLASTIC CAP            | _____ | INTERIOR LOT LINE        |
| ⊙    | FOUND 1" IRON PIPE IN MONUMENT CASE | _____ | ADJACENT PROPERTY LINE   |
| ⊕    | SET PRIMARY MONUMENT AS REFERENCED  | _____ | LOW WET AREA             |
| •    | SET PROPERTY CORNER                 | _____ | 10 FOOT UTILITY EASEMENT |
| •    | 5/8" X 30" REBAR                    | _____ | FORMER LOT LINE          |
| •    | WITH 2" ALUMINUM CAP                | _____ | MONUMENT TIE LINE        |
| (R1) | RECORD DATA, SEE REFERENCE          | —G—G— | GAS LINE                 |
| OA   | OVERALL                             |       |                          |

#### REFERENCES

- (R1) HEATH SUBDIVISION NO. 4, PLAT 2006-97, KENAI RECORDING DISTRICT  
(R2) STATE OF ALASKA RIGHT OF WAY MAP, PROJECT IR-043-3(3) PLAT 2013-26, KENAI RECORDING DISTRICT  
(R3) HEATH SUBDIVISION NO. 3, PLAT 83-181, KENAI RECORDING DISTRICT  
(R4) KENAI WATERSHED FORUM WETLANDS INVENTORY

#### PLAT APPROVAL

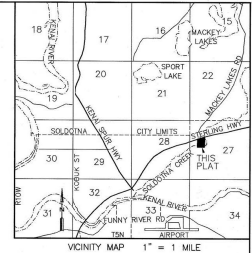
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 25, 2022.  
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

#### CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY PLAT

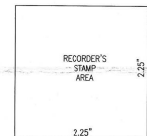


#### CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JANICE K. SHIELDS  
42737 STERLING HIGHWAY  
SOLDOTNA, ALASKA 99669

DONALD E. SHIELDS  
42737 STERLING HIGHWAY  
SOLDOTNA, ALASKA 99669



KPB FILE NO. 2022-XXX

### HEATH SUBDIVISION NO. 5

A SUBDIVISION OF  
LOTS 2A AND 3A  
HEATH SUBDIVISION NO. 4  
PLAT 2006-97 KENAI RECORDING DISTRICT

OWNERS:

JANICE K. SHIELDS AND  
DONALD E. SHIELDS  
42737 STERLING HIGHWAY  
SOLDOTNA, ALASKA 99669

LOCATED WITHIN NW 1/4 SECTION 27,  
T.5N., R.10W., S.M.  
STATE OF ALASKA  
KENAI PENINSULA BOROUGH  
KENAI RECORDING DISTRICT  
CITY OF SOLDOTNA

CONTAINING 10.516 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515  
Phone (907) 344-5890 Fax (907) 344-7794  
AEC# 1392

DRAWN BY: JY	DATE: 10/10/2022	PROJECT: 22-590
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1

KPB 2022-153



AGENDA ITEM E. NEW BUSINESS

ITEM 8 – HEATH SUBDIVISION NO. 5

<b>KPB File No.</b>	2022-153
<b>Plat Committee Meeting:</b>	November 14, 2022
<b>Applicant / Owner:</b>	Janice and Donald Shields of Soldotna, Alaska
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Sterling Highway, City of Soldotna

<b>Parent Parcel No.:</b>	059-320-43 and 059-320-44
<b>Legal Description:</b>	Lots 2A and 3A, Heath Subdivision No. 4, Plat KN 2006-97
<b>Assessing Use:</b>	Lodge-Multiple Cabins, Commercial
<b>Zoning:</b>	Split Zone – commercial for north halves and rural residential in the southern halves
<b>Water / Wastewater</b>	On Site

---

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide reconfigure a shared lot line between two lots. The lots will change from 5.242 acres to 5.448 acres and 5.278 acres to 5.068 acres.

**Location and Legal Access (existing and proposed):** The proposed plat is located near mile 92.75 of the Sterling Highway, across from the Mackey Lake Road intersection.

Both lots will front along the Sterling Highway. The intent is to have a shared driveway between the two lots. The driveway is currently constructed and in use. The reconfiguration will move the existing driveway within the boundary of Lot 4 but the driveway will remain shared and a future easement will be recorded.

The access to these lots have been changed in the past to have them across from the Mackey Lake Road intersection. The access from the Sterling Highway is permitted by State of Alaska Department of Transportation. The City of Soldotna questioned an old letter that a new permit would be required upon replat. They have reached out to DOT for clarification. KPB recently had a similar comment on another subdivision plat and questioned if this is something required on all plats or if case by case situation. A response was not received. **Staff recommends the owners reach out to Alaska DOT to make sure the proper permitting is handled or future requirements will be met.**

The intent is a future private access easement but if not recorded prior to the finalization of the plat, **staff recommends the depiction and label be removed.**

The block is not compliant. The proposed subdivision is bordered by the Sterling Highway along the north. Soldotna Creek meanders through the northeast corner and then along the southern boundary. The property is surrounded by 10 acre or large parcels. **Staff recommends the plat committee concur that an exception is not required as additional entrances to the highway or crossings of Soldotna Creek are not desired at this time.**

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Sterling appears to be shown correctly. - Engineering

**Site Investigation:** The property has Soldotna Creek, an anadromous stream, running through portions of the proposed subdivision. It is located in the northeast corner then meanders back onto the property within the southern

portion. The anadromous plat note is present.

The River Center review determined that this is within a flood hazard area. **Staff recommends a plat note be added that includes the Map Panel information.**

Low wet areas are present in the southern half of the lots. The low wet areas are depicted with a boundary line and labels on each side of Soldotna Creek. **Staff recommends a wetland determination plat note be added.**

Steep terrain is present on the property. The improvements are located on the flat area with steep terrain located around the improvements. Steep slopes are not present in the southern portion of the property. As a reminder, steep slopes greater than 20 percent are to be shown on the preliminary submittal. **Staff recommends the toe and top of steep slopes be shown on the plat unless it conflicts with required information.**

There are multiple improvements on the lots. Multiple cabins appear to be located on proposed Lot 4. Proposed Lot 5 appears to have multiple items on the lot but per Assessing records they are not permanent in nature. This replat will allow the existing driveway to be part of the lot that is utilizing the driveway for access to the cabins.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation: place a note on the final plat indicating 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.**

KPB River Center review	Floodplain: IS in flood hazard area Comments: Flood Zone: A4 Map Panel: 020012-2045C Habitat Protection: IS totally or partially within HPD State Parks: No comments
State of Alaska Fish and Game	This plat depicts Soldotna Creek which is cataloged as anadromous. AWC 244-10-10010-2011

**Staff Analysis** This is a replat of two lots to have the driveway included with one of the lots. The adjustment will result in a minor change in acreage. The property was originally platted with Heath Subdivision No. 3, Plat KN 83-181 and then replatted with Heath Subdivision No. 4, Plat KN 2006-97.

Plat KN 2006-97 vacated some previously granted easements for access and utilities.

The City of Soldotna Planning and Zoning Commission heard the proposed replat at their October 5, 2022 meeting. They recommended approval and adopted Resolution No. PZ2022-011. KPB Staff notified the Soldotna Planning Department of the scheduling for KPB hearing. We did receive a comment from the City Associate Planner that plat note 1 would require revision.

Per the City of Soldotna Staff Report and Resolution, water and sewer services are not available and an installation agreement is not required. Due to the size of the lots a soils report will not be required.

The existing driveway is depicted where it connects with the Sterling Highway. The future access easement is shown over the existing driveway. There is a line shown and the intent is unsure as it appears to be the same line style as adjacent property lines. **Staff recommends the existing driveway, the depiction and label of a future access easement be removed, and review the line depicted and adjust accordingly.**

Notice of the proposed plat was mailed to the beneficial interest holder on October 11, 2022. 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.

**Utility Easements** The plat has shown the correct previously granted utility easements along the west, south, and east boundary. The plat will be granting a utility easement along the Sterling Highway as required by KPB Code. The line symbol does not appear to match what is in the legend or is close to another line symbology. **Staff recommends update the depiction or provide a new line style.**

Plat KN 2006-97 had vacated some utility easements. Crossing one of the easements vacated it appears a powerline was depicted and per the plat note was center of a 20 foot easement including guys and anchors. **Staff recommends verify the easement and depict and note as being created on Plat KN 2006-97.**

Additional easements have been granted by recorded documents and are noted on the plat. The easement over the existing gas line is depicted.

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	Provide a label or plat note stating, "The existing overhead powerline is the centerline of a 30 foot wide electrical easement, including guys and anchors, granted this plat." Provide a label or plat note stating, "The existing underground powerline is the centerline of a 15 foot wide electrical distribution line easement, including pedestals and transformers, granted this plat."
ENSTAR	No objections or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: 42737 STERLING HWY  Existing Street Names are Correct: Yes  List of Correct Street Names: STERLING HWY  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: 42737 STERLING HWY will remain with lot 4
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan

	<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. Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather 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**

*Line depictions versus the legend should be reviewed.*

#### **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.*

- 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:** *A width for Sterling Highway adjacent to the subdivision should be provided as well as a width varies label. We want the depiction to be at a minimum of 100 feet or in the case of major highways to the centerline if the road is larger than 100 feet.*

#### **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.*

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** *The City of Soldotna does not meet the specified requirements for the application and consideration of different standards.*

#### **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: City services not available. Due to size of lots, soils analysis report is not required.*

**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.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *Remove plat note 1 and replace with "Subject to the City of Soldotna Title 17 Zoning Regulations."*
- *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.*
- **FLOOD HAZARD NOTICE:**

*Some or all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. A4 Map Panel: 020012-2045C*

---

#### **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**

---





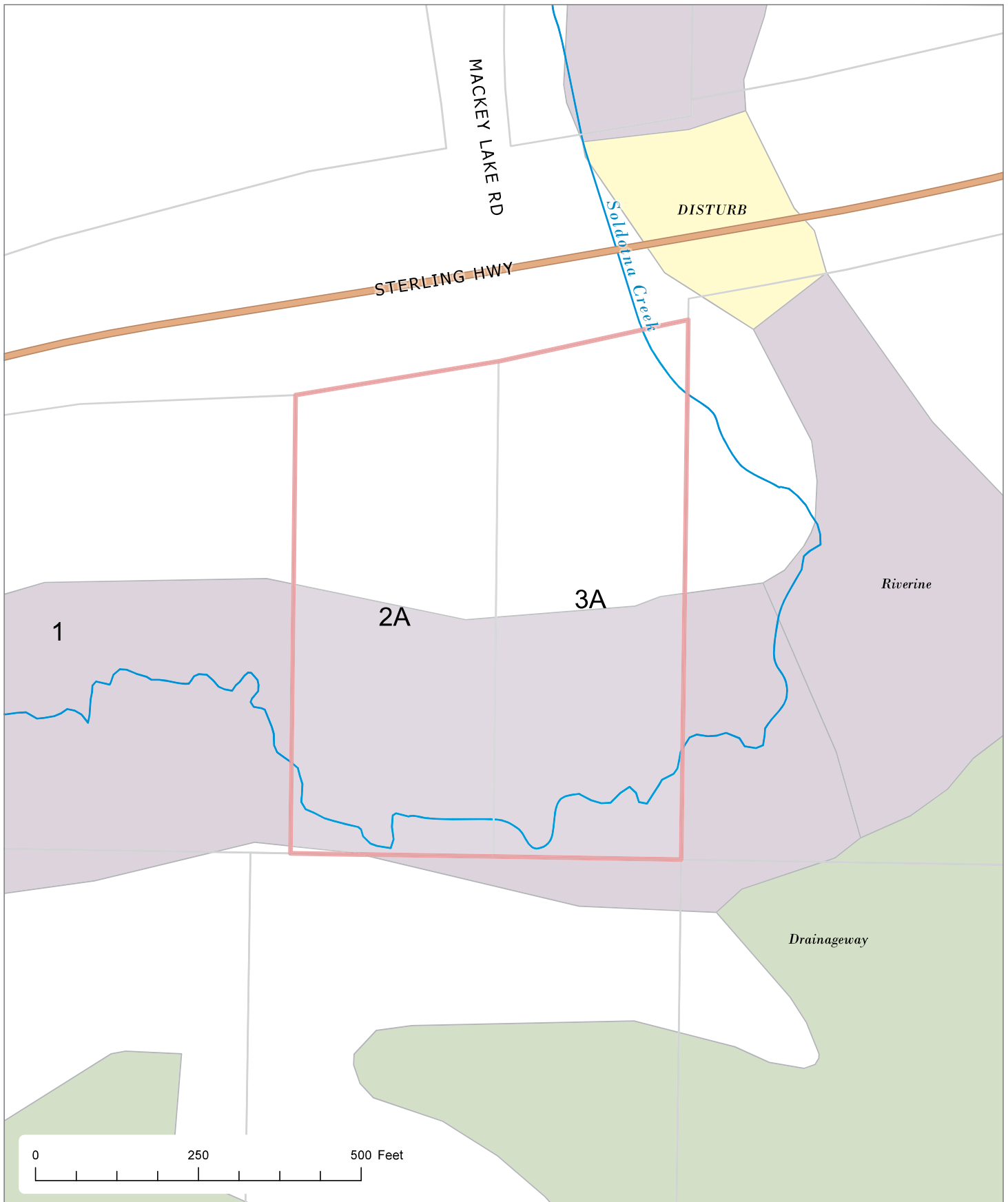
Aerial View







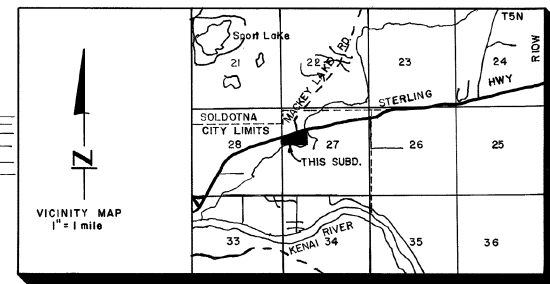
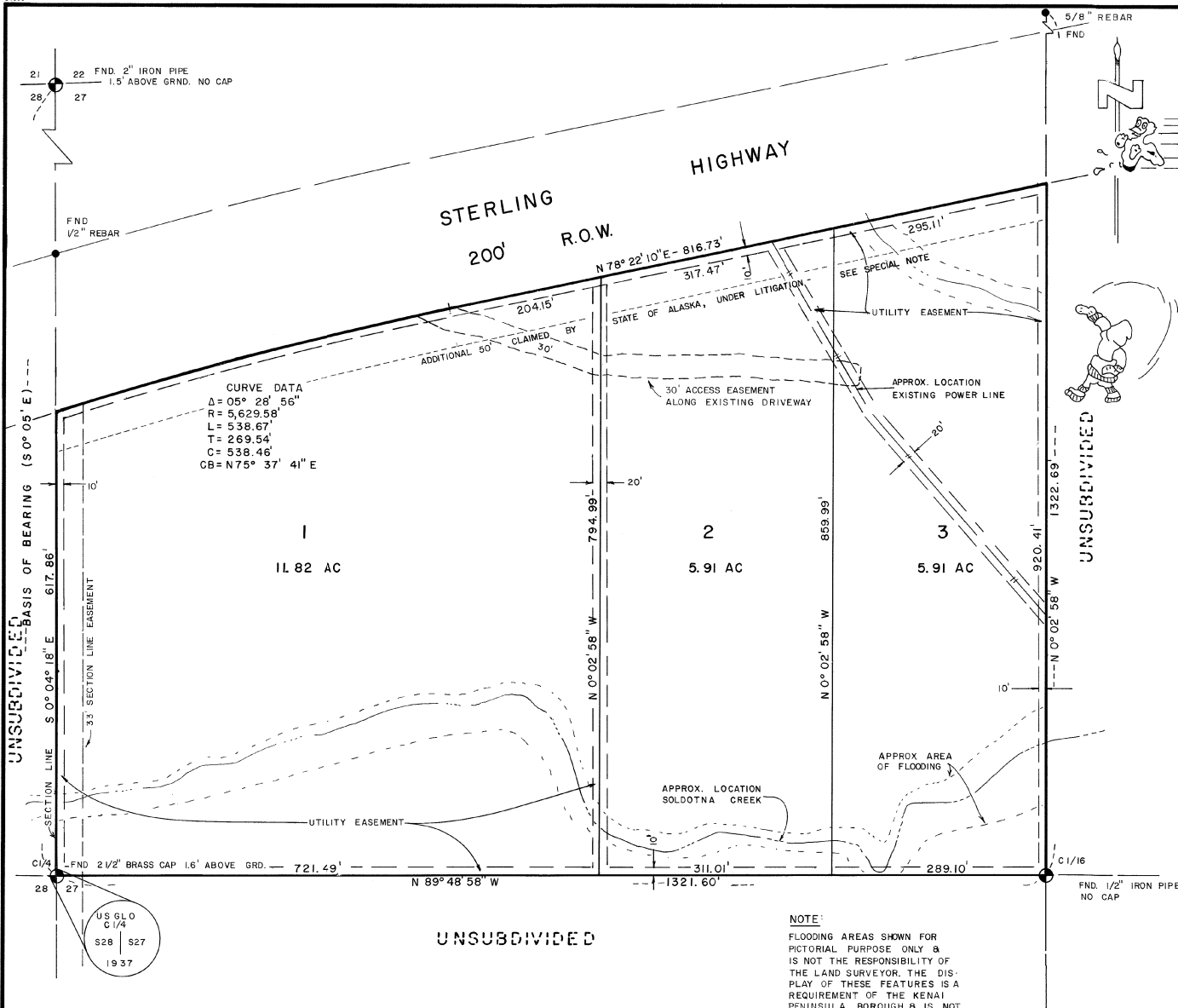
**Wetlands**











### CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

*Alton & Twila Heath*  
 ALTON J. AND TWILA N. HEATH  
 BOX 58  
 SOLDOTNA, ALASKA 99669

### NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 22 DAY OF July, 1983 FOR ALTON J. & TWILA N. HEATH

STATE OF ALASKA  
 JANICE BISHOP  
 NOTARY PUBLIC

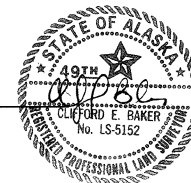
*Janice Bishop*  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 2/24/84

### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 13, 1983

KENAI PENINSULA BOROUGH

*Frank S. Lynn*  
 AUTHORIZED OFFICIAL



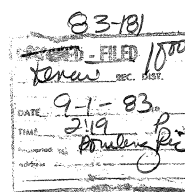
*Cliff Baker*  
 CLIFFORD E. BAKER, R.L.S.  
 REGISTRATION NO. LS-5152

### LEGEND

- MONUMENT (Found this survey)
- ⊕ MONUMENT (Set this survey)
- REBAR (Found this survey)
- ⊥ 5/8" x 30" REBAR (Set this survey)
- ( ) RECORD DATUM KRD K-1663

### SPECIAL NOTE:

THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION CLAIMS AN ADDITIONAL 50' ALONG THE STERLING HIGHWAY. AT THE TIME OF RECORDATION THIS CLAIM IS UNDER LITIGATION. BEFORE CONSTRUCTING WITHIN 50' OF THE HIGHWAY THE CURRENT STATUS OF THIS CLAIM MUST BE RESOLVED.



### NOTES:

- 1) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 2) ACCESS TO LOTS FROM STERLING HWY PROHIBITED EXISTING TRAIL IS FOR ACCESS TO ALL LOTS.

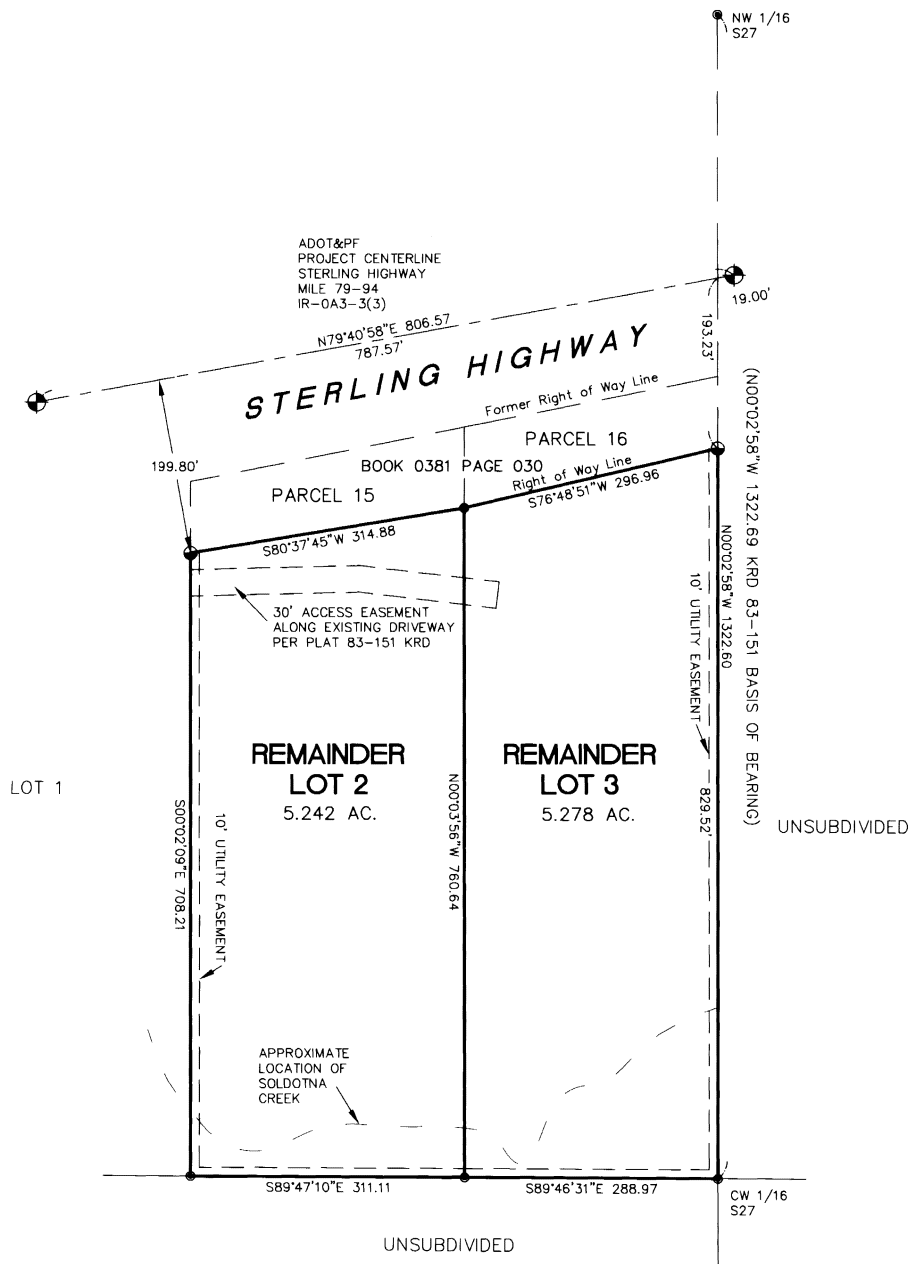
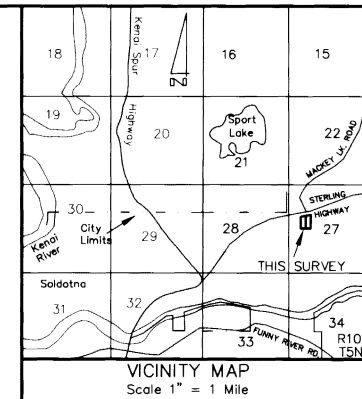
### HEATH SUBDIVISION NO. 3

A SUBD. LOCATED WITHIN THE CITY OF SOLDOTNA PORTION OF THE SW 1/4 NW 1/4, SEC 27 T5N, R10W, S.M. AK, SOUTH OF THE STERLING HWY. - PATENT RECORDED BOOK 19, PAGE 60, KENAI RECORDING DIST. CONTAINING 23 ± ACRES INTO 3 LOTS

**DOWLING-RICE and ASSOCIATES**  
 P.O. BOX 1974 SOLDOTNA, ALASKA 99669

ENGINEERS		SURVEYORS	
262 - 9011			
SURVEYED: 7/83	PLATTED: 7/83		
DRAFTED: DDP/DAM	SCALE: 1" = 100'		
CHECKED: CEB	SHEET: 1 of 1		





# LEGEND

- Found 1" pipe inside monument box
- Set 1/2" x 24" rebar with McLane cap attached.
- Found ADOT&PF Monument
- Found 5/8" diam. rod or rebar
- ( ) Record data

# NOTES

- This survey does not constitute a subdivision as defined by A.S. 40.15.190(2).
- This plat represents a boundary survey of the remainder of Lots 2 and 3 Heath Subdivision Plat No. 81-183 KRD created by Book 0381 Page 030 KRD.



2000-55

Kenai REC. DIST. 20

Date 11-15-20 00

Time 3:08 P.M.

Requested By McLane

Address

Surveyed by: **McLANE** McLane Consulting Group  
Mile Post 3.5 Kenai Spur Hwy, P.O. Box 468  
Soldotna, AK 99669 ph. (907) 283-4218

# RECORD OF SURVEY

BOOK 0381 PAGE 030 AND REMAINING  
PORTION OF LOT 2 AND LOT 3 ACCORDING TO THE  
PLAT OF HEATH SUBDIVISION NO. 3 FILED  
AS PLAT 83-181  
KENAI RECORDING DISTRICT  
WITHIN  
SW 1/4 NW 1/4, SECTION 27, T5N, R10W, S.M., AK

Date of Survey 9/7/00	Book No. 00-15-29	Dwg. No. 002016
Drawn by msm	Scale 1" = 100'	



## Quainton, Madeleine

---

**From:** Jennifer Hester <jhester@soldotna.org>  
**Sent:** Tuesday, October 25, 2022 10:38 AM  
**To:** Quainton, Madeleine; John Czarnezki  
**Cc:** Jason Young  
**Subject:** <EXTERNAL-SENDER>RE: PLAT REVIEW FOR November 14, 2022 MEETING: City of Soldotna

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Madeleine,

Thank you for sharing the Heath Subdivision No 5 Plat. Jason, from Edge Survey & Design, and I discussed an edit to Plat Note #1 to a generic zoning note instead of listing setbacks.

Please let me know if there are any questions.

Thanks!  
Jen

---

**From:** Quainton, Madeleine [mailto:mquainton@kpb.us]  
**Sent:** Tuesday, October 25, 2022 10:24 AM  
**To:** John Czarnezki <jczarnezki@soldotna.org>; Jennifer Hester <jhester@soldotna.org>  
**Subject:** PLAT REVIEW FOR November 14, 2022 MEETING: City of Soldotna

Hello,

Attached are the plats to be reviewed for the **November 14, 2022** meeting.

- Heath Subdivision No 5 KPB 2022-153

Please provide comments by **November 2, 2022** to ensure the comments will be included in a preliminary plat staff report.

Preliminary plat comments will be accepted until 1:00p.m. Friday before the Plat Committee's meeting date.

Kind regards,

**Madeleine Quainton**  
Platting Technician  
Planning Department  
Ph: (907) 714-2207  
Fx: (907) 714-2378



## Quinton, Madeleine

---

**From:** Percy, Colton T (DFG) <colton.percy@alaska.gov>  
**Sent:** Wednesday, November 2, 2022 12:44 PM  
**To:** Quinton, Madeleine  
**Subject:** <EXTERNAL-SENDER>FW: PLAT REVIEW FOR November 14, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS  
**Attachments:** Plat Revision KPB 2021-003R1 Reduced.pdf; Plat Prelim KPB 2022-153 Reduced.pdf; Plat Prelim KPB 2022-156 Reduced.pdf; Plat Prelim KPB 2022-158 Reduced.pdf; Plat Prelim KPB 2022-155 Reduced.pdf; Plat Prelim KPB 2022-157 Reduced.pdf; Plat Prelim KPB 2022-159 Reduced.pdf; Plat Prelim KPB 2022-125R1 Reduced.pdf; Plat Prelim KPB 2022-160 Reduced.pdf; Plat Prelim KPB 2022-161 Reduced.pdf

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi Madeleine,

Alaska Department of Fish and Game (ADF&G) has reviewed these proposed platting actions, including KPB 2022-162. ADF&G has no objections to the proposed platting actions as they will not affect public access to public lands and waters. ADF&G has the following comments:

KPB 2022-153: This plat depicts Soldotna Creek which is cataloged as anadromous. AWC 244-30-10010-2039

KPB 2022-158: This plat depicts North Fork Anchor River which is cataloged as anadromous. AWC 244-10-10010-2011

KPB 2022-153: This plat depicts Soldotna Creek which is cataloged as anadromous. AWC 244-30-10010-2039

KPB 2022-160: The correct name of the creek is Bidarki Creek, not Bidarka as depicted on the plat and the plat notes. Bidarki Creek is not anadromous.

Anadromous waters are identified to be important habitat for salmon. Any modifications to the streambank or streambed of an anadromous stream requires a permit from the ADF&G Division of Habitat.

Thank you, as always for the opportunity to review and comment.

### Colton T. Percy

**Habitat Biologist**

**Access Defense Program**

Alaska Department of Fish and Game

Division of Wildlife Conservation

333 Raspberry Rd

Anchorage, AK 99518

907-267-2118

---

**From:** Quinton, Madeleine <mquinton@kpb.us>

**Sent:** Tuesday, October 25, 2022 10:23 AM

**To:** 'Olewniczak, Iwo' <iwo.olewniczak@acsalaska.com>; Marsengill, Dale <DMarsengill@HomerElectric.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Biloan, Joselyn (DOT) <joselyn.biloan@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; 'ospdesign@gci.com' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>

Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>

Subject: PLAT REVIEW FOR November 14, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Attached are the plats to be reviewed for the **November 14, 2022** meeting.

- Sleepy Hollow Longmere Landing Addition KPB 2021-003R1
- Heath Subdivision No 5 KPB 2022-153
- Tatum Denise Subdivision Derks Lake Addition KPB 2022-155
- Centennial Shores Subdivision 2023 Replat KPB 2022-156
- Levan-Sterling Subdivision KPB 2022-125R1
- Lloyd Race Lot 4 Replat KPB 2022-157
- ASLS No 2021-37 North Fork Micro AG Subdivision KPB 2022-158
- Questa Woods Subdivision Unrein Addition KPB 2022-159
- Bidarki Creek No. 5 KPB 2022-160
- James 2022 KPB 2022-161

Please provide comments by **November 2, 2022** to ensure the comments will be included in a preliminary plat staff report.

Preliminary plat comments will be accepted until the 1:00 p.m. Friday before the meeting date.

**Madeleine Quainton**

Platting Technician

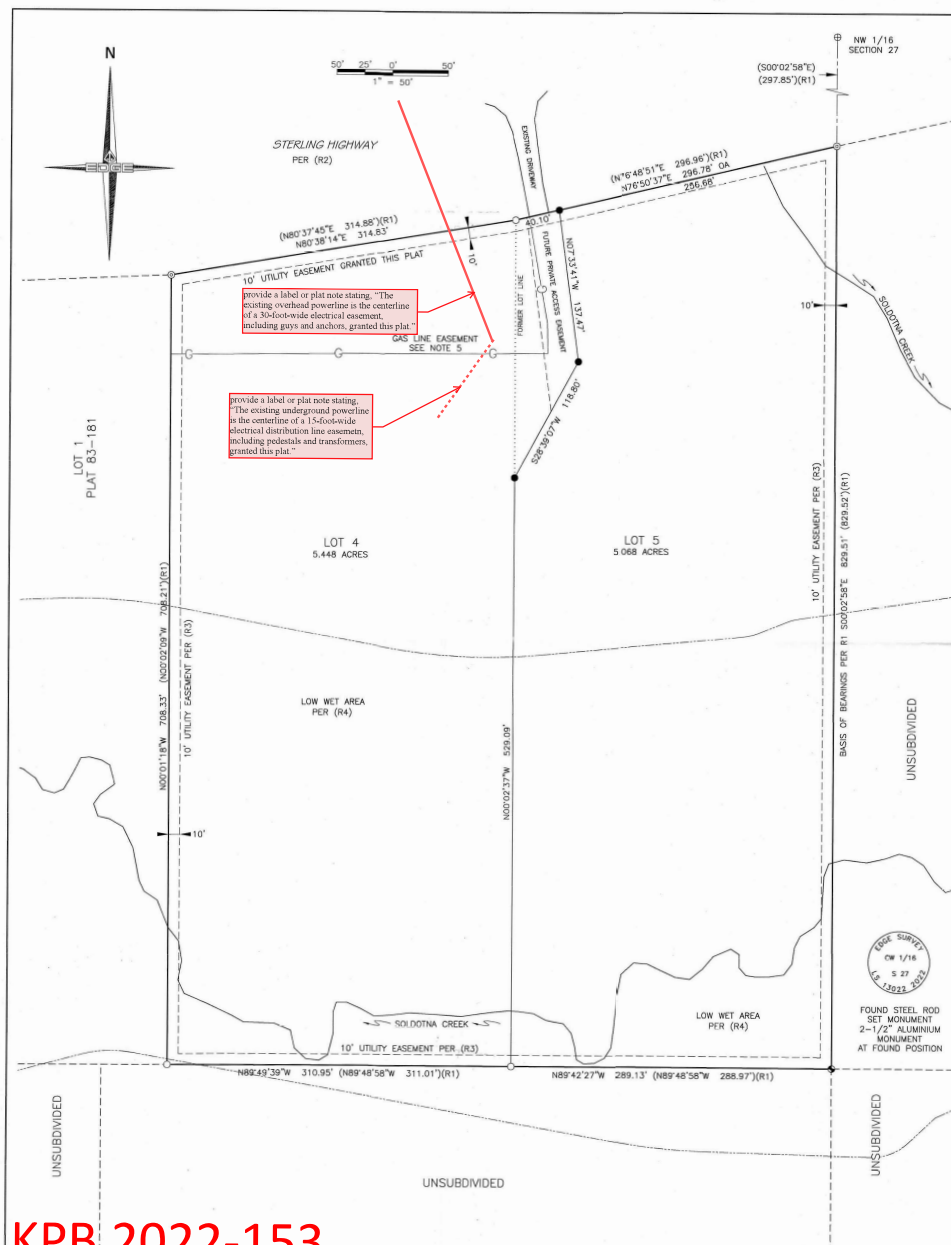
Planning Department

Ph: (907) 714-2207

Fx: (907) 714-2378

**KENAI PENINSULA BOROUGH**  
144 North Binkley Street  
Soldotna, Alaska 99669







## Quainton, Madeleine

---

**From:** Jennifer Hester <jhester@soldotna.org>  
**Sent:** Thursday, October 13, 2022 3:39 PM  
**To:** Quainton, Madeleine  
**Cc:** Jason Young  
**Subject:** <EXTERNAL-SENDER>Heath Subdivision 2022 Replat  
**Attachments:** 22PM1005 unapproved.pdf; 22PRS011\_approved\_not signed.pdf; 22PRS011\_packetitem.pdf

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Madeleine,

Please see attached for the Heath Subdivision 2022 Information.

There were a few items Jason & I chatted about potentially changing from the preliminary plat submitted to us to what the KPB will have submitted:

- Plat note #1 refers to a 20 ft. building setback. A general note referencing the City's Zoning code would be preferred. (Two reasons, we could amend our zoning code & the setback distances then could change, or the change of use could be different. This property is in the Commercial District with no setbacks, but then if the use is single-family residential then the 20 ft. setback would be required. However the use of recreational lodging typically wouldn't trigger the setback as the use is defined differently in our code)
- I'm not sure if the KPB will want you to call out Soldotna Creek again in the Northeast corner of the plat. The location & name is clearly legible to the south, just the stream line is broken. (I haven't encountered that broken depiction before.... You likely know better than I what the standard is.)

Also, this is between the DOT & landowners, but there is a letter in our records from DOT that requires a new driveway permit upon replat (page 15 of the packet item, last paragraph). We had never seen this before. Our Public Works Director sent an email to DOT about this but never heard back.

Kind regards,  
Jen

 **Jennifer Hester**  
Associate Planner  
City of Soldotna | jhester@soldotna.org  
P: 907.714.1234 F: 866.743.2194

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

A Regular Meeting of the Soldotna Planning and Zoning Commission was held on October 5, 2022. Chair Vadla called the meeting to order at 5:30 p.m.

There were present:

Kaitlin Vadla, Chair  
Charlene Tautfest  
Thomas Anderson  
Dennis Murray

Sonja Barbaza  
Jenny Smithwick-Aley  
Mark Burton

Comprising a quorum of the Commission.

There were absent:

None

Also in attendance were:

Paul Whitney, Mayor  
Lisa Parker, City Council Ex-Officio  
John Czarnecki, Director of Economic Development and Planning Department  
Jennifer Hester, Associate Planner

**APPROVAL OF THE AGENDA**

MOTION: Commissioner Anderson moved to suspend the rules and address agenda item 5. A. Granting a Conditional Use Permit for the Development of a Storage Yard at 199 Karen St immediately following agenda item 7. B. Recommending Approval of the John Buchanan Subdivision.

VOTE ON MOTION:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MOTION PASSED: 7 Yes, 0 No, 0 Absent

The agenda was approved as amended unanimously.

**APPROVAL OF THE MINUTES**

The September 7, 2022 meeting minutes were approved unanimously.

**NEW BUSINESS****Resolution PZ 2022-011 – Recommending Approval of the Heath Subdivision**

MOTION: Commissioner Anderson moved to approve Resolution PZ 2022-011.

Associate Planner Hester summarized the written staff report.

Commissioner Murray inquired as to the placement of the buildings on Lot 2A and access.

Associate Planner Hester stated the buildings are on proposed Lot 4, currently Lot 2A, and the access is from a driveway that will be on Lot 4, currently Lot 3A. She was unable to find an access agreement in the Record's Office.

Council Member Parker inquired as to the access of Lot 2A.

Associate Planner Hester stated that the access is a shared driveway created by the Department of Transportation (DOT) for the two lots.

Commissioner Anderson asked if Lot 3A's access would still be shared or if Lot 5 would have to put in a new driveway.

Associate Planner Hester stated that her understanding is for a shared access between the two lots.

Chair Vadla inquired as to the split zoned properties, if there are standards for driveways and access points for Commercial properties specifically along that stretch of the Sterling Highway. She hopes that the access points along the Sterling Highway are as safe as possible.

Director Czarnezki stated the DOT grants access to established lots on the Sterling Highway regardless of their zoning.

Chair Vadla asked for public comment.

The following person spoke in support of Resolution PZ 2022-011:

Jason Young, Edge Surveying, stated that technically as Lot 5 fronts the Sterling Highway it has access, but the practicality is not there due to elevation grade. Mr. Young speculated that DOT would not want any additional driveways along that stretch of the Sterling Highway. A private easement shall grant proposed Lot 5 access to proposed Lot 4. A private access easement shall be drafted and recorded after the plat is finalized. The well, waterfall and sign for the Stillwater Chalets encroaches over the current property line. This replat would correct for the encroachment, making all improvements reside on Lot 4.

Commissioner Anderson asked if there was any residential development on 3A.

Mr. Young stated 3A is vacant.

With no one else wishing to speak, the item was back before the Commission.

VOTE ON MOTION:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MOTION PASSED: 7 Yes, 0 No, 0 Absent

### **Resolution PZ 2022-012 – Recommending Approval of the John Buchanan Subdivision**

MOTION: Commissioner Murray moved to approve Resolution PZ 2022-012.

Associate Planner Hester summarized the written staff report.

Associate Planner Hester on behalf of Kyle Kornelis, Director of Public Works, stated "Utility services to Lot 2 may need an easement through Lot 1." The City has not confirmed the existing alignment of the service lines for water and sewer. Soldotna Municipal Code (SMC) 13.10.040(E) and 13.18.040(E) states requirements for replat to be in compliance.

Chair Vadla inquired as to the access to Tract B, the adjacent lot along the Sterling Highway.



Director Czarnezki stated there would not be a change to access in this platting action and the access points shall remain as they are.

Commissioner Murray inquired if Tract B is a separate piece of property or if it is part of the right-of-way.

Director Czarnezki clarified Tract B is a separate piece of property owned by the applicant.

Chair Vadla asked for public comment. With no one wishing to speak, the item was back before the Commission.

VOTE ON MOTION:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MOTION PASSED: 7 Yes, 0 No, 0 Absent

## **PUBLIC HEARINGS**

### **Resolution PZ 2022-013 – Granting a Conditional Use Permit for the Development of a Storage Yard at 199 Karen St**

MOTION: Commissioner Anderson moved to approve Resolution PZ 2022-013.

Director Czarnezki summarized the written staff report.

Commissioner Murray stated the storage yard next to the parcel does not have either type of buffers on either side.

Director Czarnezki was not aware of when the site was developed and if it predates the section of code regarding buffer requirements. The lot may have originally developed as a parking lot and expanded its use to include a storage component.

Commissioner Anderson asked for the City's standards for barb wire and stated it is not decorative.

Director Czarnezki stated there is no City standard for barb wire, and there is no definition that would help determine if such a fence would meet the definition of "decorative" or not. Although he agrees barb wire is not decorative, Director Czarnezki also understands the applicants need to provide security to the property.

Commissioner Anderson clarified that the application states 6 ft. chain link fence with vinyl slats and barb wire. He inquired if the fence was at the 8 ft. standard without barb wire, would that provide enough protection.

Commissioner Smithwick-Aley inquired as to City Code requirements regarding the 6 ft. instead of the 8 ft. fence condition.

Director Czarnezki stated that there are two sections of Soldotna Municipal Code that are in conflict. One section requires 6 ft. and one sections requires 8 ft. Staff recommends the 6 ft. is adequate for buffering. However, it is up to the commission to approve the resolution as provided.

Commissioner Burton stated that a 6 ft. fence with barb wire would not be considered decorative. His preference is to raise the fence to 8 ft. and remove the barb wire.

Chair Vadla inquired into the paving requirement.

Director Czarnezki stated that paving is required by code for all access aisles and parking areas from a paved street in the Commercial District. As there are no parking areas, the access way is recommended to be paved to access the connexes.

Commissioner Anderson verified that the recommendation is to pave all the way through the lot verses up to the gate and have a gravel pad.

Director Czarnezki verified that is how the conditions are recommended. The Planning Commission is able to amend the resolution.

Commissioner Anderson inquired as to the benefit to the City by requiring the entire access way to be paved. He also asked if it is the intention of the applicant to pave the area or is the paving of the access way what staff recommends as a conditional requirement.

Director Czarnezki stated that a benefit of paving is to have better containment of gravel and materials from being transported to the street. Additionally, there is paving requirements for esthetics, ease of travel and safety. The applicant did not indicate anything to be paved on the submitted site plan. This occurs often in site plan applications as code requirements are not always known. Staff then provides the interpretation of the code minimum requirements.

Commissioner Barbaza inquired to the code's requirement of paving and the feasibility of access.

Director Czarnezki clarified the City Code states access areas and parking areas need to be paved. The paving of the access area was staff's interpretation of how the lot would be used in relation to ingress and egress.

Commissioner Tautfest stated she is a board member of Peninsula Community Health Services (PCHS) and wanted to ensure that was not a conflict of interest.

Chair Vadla did not deem a conflict as Charlene is not receiving any financial compensation.

Chair Vadla opened the public hearing.

The following person spoke in support of Resolution PZ 2022-013:

Chris Cruickshank, Soldotna, does not believe raising the fence to 8 ft. would stop theft of building materials. The fence in the adjacent lot that Legacy Electric's fence would be abutting is also a 6 ft. fence with barb wire and the proposed fence in the application would match the neighboring existing fence.

Commissioner Murray stated that for someone attempting to gain entry a 6 ft. fence with barb wire for would cause injury verses an 8 ft. fence makes it less hostile.

Chair Vadla stated her concern that Karen Street Park is near and likely shall see an increase in youth access as the park expands. She asked if there is a better deterrent than barb wire, for example video cameras or other security, that would deter from theft but also be safe.

Chris Cruickshank stated that barb wire is the best deterrent for theft and that future plans include the construction of a structure to house materials.

Commissioner Smithwick-Aley inquired as to the storage of materials in the yard outside of the connexes and for the intention of paving.

Chris Cruickshank stated that materials will be stored in the yard as well as in connexes. The preference is to not pave beyond the gate, as that pavement in the access area will be removed upon future development.

Chair Vadla stated her support of the retention of trees as a buffer.

Commissioner Tautfest mentioned the neighboring PCHS lot had issues with vehicles being vandalized and that is the reason for the fence and barb wire of their parking lot.

Commissioner Anderson supported matching the existing fence next door and to remove the requirement to pave as it may be an unnecessary cost. Paving to the gate would be beneficial to the City. He inquired as to the landscaping plans for Legacy Electric.

Chris Cruickshank has no plans in place, but knew that there would be requirements in the future to landscape.

With no one else wishing to speak, the item was back before the Commission.

Commissioner Anderson would like to amend the resolution to only pave up to the gate.

Chair Vadla stated that Streets Department had more work with the absence of paving. Runoff mitigation may be different.

Director Czarnezki stated that grading requirements come in when a structure is placed, so that runoff moves away from buildings, does not flow to neighboring lots and is kept on site.

Associate Planner Hester stated on behalf of Mike Allen, the City's Utility Manager, that the parcel is within 300 ft. of existing water and sewer mains and future development would be required to connect to City infrastructure.

MOTION TO AMEND: Commissioner Murray moved to amend the seventh whereas, item number 5, of Resolution PZ 2022-013 as follows:

5. All landscaping and paving up to the gate of the property owner shall be complete by July 1, 2023.

VOTE ON MOTION TO AMEND:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MOTION TO AMEND PASSED: 7 Yes, 0 No, 0 Absent

MOTION TO AMEND: Chair Vadla moved to amend the seventh whereas, item number 1 of Resolution PZ 2022-013 as follows:

1. ~~A six-foot~~ An eight-foot tall decorative fence shall be constructed to screen the storage yard. The fence shall be setback from the property lines at least 10-feet to allow for the required buffer landscape bed.

Commissioner Tautfest inquired into the availability to purchase eight-foot vinyl slats. She asked if the eight-foot fence would include the barbwire and if the applicant wants to install an eight-foot fence.

Chair Vadla stated the eight-foot vinyl slats are available, the applicant is fine with either height of the fence and that the eight-foot would include barb wire.

Commissioner Smithwick-Aley inquired if the property would share a fence with the adjacent lot and would construct a fence that is three sided. She asked if the three sides would be required to be eight-foot in height, while the forth is six-foot in height.

Commissioner Tautfest inquired if the fence height requirement was left at six-foot could the applicant install an eight-foot fence.

Director Czarnezki stated the six-foot. would be the minimum and the applicant could install a taller fence if elected to do so.

Chair Vadla stated that an eight-foot fence is not outside of what normally would be required by Code.

Commissioner Anderson affirmed that the fence would have three sides of an eight-foot requirement and on the forth side, the existing building and a span of six-foot fence of the neighboring lot would remain in place.



Commissioner Burton inquired as to the benefit to reduce the space between trees in the buffer landscaping requirement.

Director Czarnezki stated the buffer landscaping code requires a 15-foot wide landscaping bed with two rows of trees. The trees are to be spaced 20 ft. apart & staggered. The code allows for a six-foot decorative fence to be in place of one row of trees. If the commissioner prefers something else to meet the intent of the code, then the resolution can be amended.

Commissioner Anderson stated that if the barb wire will be installed regardless of the height of the fence then the additional two-feet does not seem to be a necessary requirement.

VOTE ON MOTION TO AMEND:

Yes: Anderson, Barbaza, Murray, Vadla

No: Burton, Smithwick-Aley, Tautfest

Absent: None

MOTION TO AMEND PASSED: 4 Yes, 3 No, 0 Absent

MOTION TO AMEND: Commissioner Murray moved to amend the second whereas, nithe item pf the Resolution PZ 2022-013 as follows:

9. ~~A six-foot~~ An eight-foot tall decorative fence meets the intent of Soldotna Municipal Code to partially buffer the proposed use.

VOTE ON MOTION TO AMEND:

Yes: Anderson, Burton, Barbaza, Murray, Vadla

No: Smithwick-Aley, Tautfest

Absent: None

MOTION TO AMEND PASSED: 5 Yes, 2 No, 0 Absent

VOTE ON MAIN MOTION AS AMENDED:

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla

No: None

Absent: None

MAIN MOTION AS AMENDED PASSED: 7 Yes, 0 No, 0 Absent

The resolution was approved as amended unanimously.

## REPORTS

Council Member Parker reported that Council appealed the judge's decision for Annexation. The City Clerk position is still open with a hiring bonus to be provided. The voters in Soldotna supported the Field House.

Mayor Whitney reported that the Accessory Dwelling Unit Ordinance is before Council. The bond issue passed, and the Field House will be a great benefit to the community. The Riverfront Redevelopment consultants are doing the preliminary studies and hope to see results in the next few months. The new fire station and school remodeling bonds also passed, and the City will have a lot of construction as a result.

Mayor Whitney extended his gratitude for the work of the Planning Commission.

Director of Economic Development and Planning Czarnezki reported that the consultants for the Riverfront Redevelopment Project met with staff last week and met with nine different stakeholders from the community, including Mayor Whitney and a member of the Planning Commision, Commissioner Smithwick-Aley.

## COMMISSION COMMENTS

Commissioner Smithwick-Aley commented that she would like to see updates to the Commercial Zoning District to restrict the uses allowed within the district and disallow storage units to be a conditional use. Storage units and storage yards are industrial, not commercial. Where Legacy Electric applied to construct the storage yard, that type of storage facility use is already present. It's regrettable that is where the skate park is located. Moving the skate park may be ideal so there is no temptation to climb a barb wire fence. We don't want to discourage a barb wire fence for protection, but it's not what we are looking for as a buffer in beautification. Whether the fence is six-foot or eight-foot, the intention of a beautification buffer is not met. This brings the conversation back to if that use should be in that area.

Commissioner Smithwick-Aley also commented about the new cannery at K-Beach and the Sterling Highway. That building looks like it should be down Cannery Road. The commission can do work to improve the façade standards and architecture with rooflines or other changes in the architecture. Other cities have similar buildings that are more esthetic. She asked what can we do so that buildings don't look like a warehouse that belong somewhere else.

Commissioner Anderson commented that there was work done with the Planning Commission for beautification. The timeframe could be expedited so new buildings that are constructed have a different standard.

Director Czarnezki stated the Commission has held multiple work sessions on the uses in the Commercial District as well as Façade Design. The uses will be discussed with our Riverfront Redevelopment consultants as to when is the appropriate time to implement those code changes.

Commissioner Burton voiced his support for what the other Commissioners said. He would like to take a part of workshops or future work to implement those changes.

Commissioner Tautfest voiced her support for what the other Commissioner said.

Chair Vadla expressed her gratitude for the Mayor's attendance to the meeting and for the work he did towards the Field House and the other developments that are in place.

Chair Vadla stated the workshops that the Commission conducted had the intention to place stop-gap measures before new construction was underway. We see in hindsight what changes we wish had or had not occurred. The proposed changes and standards would affect the way the City looks and be inviting for people to participate in the commercial district. She hopes this can be on the agenda before the end of the year. Implementable measures could be addressed during the sessions.

Chair Vadla commented that she was excited by the field house and inquired as to the number of registered voters and the turnout for the vote.

## ADJOURNMENT

There being no further business to come before the Commission, Chair Vadla adjourned the October 5, 2022 Planning & Zoning Commission meeting at 7:15 p.m. The next regular meeting is scheduled for 5:30 p.m. on November 2, 2022.

---

Jennifer Hester, Associate Planner

Approved by the Commission: \_\_\_\_\_

CITY OF SOLDOTNA  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2022-011

A RESOLUTION RECOMMENDING APPROVAL OF THE HEATH SUBDIVISION 2022

---

WHEREAS, the attached plat for the Heath Subdivision 2022 was referred to the City of Soldotna Planning and Zoning Commission, and initially received from Edge Survey and Design on August 25, 2022; and

WHEREAS, the City of Soldotna Planning and Zoning Commission find:

1. The Heath Subdivision 2022 allocates 9,343 ft<sup>2</sup> from the existing Lot 3A to the existing Lot 2A;
2. The parcels are legally described as T 5N R 10W SEC 27 SEWARD MERIDIAN KN 2006097 HEATH SUB NO 4 LOT 2A and as T 5N R 10W SEC 27 SEWARD MERIDIAN KN 2006097 HEATH SUB NO 4 LOT 3A;
3. The two existing lots are owned by the applicants, Donald and Janice Shields;
4. Lot 2A is developed with recreational lodging and Lot 3A is undeveloped;
5. The replat creates Lot 4, a 5.448 acre lot, and Lot 5, a 5.068 acre lot;
6. The properties are split-zoned Commercial and Rural Residential;
7. The surrounding zoning to the north and west is Commercial. The parcel to the east is zoned Institutional District. The parcel to the south is zoned Rural Residential.;
8. Municipal water and sewer are not available;
9. Lot 2A and 3A have a shared access driveway from the Sterling Highway;
10. The plat does not subdivide property within a public improvement district subject to special assessments. There is not a delinquency amount owed to the City of Soldotna for the referenced property;
11. An installation or subdivision agreement is not required;
12. The replat meets all other general standards of Soldotna Municipal Code; and,

WHEREAS, in accordance with SMC 16.10.040.E the City mailed 7 notices to property owners within 300 feet notifying them of the proposed action.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Commission recommends the Kenai Peninsula Borough Planning Commission approve the Heath Subdivision 2022 subject to the findings as stated above.

Section 2. A copy of this resolution shall be forwarded to the Kenai Peninsula Borough Planning Department for their consideration.

Section 3. This resolution shall become effective immediately upon its adoption.



PASSED BY THE PLANNING AND ZONING COMMISSION THIS 5<sup>th</sup> DAY OF OCTOBER, 2022.

---

Kaitlin Vadla, Chair

ATTEST:

---

Jennifer Hester, Associate Planner

Yes: Anderson, Barbaza, Burton, Murray, Smithwick-Aley, Tautfest, Vadla  
No: None  
Absent: None

**TO:** Planning and Zoning Commission  
**THROUGH:** John Czarnezki, Director of Economic Development & Planning  
**FROM:** Jennifer Hester, Associate Planner  
**DATE:** September 12, 2022  
**SUBJ:** Resolution PZ 2022-011 Recommending Approval of the Heath Subdivision 2022

---

**GENERAL INFORMATION**

**Applicant(s):** Don & Janice Shields  
42737 Sterling Highway  
Soldotna, AK 99669  
Jason Young  
Edge Survey & Design  
PO Box 208  
Kasilof, AK 99610

**Legal descriptions:** T 5N R 10W SEC 27 SEWARD MERIDIAN KN 2006097  
HEATH SUB NO 4 LOT 2A  
T 5N R 10W SEC 27 SEWARD MERIDIAN KN 2006097  
HEATH SUB NO 4 LOT 3A

**Parcel IDs:** 059-320-43 (Lot 2A)  
059-320-44 (Lot 3A)

**Physical Address:** 42737 Sterling Hwy (Lot 2A)

**Location:** Between Milepost 92.5 and 93 of the Sterling Highway

**Size of Existing Lots:** 5.24 acres (Lot 2A)  
5.28 acres (Lot 3A)

**Size of Proposed Lots:** 5.448 acres (Lot 2A; proposed Lot 4)  
5.068 acres (Lot 3A; proposed Lot 5)

**Zoning:** Split zoned: commercial in the north halves and rural residential in the southern halves.

**Existing Land Use:** Lot 2A is developed with recreational lodging.

**Surrounding Zoning  
and Land Use:**

<b>North:</b>	Commercial	Undeveloped
<b>South:</b>	Rural Residential	Undeveloped
<b>East:</b>	Institutional District	AK Forestry
<b>West:</b>	Commercial	Undeveloped

**Kenai River Overlay  
District (KROD):**

The property does not contain land within the KROD.

**Utilities:**

The property is not served by municipal sewer and water

**Access:**

Access is provided via the Sterling Highway.

---

**BACKGROUND INFORMATION**

The proposed preliminary plat for the Heath Subdivision 2022 intends to transfer 9,343 ft<sup>2</sup> from Heath Subdivision No. 4 Lot 3A to Lot 2A. Lot 2A is currently developed with recreational lodgings. The petitioner, Edge Survey & Design, submitted the application on behalf of the owners of record for the two parcels, Don & Janice Shields, on August 25, 2022. The intention is to have all the infrastructure and improvements on one lot.

Lot 2A (42737 Sterling Highway) is developed with four single-family dwellings used for recreational lodging and is served by a driveway that extends across the property line into Lot 3A. The driveway was developed by the State of Alaska Department of Transportation in exchange for a portion of Lot 2 and 3 during a highway project in 2006. The shared access at that time was relinquished and one shared driveway access for Lots 2 and 3 was relocated directly across the Sterling Highway from Mackey Lake Road. A letter from the Department of Transportation states “it was a benefit to the Department, and for the safety of the traveling public, that the shared access be relinquished and one shared driveway access for Lots 2 and 3 be relocated directly across the Sterling Highway from Mackey Lake Road.”

This replat would expand Lot 2A so that the access is confined within the newly created Lot 4 (figure 2). A letter from 2006 to the City states “development, replatting, or change in use of a property requires property owners to apply for new driveway permits.”

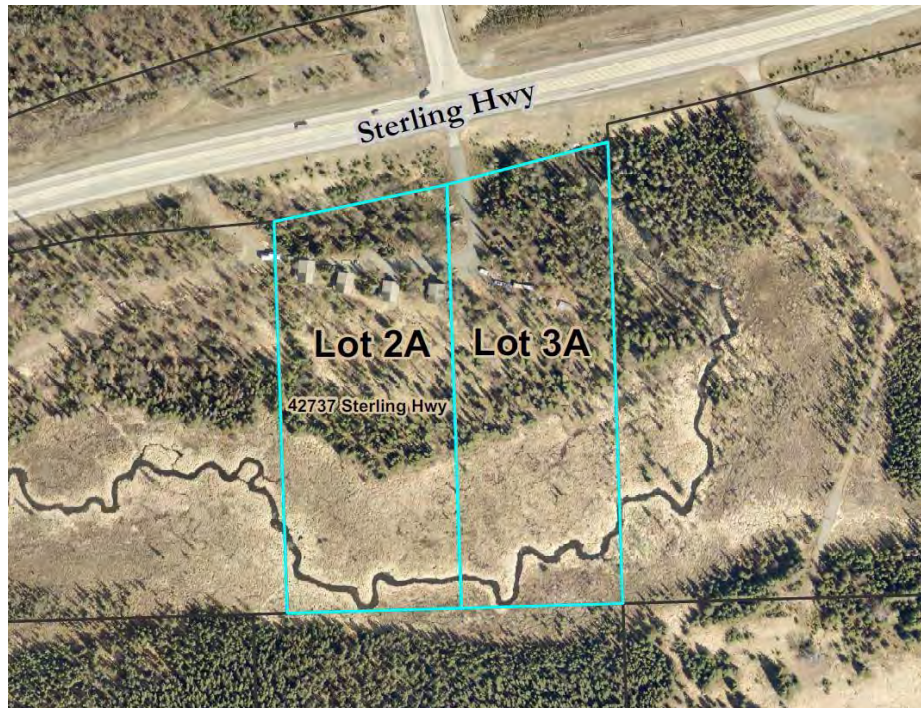
A replat in 2006 of these two parcels had vacated two easements: a 30’ access easement along a driveway and a 20’ utility easement along a powerline that is no longer in service.

The parcels are split zoned Commercial and Rural Residential. The surrounding parcels to the north and west are zoned Commercial. The parcel to the east is Institutional District. The parcel to the south is zoned Rural Residential.

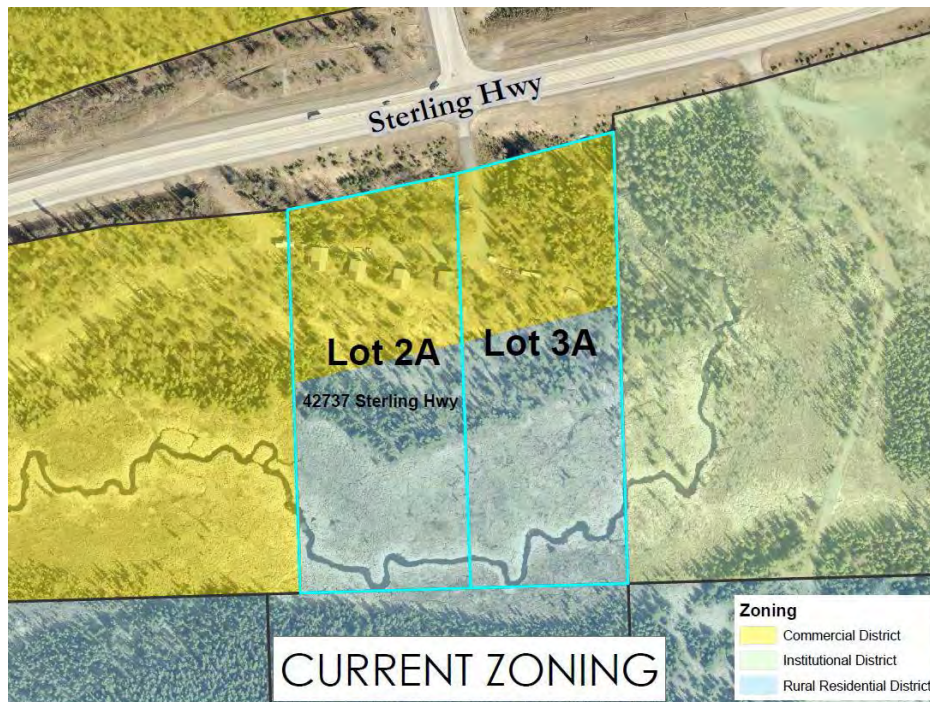
Legal access to proposed Lot 4 and Lot 5 is provided by the Sterling Highway. Neither municipal water nor sewer are available to the two lots.



Authority to review and approve proposed vacations, abbreviated subdivision plats, subdivision plat waivers, and preliminary plats showing a subdivision of land within the corporate boundary of the City of Soldotna is provided by AS 29.40.010 and Kenai Peninsula Borough (KPB) code 20.25.050, and is codified within Soldotna Municipal Code (SMC) 16.10.040.



**Figure 1.** Subject lots to redistribute 9,343 ft<sup>2</sup> from Lot 2A to Lot 3A.



**Figure 2.** Lot 2A and Lot 3A are currently split zoned.

---

## ANALYSIS

The intent of the Commercial (C) District is to provide an area which is convenient, visually pleasing, contributes to the economic welfare of the community, and allows a wide range of general business and other compatible uses.

### Commercial District

Standard		Required	Proposed		Standard Met?	Code Reference
			Lot 4	Lot 5		
Minimum Lot Size		See note*	237,315 ft <sup>2</sup>	220,762 ft <sup>2</sup>	YES	17.10.265.E.1
Minimum Lot Width		See note*	311 ft.	289 ft.	YES	17.10.265.E.2
Maximum Lot Coverage		30%	2%	No structure	YES	17.10.265.E.3
Maximum Building Height		48 ft.	20 ft.	No structure	YES	17.10.265.E.4
Minimum Yard Setback	Front: Back: Side:	See note**	184 ft. 550 ft. 20 ft.	No structure	YES	17.10.265.E.5

\*area, width, coverage and yard setback requirements shall be governed by off-street parking, loading, landscaping, building, and fire code requirements

\*\* Minimum yard, if abutting a residential district is twenty feet; unless a greater distance is specified in a conditional use permit. Approximate setback distances based on aerial imagery.

### Rural Residential District

The intent of the Rural Residential District is to provide an area for stable, quiet, and low density residential development and other uses which are both compatible with the maintenance of a rural, open environment and convenient to the residents of such a district. A 131,168 ft<sup>2</sup> area of Lot 4 and a 139,373 ft<sup>2</sup> would be rural residential. The rest of the lot is zoned commercial. The preliminary plat meets all the following general standards for the Rural Residential District, which can be found under Section 17.10.230 of the SMC and are summarized in the table below:

### Rural Residential District

Standard		Required	Proposed		Standard Met?	Code Reference
			Lot 4	Lot 5		
Minimum Lot Size		40,000 ft <sup>2</sup>	237,315 ft <sup>2</sup>	220,762 ft <sup>2</sup>	YES	17.10.230.E.1
Minimum Lot Width		125 ft.	311 ft.	289 ft.	YES	17.10.230.E.2
Maximum Lot Coverage		30%	2%	No structure	YES	17.10.230.E.3
Maximum Building Height		36 ft.	20 ft.	No structure	YES	17.10.230.E.4
Minimum Yard Setback**	Front: Back: Side:	20 ft. 20 ft. 10 ft.	184 ft. 550 ft. 20 ft.	No structure	YES	17.10.230.E.5

\*\*Approximate setback distances based on aerial imagery.

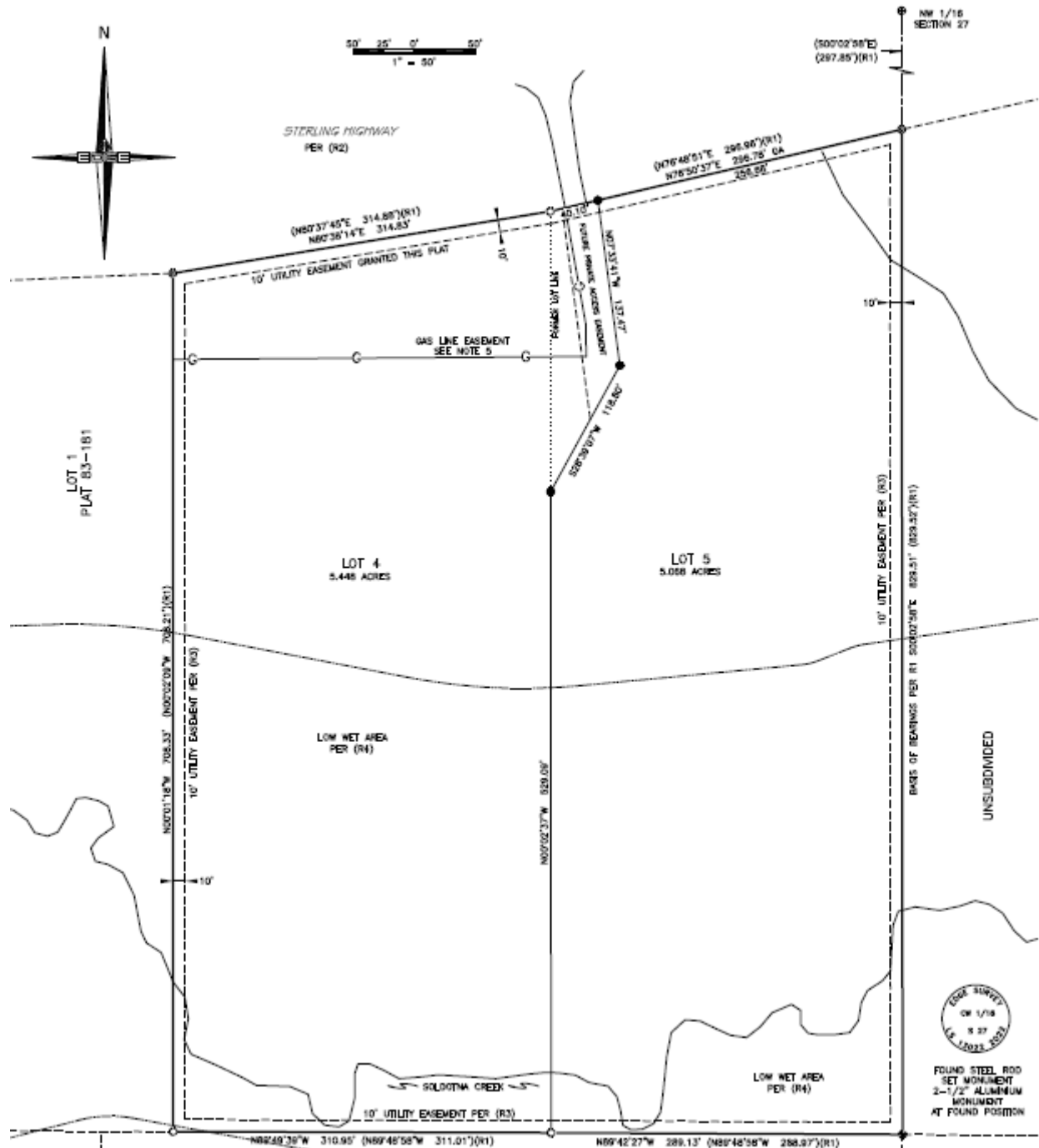


Figure 3. The preliminary plat depicts the location of the driveway that serve the lots.

## STAFF COMMENTS

This plat is a reallocation of 9,343 ft<sup>2</sup> from Lot 3A to Lot 2A.

The plat was circulated to City Staff for review.



Seven (7) public notices were mailed on September 14, 2022. No comments had been received at the time this report was drafted.

---

## **STAFF RECOMMENDATION**

Staff finds the preliminary plat for Heath Subdivision 2022 meets the general standards of the Soldotna Municipal Code, and therefore recommends approval.

Resolution PZ 2022-011 has been provided for your use, and would recommend approval to the Kenai Peninsula Borough.

### **Attachments:**

- A. Location Map
- B. Preliminary Plat, Heath Subdivision No. 5
- C. Parent Plat, Heath Subdivision No. 4
- D. Department of Transportation letter Re: 30' Access Easement – Relinquishment Lots 2 and 3, Heath Subdivision No. 3