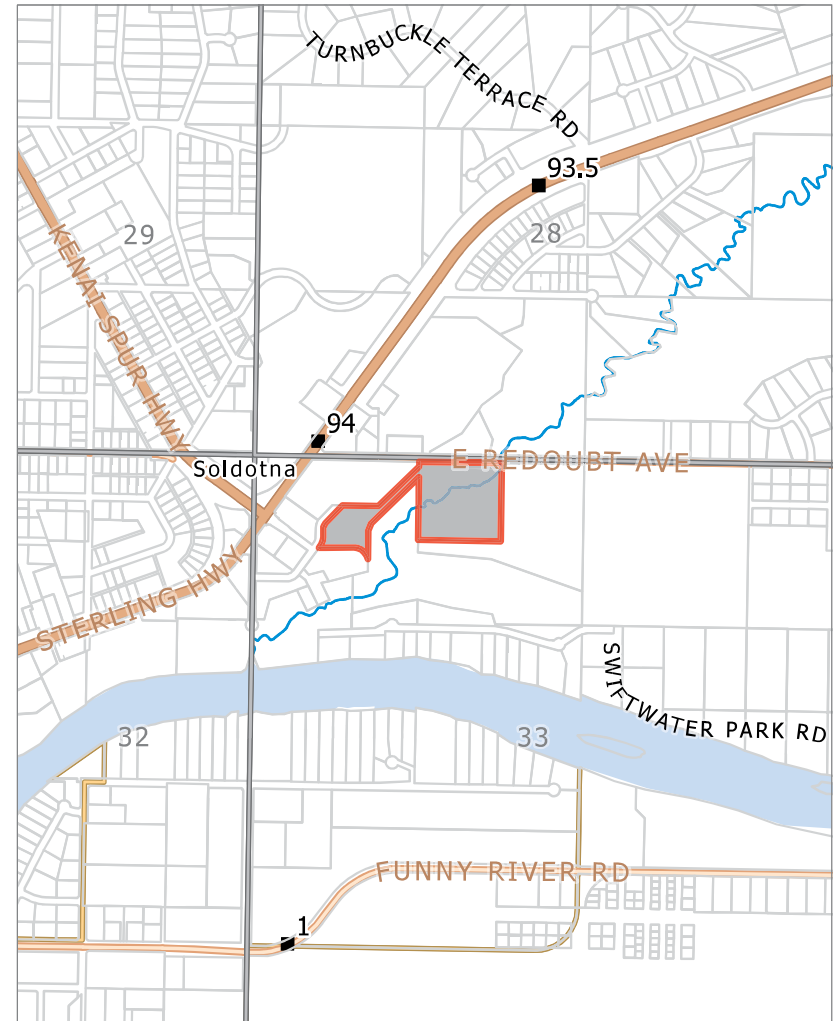
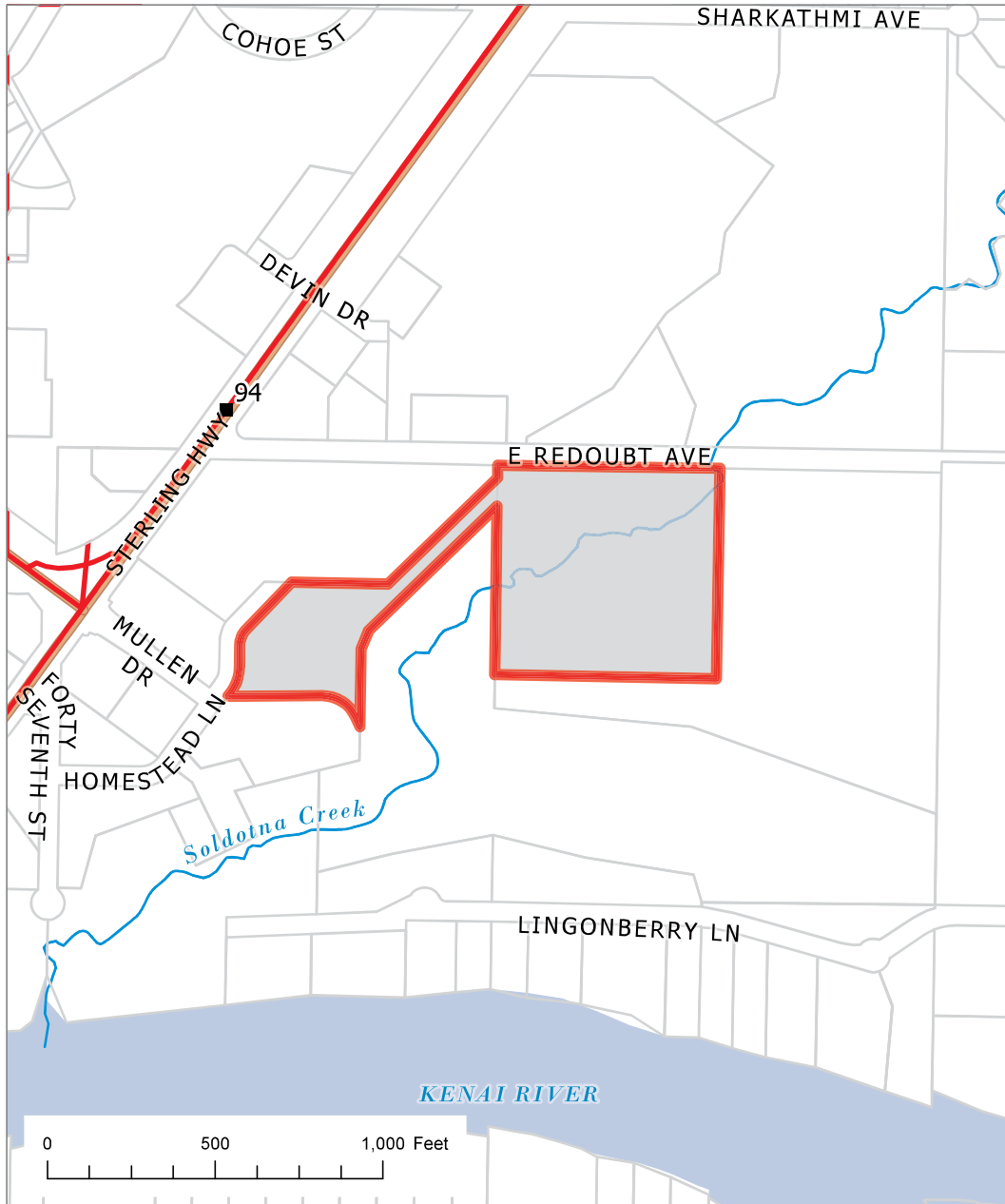


E. NEW BUSINESS

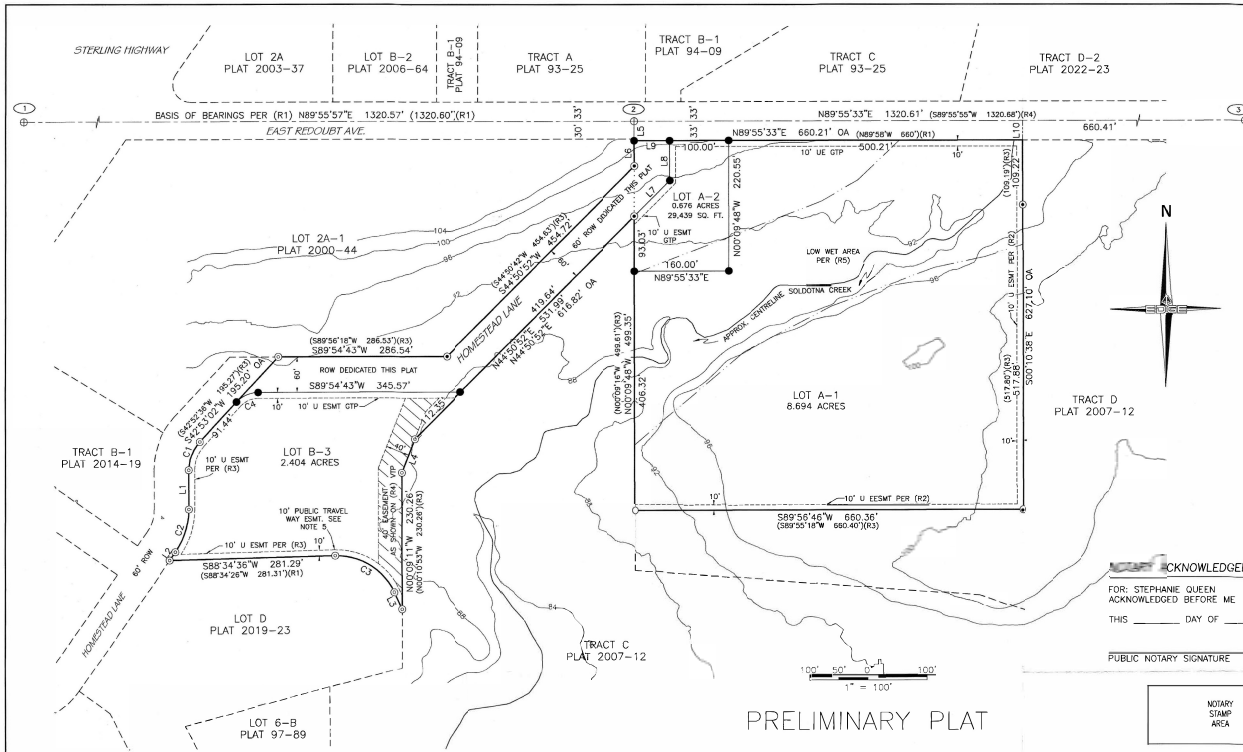
- 2. New Homestead Subdivision
KPB File 2023-007**



KPB File # 2023-007
S33 T05N R10W
Soldotna



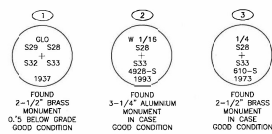
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



LEGEND

- ① FOUND PRIMARY MONUMENT - SEE REFERENCE
- ② FOUND YELLOW PLASTIC CAP
- ③ FOUND 1-1/2" STEEL CAP STAMPED MCLEANE 2015
- ④ FOUND 2" ALUMINUM CAP STAMPED MCLEANE 4928-S
- SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2022
- (R1) RECORD DATA, SEE REFERENCE
- OA OVERALL
- (HRR) HELD RECORD RADIUS
- U ESMT UTILITY EASEMENT
- ROW RIGHT-OF-WAY
- GTP GRANTED THIS PLAT
- ESMT EASEMENT
- VTP VACATED THIS PLAT
- UTILITY EASEMENT VACATED THIS PLAT
- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- ADJACENT PROPERTY LINE
- CENTERLINE
- EASEMENT
- LOW WET AREA
- FORMER LOT LINE
- MONUMENT THE LINE

MONUMENT SUMMARY



REFERENCES

- (R1) MULLEN HOMESTEAD SUBDIVISION BOOK STORE ADDITION, PLAT 2019-23, KENAI RECORDING DISTRICT
- (R2) NEW MORNING SUBDIVISION, PLAT 74-55, KENAI RECORDING DISTRICT
- (R3) MULLEN HOMESTEAD SUBD. SOLDOTNA CREEK ADDITION, PLAT 2015-47, KENAI RECORDING DISTRICT
- (R4) MULLEN HOMESTEAD SUBDIVISION ADDITION NO. 5, PLAT 2007-12, KENAI RECORDING DISTRICT
- (R5) KENAI WATERSHED FORUM WETLANDS INVENTORY

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF DECEMBER 12, 2022.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1 (HRR)	70.00'	52.77'	43°11'37"	S21°25'00"W	51.53'
C2 (HRR)	125.00'	76.88'	35°14'22"	N17°33'18"E	75.87'
C3 (R3)	125.00'	76.81'	35°12'22"	N17°29'18"E	75.81'
C4 (HRR)	108.00'	124.47'	68°02'02"	NSB 16°30'W	117.70'
C5 (R1)	108.00'	124.57'	68°05'03"	NSB 16°07'W	117.78'
C6	50.00'	41.04'	47°01'42"	NSB 23°52'E	39.90'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N00°09'11"W	66.28'
L1 (R3)	N00°10'33"W	66.20'
L2	N34°19'27"E	16.84'
L2 (R3)	N35°01'29"E	16.79'
L3	S25°10'33"E	30.92'
L3 (R1)	S25°08'29"E	30.90'
L4	S21°15'53"W	60.68'
L4 (R3)	S21°06'26"W	60.42'
L5	S00°09'48"E	33.00'
L6	S00°09'48"E	42.67'
L7	N44°50'52"E	84.84'
L8	N00°09'48"W	87.44'
L9	S89°55'33"W	60.00'
L10	N00°10'38"W	33.00'

ACKNOWLEDGEMENT

FOR: STEPHANIE QUEEN
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE

NOTARY
STAMP
AREA

NOTARY ACKNOWLEDGEMENT

FOR: LISA K. SCHMITTER
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE

NOTARY
STAMP
AREA

NOTES

1. DEVELOPMENT OF THESE PARCELS IS SUBJECT TO THE CITY OF SOLDOTNA MUNICIPAL CODE TITLE 17.
2. 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.
3. THIS SUBDIVISION IS SUBJECT TO A GENERAL ELECTRICAL LINE EASEMENT, WITH NO DEFINED LOCATION, GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 4, 1963, IN BOOK 10 PAGE 167, KENAI RECORDING DISTRICT.
4. THIS SUBDIVISION MAY BE SUBJECT TO DECLARATION OF RESTRICTIONS PER DOCUMENT SERIAL NUMBER 2014-003789-0 AND SERIAL NUMBER 2014-003790-0, KRD.
5. THIS SUBDIVISION IS SUBJECT TO TRAVEL WAY AND PUBLIC RECREATIONAL EASEMENT PER DOCUMENTS RECORDED JULY 20, 2015, SERIAL NUMBER 2015-005268-0, KRD. AND DOCUMENT RECORDED DECEMBER 30, 2020, SERIAL NUMBER 2020-012674-0, KRD.
6. THIS SUBDIVISION IS SUBJECT TO PUBLIC RIGHT OF WAY EASEMENT GRANTED TO CITY OF SOLDOTNA, BOOK 13 PAGE 150, KRD.
7. THIS SUBDIVISION SUBJECT TO COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED JULY 12, 1974, VOLUME 78 PAGE 195.
8. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170.
9. THIS SUBDIVISION IS SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER LINES OF THE SOLDOTNA CREEK AND A 15 FOOT DRAINAGE AND MAINTENANCE EASEMENT ALONG EACH SIDE OF THE STREAM BED, AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE CREEK IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE CREEK.
10. LOT A-1, WAS GRANTED A DRIVEWAY EASEMENT PER DOCUMENT RECORDED NOVEMBER 18, 1992, VOLUME 408, PAGE 905, KRD.
11. 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.
12. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF UTILITY EASEMENTS GRANTED PER (R4), AT THE MEETING OF DECEMBER 12, 2022.
13. WASTEWATER DISPOSAL: LOT A-1 AND B-3, CITY WATER AND SEWER ARE AVAILABLE TO SERVE THESE PARCELS. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
14. LOT A-1 IS AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OF DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LISA K. SCHMITTER
PO BOX 3194
SOLDOTNA, ALASKA 99669
FORMER TRACT A

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT CITY OF SOLDOTNA IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF CITY OF SOLDOTNA I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

STEPHANIE QUEEN - CITY MANAGER
CITY OF SOLDOTNA
177 NORTH BIRCH STREET
SOLDOTNA, ALASKA 99669
FORMER TRACT B-2C

KPB FILE No. 2022-XXX

NEW HOMESTEAD SUBDIVISION

A SUBDIVISION OF
TRACT A NEW MORNING SUBDIVISION
PLAT 74-55 KENAI RECORDING DISTRICT
AND
TRACT B-2C MULLEN HOMESTEAD SUBD.
SOLDOTNA CREEK ADDITION
PLAT 2015-47 KENAI RECORDING DISTRICT

LOCATED WITHIN NW 1/4 SECTION 33,
T.5N., R.10W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF SOLDOTNA

OWNERS:

CITY OF SOLDOTNA
177 NORTH BIRCH STREET
SOLDOTNA, ALASKA 99669
AND
LISA K. SCHMITTER
PO BOX 3194
SOLDOTNA, ALASKA 99669
CONTAINING 12.962 ACRES



12501 OLD SEAWAY RD. ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7754

DRAWN BY: DATE: 01/16/2023 PROJECT: 22-560
CHECKED BY: SCALE: 1" = 50' SHEET: 1 OF 1
MA

KPB 2023-007

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – NEW HOMESTEAD SUBDIVISION

KPB File No.	2023-007
Plat Committee Meeting:	February 13, 2023
Applicant / Owner:	City of Soldotna and Lisa Schmitter of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edgy Survey and Design, LLC
General Location:	Homestead Lane, E Redoubt Avenue, City of Soldotna

Parent Parcel No.:	060-300-08 and 060-300-33
Legal Description:	Tract A, New Morning Subdivision, Plat KN 74-55 and Tract B-2C, Mullen Homestead Subdivision Soldotna Creek Addition, Plat KN 2015-47
Assessing Use:	Residential
Zoning:	Rural Residential, Commercial
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure two parcels into three lots and dedicate a continuation of a right-of-way.

Location and Legal Access (existing and proposed): The subdivision is located near the Mullen Drive intersection with Kenai Spur Highway and Sterling Highway. Mullen Drive connects to Homestead Lane that provides access to parent lot Tract B-2C. Homestead Lane is a 60 foot dedicated right-of-way with portions constructed. Parent Tract A currently has access from E Redoubt Avenue, a varying width dedication with 66 feet adjoining the subdivision. E Redoubt Avenue is constructed and the dedication is atop section line easements.

The proposed subdivision will be dedicating a continuation of Homestead Lane to provide a connection to E Redoubt Avenue in an effort to assist traffic flow. Proposed Lot B-3 will continue to have access from Homestead Lane. Proposed Lot A-2 will have access from Homestead Lane or E Redoubt Avenue. E Redoubt Avenue will continue to provide access to proposed Lot A-1. A residence appears to be present on the parent Tract A and a driveway easement exists from the lot located to the east due to the location of Soldotna Creek.

A non-motorized recreational easement is centered on the southern property line for proposed Lot B-3. The easement is labeled with a reference to plat note 5 which lists the documents creating the easement. **Staff recommends the note be updated to include the limitation to non-motorized.**

Upon reviewing parent plats, Mullen Homestead Subdivision Addition No. 3 KN 2000-44 depicted a 20 foot wide pedestrian easement along the eastern boundary of former Lot 2B-1. This easement was atop a portion of a 40 foot wide utility easement. The 40 foot utility easement was later vacated by Mullen Homestead Subdivision Addition No. 5, KN 2007-12. The plat did not mention the pedestrian easement and it does not appear on any following plats. **Staff recommends the plat depict and label any portions of the pedestrian easement that will be within Lot B-3 or provide documentation that the easement no longer exists.**

The proposed dedication will result in a closed and compliant block defined by Mullen Drive, Homestead Lane, E Redoubt Avenue, and Sterling Highway. The lots being created are not going to be within a closed or compliant block. Due to acreage of some of the lots, Soldotna Creek, and the Kenai River a closed and compliant block is currently not possible. **Staff recommends the plat committee concur that an exception for block length is not required as this plat is improving a block but other required dedications will not improve the block at this time.**

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	

Site Investigation: The terrain is relatively flat with some slopes found near Soldotna Creek.

There are some low wet areas along Soldotna Creek. The plat is depicting the areas within proposed Lots A-1 and A-2. There is a small portion of low wet area within proposed Lot B-3. This area conflicts with the vacation area that is depicted and depiction of the wet areas will be difficult. ***Staff recommends the current depiction remain on the final plat, add depictions to areas that do not conflict with required information, and add a wetland determination note.***

There appears to be some areas within a floodplain that have a 1% annual chance of flood. The City of Soldotna did not request any notation of floodplain on the plat. The City of Soldotna reviewed and noted the lands were not within their Kenai River Overlay District.

Soldotna Creek, an anadromous stream turns through portions of the subdivision and is depicted on the plat. The anadromous plat note is present but the wording will need to be updated to comply with KPB Code.

There is an existing residence located on parent Tract A. There does not appear to be any issues with existing nor will the plat create any encroachment issues.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldrige C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	

Staff Analysis Tract A, New Morning Subdivision KN 74-55, was the first subdivision plat done for that portion of land included within this subdivision. The preliminary plat will have a portion of Homestead Lane come from this property to allow the connection to E Redoubt Avenue. An additional lot will be created that will be .676 acres and will result in a lot with a remaining 8.694 acres from the original 10 acres. Per the City of Soldotna minutes and staff report, the smaller lot is proposed to be zoned commercial with the recording of the plat and the larger lot will remain as residential.

Parent Tract B-2C has been replatted many times. The land was originally part of the Mullen Homestead, K-1783, plat that was done in 1970. The current configuration was created by Mullen Homestead Subdivision Soldotna Creek Addition, KN 2015-47. Through the years the needs of the area have changed resulting in dedications and vacations occurring to provide the correct and needed access for the area as development occurred. The location of the Kenai River as well as Soldotna Creek have resulted in the development plans and needs changing through the years.

The City of Soldotna acquired Tract B-2C in order to dedicate a needed connection from Homestead Lane and E Redoubt Avenue. The new right-of-way should help provide a connection between commercial business, another route for residential lots, and to help with traffic onto the Sterling Highway.

A soils report will not be required if the lots will be connecting to city services. Lot A-1 is large enough that a soils report is not required. The correct plat notes are present. Per the City of Soldotna staff report, city public water and sewer are within 300 feet of the property. It also states it is the duty of the property owners to connect if within 300 feet. An installation agreement or documentation that one is not required will be required to be submitted.

Notice of the proposed plat was mailed to the beneficial interest holder on January 18, 2023. 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.

The City of Soldotna Planning and Zoning Commission heard the proposed plat on January 4, 2023. The Commission adopted Resolution PZ 2023-003, recommending approval of the preliminary plat. No conditions or requirements were requested.

Utility Easements The plat is proposing to vacate a 40 foot utility easement. The application for the utility easement alteration has been received and scheduled to be heard by the Kenai Peninsula Borough Planning Commission at the February 13, 2023 meeting.

Numerous utility easements have been granted and vacated through the years as the area's design has changed. Staff reviewed and it appears the previously platted utility easements have been brought over. A portion of the utility easement along Homestead Lane was granted by two separate plats. The first portion was granted by Plat KN 2014-19. It was carried over and then extended by Plat KN 2015-47. The label is referring only to Plat KN 2015-47. **Staff recommends that while the plat that granted the easement is preferred, it was correctly carried over and the depiction may lead to more confusion and may remain as presented.**

There are some easements granted by recorded document and are noted within the plat notes. No known locations were provided for depiction.

Parent Tract A did not grant any utility easements along E Redoubt Avenue when it was subdivided. This plat will be granting 10 foot along E Redoubt Avenue for utility purposes. There is a new dedication and 10 foot utility easements will be granted along the new dedication. The easements can only be granted on the portions adjacent to the dedication that are within the bounds of the subdivision.

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	
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Julie Hindman Affected Addresses: Addresses will be reviewed by the City of Soldotna and will determine new/changes to addresses
------------	--

	<p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: Homestead Lane Sterling Highway</p> <p>Existing Street Name Corrections Needed: East Redoubt Avenue</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: Jhindman - City of Soldotna will advise on addresses. Per the KPB GIS Roads information East Redoubt Avenue should be E Redoubt Avenue. Also correct West Marydale Avenue within the Vicinity Map to W Marydale Avenue</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. Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather</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**

Change the date in the Plat Approval certificate.
List the correct KPB file number.

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: *To the west of this plat there is a 3 foot portion of a section line easement that has not been dedicated.*

- 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: Add a label and width for Mullen Drive. Correctly label and depict Lot C to the Southwest.

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.

- 20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

Platting Staff Comments: Plat note needs update to match KPB Code.

Staff recommendation: comply with 20.30.290.

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: Per the City of Soldotna resolution, the lots will be connecting to city services.

Plat notes are correct. Soils report will not be 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.

- 20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: An installation agreement or documentation from the City that one is not required shall be submitted.

- 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.*

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.

Corrections to shown plat notes –

- *Note 5 should include that it is a non-motorized easement, the travel way was vacated per plat 2015-47.*
- *Review the right-of-way easement within note 6 and if within a dedication add, “located within Street Name dedication.” If it is not within a dedication, depict and label.*
- *Add the recording district to plat note 6.*
- *Update plat note 10 to match KPB Code.*
- *The date within note 11 will need to be corrected.*
- *Within note 12 updated from “parcel” to “parcels”.*
- *Lot A-2 is not addressed in wastewater disposal notes and should be.*
- *Be consistent on the recording district. Some state KRD while others state Kenai Recording District. Either way is acceptable but consistency is appreciated.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The authorized signer for the City of Soldotna will need to be verified prior to printing the mylar. Update the date within the Plat Approval statement. Comply with 20.60.190.*

KPB 20.70 – Vacation Requirements

Staff recommendation. *If the utility easement is approved and being finalized by plat it will be required to be recorded within one year of approval.*

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.

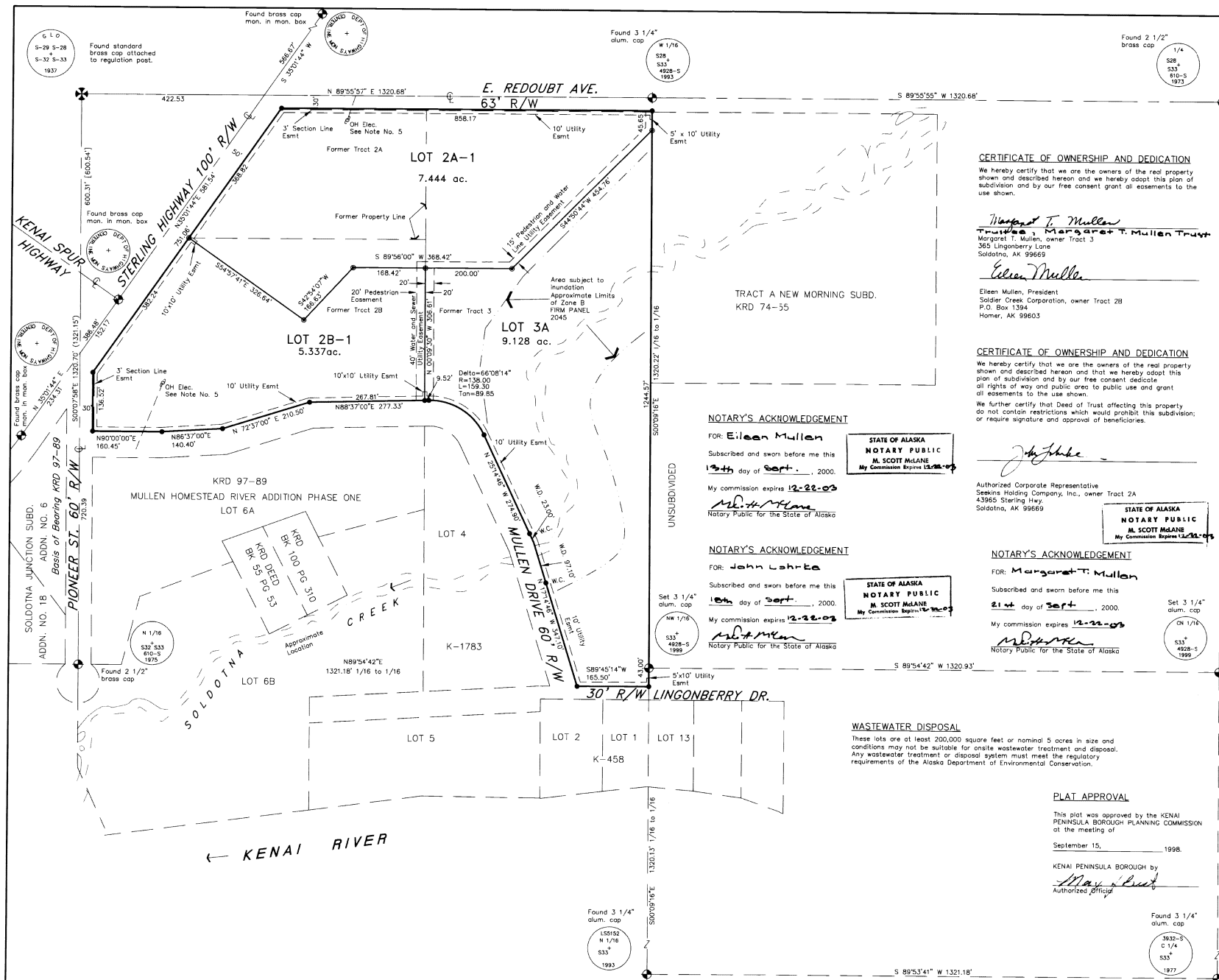
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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.



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and we hereby adopt this plan of subdivision and by our free consent grant all easements to the use shown.

Margaret T. Mullen
Trustee: Margaret T. Mullen Trust
 Margaret T. Mullen, owner Tract 3
 365 Ligonberry Lane
 Soldotna, AK 99669

Eileen Mullen
 Eileen Mullen, President
 Solder Creek Corporation, owner Tract 2B
 P.O. Box 1394
 Homer, AK 99603

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 by our free consent dedicate all rights of way and public area to public use and grant all easements to the use shown.

We further certify that Deed of Trust affecting this property do not contain restrictions which would prohibit this subdivision, or require signature and approval of beneficiaries.

John Lehre
 Authorized Corporate Representative
 Seakins Holding Company, Inc., owner Tract 2A
 43965 Sterling Hwy.
 Soldotna, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: **Margaret T. Mullen**
 Subscribed and sworn before me this
21st day of **Sept.**, 2000.
 My commission expires **12-22-03**
M. Scott Malane
 Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGEMENT

FOR: **Eileen Mullen**
 Subscribed and sworn before me this
19th day of **Sept.**, 2000.
 My commission expires **12-22-03**
M. Scott Malane
 Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGEMENT

FOR: **John Lehre**
 Subscribed and sworn before me this
16th day of **Sept.**, 2000.
 My commission expires **12-22-03**
M. Scott Malane
 Notary Public for the State of Alaska

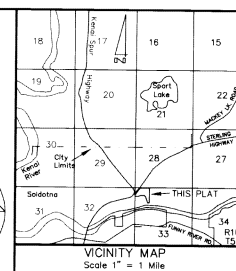
WASTEWATER DISPOSAL

These lots are at least 200,000 square feet or nominal 5 acres 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.

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of
 September 15, 1998.

KENAI PENINSULA BOROUGH by
Maya P. Smith
 Authorized official



LEGEND

- Found GLO standard brass cap attached to regulation post
- Set 5/8" x 30" rebar w/ 2" diam. alum. cap
- Primary survey monument as described.
- Set 1/2" x 24" rebar with McLane cap attached

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) Sterling Highway right of way determined from existing highway right of way maps of record and recovered centerline monuments.
- 5) Existing powerline(s) is the centerline of a 20 ft. wide electrical distribution line easement.
- 6) Portions of this subdivision are located within the Kenai River Overlay District and is subject to the City of Soldotna KROD requirements.



2000-44
 Kenai REC. DIST.
 Date: 9/29/00
 Time: 3:32 P.M.
 Requested by: Malane
 Address:

MULLEN HOMESTEAD SUBDIVISION ADDITION NO. 3

(A Resubdivision of Tracts 2A, 2B Mullen Homestead Addition No. 1 and Tract 3 Mullen Homestead)

Marge Mullen, owner
 365 Ligonberry Drive
 Soldotna, AK 99669
 LOCATION:
 21,909 AC. M/L, SITUATED IN THE NW 1/4 NW 1/4, GOVT LOT 1 SEC. 33, T. 5 N., R. 10 W., S.M., AK. AND THE CITY OF SOLDOTNA, THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.
 Surveyed by: Consulting Group
 P.O. Box 468
 Soldotna, AK 99669

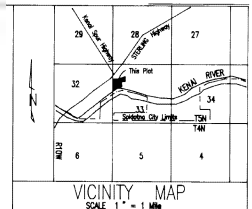
Date: Sept. 2000 Book No.: 98-16 Project No.: 942003s
 Drawn & Checked by: mm Scale 1" = 100' KPB File No. 98185

WASTEWATER DISPOSAL:

These lots are at least 200,000 square feet or nominal 5 acres 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.

LEGEND

- Set 5/8" Rebar at each Corner unless otherwise noted
- () Record KRD # 1783



NOTES

- No direct access to state maintained R.O.W.'s permitted unless approved by State of Alaska Department of Transportation.
- The existing made and non-electrical utilities are not constructed to current City of Soldotna standards. Until the road and utilities are brought up to City of Soldotna standards, the City will not maintain, upgrade or repair any City funds within this subdivision.
- No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- Front 10' of the lots adjacent to the R/W, the front 20' of the lots adjacent to the R/W within 5' of side lot lines is a utility easement.
- The property along the river lies within the Kenai River Overlay District and is subject to City KRD requirements.
- Existing D.H. powerline is centerline of a 20 foot electrical distribution line and gas line easement.
- The meander line of the river as shown is for compilation purposes only, the actual property line follows the normal R/W mark and is also the area subject to inundation.
- Portions of this subdivision are within the Kenai River Habitat Protection Area. Development may require a permit under Title 21 Borough Code of Ordinances.

LOT 2-B
ASLS No. 80-87



SOLDOTNA JUNCTION SUBD.
NO. 6

60' R/W PRINCE STREET

Point 1 1/4" Brass Cap
0.7" above ground on 1" pipe



KENAI RIVER

NEW MORNING SUBD.

CERTIFICATE of OWNERSHIP and DEDICATION

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

Francis E. Mullen
FRANCIS E. MULLEN INTER VIVOS REVOCABLE TRUST BY FRANCIS MULLEN, TRUSTEE

Notary's Acknowledgement

Subscribed and sworn before me on this 14th day of January 1997, For *Francis E. Mullen*

Notary Public
NOTARY PUBLIC FOR SOLOMON
MY COMMISSION EXPIRES 12/31/2000

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH Planning Commission at the meeting of

February 10, 1997
KENAI PENINSULA BOROUGH

Michael A. Swan
Michael A. Swan
Borough Clerk



MICHAEL A. SWAN
REGISTRATION NO. LS-6940



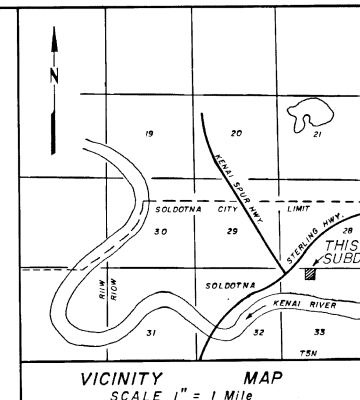
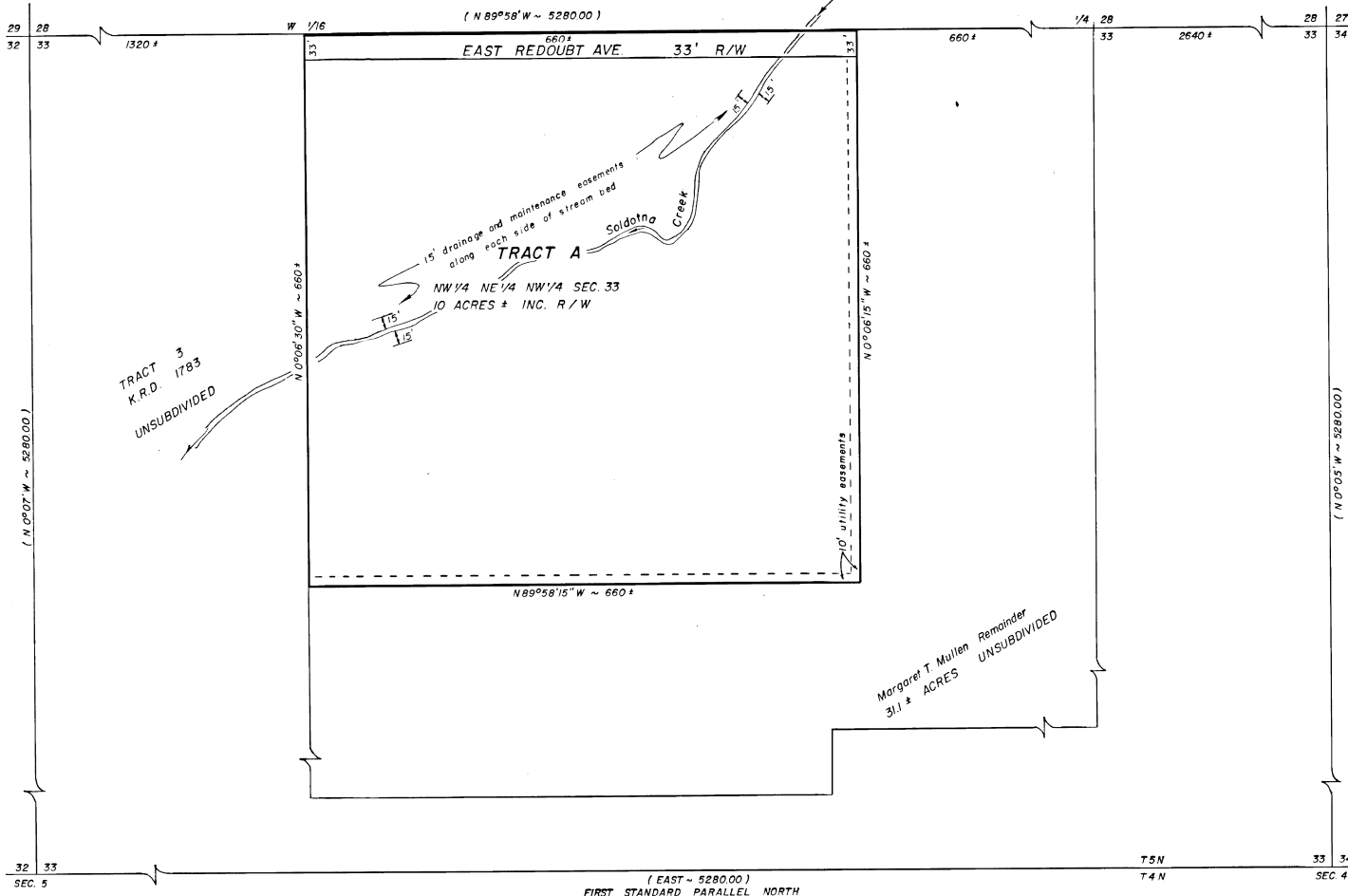
MULLEN HOMESTEAD
RIVER ADDITION PHASE 1
A Resubdivision of Tract 6 Mullen
Homestead K-1783

Francis E. Mullen Inter Vivos Revocable Trust
152 Raft Island
Gig Harbor, Wa. 98335

LOTTED IN LOT 6 OF MULLEN HOMESTEAD, SECTION 33, T5N, R14E, AS PLAT K-1783 OF THE KENAI RECORDING DISTRICT, IN THE CITY OF SOLDOTNA AND ALL WITHIN THE KENAI PENINSULA BOROUGH CONTAINING 12.787 ACRES.

Swan Surveying
SWAN SURVEYING
P.O. Box 987
SOLDOTNA, AK. 99669
PHONE 907-262-1014

DATE SUBMITTED	SCALE	DRAWN
NOV. 1997	1" = 100'	
FILE NO.	SK. NO.	KENAI RECORDING DISTRICT
97-11	97100	



RECORDED - FILED
 REC. DIST.
 DATE 19
 TIME M
 Requested by
 Address

NOTES:

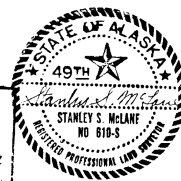
This is a paper plat of a portion of the Margaret T. Mullen property described by aliquot parts.

The G.L.O. datum of record shown thus ().

COVENANTS

Each of the lots in this subdivision shall be subject to assessments for improvements required by ordinance of the City of Soldotna, when installed by the City of Soldotna.

74-55
 RECORDED - FILED
 Kenai REC. DIST.
 DATE 6-20 1974
 TIME 1:50 P
 Requested by KPB
 Address



CERTIFICATE OF OWNERSHIP AND DEDICATION.

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

Date Margaret T. Mullen owner

NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 14 day of June, 1974.

My Commission expires June 22, 1977
 notary public for Alaska

PLAT APPROVAL.

Plat approved by the Commission this 15 day of April, 1974.

Mayor

TRACT A NEW MORNING SUBDIVISION

Margaret T. Mullen — owner
 Box 602, Soldotna, Ak. 99669

DESCRIPTION
 NW 1/4 NE 1/4 NW 1/4 SECTION 33, T5N, R10W,
 S.M. AK. CONTAINING 10 ACRES ± IN THE
 CITY OF SOLDOTNA.

Prepared by: S.S. McLane, R.L.S.
 Box 468, Soldotna, Ak.

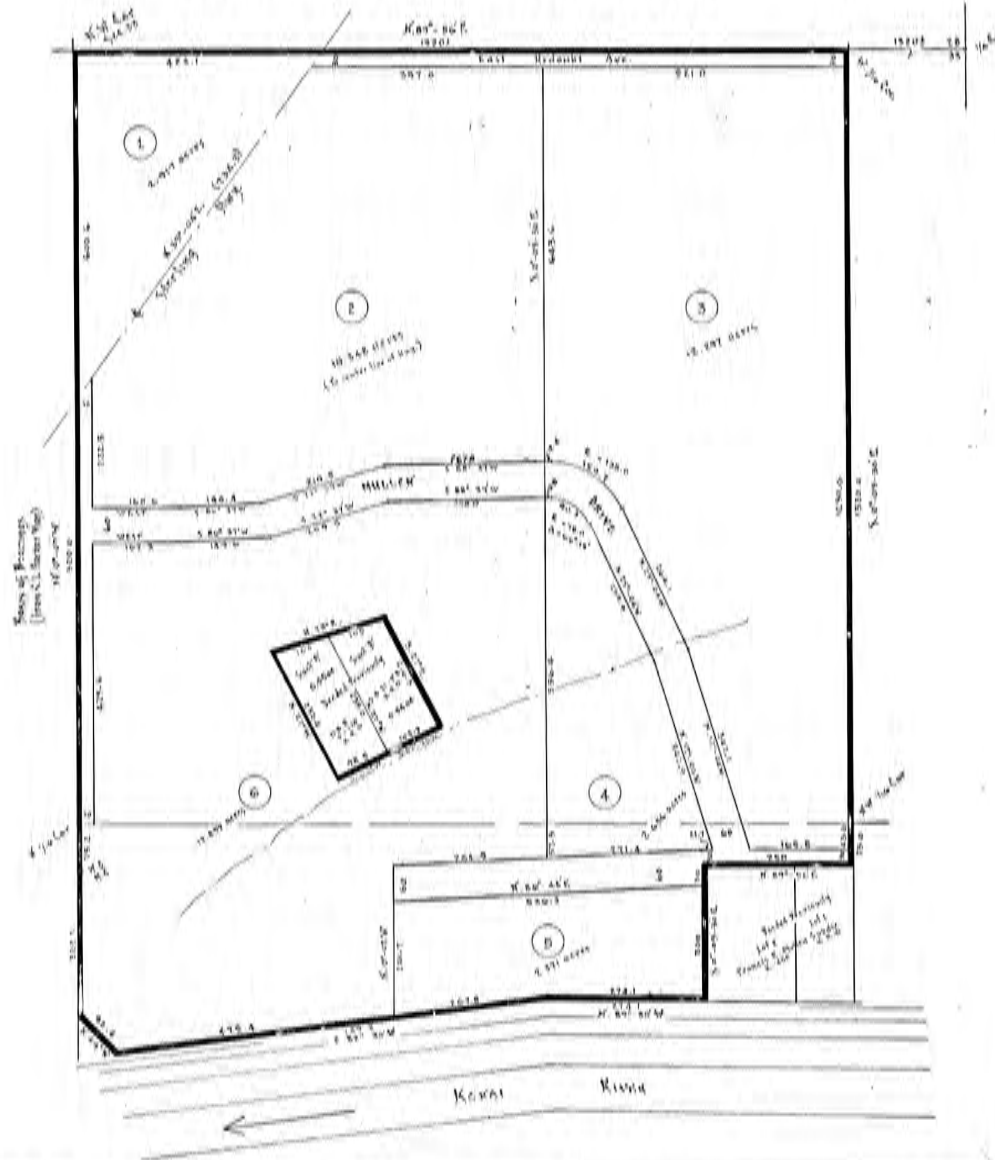
DATE March 12, 1974
 SCALE 1" = 100'

004553

RECORDS
BUREAU
DISTRICT

FILE 14 IN 1911
 REQUESTED BY RPR - Amy RFD
 ADDRESS 1111 1/2
 45177
 K-1753

PLAT OF MULLEN HOMESTEAD SOLDOTNA ALASKA



SCALE: 1" = 100'

A plat of the Mullen Homestead in Govt. Lot 1
 and the NW 1/4 NW 1/4, Sec. 25, T. 5 N., R. 10 W.
 of the Seward Meridian,
 City of Soldotna,
 Kenai Peninsula Borough
 Alaska

Notes: Data for this plat has been taken from S. L. Parker Map
 of the Mullen Homestead, dated April 22, 1970.
 No field survey has been made by me.

Date: July 3, 1970

Certificate of Ownership & Dedication:

We hereby certify that we are the owners of the tract
 of land shown herein; that we adopt this plat of subdivision
 with our free consent and do hereby dedicate to public use and
 for use of public utilities the streets so noted.

Frank Mullen
 Owner

Warrant? Mullen
 Owner

Sworn and subscribed to before me, a Notary Public,
 this 3rd day of July, 1970.

John J. Malone
 Notary

My commission expires: July 1, 1974

Kenai Peninsula Borough
 Planning Commission

Approved: July 13, 1971
 By: Barry J. Rucinski

FOR	
MR FRANK MULLEN	
SOLDOTNA	ALASKA
MALONE SURVEYING	
BOX 500	
SEASIDE	ALASKA

CITY OF SOLDOTNA

PLANNING & ZONING COMMISSION MINUTES

JANUARY 4, 2023, 5:30 P.M.

CITY COUNCIL CHAMBERS, SOLDOTNA, ALASKA

REGULAR MEETING

CALL TO ORDER & PLEDGE OF ALLEGIANCE

A Regular Meeting of the Soldotna Planning and Zoning Commission was held on January 4, 2023. Vice Chair Tauffest called the meeting to order at 5:30 p.m.

There were present:

Charlene Tauffest

Dennis Murray

Thomas Anderson

Sonja Barbaza

Jenny Smithwick-Aley

Mark Burton

Comprising a quorum of the Commission.

There were absent:

Kaitlin Vadla, Chair

Also in attendance were:

John Czarnezki, Director of Economic Development and Planning Department

Jennifer Hester, Associate Planner

APPROVAL OF THE AGENDA

The agenda was approved without objection.

APPROVAL OF THE MINUTES

The December 7, 2022 meeting minutes were approved without objection.

PUBLIC HEARINGS

Resolution PZ 2022-016 - Recommending Amendment of Soldotna Municipal Code (SMC) Title 17 by Establishing a New Sub-Chapter, 17.10.267, Commercial Core (CC) District

Substitute Resolution PZ 2022-016 – Recommending Amendment of Soldotna Municipal Code (SMC) Title 17, by Establishing a New Sub-chapter, 17.10.267, Commercial Core (CC) District, and Amending Sections of SMC Titles 1, 15, and 17 to Establish Standards for the Commercial Core (CC) Zoning District

The motion was on the floor from the December 7, 2022 meeting.

Director Czarnezki summarized the staff memo for the substitute resolution.

Vice Chair Tauffest opened the public hearing, asking for public comment. With no one wishing to speak, the item was back before the Commission.

MOTION: Commission Member Burton moved to amend Resolution PZ 2022-016 by substitute PZ resolution 2022-016.

Commissioner Murray inquired about marijuana establishments, and are listed as their own separate use in the table.

Director Czarnezki stated marijuana establishments are a permitted use in the Commercial District, and are listed in the table in Section 14. The reasoning and findings for the restrictions of marijuana establishments are already listed in the adopting resolution.

VOTE ON MOTION TO AMEND MAIN MOTION BY SUBSTITUTE RESOLUTION:

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

No: None

Absent: Vadla

MOTION PASSED: 6 Yes, 0 No, 1 Absent

VOTE ON MAIN MOTION AS AMENDED BY SUBSTITUTE RESOLUTION:

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

No: None

Absent: Vadla

MOTION PASSED: 6 Yes, 0 No, 1 Absent

Resolution PZ 2023-001 - Recommending Amendment of Soldotna Municipal Code (SMC) Title 17, to Establish Standards for the Use of Accessory Dwelling Units as Short-term Rentals

MOTION: Commission Member Burton moved to approve Resolution PZ 2023-001.

Director Czarnezki summarized Councilman Chilson's memo for the substitute resolution.

Vice Chair Tautfest opened the public hearing.

The following person spoke in support of Resolution PZ 2023-001:

Jordan Chilson, Soldotna

Mr. Chilson stated that the Ordinance 2022-029 was passed by Council and rewrote the Code as it pertains to ADUs. One of the main goals of the ordinance was to diversify and expand housing stock within the City. Before the ordinance was passed, ADUs were only available for personal use, not for rentals. Ordinance 2022-029 opened the floodgates with no delineation between short-term and long-term rentals.

Mr. Chilson voiced his concerns of increasing the number of rental units in the City without considering those residents most in need of stable, long-term rentals. There is a risk that the majority of the ADUs will be marketed for short-term rentals. Mr. Chilson aims to address the local housing needs that have arisen from traditional rental units being removed from the market and converted to short-term rentals.

Mr. Chilson cited data from the Alaska Housing Finance Corporation. Overall trends in the state include decreased vacancy rates of rentals, increased rental costs, and an increase in the number of homes used as vacation rentals. Alaska Department of Workforce Development tracks rental vacancy rate in the Kenai Peninsula Borough and reported a 50% decrease. In comparison with Anchorage, the Kenai Peninsula has a similar number of short term rentals available with total housing stock of the Kenai Peninsula being a third that of Anchorage.

Mr. Chilson also spoke of the vulnerable populations, specifically those people struggling with homelessness and those people re-entering society after incarceration. These populations are especially vulnerable to the decreased availability and increased rates of stable, long-term rentals. Many leases are no longer available on a 12-month calendar, are a 9-month lease where the long term renter is displaced during the summer months to make the rental unit available as a vacation home. The waiting list for affordable housing rentals in Soldotna has

jumped from a historical average of 10 families to a current level of approximately 30 families on the waitlist for affordable housing within the City.

Mr. Chilson stated that his proposed code change would ensure that housing stock created by ADU development would be used for long-term housing. As proposed, the Rural Residential Zoning District would allow for ADUs to be used as both short- and long-term rentals, but in all other residential zoning districts ADUs would not be allowed to be used as short-term rentals.

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

Commissioner Smithwick-Aley commented that not all property owners would want to develop low-income housing, and it benefits the City's economy to allow for ADUs to be used as short-term rentals. By limiting the use of ADUs to short-term rentals to just the Rural Residential Zoning District, the opportunity for our residents is also limited. This restricts all the other property owners living within Soldotna who would otherwise have the opportunity for supplemental income during the summer. More short-term rentals would also bring in more tourists to the community.

Commissioner Anderson asked for clarification of the short-term and long-term rental language.

Director Czarnezki stated the Code amendment prohibits the use of accessory dwelling units constructed in the Single-Family, Single-Family/Two-Family and Multi-Family Districts Residential Zoning Districts as short-term rentals. In the Rural Residential Zoning District, an ADU has the option to be used as a short-term rental, that is less than 30-days, or as a long-term rental.

Mr. Chilson stated that rentals of ADUs prior to Ordinance 2022-029 were not available, for either short-term or long-term rentals. By limiting the ADUs from becoming short-term rentals, the City adheres to the goal of diversification and protection of local housing stock. This code amendment is an opportunity to increase long-term housing stock in Soldotna. The intent is not to take away an option for short-term rentals, as historically that was not an available option.

Commissioner Anderson clarified that after -029 was passed, ADUs became available as either short-term and long-term rentals to property owners. With this proposed code amendment only long-term rentals would be available in three of the four residential zoning districts.

Mr. Chilson stated his intention was to amend the original ordinance, but was absent upon its adoption. Unfortunately, this two-month gap now exists. As this section of code is in Chapter 17, it must come before the Commission prior to Council in order to be amended.

Director Czarnezki stated that this is a recommendation to City Council. Council will take this code amendment up at their next meeting, regardless if the commission passes or fails the resolution.

Commissioner Murray asked about the proportion of the property that is rural residential.

Director Czarnezki stated approximately a third of residential parcels are zoned rural residential.

Jenny Smithwick clarified that SMC limits one ADU per parcel.

Commissioner Burton stated the ADUs are maximum 750 ft². This small of an ADU for a long-term rental would only be targeted to a subset of the population.

Director Czarnezki explained when the resolution was written it was to address an issue of affordable housing. ADUs are an opportunity to create small housing in locations that historically were not allowed. Previously SMC allowed for the development of an ADU, but the property owner could not charge rent for it. However, there tends to be an economic incentive as short-term rentals may produce more income than long-term rentals. Mr. Chilson's ordinance would limit ADUs in three of the four residential zoning districts so that they could not be used as short-term rentals.

Commissioner Burton stated one of the goals of Soldotna's downtown is increased traffic. Allowing short-term rentals within walking proximity, this increases the likelihood of those visitors walking to a business downtown.

Commissioner Smithwick-Aley stated that by restricting many residents from participating in short-term rentals, then you are limiting that type of income revenue to only hotels. She inquired to the current restrictions on short-term rental units.

Director Czarnezki explained that historically short-term rentals were considered B&Bs and were required to obtain a Conditional Use Permit. With the advent of VRBO and AirBnB, a simplified permitting process was developed. SMC was amended to categorize owner occupied short-term rentals as being a home occupation, with no permit necessary. For non-owner occupied rentals, an administrative short-term rental permit is required.

Commissioner Smithwick-Aley clarified that property owners in three of the four residential districts who have an ADU and want to rent their property as a short-term rental, could only rent the principal structure.

Director Czarnezki stated that how SMC 17.10.390.C12 reads now is that one dwelling unit on any parcel with an ADU may be used as a short-term rental unit provided either the ADU or the principal dwelling unit is owner-occupied.

Commissioner Murray clarified that as it stands now, a property owner could rent out their home without occupying it as a short-term rental. If a property owner develops an ADU on their property, then they would be required to occupy one or the other.

Commissioner Smithwick-Aley clarified that if this amendment passed, residents could still have a short-term rental, but only if the homeowners themselves live in the ADU.

Mr. Chilson stated there are a lot of short-term rentals already in existence in the City. This code amendment doesn't diminish the existing short-term rental stock. Residents are still able to rent their homes in this way. There is a shortage of long-term rental housing stock. This recent code change provides an opportunity to increase the amount of long-term rentals.

VOTE ON MOTION:

Yes: Murray, Tautfest

No: Anderson, Barbaza, Burton, Smithwick-Aley

Absent: Vadla

MOTION FAILED: 2 Yes, 4 No, 1 Absent

Resolution PZ 2023-002 - Recommending that Lot A-2 of the Preliminary Plat for the New Homestead Subdivision be Rezoned from Rural Residential to Commercial on the Official Zoning Map

MOTION: Commission Member Anderson moved to approve Resolution PZ 2023-002.

Director Czarnezki summarized the written staff report.

Vice Chair Tautfest opened the public hearing, asking for public comment. With no one wishing to speak, the item was back before the Commission.

Commissioner Anderson asked if Lot 2-A would still be owned by Ms. Schmitter.

Director Czarnezki stated Lot A-1 and A-2 would retain its ownership. Future plans for Lot A-2 are not known.

Commissioner Burton clarified that the vacation of the 40-ft utility easement has nothing to do with the rezone or Lot A-2.

Director Czarnezki explained that the surveyor reached out to all utilities and found no objection to its vacation. The easement is unused, and although separate from the rezone will be addressed with the replat.

VOTE ON MOTION:

Yes: Anderson, Barbaza, Burton, Murraray, Smithwick-Aley, Tautfest

No: None

Absent: Vadla

MOTION PASSED: 6 Yes, 0 No, 1 Absent

NEW BUSINESS

Resolution PZ 2023-003 - Recommending Approval of the Preliminary Plat of the New Homestead Subdivision

MOTION: Commission Member Burton moved to approve Resolution PZ 2023-003.

Associate Planner Hester summarized the written staff report.

Vice Chair Tautfest asked for public comment.

The following person spoke in support of Resolution PZ 2023-003:

Jason Young, Kasilof

Mr. Young stated he is the surveyor for Edge Survey and is available to answer any questions. This plat is straightforward. The dedicated right-of-way will connect Homestead Lane to East Redoubt to reduce traffic flow. Ms. Schmitter, the landowner, is giving up a section of her land to create the Homestead Lane extension. The land adjacent to the future Homestead Lane is requested by the landowner to be commercial, creating the small lot.

Mr. Young further explained the vacation of the easement is of an old easement from a previous plat. The easement was not used and all parties are unsure the purpose of its existence. A utility easement remains along Homestead Lane. This plat meets all Borough requirements.

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

VOTE ON MOTION:

Yes: Anderson, Barbaza, Burton, Murraray, Smithwick-Aley, Tautfest

No: None

Absent: Vadla

MOTION PASSED: 6 Yes, 0 No, 1 Absent

Election of Planning Commission Chair and Vice Chair

Commissioner Smithwick-Aley nominated Commissioner Vadla for Planning Commission Chair. There were no objections to the nomination.

Kaitlin Vadla was elected as Planning and Zoning Commission Chair for 2022.

Vice Chair Tautfest asked for nominations for Planning Commission Vice Chair.

Commissioner Burton nominated Commissioner Tautfest. There were no objections to the nomination.

Charlene Tautfest was elected as Planning and Zoning Commission Vice Chair for 2022.

REPORTS

Director of ED & P Czarnezki thanked the Commissioners for the action that was taken this evening. The extension of Homestead Lane will prove to be a valuable connection for traffic in the City.

Director Czarnezki reported that the Riverfront Redevelopment consultants will be in town next week. The consultants will present at the Chamber luncheon on Wednesday the 11th, as well as at a City Council work session at 4:45pm that afternoon. The main public engagement will be hosted on Thursday night at 6 pm with a presentation and opportunity for feedback and comments.

COMMISSION COMMENTS

Commissioner Smithwick-Aley commented that allowing the short-term rentals with the ADUs will self-regulate. It may move towards solving the same problem Councilman Chilson wants to solve for long-term housing. Not everyone who starts out with an AirBnB continues. There is a lot of money to be made, and she doesn't want to exclude any resident from that opportunity.

Commissioner Anderson agreed that the ADUs being used as short-term rentals will self-regulate. He doesn't want to see options taken away from property owners within the City.

Commissioner Burton commented that he thinks short-term rentals of ADUs has the potential to increase revenues for residents and for the City.

Commissioner Murray congratulated the Vice Chair and the Chair.

Vice Chair Tautfest stated she will miss the riverfront redevelopment open house as she will be chairing the Alaska Mental Health Forum. She extends an invite to participate in the conference as it will be online. Vice Chair Tautfest does know the challenges with seasonal housing on the Peninsula.

ADJOURNMENT

There being no further business to come before the Commission, Vice Chair Tautfest adjourned the January 4, 2023 Planning & Zoning Commission meeting at 6:45 p.m. The next regular meeting is scheduled for 5:30 p.m. on February 1, 2023.

Jennifer Hester, Associate Planner

Approved by the Commission: _____

CITY OF SOLDOTNA
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2023-003

RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF THE NEW HOMESTEAD
SUBDIVISION

WHEREAS, the New Homestead Subdivision preliminary plat was received from Edge Survey and Design, LLC on November 15, 2022, and

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

1. The plat subdivides a 9.5-acre parcel into 2 lots;
2. The plat includes the dedication of right-of-way to extend Homestead Lane;
3. The parent parcels are legally described as T 5N R 10W Sec 33 Seward Meridian KN 0740055 New Morning Sub Tract A and T 5N R 10W Sec 33 Seward Meridian KN 2015047 Mullen Homestead Sub Soldotna Creek Addn Tract B-2C;
4. Tract A is developed with a single-family residential dwelling, and Tract B-2C is undeveloped;
5. The plat creates three lots: Lot A-1 will be 8.694 acres, Lot A-2 will be 0.676 acres, and Lot B-3 will be 2.404 acres;
6. Tract A is zoned Rural Residential, and Tract B-2C is zoned Commercial;
7. Surrounding zoning to the north, south and west is Commercial. Surrounding zoning to the east, south and west is Rural Residential;
8. The plat creates one lot, Lot A-1, that meets the area requirements of Soldotna Municipal Code 17.10.230, Rural Residential District;
9. The plat creates two lots, Lot A-2 and Lot B-3, that meet the area requirements of Soldotna Municipal Code 17.10.265, Commercial District;
10. The proposed lots will be served by municipal sewer and water;
11. 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;
12. A 60-foot right-of-way is being dedicated by this plat to extend Homestead Lane to East Redoubt, portions of which are already improved and maintained;
13. The newly created lots of Lot A-1 and Lot A-2 will have access via Redoubt Avenue, which is a City maintained road. Lot A-2 will also have access via the extension of the Homestead Lane right of way. The newly created Lot B-3 will have access via Homestead Lane, which is a City maintained road;
14. The plat meets all other general standards of the Municipal Code.

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

Section 1. The Commission recommends the Kenai Peninsula Borough Planning Commission approve the preliminary plat for New Homestead Subdivision subject to findings as stated above.

Section 2. This resolution shall become effective immediately upon its adoption.

Section 3. A copy of this resolution shall be forwarded to the Kenai Peninsula Borough Planning Department for their consideration.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 4th DAY OF JANUARY, 2023.

Kaitlin Vadla, Chair

ATTEST:

Jennifer Hester, Associate Planner

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

TO: Planning and Zoning Commission
THROUGH: John Czarnezki, Director of Economic Development & Planning
FROM: Jennifer Hester, Associate Planner
DATE: December 19, 2022
SUBJ: Resolution PZ 2023-003 Recommending Approval of the Preliminary Plat of the New Homestead Subdivision.

GENERAL INFORMATION

Applicants: Lisa Schmitter
P.O. Box 3194
Soldotna, AK 99669
Jason Young
Edge Survey
P.O. Box 209
Kasilof, AK 99610
City of Soldotna
177 N Birch St
Soldotna, AK 99669

Legal descriptions: T 5N R 10W Sec 33 Seward Meridian KN 0740055 New Morning Sub Tract A
T 5N R 10W Sec 33 Seward Meridian KN 2015047 Mullen Homestead Sub Soldotna Creek Addn Tract B-2C

Parcel IDs: 060-300-08 (Tract A)
060-300-33 (Tract B-2C)

Physical Address: 405 E Redoubt Ave (Tract A)

Location: South side of East Redoubt Ave (Tract A)
East side of Homestead Lane (Tract B-2C)

Size of Existing Lots: 9.5 Acres (Tract A)
3.46 Acres (Tract B-2C)

Size of Proposed Lots: 8.694 Acres (Lot A-1)
.676 Acres (Lot A-2)
2.404 Acres (Lot B-3)

Zoning: Rural Residential (Tract A)
Commercial (Tract B-2C)

Existing Land Use: Single Family Residential Dwelling (Tract A)
Undeveloped (Tract B-2C)

**Surrounding Zoning and
Land Use:**

North:	Commercial	Retail Undeveloped Automotive Sales and Service
East:	Rural Residential	Undeveloped
South:	Commercial Rural Residential	Undeveloped Retail and Eating Establishment
West:	Commercial Rural Residential	Undeveloped Automotive Sales and Service

Kenai River Overlay District (KROD): The property does not contain land within the KROD.

Utilities: The property is within 300 feet of the public water and sewer system; it shall be the duty of every real property owner to connect such property with the nearest public water and or sewer in the city if the system is within 300 feet of the property.

Access: Access is gained via East Redoubt Avenue (Lots A-1 and A-2)
Access is gained via Homestead Lane (Lot B-3)

BACKGROUND INFORMATION

The City received the initial application to plat from Edge Survey and Design, LLC on behalf of the owners of record on November 15, 2022. Documents were finalized November 22, 2022.

The proposed preliminary plat intends to subdivide a 9.5-acre parcel into two separate tracts, Lot A-1 and Lot A-2, and dedicate 60-feet of Right-of-Way, creating Lot B-3 (figure 1). Lot A-1 will be 8.694 acres, Lot A-2 will be .676 acres and Lot B-3 will be 2.404 acres. A single-family dwelling is on Lot A-1. No developments or improvements exist on proposed Lot A-2 or Lot B-3. The parent plat of Tract A is owned by the applicant, Lisa Schmitter. The parent plat of Tract B-2C is owned by the applicant, the City of Soldotna.

Tract A is zoned Rural Residential. Tract B-2C is Commercial. The surrounding parcels to the east are zoned Rural Residential, as are most of the parcels to the south. The majority of surrounding parcels to the north and west are zoned Commercial; one of the parcels to the south is zoned commercial.

The applicants have requested that proposed Lot A-2 be rezoned to Commercial through PZ Resolution 2023-002. The intention is for the New Homestead replat and the rezone request to be

reviewed and passed concurrently. A condition upon Resolution PZ 2023-002 states that the rezone shall not take effect until the plat for the New Homestead Subdivision is recorded.

Legal access to proposed Lots A-1 and A-2 are dedicated and constructed from East Redoubt Avenue. East Redoubt Avenue is paved and maintained by the City. Additionally, Lot A-2 will have access to the dedicated right-of-way extension of Homestead Lane. Legal Access to Lot B-3 shall be provided from Homestead Lane.

The property is within 300 feet of the public water and sewer system; it shall be the duty of every real property owner to connect such property with the nearest public water and or sewer in the city if the system is within 300 feet of the property.

This plat also requests the vacation of a 40-foot utility easement along the eastern boundary of proposed Lot B-3. The easement is not in use and unnecessary.

Soldotna Creek runs through Lot A-1, and thus portions of Lot A-1 are within the Kenai Peninsula Borough 50-foot anadromous stream protection district. Those restrictions may affect development within this subdivision.

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.

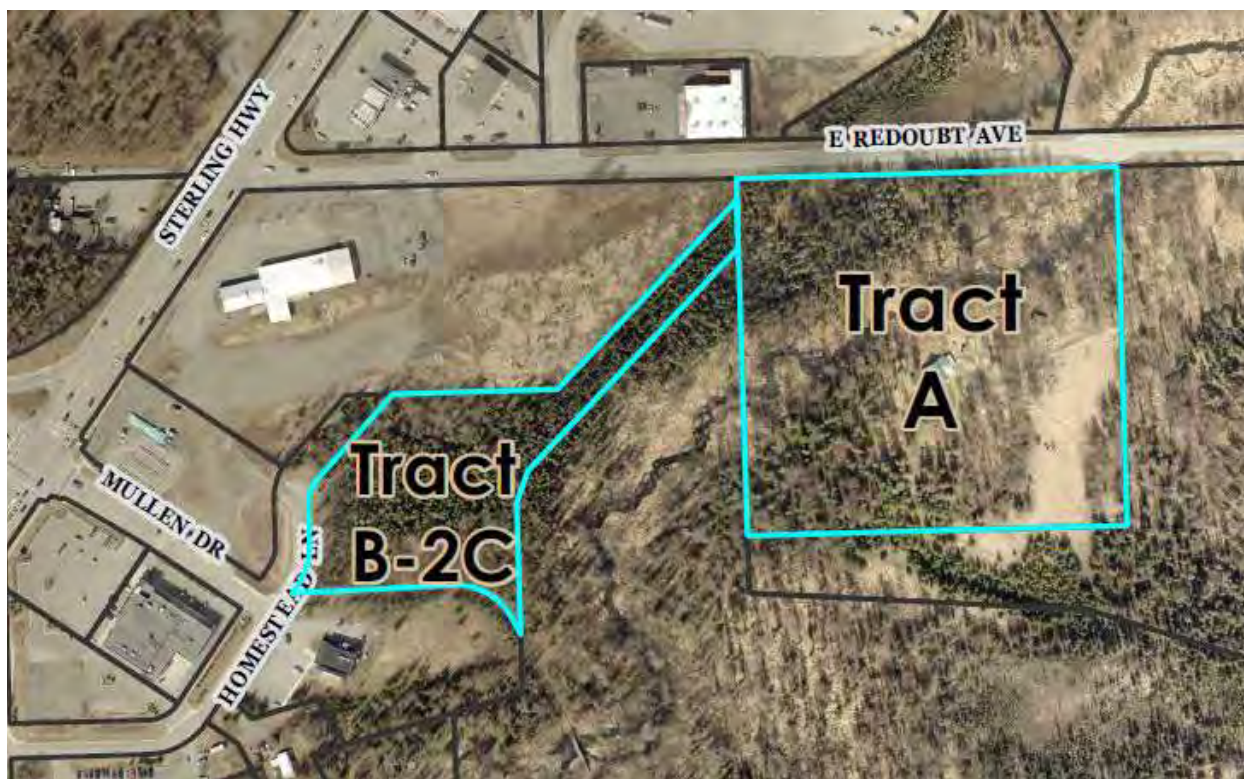


Figure 1. Tract A is a 9.5-acre parcel intended to be subdivided into two lots and dedicate 60-ft of right-of-way. Tract B-2C is a 3.46 acre parcel intended to dedicate 60-ft right-of-way.

ANALYSIS

The intent of the Rural Residential (RR) District is to provide 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.

Lot A-2 does not meet the standards for the Rural Residential District, but as stated above, PZ Resolution 2023-002 intends to rezone Lot A-2 to the Commercial District as a concurrent action with this replat of the New Homestead Subdivision, PZ Resolution 2023-003.

Rural Residential District

Standard		Required	Provided		Standard Met?	Code Reference
			Lot A-1	Lot A-2*		
Minimum Lot Size		40,000 ft ²	378,711 ft ²	29,439 ft ²	NO*	17.10.230.E.1
Minimum Lot Width		125 ft.	580 ft.	130 ft.	YES	17.10.230.E.1
Maximum Lot Coverage		30%	.5%	NA	YES	17.10.230.E.1
Maximum Building Height		36 ft.	<36 ft.	NA	YES	17.10.230.E.2
Yard Setback	Front:	20 ft.	316 ft.	NA	YES	17.10.230.E.1
	Back:	20 ft.	234 ft.			
	Side:	10 ft.	288 ft.			

**Lot A-2 is proposed to be rezoned to Commercial via Resolution 2023-002 contingent upon the platting action of the New Homestead Subdivision.*

Commercial District

The intent of the Commercial District is to provide an area that is convenient, visually pleasing, contributes to the economic welfare of the community, and allows a wide range of general business and other compatible uses. The preliminary plat meets all the following general standards for the Commercial District, which can be found under Section 17.10.265 of the SMC and are summarized in the table below:

Commercial District

Standard		Required	Provided		Standard Met?	Code Reference
			Lot B-3	Lot A-2**		
Minimum Lot Size;		See note*	104,718 ft ²	29,439 ft ²	YES	17.10.265.E.1
Minimum Lot Width		See note*	345 ft.	130 ft.	YES	17.10.265.E.2
Maximum Lot Coverage		30%	NA	NA	YES	17.10.265.E.3
Maximum Building Height		48 ft.	NA	NA	YES	17.10.265.E.4
Minimum Yard Setback	Front:	See note*	NA	NA	YES	17.10.265.E.5
	Back:					
	Side:					

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

***Lot A-2 is proposed to be rezoned to Commercial via Resolution 2023-002 contingent upon the platting action of the New Homestead Subdivision.*

STAFF COMMENTS

This plat is a subdivision of one lot into two and includes the dedication of 60-ft of right-of-way. No exceptions are being requested.

The plat was circulated to City Staff for review and comments.

Fifteen notices were mailed on December 19, 2022 to neighboring property owners within 300 feet. No comments had been received at the time this report was drafted.

The plat was circulated to City Staff for review and comments.

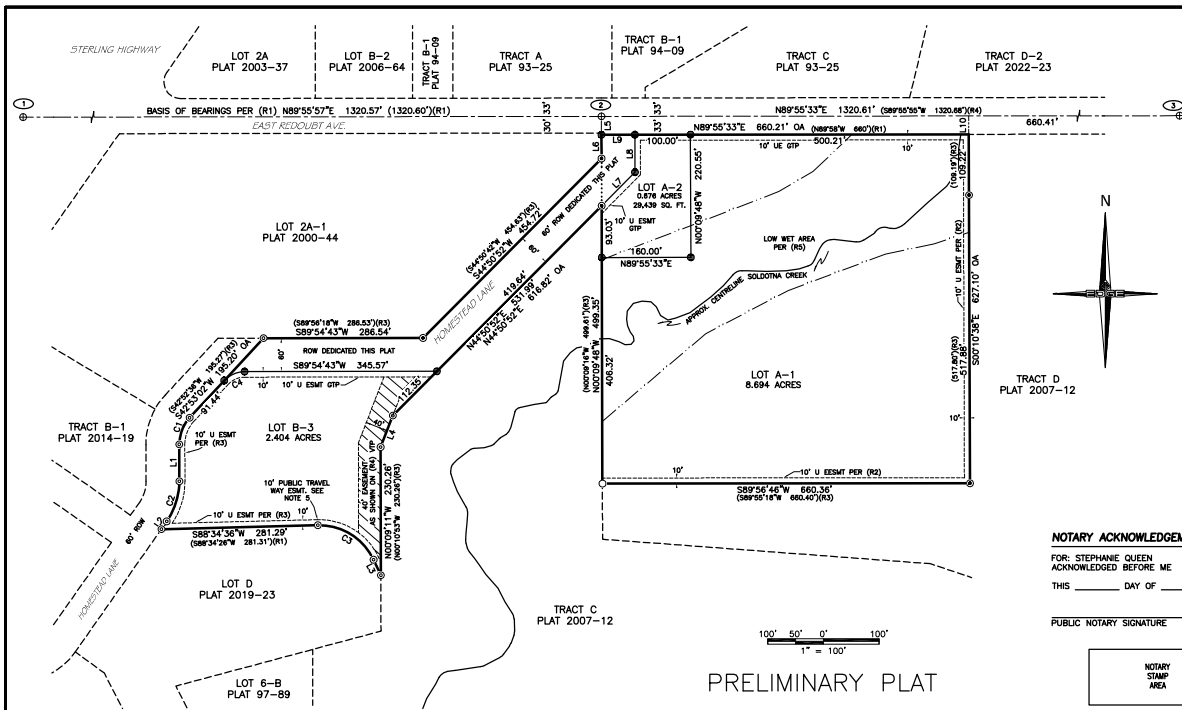
STAFF RECOMMENDATION

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

Resolution PZ 2023-003 has been provided for your use.

Attachments:

- A. Location Map
- B. Preliminary Plat, New Homestead Subdivision
- C. Parent Plat, New Morning Subdivision Tract A
- D. Parent Plat, Mullen Homestead Subdivision Soldotna Creek Addition



PRELIMINARY PLAT

NOTES

- DEVELOPMENT OF THESE PARCELS IS SUBJECT TO THE CITY OF SOLDOTNA MUNICIPAL CODE TITLE 17.
- 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.
- THIS SUBDIVISION IS SUBJECT TO A GENERAL ELECTRICAL LINE EASEMENT, WITH NO DEFINED LOCATION, GRANTED TO HONOR ELECTRIC ASSOCIATION ON JUNE 4, 1983, IN BOOK 10 PAGE 187, KENAI RECORDING DISTRICT.
- THIS SUBDIVISION MAY BE SUBJECT TO DECLARATION OF RESTRICTIONS PER DOCUMENT SERIAL NUMBER 2014-003789-0 AND SERIAL NUMBER 2014-003790-0, KRD.
- THIS SUBDIVISION IS SUBJECT TO TRAVEL WAY AND PUBLIC RECREATIONAL EASEMENT PER DOCUMENTS RECORDED JULY 20, 2015, SERIAL NUMBER 2015-006288-0, KRD, AND DOCUMENT RECORDED DECEMBER 30, 2020, SERIAL NUMBER 2020-012874-0, KRD.
- THIS SUBDIVISION IS SUBJECT TO PUBLIC RIGHT OF WAY EASEMENT GRANTED TO CITY OF SOLDOTNA, BOOK 13 PAGE 150, KRD.
- THIS SUBDIVISION SUBJECT TO COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED JULY 12, 1974, VOLUME 78 PAGE 195.
- THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170.
- THIS SUBDIVISION IS SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER LINES OF THE SOLDOTNA CREEK AND A 15 FOOT DRAINAGE AND MAINTENANCE EASEMENT ALONG EACH SIDE OF THE STREAM BED, AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE CREEK IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE CREEK.
- LOT A-1, WAS GRANTED A DRIVEWAY EASEMENT PER DOCUMENT RECORDED NOVEMBER 18, 1992, VOLUME 408, PAGE 100, KRD.
- 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.
- THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF UTILITY EASEMENTS GRANTED PER (R4), AT THE MEETING OF DECEMBER 12, 2022.
- WASTEWATER DISPOSAL: LOT A-1 AND B-3, CITY WATER AND SEWER ARE AVAILABLE TO SERVE THESE PARCELS. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LOT A-1 IS AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OF DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY ACKNOWLEDGEMENT

FOR: STEPHANIE QUEEN
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE

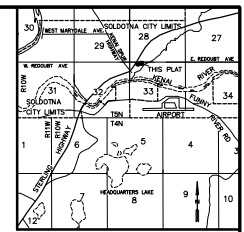
NOTARY
STAMP
AREA

NOTARY ACKNOWLEDGEMENT

FOR: LISA K. SCHMITTER
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE

NOTARY
STAMP
AREA



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LISA K. SCHMITTER
PO BOX 3194
SOLDOTNA, ALASKA 99669
FORMER TRACT A

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT CITY OF SOLDOTNA IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF CITY OF SOLDOTNA I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

STEPHANIE QUEEN - CITY MANAGER
CITY OF SOLDOTNA
177 NORTH BIRCH STREET
SOLDOTNA, ALASKA 99669
FORMER TRACT B-2C

KPB FILE No. 2022-XXX

NEW HOMESTEAD SUBDIVISION

A SUBDIVISION OF
TRACT A NEW MORNING SUBDIVISION
PLAT 74-55 KENAI RECORDING DISTRICT
AND
TRACT B-2C MULLEN HOMESTEAD SUBD.
SOLDOTNA CREEK ADDITION
PLAT 2015-47 KENAI RECORDING DISTRICT

LOCATED WITHIN NW 1/4 SECTION 33,
T.5N., R.10W., S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF SOLDOTNA

OWNERS:
CITY OF SOLDOTNA
177 NORTH BIRCH STREET
SOLDOTNA, ALASKA 99669
AND
LISA K. SCHMITTER
PO BOX 3194
SOLDOTNA, ALASKA 99669
CONTAINING 12.962 ACRES



12501 OLD SEWARD, D. ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AEC# 1392

DRAWN BY: DATE: 10/19/2022 PROJECT: 22-590
JY
CHECKED BY: SCALE: BOX 3194 SHEET: 1 OF 1
LKS

LEGEND

- ⊙ FOUND PRIMARY MONUMENT - SEE REFERENCE
 - FOUND YELLOW PLASTIC CAP
 - ⊙ FOUND 1-1/2" STEEL CAP STAMPED MCLEANE 2015
 - ⊙ FOUND 2" ALUMINUM CAP STAMPED MCLEANE 4928-S
 - SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2022
 - (R1) RECORD DATA, SEE REFERENCE
 - OA OVERALL
 - (HRR) HELD RECORD RADIUS
 - U ESMT UTILITY EASEMENT
 - ROW RIGHT-OF-WAY
 - GTP GRANTED THIS PLAT
 - ESMT EASEMENT
 - VTP VACATED THIS PLAT
 - UTILITY EASEMENT VACATED THIS PLAT
- MONUMENT SUMMARY**
- 1 FOUND 2-1/2" BRASS MONUMENT IN CASE 0% BELOW GRADE GOOD CONDITION
 - 2 FOUND 3-1/4" ALUMINUM MONUMENT IN CASE GOOD CONDITION
 - 3 FOUND 1-1/2" BRASS MONUMENT IN CASE GOOD CONDITION
- CURVE TABLE**
- | CURVE | RADIUS | ARC LENGTH | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|----------|---------|------------|-------------|---------------|--------------|
| C1 (HRR) | 70.00' | 22.72' | 4°11'13" | S21°25'00"W | 51.53' |
| C2 (HRR) | 125.00' | 76.88' | 35°14'22" | N17°33'18"E | 75.67' |
| C3 (R3) | 125.00' | 76.81' | 35°12'22" | N17°25'18"E | 75.61' |
| C3 (HRR) | 108.00' | 124.47' | 68°03'02" | N56°16'30"W | 117.70' |
| C3 (R1) | 108.00' | 124.57' | 68°05'03" | N56°16'07"W | 117.78' |
| C4 | 50.00' | 41.04' | 47°01'42" | N66°23'52"E | 38.90' |
- LINE TABLE**
- | LINE | BEARING | DISTANCE |
|---------|-------------|----------|
| L1 | N00°09'11"W | 66.28' |
| L1 (R3) | N02°10'53"W | 66.20' |
| L2 | N34°19'27"E | 16.84' |
| L2 (R3) | N35°01'29"E | 16.79' |
| L3 | S25°10'43"E | 30.92' |
| L3 (R1) | S25°08'29"E | 30.90' |
| L4 | S21°15'53"W | 60.68' |
| L4 (R3) | S21°08'26"W | 60.42' |
| L5 | S00°09'48"E | 33.00' |
| L6 | S00°09'48"E | 42.67' |
| L7 | N44°50'52"E | 84.84' |
| L8 | N00°09'48"W | 67.44' |
| L9 | S89°35'33"W | 80.00' |
| L10 | N00°10'38"W | 33.00' |
- PLAT APPROVAL**
- THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF DECEMBER 12, 2022.
- KENAI PENINSULA BOROUGH
- AUTHORIZED OFFICIAL

REFERENCES

- (R1) MULLEN HOMESTEAD SUBDIVISION BOOK STORE ADDITION, PLAT 2019-23, KENAI RECORDING DISTRICT
- (R2) NEW MORNING SUBDIVISION, PLAT 74-55, KENAI RECORDING DISTRICT
- (R3) MULLEN HOMESTEAD SUBD. SOLDOTNA CREEK ADDITION, PLAT 2015-47, KENAI RECORDING DISTRICT
- (R4) MULLEN HOMESTEAD SUBDIVISION ADDITION NO. 5, PLAT 2007-12, KENAI RECORDING DISTRICT
- (R5) KENAI WATERSHED FORUM WETLANDS INVENTORY



177 N. Birch St.
Soldotna, AK 99669
Phone: 907.262.9107
Fax: 907.262.1245
www.soldotna.org

CITY OF SOLDOTNA PLANNING AND ZONING COMMISSION

NOTICE OF PRELIMINARY PLAT SUBMISSION

Notice is hereby given that a preliminary plat has been received by the City of Soldotna to subdivide a parcel into two separate lots and to dedicate right-of-way. You are being sent this notice in accordance with Section 17.10.425 of the Soldotna Municipal Code (SMC) and Soldotna Public Notification Policy, because you are a property owner within 300 feet of the proposed plat.

The preliminary plat subdivides a 9.5-acre parcel into two separate lots: Lot A-1 and Lot A-2, and dedicates 60-feet of right-of-way. The property is zoned Rural Residential, and the legal description of the property proposed for subdivisions are: T 5N R 10W Sec 33 Seward Meridian KN 0740055 New Morning Sub Tract A and T 05N R 10W SEC 33 Seward Meridian KN 2015047 Mullen Homestead Sub Soldotna Creek Addn Tract B-2C. The plat is being considered for approval by the following resolution:

Resolution PZ 2023-003. Recommending Approval of the New Homestead Subdivision.

Although final approval lies with the Kenai Peninsula Borough, the City of Soldotna Planning & Zoning Commission has first review of any platting applications. The Planning & Zoning Commission meeting is an opportunity for any individual to submit commentary on this plat in person or via other communication methods (see below).

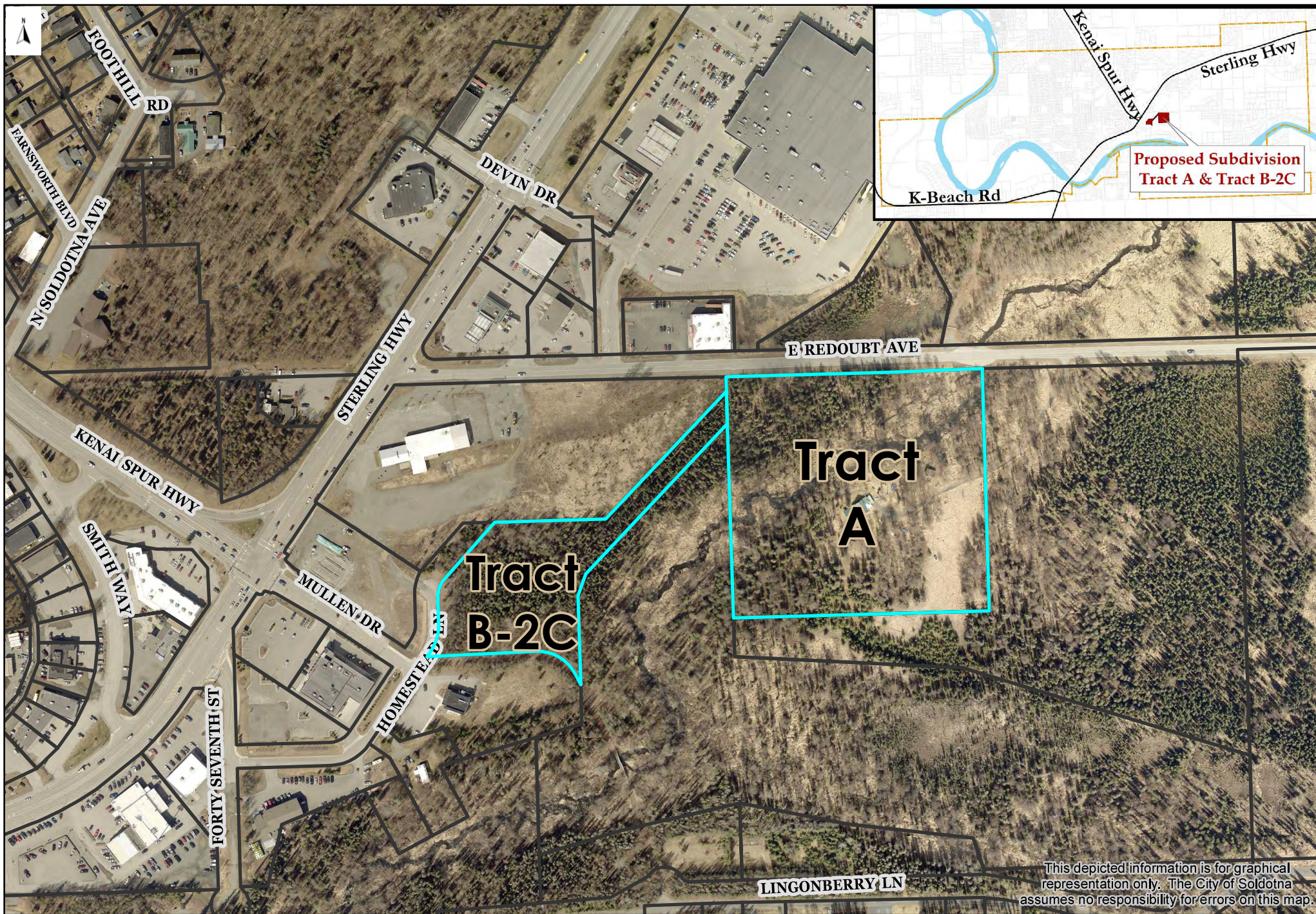
A meeting will be held by the City of Soldotna Planning and Zoning Commission on **Wednesday, January 4, 2023**, commencing at 5:30 p.m. The meeting will be held at 177 N. Birch Street, Soldotna, Alaska 99669.

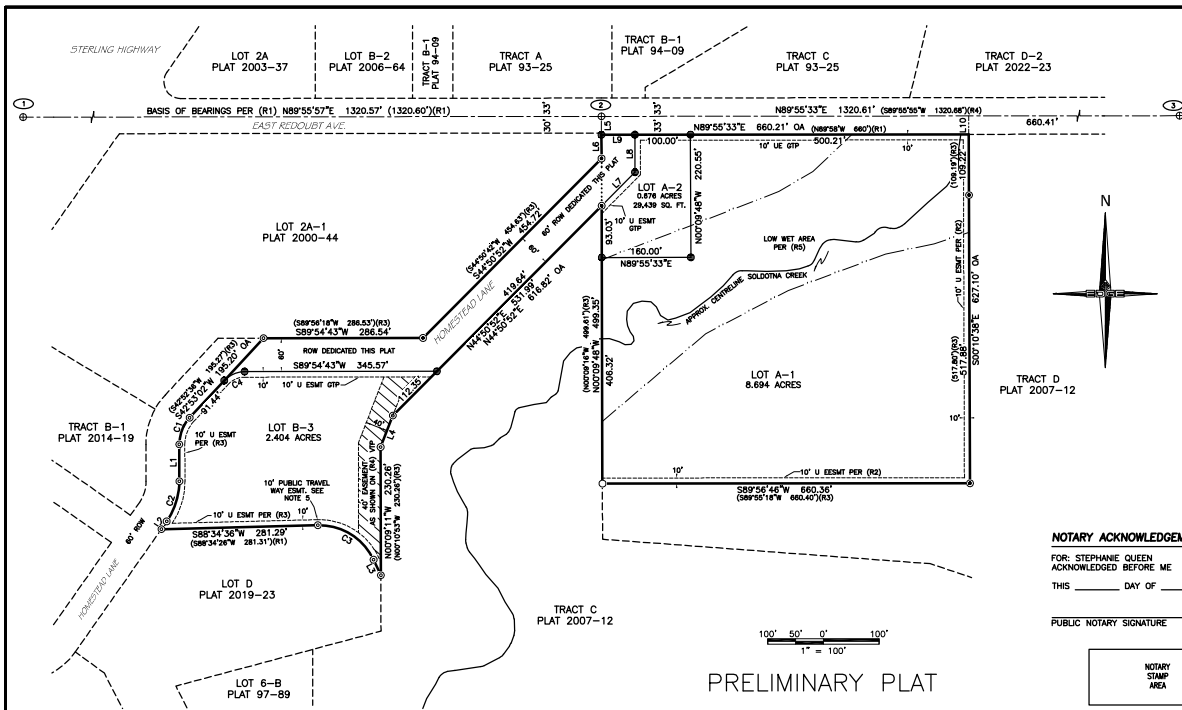
Anyone wishing to testify may come to the above meeting to give testimony; or may submit a written statement to the attention Jennifer Hester, Associate Planner, City of Soldotna, 177 N. Birch Street, Soldotna, Alaska 99669; faxed to 907-714-1234; or emailed to jhester@soldotna.org

The Zoom Webinar ID is: 845 1108 3895. To join the webinar from a computer visit <https://us02web.zoom.us/j/84511083895> or to join by telephone call 1-669-900-6833

A MAP SHOWING THE PARCEL REPLAT LOCATION IS ON THE BACK OF THIS NOTICE.

A COPY OF THE PROPOSED PLAT IS INCLUDED.





PRELIMINARY PLAT

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NOTARY ACKNOWLEDGEMENT

FOR: STEPHANIE QUEEN
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2023

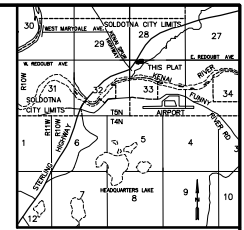
PUBLIC NOTARY SIGNATURE



NOTARY ACKNOWLEDGEMENT

FOR: LISA K. SCHMITTER
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LISA K. SCHMITTER
PO BOX 3194
SOLDOTNA, ALASKA 99669
FORMER TRACT A

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STEPHANIE QUEEN - CITY MANAGER
CITY OF SOLDOTNA
177 NORTH BIRCH STREET
SOLDOTNA, ALASKA 99669
FORMER TRACT B-2C

KPB FILE No. 2022-XXX

NEW HOMESTEAD SUBDIVISION

A SUBDIVISION OF
TRACT A NEW MORNING SUBDIVISION
PLAT 74-55 KENAI RECORDING DISTRICT
AND
TRACT B-2C MULLEN HOMESTEAD SUBD.
SOLDOTNA CREEK ADDITION
PLAT 2015-47 KENAI RECORDING DISTRICT

LOCATED WITHIN NW 1/4 SECTION 33,
T.5N., R.10W, S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF SOLDOTNA

OWNERS:
CITY OF SOLDOTNA
177 NORTH BIRCH STREET
SOLDOTNA, ALASKA 99669
AND
LISA K. SCHMITTER
PO BOX 3194
SOLDOTNA, ALASKA 99669
CONTAINING 12.962 ACRES



12501 OLD SEWARD, D. ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AEC# 1392

DRAWN BY: DATE: 10/19/2022 PROJECT: 22-590
JY
CHECKED BY: SCALE: BOX 3194 SHEET: 1 OF 1
LKS

LEGEND

⊙	FOUND PRIMARY MONUMENT - SEE REFERENCE	---	SUBDIVISION BOUNDARY
○	FOUND YELLOW PLASTIC CAP	---	INTERIOR LOT LINE
⊙	FOUND 1-1/2" STEEL CAP STAMPED MCLANE 2015	---	ADJACENT PROPERTY LINE
⊙	FOUND 2" ALUMINUM CAP STAMPED MCLANE 4928-S	---	CENTERLINE
●	SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2022	---	EASEMENT
(R1)	RECORD DATA, SEE REFERENCE	---	LOW WET AREA
OA	OVERALL	---	FORMER LOT LINE
(HRR)	HELD RECORD RADIUS	---	MONUMENT TIE LINE
U ESMT	UTILITY EASEMENT	---	
ROW	RIGHT-OF-WAY	---	
GTP	GRANTED THIS PLAT	---	
ESMT	EASEMENT	---	
VTP	VACATED THIS PLAT	---	
▨	UTILITY EASEMENT VACATED THIS PLAT	---	

MONUMENT SUMMARY

1 GLO 528 532 533 610-S 1957	2 W 1/16 528 533 610-S 1955	3 1/4 528 533 610-S 1975
FOUND 2-1/2" BRASS MONUMENT 0% BELOW GRADE GOOD CONDITION	FOUND 3-1/4" ALUMINUM MONUMENT IN CASE GOOD CONDITION	FOUND 2-1/2" BRASS MONUMENT IN CASE GOOD CONDITION

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
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L3	S25°10'43"E	30.90'
L3 (R1)	S25°08'29"E	30.90'
L4	S21°15'53"W	60.68'
L4 (R3)	S21°08'26"W	60.42'
L5	S00°09'48"E	33.00'
L6	S00°09'48"E	42.67'
L7	N44°50'52"E	84.84'
L8	N00°09'48"W	67.44'
L9	S89°35'33"W	80.00'
L10	N00°10'38"W	33.00'

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF DECEMBER 12, 2022.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

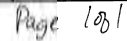
REFERENCES

- MULLEN HOMESTEAD SUBDIVISION BOOK STORE ADDITION, PLAT 2019-23, KENAI RECORDING DISTRICT
- NEW MORNING SUBDIVISION, PLAT 74-55, KENAI RECORDING DISTRICT
- MULLEN HOMESTEAD SUBD. SOLDOTNA CREEK ADDITION, PLAT 2015-47, KENAI RECORDING DISTRICT
- MULLEN HOMESTEAD SUBDIVISION ADDITION NO. 5, PLAT 2007-12, KENAI RECORDING DISTRICT
- KENAI WATERSHED FORUM WETLANDS INVENTORY

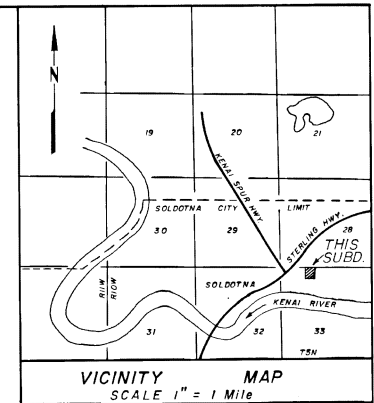
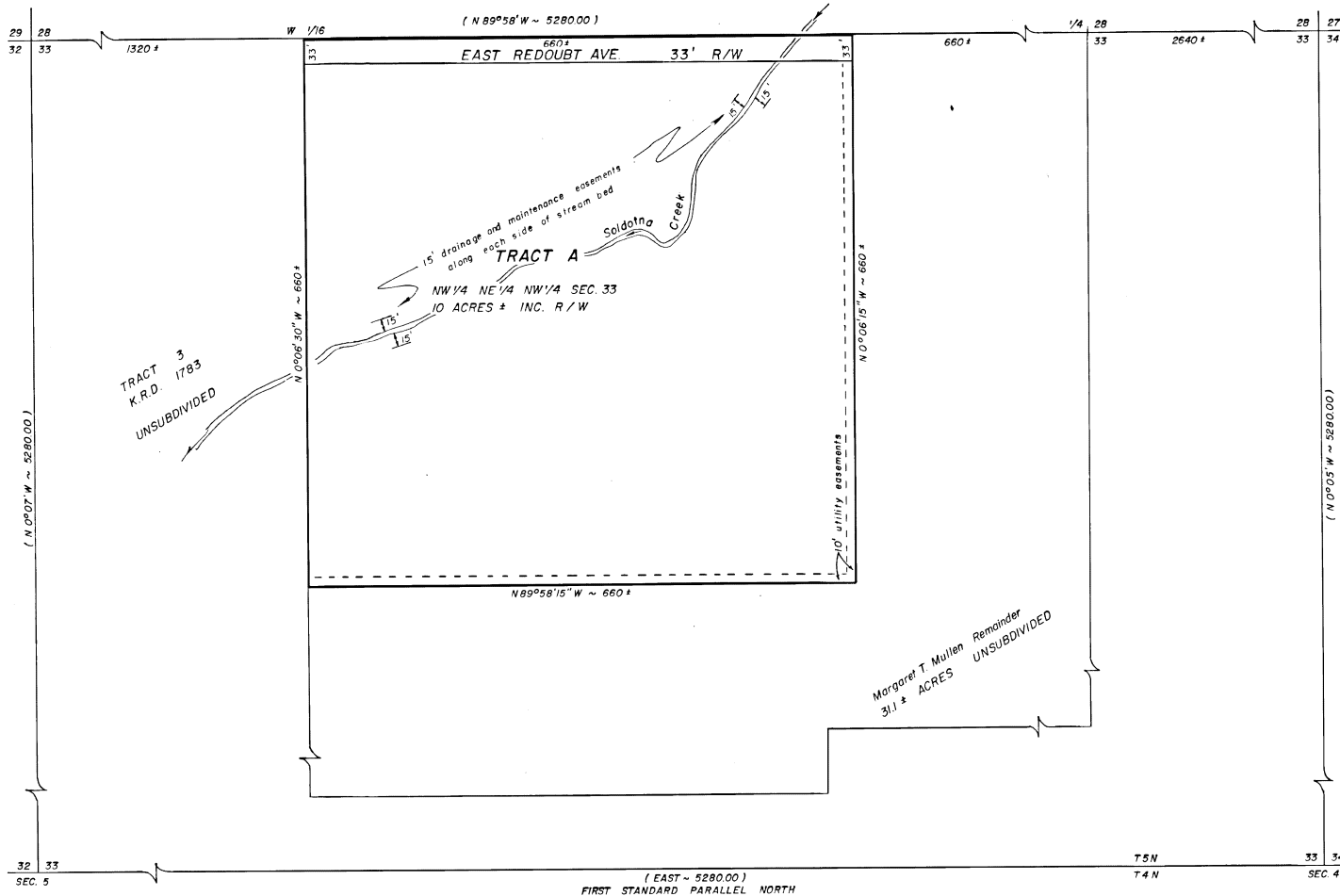
Notification of Neighboring Properties within 300 ft

OWNER	ADDRESS	CITY STATE ZIP
TRIGGER LLC	1113 W FIREWEED LN STE 202	ANCHORAGE, AK 99503
FARNSWORTH JACK C RESIDUARY TRUST	PO BOX 330	SOLDOTNA, AK 99669
FRED MEYER OF ALASKA INC	1014 VINE ST	CINCINNATI, OH 45202
SCHMITTER LISA K	PO BOX 3194	SOLDOTNA, AK 99669
ALASKA STATE D N R	550 W 7TH AVE STE 650	ANCHORAGE, AK 99501
KDG ALASKA LLC	3449 E COPPER POINT DR	MERIDIAN, ID 83642
KACHEMAK HERITAGE LAND TRUST INC	315 KLONDIKE AVE	HOMER, AK 99603
MULLEN MARGARET T	365 LINGONBERRY LN	SOLDOTNA, AK 99669
BULLSEYE SOLDOTNA LLC	4411 BEE RIDGE RD STE 501	SARASOTA, FL 34233
URGENT CARE OF SOLDOTNA INC	44604 STERLING HWY STE D	SOLDOTNA, AK 99669
AVE SOLDOTNA B-1 LP	190 E STACY RD STE 306-167	ALLEN, TX 75002
KENAI RIVER BREWING COMPANY	308 HOMESTEAD LN	SOLDOTNA, AK 99669
SOLDIER CREEK CORP	232 E 10TH AVE	ANCHORAGE, AK 99501
KENNEDY RICK A & RHODES YVONNE P	PO BOX 722	SOLDOTNA, AK 99669
MULLEN PEGGY	365 LINGONBERRY LN	SOLDOTNA, AK 99669

At least seven days prior to the meeting, a copy of the subdivision request and meeting information shall be mailed to the applicant and owners of real property within 300 feet of the property to be acted upon, as shown on the Borough Assessor's public parcel information records.



PARENT PLAT. NEW MORNING SUBDIVISION



RECORDED - FILED	
REC. DIST.	
DATE	19__
TIME	__ M
Requested by	
Address	

NOTES:

This is a paper plat of a portion of the Margaret T. Mullen property described by aliquot parts.

The G.L.O datum of record shown thus ().

COVENANTS

Each of the lots in this subdivision shall be subject to assessments for improvements required by ordinance of the City of Soldotna, when installed by the City of Soldotna.

74-55

RECORDED - FILED	
Kenei REC. DIST.	
DATE	6-20 1974
TIME	1:50 P
Requested by	KPB
Address	



CERTIFICATE OF OWNERSHIP AND DEDICATION.

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

Date _____
 Margaret T. Mullen
 owner
 owner

NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 14 day of June, 1974.

My Commission expires June 26, 1977
 Lorraine Brown
 notary public for Alaska

PLAT APPROVAL.

Plat approved by the Commission this 15 day of April, 1974.

Stanley S. McLane
 Mayor

TRACT A NEW MORNING SUBDIVISION

Margaret T. Mullen — owner
 Box 602, Soldotna, Ak. 99669

DESCRIPTION
 NW 1/4 NE 1/4 NW 1/4 SECTION 33, T5N, R10W,
 S.M. AK. CONTAINING 10 ACRES ± IN THE
 CITY OF SOLDOTNA.

Prepared by: S.S. McLane, R.L.S.
 Box 468, Soldotna, Ak.

DATE March 12, 1974
 SCALE 1" = 100'

MOTION: Commissioner Johnson moved, seconded by Commissioner Isham to postpone the material site ordinance until brought back by staff.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CLARK YES	FOSTER YES	GROSS YES	HEIMBUCH YES	HOHL ABSENT	HUTCHINSON YES
ISHAM YES	JOHNSON YES	MARTIN YES	MASSION ABSENT	PETERSEN YES	TAURIAINEN ABSENT	10 YES 3 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate Mullen Drive, a 60-foot right of way dedicated by Mullen Homestead (Plat KN 1783) and associated utility easements granted by Mullen Homestead Subdivision Addition No 3 (Plat KN 2000-44); within section 33, Township 5 North, Range 10 West, Seward Meridian, Alaska; in the City of Soldotna and the Kenai Peninsula Borough. KPB File 2001-040. Note: A public access easement will remain along the travel way of Mullen Drive until alternative public right-of-way is dedicated; Petitioners: Margaret T Mullen and Soldier Creek Corp. of Soldotna, Alaska; Location: City of Soldotna

Staff Report reviewed by Max Best

PC Meeting: 2/27/06

Purpose as stated in petition: Mullen Drive is being vacated to eliminate the need for the bridge crossing Soldotna Creek which is in an unsafe condition and to reduce traffic thru the parking lot of the Rivercity Book Store from Mullen Drive via Pioneer Street to the Kenai Spur Highway intersection. Alternate access has been constructed within the Lingonberry Lane R/W to the Swiftwater Camp Road thus providing an alternative access route. Associated utility easements granted by plat KRD 2000-44, which are parallel and adjacent to the northerly right of line, are also being vacated.

Petitioners: Margaret T. Mullen and Soldier Creek Corporation of Soldotna, Alaska.

Public notice appeared in the February 9 and February 16, 2006 issues of the Peninsula Clarion.

Eleven (11) certified mailings were sent to owners of property within 300 feet of the parcels. All of the receipts have been returned.

Twelve (12) regular mailings were sent to agencies and interested parties. Seven (7) notices were sent to KPB Departments. Notices were mailed to the Soldotna Post Office, Sterling Post Office, and Soldotna Community Library to post on public bulletin boards. The notice and maps were posted on the Borough web site.

Statement(s) of non-objection

Homer Electric Association

Staff discussion

A similar vacation petition was submitted for Planning Commission review in April 2001. The petition proposed to vacate Mullen Drive, vacate most of Pioneer Street, dedicate a 50-foot by 50-foot right-of-way adjoining the Sterling Highway, and dedicate a portion of Lingonberry Lane. The associated preliminary plat created five lots.

The intent of the proposed vacation was to direct traffic away from an aging bridge to allow for safer and more expedient ingress/egress for property owners and emergency service providers. Action on the petition was postponed so the owners could work with the City of Soldotna to resolve items of concern.

The vacation petition was carried forward to the May 29 and June 25, 2001 meetings per the applicant's request. Issues of concern still had not been resolved by June 25 so the Planning Commission postponed action until brought back by staff.

On December 7, 2005, the Soldotna Planning Commission reviewed a revised vacation petition and modified

preliminary plat. The new petition proposes to vacate Mullen Drive and associated utility easements and dedicate a 50-foot cul-de-sac off the Sterling Highway. The preliminary plat that would accomplish the vacation will also create seven tracts.

The Soldotna Commission recommended approval of the proposed vacation and preliminary plat subject to granting a 40-foot wide utility easement along the travel way of Mullen Drive.

The Borough Plat Committee reviewed the preliminary plat on February 13, 2006 and granted preliminary approval.

The owner and City of Soldotna have resolved the items of concern. Borough staff is recommending approval of the preliminary plat subject to conditions of the vacation.

Findings:

1. Per the submittal, the right-of-way proposed for vacation is in use for access.
2. Per the submittal, the right-of-way proposed for vacation has been constructed.
3. The right-of-way proposed for vacation is within the City of Soldotna.
4. The City of Soldotna is responsible for road maintenance.
5. The Soldotna Planning and Zoning Commission reviewed the proposed vacation on December 7, 2005 and recommended approval subject to providing 40-foot wide utility easement along the travel way of Mullen Drive.
6. Per the submittal, alternate access has been constructed within the Lingonberry Lane right-of-way to the Swiftwater Camp Road.
7. Per the submittal, a public access easement will remain along the travel way of Mullen Drive until alternative public right-of-way is dedicated.
8. Sufficient rights-of-way exist to serve surrounding properties.
9. No surrounding properties will be denied access.
10. The proposed vacation will direct traffic away from an aging bridge that is in unsafe condition.
11. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
12. To date, one utility company has provided a letter of non-objection.

STAFF RECOMMENDATION: Based on Findings 3-12, staff recommends approval of the vacations as petitioned, subject to:

1. Submittal of a final plat within one year of vacation approval.

If the vacation is approved, the Soldotna City Council has thirty days in which they may veto Planning Commission approval of the vacation.

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment.

1. Scott McLane, McLane Consulting, 38240 Kenai Spur Highway
Mr. McLane is the surveyor representing the Mullen's on this particular petition. He was available for questions.

Chairman Bryson asked if there were questions for Mr. McLane.

Commissioner Heimbuch understood she was not suppose to talk on this matter but asked if the access along Swiftwater Campground Road was dedicated or if it was a private road. Mr. McLane replied that the road is still under private ownership however the City maintains it year round. He stated that the City told him that they are actively engaged in trying to acquire the road.

Chairman Bryson clarified for the record that Commissioner Heimbuch could speak or make motions on this matter until information directing otherwise was received from the Borough legal staff.

Seeing and hearing no one else wishing to speak, Chairman Bryson closed the public comment and opened the discussion among the Commission.

MOTION: Commissioner Martin moved, seconded by Commissioner Johnson to grant the vacation per staff recommendations citing Findings 1-12.

Findings:

1. Per the submittal, the right-of-way proposed for vacation is in use for access.
2. Per the submittal, the right-of-way proposed for vacation has been constructed.
3. The right-of-way proposed for vacation is within the City of Soldotna.
4. The City of Soldotna is responsible for road maintenance.
5. The Soldotna Planning and Zoning Commission reviewed the proposed vacation on December 7, 2005 and recommended approval subject to providing 40-foot wide utility easement along the travel way of Mullen Drive.
6. Per the submittal, alternate access has been constructed within the Lingonberry Lane right-of-way to the Swiftwater Camp Road.
7. Per the submittal, a public access easement will remain along the travel way of Mullen Drive until alternative public right-of-way is dedicated.
8. Sufficient rights-of-way exist to serve surrounding properties.
9. No surrounding properties will be denied access.
10. The proposed vacation will direct traffic away from an aging bridge that is in unsafe condition.
11. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
12. To date, one utility company has provided a letter of non-objection.

Commissioner Clark asked if the findings were included in the motion. Commissioner Martin replied yes.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CLARK YES	FOSTER YES	GROSS YES	HEIMBUCH YES	HOHL ABSENT	HUTCHINSON YES
ISHAM YES	JOHNSON YES	MARTIN YES	MASSION ABSENT	PETERSEN YES	TAURIAINEN ABSENT	10 YES 3 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate Happy Street, Happy Lane and the Un-named Right of Way along the West border of Tracts 11 through 14 and associated utility and clearing easements, and the 10' utility easement along west boundary, extending through subdivision to south boundary as a 20' utility easement, and the 10' utility easement along south boundary granted by Hoffman Acres Subdivision (Plat HM 74-2195); within Section 4, Township 3 South, Range 14 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough. KPB File 2006-016

Staff Report reviewed by Max Best

PC Meeting: 2/27/06

Purpose as stated in petition: This entire subdivision is being replatted with alternate right-of-way, easements, and all interior property lines are being vacated, and new lots being platted. All new lots, right-of-way, and easements will meet KPB subdivision codes.

Petitioners: Quality Services of Anchor Point and Thomas A. Haeg of Homer, Alaska.

Public notice appeared in the February 9 and February 16, 2006 issues of the Homer News.

Seven (7) certified mailings were sent to owners of property within 300 feet of the parcels. All of the receipts have been returned.

Thirteen (13) regular mailings were sent to agencies and interested parties. Nine (9) notices were sent to KPB Departments. Notices were mailed to the Anchor Point Community Library and Anchor Point Post Office to post on