

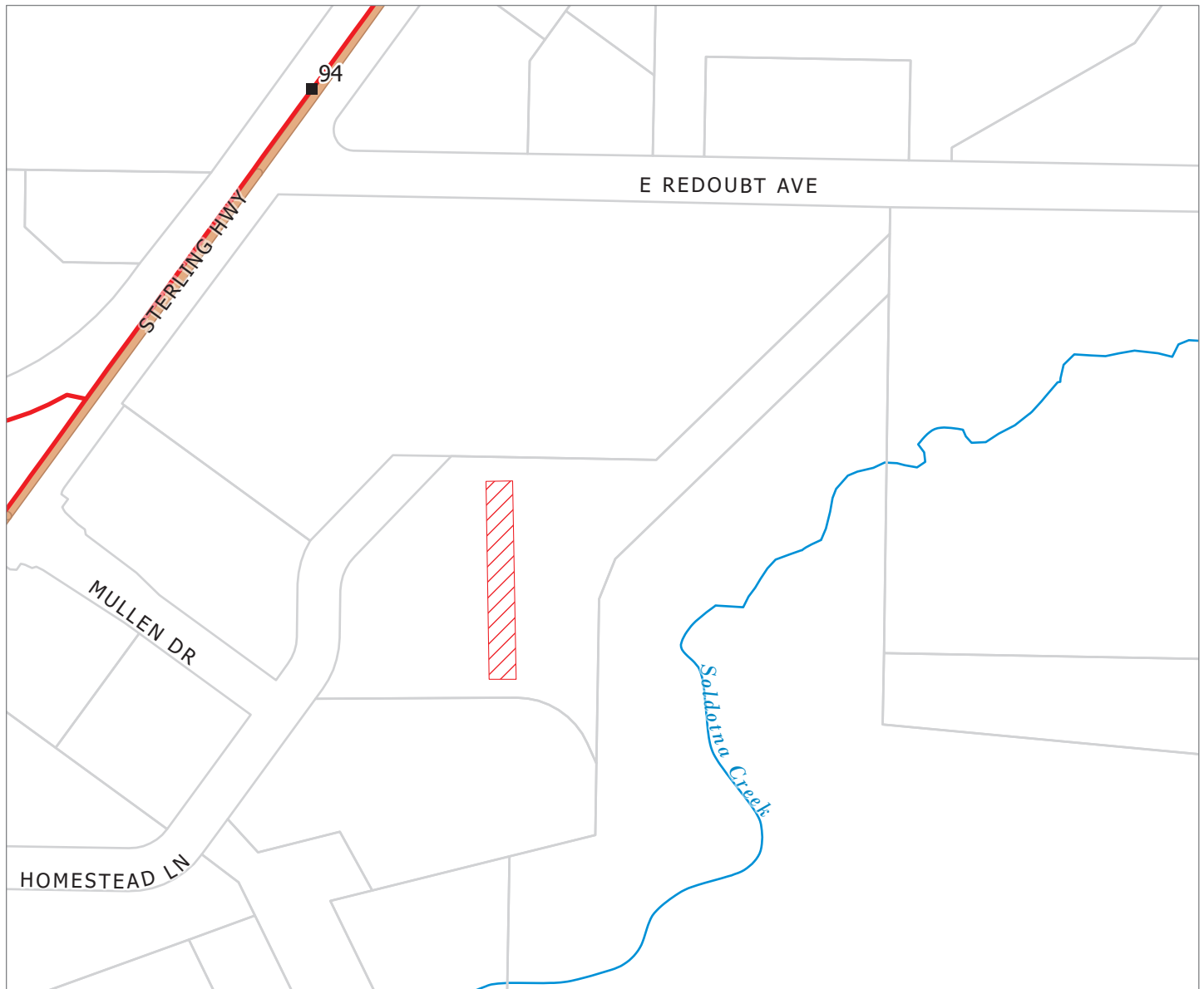
E. NEW BUSINESS

3. Pedestrian Easement Vacation; KPB File 2023-007V2V
Edge Survey & Design, LLC / City of Soldotna
Request: Vacates entire 20' pedestrian
easement granted on Mullen Homestead
Subdivision Addition No. 3, Plat KN 2000-44
City of Soldotna



Kenai Peninsula Borough Planning Department

Vicinity Map

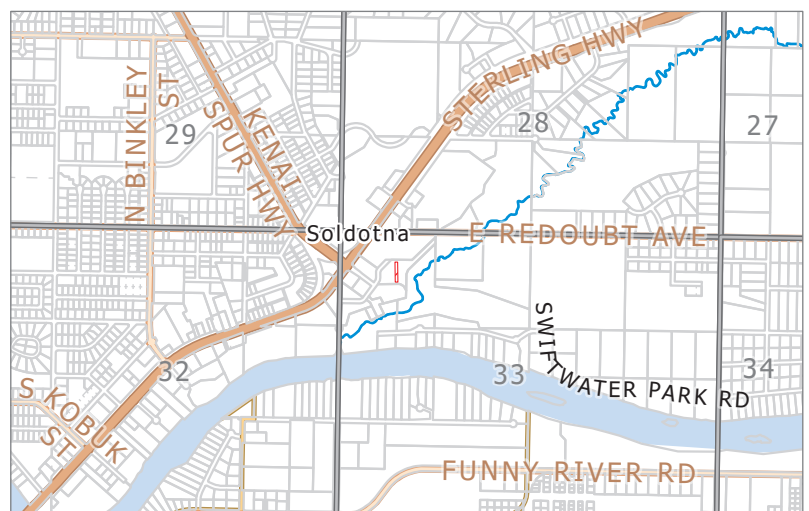
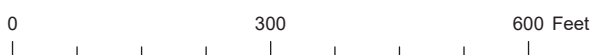


KPB File 2023-007V2V

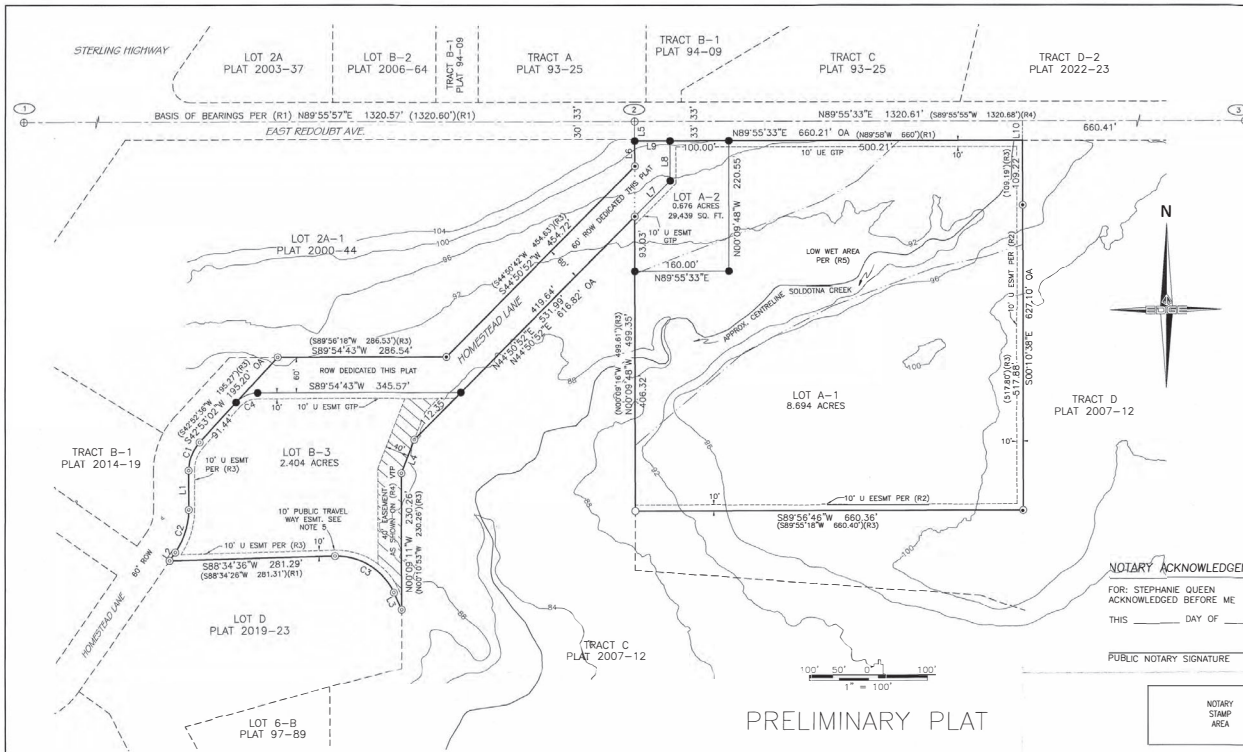
T 05N R 10W SEC 33

Soldotna

2/22/2023







PRELIMINARY PLAT

LEGEND

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

MONUMENT SUMMARY

1 Q.D. S29 S28 S32 S33 1937	2 W 1/4 S28 S33 4928-S 1993	3 1/4 S28 S33 810-S 1973
FOUND 2-1/2" BRASS MONUMENT IN CASE GOOD CONDITION	FOUND 3-1/4" ALUMINUM MONUMENT IN CASE GOOD CONDITION	FOUND 2-1/2" BRASS MONUMENT IN CASE GOOD CONDITION

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

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	75.67'
C2 (R3)	125.00'	76.81'	35°12'22"	N17°29'18"E	75.61'
C3 (HRR)	108.00'	124.47'	66°02'02"	N56°16'30"W	117.70'
C3 (R1)	108.00'	124.57'	66°05'03"	N56°16'07"W	117.78'
C4	50.00'	41.04'	47°01'42"	N66°23'52"E	39.90'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N00°09'11"W	66.28'
L1 (R3)	N00°10'53"W	66.20'
L2	N34°19'27"E	16.84'
L2 (R3)	N35°01'29"E	16.79'
L3	S25°10'53"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'

CERTIFICATE OF ACCEPTANCE AND DEDICATION BY CITY OF SOLDOTNA

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF SOLDOTNA FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

DEDICATION OF RIGHT OF WAY - EXTENSION OF HOMESTEAD LANE

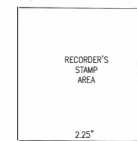
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: STEPHANIE QUEEN - CITY MANAGER
CITY OF SOLDOTNA
177 NORTH BIRCH STREET
SOLDOTNA, ALASKA 99669

DATE

CERTIFICATE OF SURVEYOR

I, MARK ANNETTI 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.



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 HOMER ELECTRIC ASSOCIATION ON JUNE 4, 1963, IN BOOK 10 PAGE 167, KENAI RECORDING DISTRICT.
- THIS SUBDIVISION MAY BE SUBJECT TO DECLARATION OF RESTRICTIONS PER DOCUMENT SERIAL NUMBER 2014-003790-0 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 2015-008268-0, KRD, AND DOCUMENT RECORDED DECEMBER 30, 2020, SERIAL NUMBER 2020-012674-0, 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 905, 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

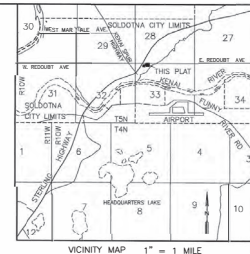
NOTARY
STAMP
AREA

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 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 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 DR. ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
ACCL# 1392

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

KPB 2023-007V2V

AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - PEDESTRIAN EASEMENT VACATION
VACATE ENTIRE 20 FOOT PEDESTRIAN EASEMENT GRANTED ON MULLEN HOMESTEAD SUBDIVISION
NO. 3, KN 2000-44**

KPB File No.	2023-007V2V
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	City of Soldotna
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Homestead Lane, City of Soldotna
Legal Description:	Tract B-2C, Mullen Homestead Subdivision Soldotna Creek Addition, KN 2015-47

STAFF REPORT

Specific Request / Purpose as stated in the petition: A specific reason was not stated. Will be within the middle of a proposed lot.

Notification: The public hearing notice was published in the March 15, 2023 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Soldotna

Post Office of Soldotna

Twelve certified mailings were sent to owners of property within 300 feet of the proposed vacation. Five receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to eleven owners within 600 feet of the proposed vacation.

Fifteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
City of Soldotna
Central Emergency Services

Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed): This is a proposal to vacate a pedestrian easement. The easement provided a connection from the then dedicated Mullen Drive to another pedestrian easement that connected to E Redoubt Avenue. The property in the area has been replatted numerous times with the easement remaining in place while not being depicted on plats. Homestead Lane currently provides access to another pedestrian easement in the area. The subdivision plat that will finalize the vacation will be dedicating a continuation of Homestead Lane that connects to E Redoubt Avenue.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Griebel, Scott Comments: No comments
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SOA DOT comments	No comment – DOT Engineering
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Site Investigation: The area proposed for vacation does not appear to contain steep terrain or low wet areas. The new right-of-way dedication appear to be free of steep terrain and low wet areas. There are some additional pedestrian easements in the area with some steep areas as they near Soldotna Creek that are outside the bounds of this subdivision.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: Exempt</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis: Staff received an application to vacate a 20 foot pedestrian easement after staff noted in the staff report for New Homestead Subdivision, KPB File 2023-007, that the easement should be depicted and shown. The easement appeared on Mullen Homestead Subdivision Addition No. 3, KN 2000-44. A portion of the pedestrian easement was atop a 40 foot utility easement. While the utility easement was vacated by Mullen Homestead Subdivision Addition No. 5, KN 2007-12, there was no mention of the pedestrian easement and subsequent replats did not depict the easement.

A vacation of a utility easement, KPB File 2023-007V, was heard on February 13, 2023 by the Planning Commission and received approval. The City of Soldotna recently purchased the property in order to provide a right-of-way dedication to connect Homestead Lane to E Redoubt Avenue. They are providing new utility easements and no longer felt the utility easement was required. New Homestead Subdivision, KPB File 2023-007, was heard by the Plat Committee on February 13, 2023 and received conditional approval. This plat will finalize the utility easement vacation and the pedestrian easement vacation if approved.

The pedestrian easement, when granted provided a connection from Mullen Drive to another easement to connect to E Redoubt Avenue. At that time Mullen Drive continued to the east and then curved to the south and crossed Soldotna Creek to connect to Lingonberry Road. The 20 foot pedestrian easement went north from Mullen Drive and connected to a 15 foot pedestrian easement that provided a connection to E Redoubt Avenue. When Mullen Drive was vacated by Mullen Homestead Subdivision Addition No. 5, KN 2007-12, it granted a 20 foot travelway easement within the former right-of-way that crosses Soldotna Creek with a bridge and connects to Lingonberry Lane. The pedestrian easement being requested to be vacated provides a connection to that easement and to E Redoubt Avenue.

The new proposed plat, New Homestead Subdivision, KPB File 2023-007, will be providing a dedication to extend Homestead Lane to E Redoubt Avenue. The pedestrian easement along the south, former Mullen Drive right-of-way, will remain. The new dedication will provide an access to E Redoubt Avenue with a 15 foot pedestrian easement still existing within a neighboring lot along the long northern portion of the dedication. The new dedication can be used for pedestrian use. The construction of any sidewalks will be up to the City of Soldotna as owner and having management authority over the dedication. The pedestrian easement proposed for vacation will be within Lot B-3 and will limit development.

The City of Soldotna Planning Commission heard the vacation at their March 1, 2023 meeting. They approved Resolution 2023-007 that recommends approval of the pedestrian easement.

20.65.050 – Action on vacation application

D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;
Staff comments: Per KPB GIS Imagery, it does not appear to be in use.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: It appears the easement may be used in the designated manner. Connections to existing pedestrian easements are present or will be provided on the replat.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The plat will be providing additional utility easements and rights-of-way.
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: It provides access to another pedestrian easement that is in use. The new dedications will provide connections.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: Lots will have better access with the proposed dedications and there will still be access to the used pedestrian easements.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: This is an unused pedestrian easement.
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: This was submitted to utility providers for comment. Any requested easements should be granted.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: The location of the easement may impede future development of the lot that is in a desirable commercial location. The new rights-of-way will provide public access.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the City Council if located within City boundaries. The City Council must hear the vacation within thirty days of the Planning Commission decision.

The City of Soldotna Council will hear the vacation and should be contacted for scheduling questions.

If approved, New Homestead Subdivision, KPB File 2023-007 will finalize the proposed pedestrian easement vacation. The Plat Committee heard the plat at their February 13, 2023 meeting and granted conditional approval subject to staff recommendations within the staff report and compliance to KPB Code.

KPB department / agency review:

Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Addressing	<p>Reviewer: Sjogren, Bobbi Affected Addresses: Action will not affect addresses.</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved:</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No other comments</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

Utility provider review:

HEA	
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

An exception to KPB Code has been requested with the submittal of the application.

EXCEPTION REQUESTED:

KPB 20.65.040(D) – Vacation Application (appropriate fee)

Surveyor's Discussion: Asking to waive the \$500 vacation fee. The last three platting actions on this property did not label or reference the pedestrian easement we are seeking to vacate, there for it was overlooked on the original submittal. Situation appears unfair to the current landowner to clean up previously missed easements.

Staff Discussion: Vacation application shall include the appropriate fee as determined by the current fee schedule. As defined in KPB Code, an easement means "the grant of a certain right to the use of the land by parties other than the owner." Pedestrian easements are considered a special purpose easement with specific conditions. In this case limited to pedestrian and non-motorized use.

The required one hundred dollar fee was received for the utility easement vacation as required. The KPB Fee Schedule shows a five hundred dollar fee for section line or right-of-way vacation. While not a right-of-way or section line easement, this is an easement for the benefit of the public as there was no usage limitations put into place other than non-motorized. Staff reviews this request under the same requirements of a right-of-way vacation, and thus the five hundred dollar fee would be required.

Surveyor's Findings:

1. The last three platting actions on this property did not label or reference the pedestrian easement.
2. Appears unfair to the current landowner to clean up previously missed easements.

Staff's Findings:

3. The easement was granted on Mullen Homestead Subdivision Addition No. 3, KN 2000-44.
4. The utility easement that coincided with the pedestrian easement was vacated by Mullen Homestead Subdivision Addition #5, KN 2007-12, the plat did not mention the pedestrian easement.
5. The City of Soldotna retained the pedestrian easement when the utility easement vacation was approved that was finalized by Mullen Homestead Subdivision Addition #5, Plat KN 2007-12.
6. If the application for the pedestrian easement had been submitted at the same time as the utility easement vacation separate fees would have been required as they are for different platting actions and not associated with each other.
7. The fee for right-of-way vacations is to help offset the cost of notifications.
8. The owner did not anticipate the additional fee being required.
9. The owner is the City of Soldotna.

Denial of the exception request will require the submittal of the fee prior to finalization of the vacation.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2, 8, and 9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1, 2, 8, and 9 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 2, 8, and 9 appear to support this standard.

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by Soldotna City Council.
 2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
 3. Grant utility easements requested by the Soldotna City Council and utility providers.
 4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050).
-

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing*

local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- Focus Area: Transportation

o Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.

- Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
- Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT

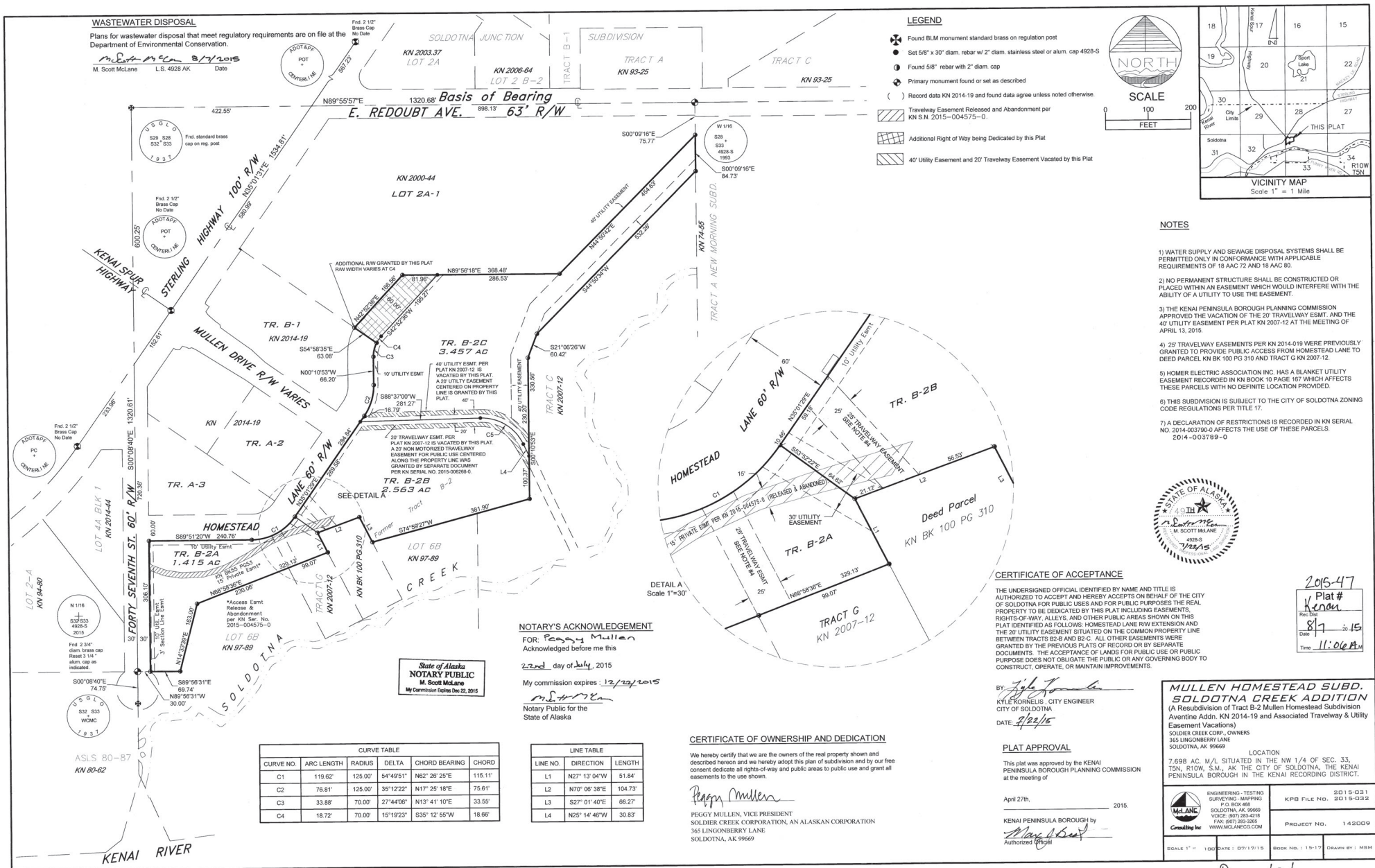


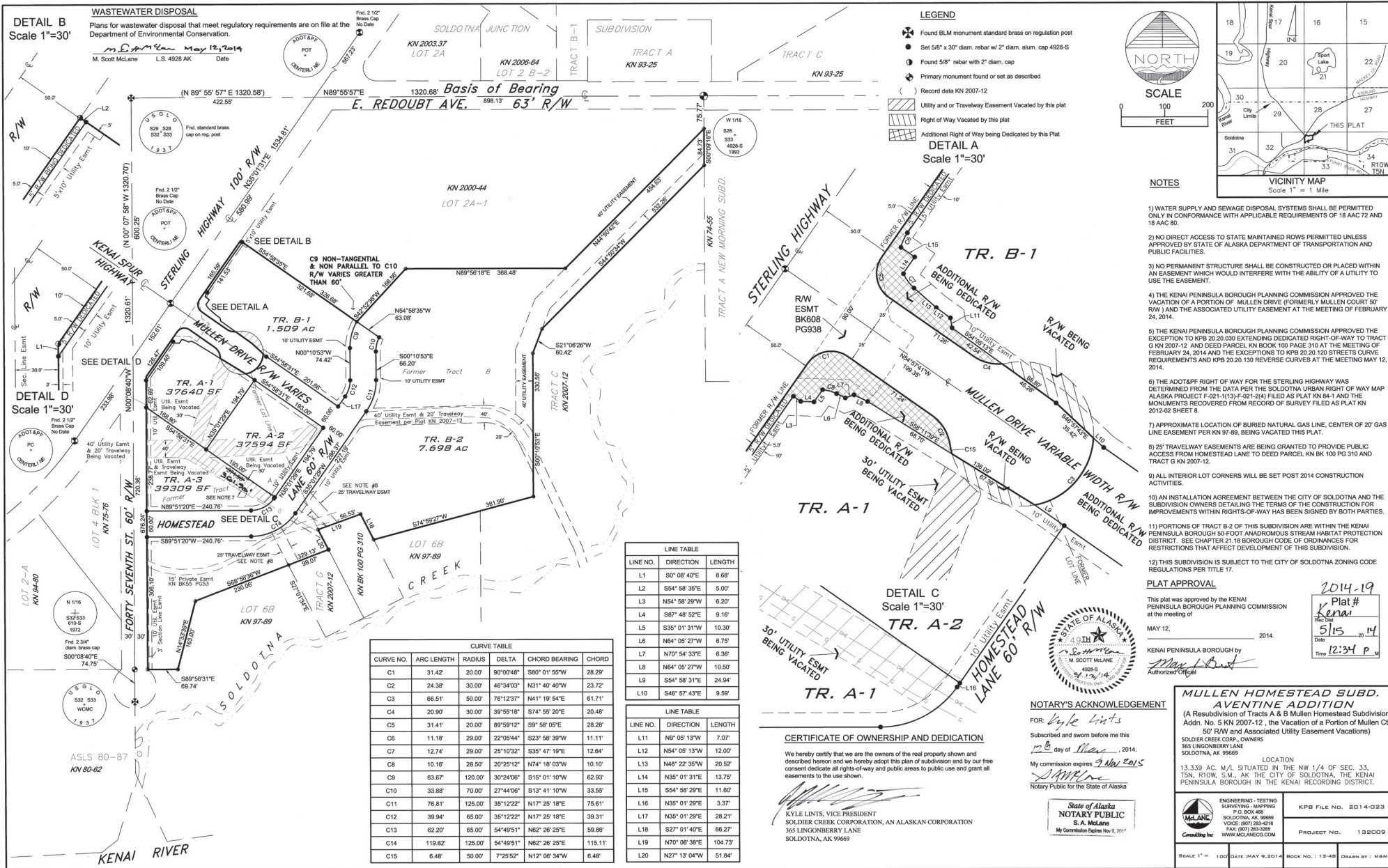


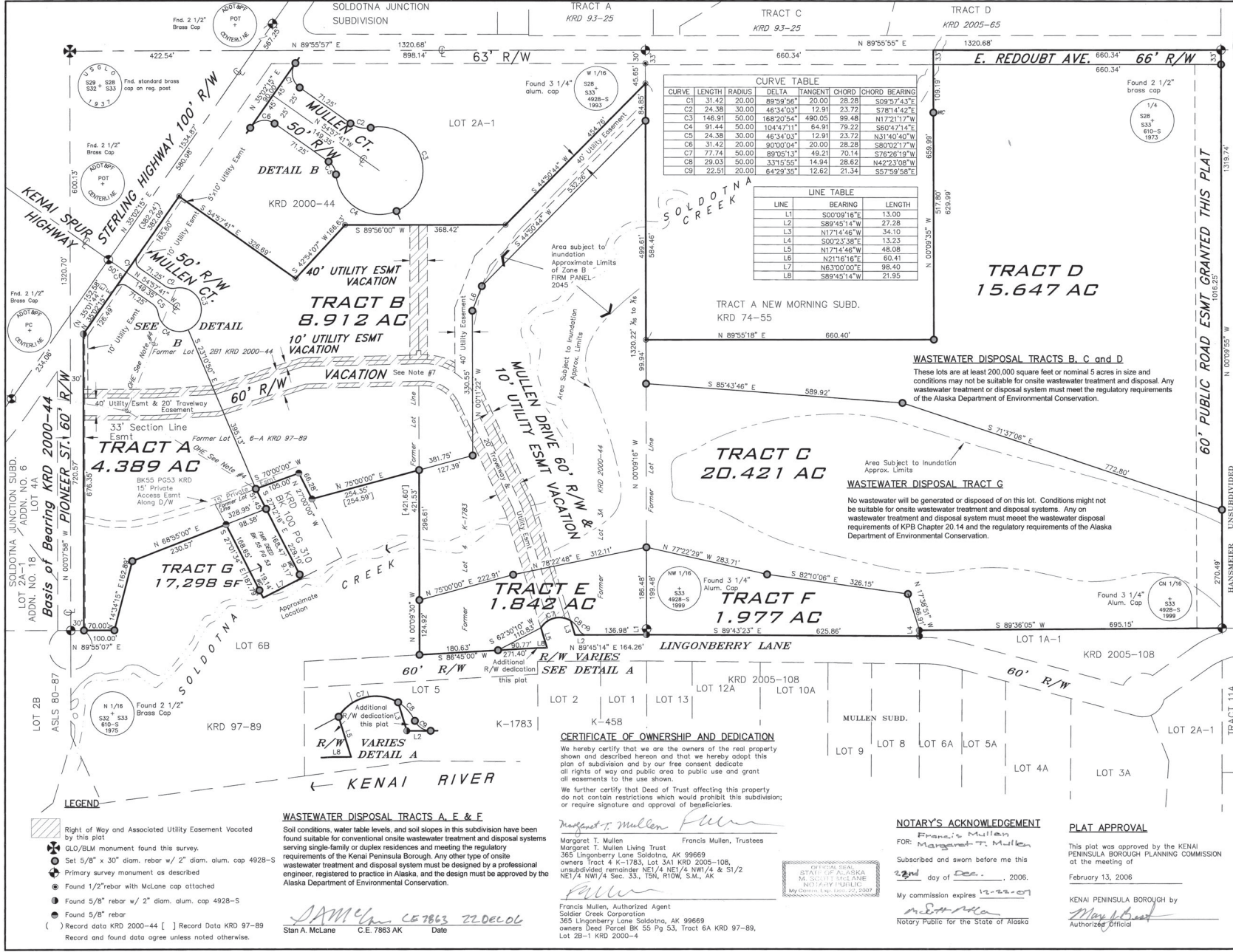
Wetlands











NOTES

- Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- Portions of this subdivision are located within the Kenai River Overlay District (KROD) and are subject to the City of Soldotna KROD requirements.
- The existing O.H. power line is the centerline of a 30 ft. wide electrical distribution line and communication line easement including guys and anchors.
- Development of these parcels is subject to the City of Soldotna Title 17 Zoning Code.
- The Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.20.190 Minimum Lot Size for Tract G, an exception to KPB 20.030 R/W dedication for the 60' Public Road Easement along east boundary, and an exception to KPB 20.20.200 Access to Streets for Tracts C and G at the meeting of the meeting February 13, 2006.
- The Kenai Peninsula Borough Planning Commission vacated Mullen Drive right of way and associated Utility easements at the meeting February 27, 2006. A 20' travelway easement and a 20' and/or 40' utility easement centered along the vacated right of way as shown on plat K1783 is being granted by this plat.
- The Sterling Highway right of way was determined from the ADOT&PF centerline monuments recovered and shown hereon and the Right of Way Maps Soldotna Urban KRD 84-1.
- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
- Lot corners along the Mullen Court Right of Way will be set after construction of the street in 2007.

SCALE

0 100 200 300 400
FEET

2007-13
KENAI REC. DIST.
Date 3-28-07
Time 3:47 P.
Requested by KPB
Address

MULLEN HOMESTEAD SUBDIVISION ADDITION NO. 5
(A Replat of Lots 2B-1, Lot 3A Mullen Homestead Addn. No. 3, Lot 6A Mullen Homestead River Addn. Ph.1, Deed Parcel Bk. 55 Pg. 53, the unsubdivided remainder and the Vacation of Mullen Drive R/W and Associated Utility Easements)
Morge Mullen, owner
365 Lingonberry Lane
Soldotna, AK, 99669
LOCATION
54.469 AC. W/4, SITUATED IN NW 1/4 OF SECTION 33, T.5N., R.10W., S.4M., AK, IN THE CITY OF SOLDOTNA AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

LEGEND

- Right of Way and Associated Utility Easement Vacated by this plat
- GLO/BLM monument found this survey
- Set 5/8" x 30" diam. rebar w/ 2" diam. alum. cap 4928-S
- Primary survey monument as described
- Found 1/2" rebar with McLane cap attached
- Found 5/8" rebar w/ 2" diam. alum. cap 4928-S
- Found 5/8" rebar
- Record Data KRD 2000-44 [] Record Data KRD 97-89
- Record and found data agree unless noted otherwise.

WASTEWATER DISPOSAL TRACTS A, E & F
Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

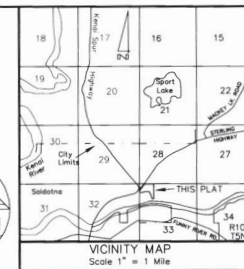
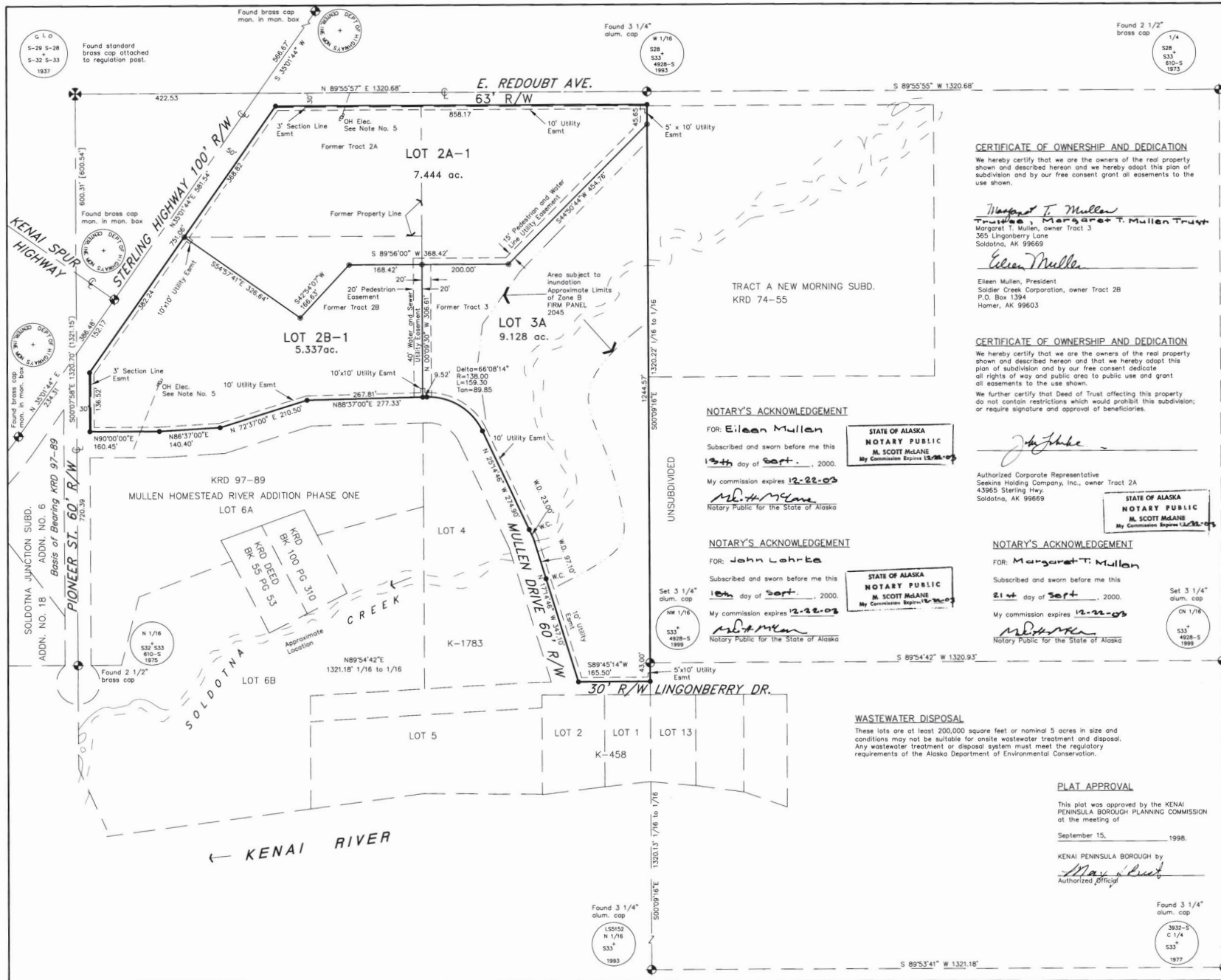
CERTIFICATE OF OWNERSHIP AND DEDICATION
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights of way and public area to public use and grant all easements to the use shown.
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.

NOTARY'S ACKNOWLEDGEMENT
Francis Mullen
Margaret T. Mullen
Margaret T. Mullen Living Trust
365 Lingonberry Lane Soldotna, AK 99669
owners Tract 4 K-1783, Lot 3A1 KRD 2005-108, unsubdivided remainder NE1/4 NE1/4 NW1/4 & S1/2 NE1/4 NW1/4 Sec. 33, T5N, R10W, S.4M., AK
Francis Mullen, Authorized Agent
Soldier Creek Corporation
365 Lingonberry Lane Soldotna, AK 99669
owners Deed Parcel Bk 55 Pg 53, Tract 6A KRD 97-89, Lot 2B-1 KRD 2000-44

PLAT APPROVAL
This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of
February 13, 2006
KENAI PENINSULA BOROUGH by
Marge Mullen
Authorized Official

STATE OF ALASKA
NOTARY PUBLIC
My Comm. Exp. 12-22-2007

McLane Consulting Inc.
741.462.992 231.874 907.283.3355



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

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

Margaret T. Mullen
Margaret T. Mullen
 Notary Public for the State of Alaska
 My Commission Expires 12-22-03

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 Malone
 Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGEMENT

FOR: **Eileen Mullen**
 Subscribed and sworn before me this 15th day of Sept., 2000.
 My commission expires 12-22-03
M. Scott Malone
 Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGEMENT

FOR: **John Lehre**
 Subscribed and sworn before me this 15th day of Sept., 2000.
 My commission expires 12-22-03
M. Scott Malone
 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. Cook
 Authorized Official



MULLEN HOMESTEAD SUBDIVISION ADDITION NO. 3 (A Resubdivision of Tracts 2A, 2B Mullen Homestead Addition No. 1 and Tract 3 Mullen Homestead)		
Date: Sept. 2000 Drawn & Checked by: mm	Book No.: 98-18 Scale 1" = 100'	Project No.: 942003s kPB File No. 98185

CITY OF SOLDOTNA
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2023-007

RECOMMENDING APPROVAL OF THE VACATION OF A PEDESTRIAN EASEMENT
WITHIN 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, on January 4, 2023 the Soldotna Planning Commission reviewed and approved the preliminary plat for the New Homestead Subdivision; and

WHEREAS, the city forwarded the recommendation to the Kenai Peninsula Borough (KPB), and the KPB Plat Committee reviewed the New Homestead Subdivision on February 13, 2023; and

WHEREAS, upon review, the KPB Plat Committee noted that a previously dedicated pedestrian easement was missing from the plat and needed to be included; and

WHEREAS, The City of Soldotna Administration recommends that the existing pedestrian easement be vacated; and

WHEREAS, SMC requires that major changes to a plat be resubmitted to the Soldotna Planning Commission for their consideration, and staff considers the vacation of an easement a major change; and

WHEREAS, Edge Survey and Design, LLC resubmitted the preliminary plat on February 16, 2023 with the intent to vacate the pedestrian easement; and

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

1. The New Homestead Subdivision includes the dedication of a 60-foot right-of-way to extend Homestead Lane to East Redoubt Avenue;
2. The New Homestead Subdivision includes the vacation of a 20-foot pedestrian easement that runs through the middle of Tract B-2C;
3. The pedestrian easement lies within the parcel legally described as T 5N R 10W Sec 33 Seward Meridian KN 2015047 Mullen Homestead Sub Soldotna Creek Addn Tract B-2C;
4. The pedestrian easement is not utilized by the public as it does not grant access to an area of interest;
5. The dedication of right-of-way for the extension of Homestead Lane provides for any pedestrian access removed through the vacation;
6. The pedestrian easement is not incorporated into any City planning document for connectivity;
7. The pedestrian easement does not grant access to an area that would otherwise be land

locked;

8. Tract B-2C is undeveloped and zoned Commercial;
9. The proposed lot will be served by municipal sewer and water;
10. 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;
11. 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 vacation of the 20-foot pedestrian easement found within the 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 1st DAY OF MARCH, 2023.

Kaitlin Vadla, Chair

ATTEST:

Jennifer Hester, Associate Planner

Yes:
No:
Absent:

TO: Planning and Zoning Commission
THROUGH: John Czarnezki, Director of Economic Development & Planning
FROM: Jennifer Hester, Associate Planner
DATE: February 16, 2023
SUBJ: Resolution PZ 2023-007 Recommending Approval of the Vacation of a Pedestrian Easement within the New Homestead Subdivision

GENERAL INFORMATION

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

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

Parcel ID: 060-300-33

Physical Address: An address has not yet been assigned

Location: East side of Homestead Lane

Size of Existing Lot: 3.46 Acres (Tract B-2C)

Size of Proposed Lot: 2.404 Acres (Lot B-3)

Zoning: Commercial

Existing Land Use: Undeveloped

**Surrounding Zoning and
Land Use:**

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

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

The property does not contain land within the KROD.

Access:

Access is gained via Homestead Lane

BACKGROUND INFORMATION & ANALYSIS

On November 15, 2022, the City received the initial application to plat the New Homestead Subdivision from Edge Survey and Design, LLC on behalf of the owners of record. On January 4, 2023, the Soldotna Planning Commission passed Resolution PZ2023-003 (New Homestead Subdivision) which approved the subdivision of Tract A, the dedication of a 60-foot right-of-way and the vacation of a 40-foot utility easement.

On February 13, 2023, and upon review of the Kenai Peninsula Borough (KPB) Plat Committee, a pedestrian easement was discovered that is located in the middle of Tract B-2C. This pedestrian easement was not vacated when an overlying utility easement was vacated in 2007 with the recording of the Mullen Homestead Subdivision Addition No. 5. This pedestrian easement failed to appear on subsequent plats, but is still present as it was never vacated by a platting action.

The KPB Plat Committee approved the New Homestead preliminary plat with the requirement that the pedestrian easement be shown on the plat. The City has no interest in retaining the easement and would like to have it vacated to facilitate any future development. Therefore, the City is requesting that the preliminary plat be modified to include the vacation of the pedestrian easement. Edge Survey has provided a revised preliminary plat that shows the 20-foot pedestrian easement to be vacated.

When a preliminary plat is modified after initial City review, Soldotna Municipal Code requires that the City Planning Commission review those changes. This is required when any major change in subdivision design, right-of-way dedication or lot addition is proposed for the subdivision. Staff views the vacation of the pedestrian easement as a major change in the subdivision and now requests your review, which will then be submitted to the Kenai Peninsula Borough for their consideration.

Because the vacation of the pedestrian easement is the only change to the plat, and because you already reviewed and recommended approval of the plat, only the vacation is considered in this staff report.

In September of 2000, the Mullen Homestead Subdivision Addition No. 3 created the 20' pedestrian easement within a 40' water and sewer utility easement. The pedestrian easement ran along a former property line that has since been vacated through lot combinations. It may be assumed that the purpose of the easement was to provide pedestrian access from the former Mullen Drive north to E. Redoubt Avenue. That access will now be provided through the dedication of right-of-way for the extension of Homestead Lane to E. Redoubt Avenue.

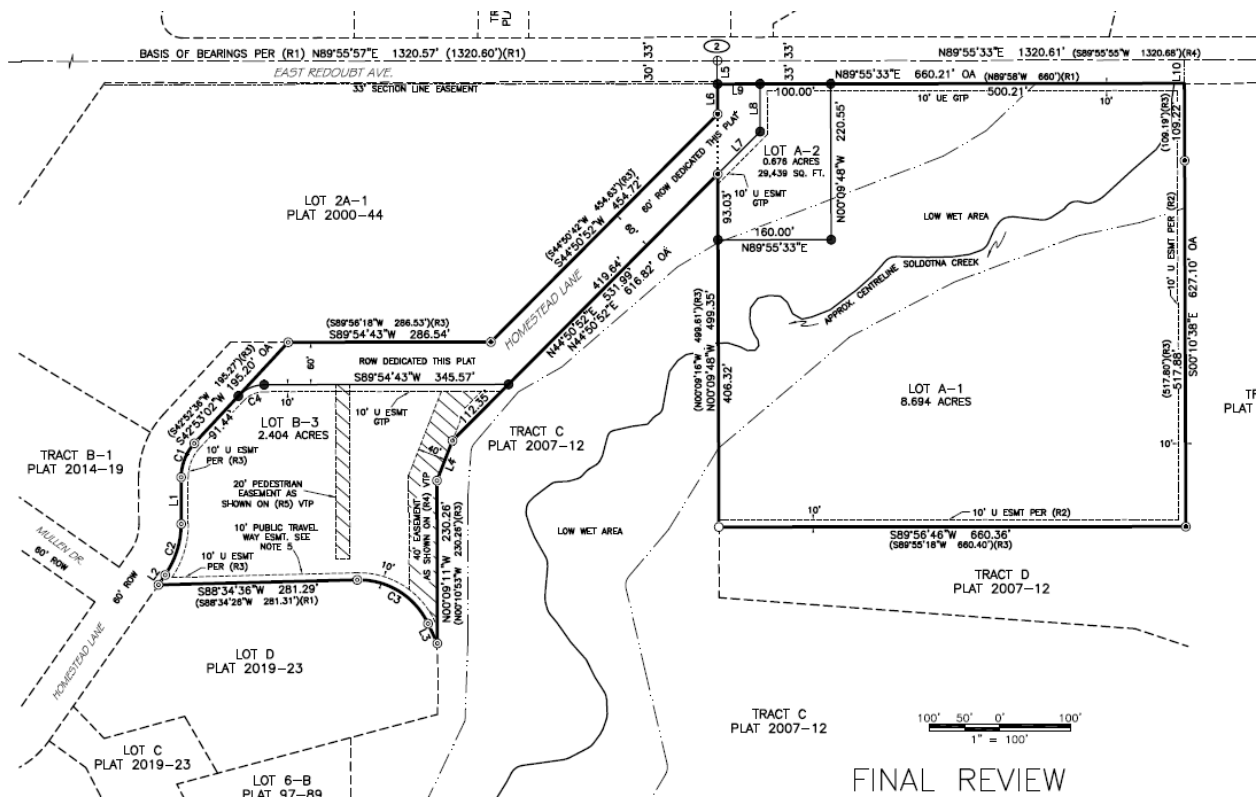


Figure 1. The revised New Homestead Subdivision subdivides Tract A into Lot A-1 and Lot A-2, dedicates 60-foot of right-of-way and vacates two easements, a 20-foot pedestrian easement and a 40-foot utility easement.

In 2007 the Mullen Homestead Subdivision No. 5 vacated the 40-foot utility easement that was previously created in 2000, but did not vacate the pedestrian easement. The remaining pedestrian easement was not noted on this plat nor on subsequent platting actions in 2014 (Mullen Homestead Subdivision, Aventine Addn) and 2015 (Mullen Homestead Subdivision, Soldotna Creek Addn). When Edge Survey initially submitted the New Homestead Subdivision to the City and Borough, it also did not show the pedestrian easement as it was unaware that the pedestrian easement remained.

In their review of the New Homestead preliminary plat, the KPB caught the omission and requested that the pedestrian easement be shown on the plat.

We do not believe that the 20-foot pedestrian easement is utilized by the public, as it does not grant access to an area of interest. Additionally, the easement is not incorporated in any City planning document for connectivity, nor does it grant access to an area that would otherwise be landlocked. As noted above, public access will be granted through this area via the dedication of right-of-way for the extension of Homestead Lane to E. Redoubt Avenue.

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.

STAFF COMMENTS

The previously approved New Homestead plat is a subdivision of one lot into two and included the dedication of a 60-foot of right-of-way and the vacation a 40-foot utility easement.

The action before you today is to vacate the pedestrian easement that lies within the New Homestead Subdivision, and that is specifically located on Tract B-2C.

The proposed vacation was circulated to City Staff for review and comments.

Fifteen notices were mailed on February 16, 2023 to neighboring property owners within 300 feet. No comments had been received at the time this report was drafted.

STAFF RECOMMENDATION

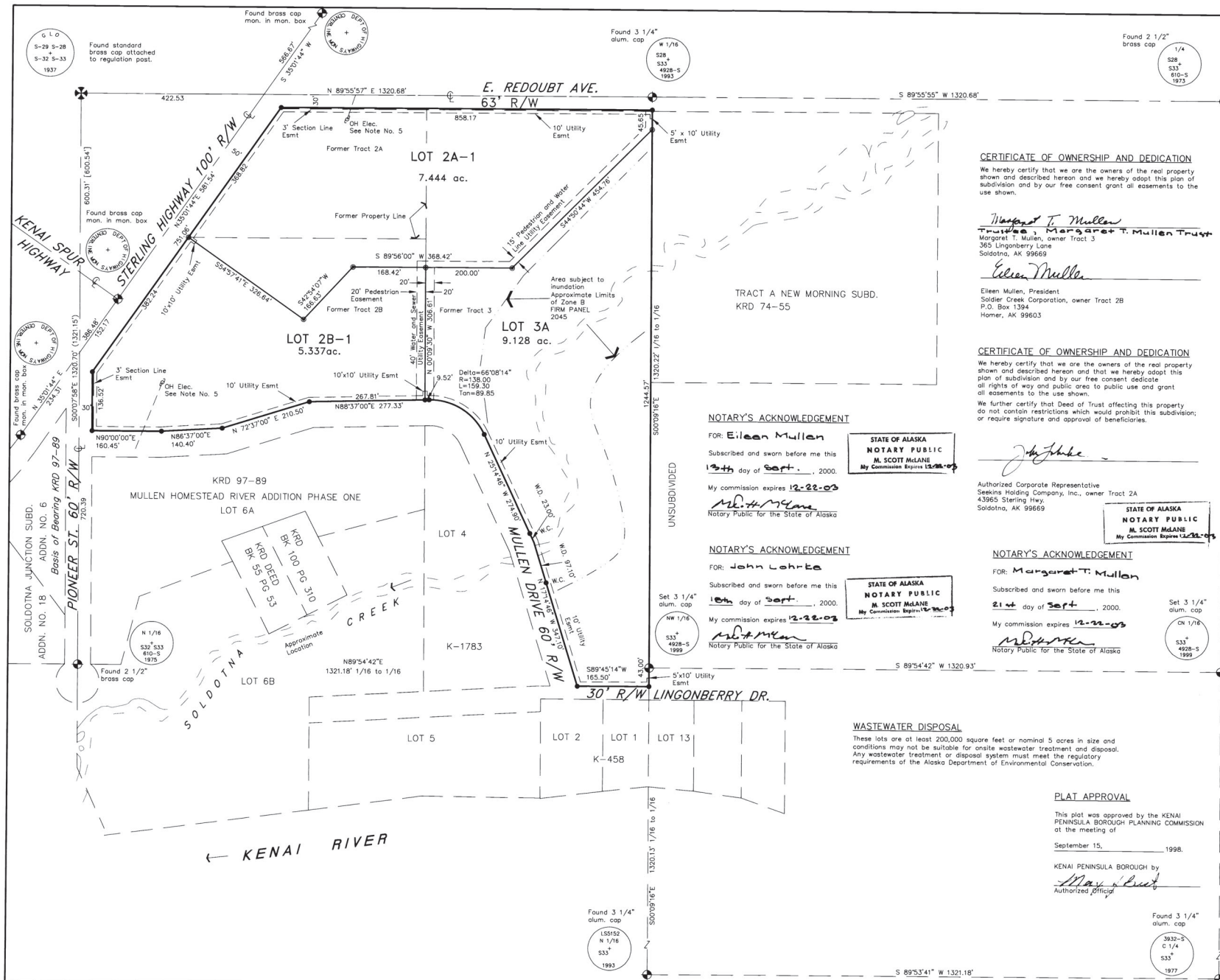
Staff finds the vacation of the 20-foot pedestrian easement on Tract B-2C is in the best interest of the City, meets the general standards of the Soldotna Municipal Code, and therefore recommends approval.

Resolution PZ 2023-007 has been provided for your use.

Attachments:

- A. Location Map
- B. Preliminary Plat, New Homestead Subdivision
- C. Parent Plat, Mullen Homestead Sub Addn No 3
- D. Parent Plat, Mullen Homestead Sub Addn No 5
- E. Resolution 2023-003, Recommending Approval of the New Homestead Subdivision

Parent Plat
Mullen Homestead Subdivision Addition No 3



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 Lingenberry Lane
Soldotna, AK 99669

Eileen Mullen
Eileen Mullen, President
Soldier 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.

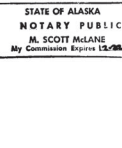
NOTARY'S ACKNOWLEDGEMENT

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



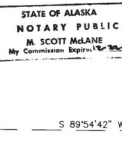
NOTARY'S ACKNOWLEDGEMENT

FOR: **John Lehrke**

Subscribed and sworn before me this
10th day of Sept., 2000.

My commission expires 12-22-03

M. Scott Malane
Notary Public for the State of Alaska



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



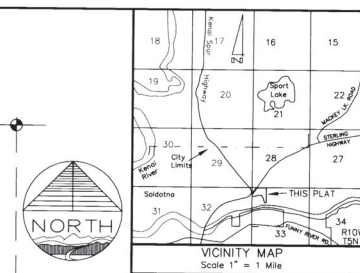
WASTEWATER DISPOSAL

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/ 1/2" diam. alum. cap
- Primary survey monument as described.
- Set 1/2" x 24" rebar with McLane cap attached

- () Record data KRD 97-89
- [] Record data KRD 91-37

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 KRD00 requirements.



2000-44
Kenai REC. DIST.
Date 9/29/00
Time 3:02 P.M.
Requested by Malane
Address _____

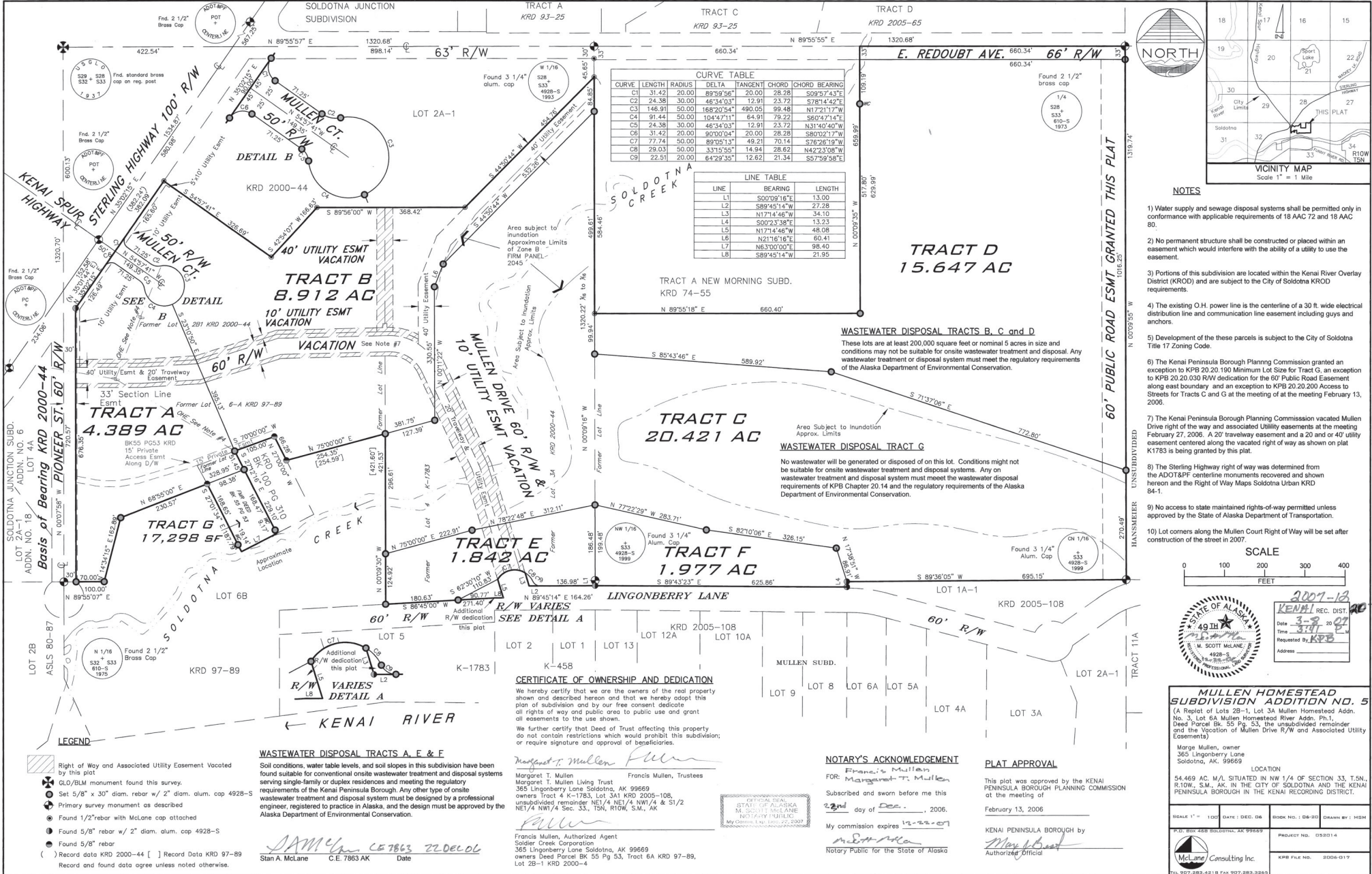
MULLEN HOMESTEAD SUBDIVISION ADDITION NO. 3

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

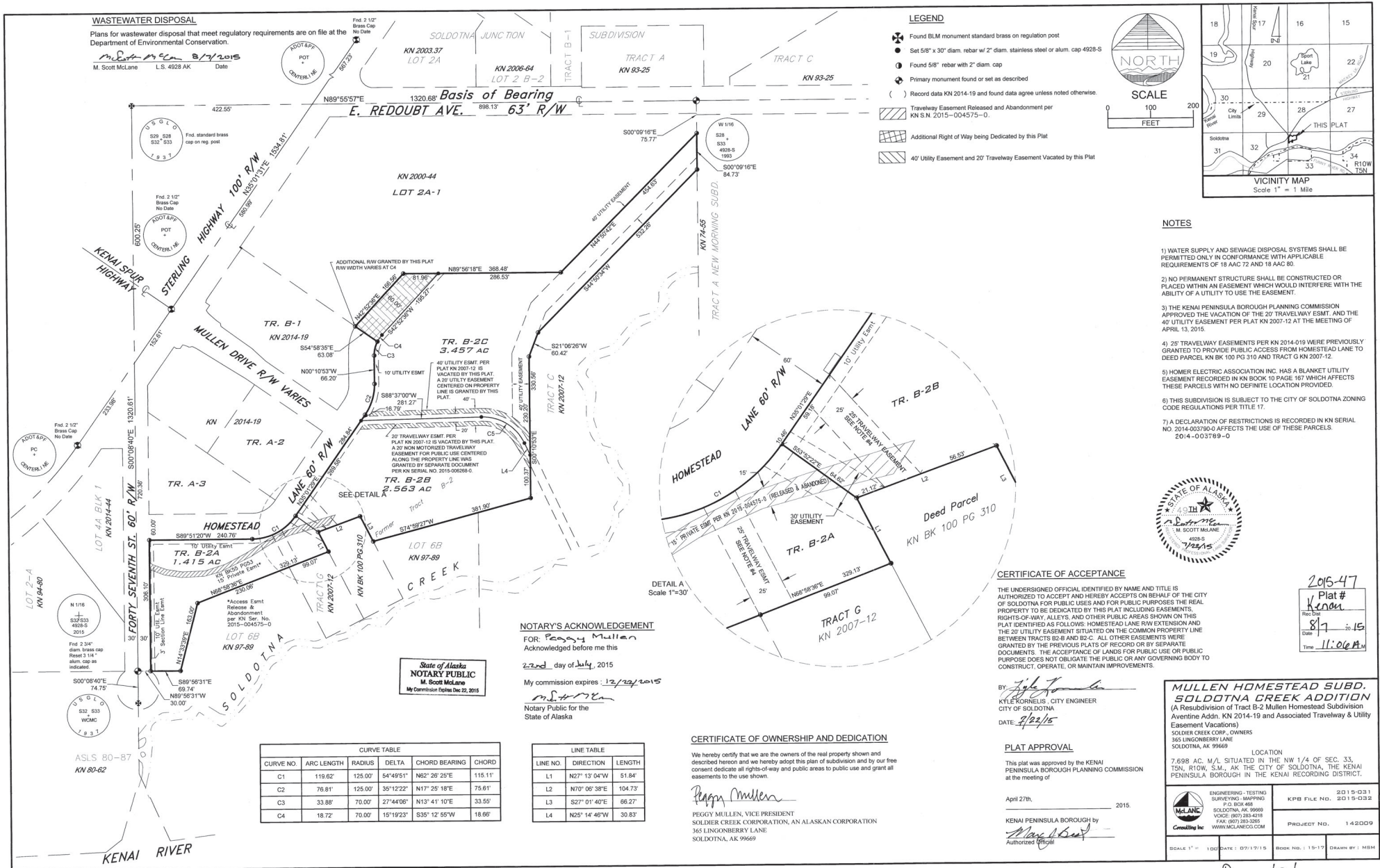
Marge Mullen, owner
365 Lingenberry Drive
Soldotna, AK 99669 LOCATION
21,909 AC. W/L SITUATED IN THE NW 1/4 NW 1/4, COY1 LOT 1 SEC. 33, T. 5 N., R. 10 W., S.M., AK. AND THE CITY OF SOLDOTNA, THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.
Surveyed by: Consulting Group
P.O. Box 468
Soldotna, AK 99669

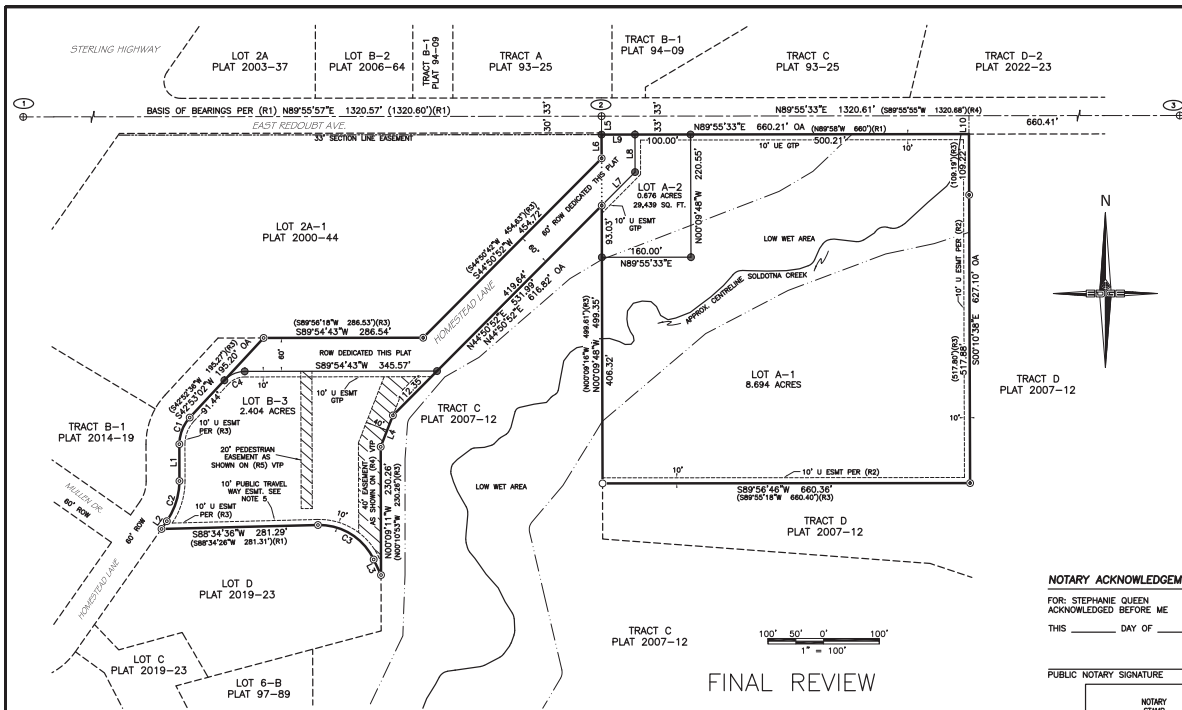
Date: Sept. 2000 Book No.: 98-18 Project No: 942003s
Drawn & Checked by: mm Scale 1" = 100' KPB File No. 98185

Parent Plat
Mullen Homestead Subdivision Addition No 5

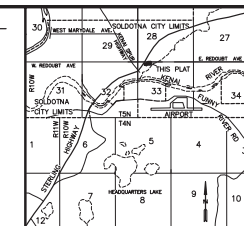


Parent Plat
Mullen Homestead Subdivision Soldotna Creek Addition





- 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.
 - ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLANDS DETERMINATION IF APPLICABLE.
 - 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, KR.D.
 - THIS SUBDIVISION MAY BE SUBJECT TO DECLARATION OF RESTRICTIONS PER DOCUMENT SERIAL NUMBER 2014-003789-0 AND SERIAL NUMBER 2014-003790-0, KR.D.
 - THIS SUBDIVISION IS SUBJECT TO A NON-MOTORIZED PUBLIC RECREATIONAL EASEMENT PER DOCUMENTS RECORDED JULY 20, 2015, SERIAL NUMBER 2015-006248-0, KR.D. AND DOCUMENT RECORDED DECEMBER 30, 2020, SERIAL NUMBER 2020-012874-0, KR.D.
 - THIS SUBDIVISION IS SUBJECT TO PUBLIC RIGHT OF WAY EASEMENT GRANTED TO CITY OF SOLDOTNA, BOOK 13 PAGE 150, KR.D. LOCATED WITHIN EAST REDOUBT AVENUE.
 - THIS SUBDIVISION SUBJECT TO COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED JULY 12, 1974, VOLUME 78 PAGE 195, KR.D.
 - 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 905, KR.D.
 - 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 KRS 21.18.040.
 - THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF UTILITY EASEMENTS GRANTED PER (R4), AT THE MEETING OF FEBRUARY 13, 2023. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A 20' PEDESTRIAN EASEMENT GRANTED PER (R5), AT THE MEETING OF MARCH 20, 2023.
 - WASTEWATER DISPOSAL: LOT A-2 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.



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 THE 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

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 _____

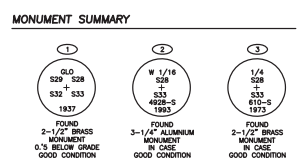
NOTARY STAMP AREA

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	75.67'
C2 (R3)	125.00'	76.81'	35°12'22"	N17°25'18"E	75.61'
C3 (HRR)	108.00'	124.47'	68°03'02"	N58°16'30"W	117.70'
C3 (R1)	108.00'	124.57'	68°05'03"	N58°16'07"W	117.78'
C4	50.00'	41.04'	47°01'42"	N66°23'52"E	39.90'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N00°09'11"W	66.28'
L1 (R3)	N00°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	60.00'
L10	N00°10'38"W	33.00'



- 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 ESM UTILITY EASEMENT
 - ROW RIGHT-OF-WAY
 - GTP GRANTED THIS PLAT
 - ESMT EASEMENT
 - VTP VACATED THIS PLAT
 - EASEMENT VACATED THIS PLAT
- 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) MULLEN HOMESTEAD SUBDIVISION ADDITION NO. 3, PLAT 2000-44, KENAI RECORDING DISTRICT

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 _____

CERTIFICATE OF ACCEPTANCE AND DEDICATION BY CITY OF SOLDOTNA

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF SOLDOTNA FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

DEDICATION OF RIGHT OF WAY - EXTENSION OF HOMESTEAD LAKE

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

BY: STEPHANIE QUEEN - CITY MANAGER
CITY OF SOLDOTNA
177 NORTH BIRCH STREET
SOLDOTNA, ALASKA 99669

DATE _____

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.



KPB FILE No. 2023-007

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

EDGE SURVEY AND DESIGN, LLC
12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AEC# 1392

DRAWN BY: DATE: 02/14/2023 PROJECT: 22-610
JY
CHECKED BY: SCALE: 1" = 50' SHEET: 1 OF 1
MA

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.

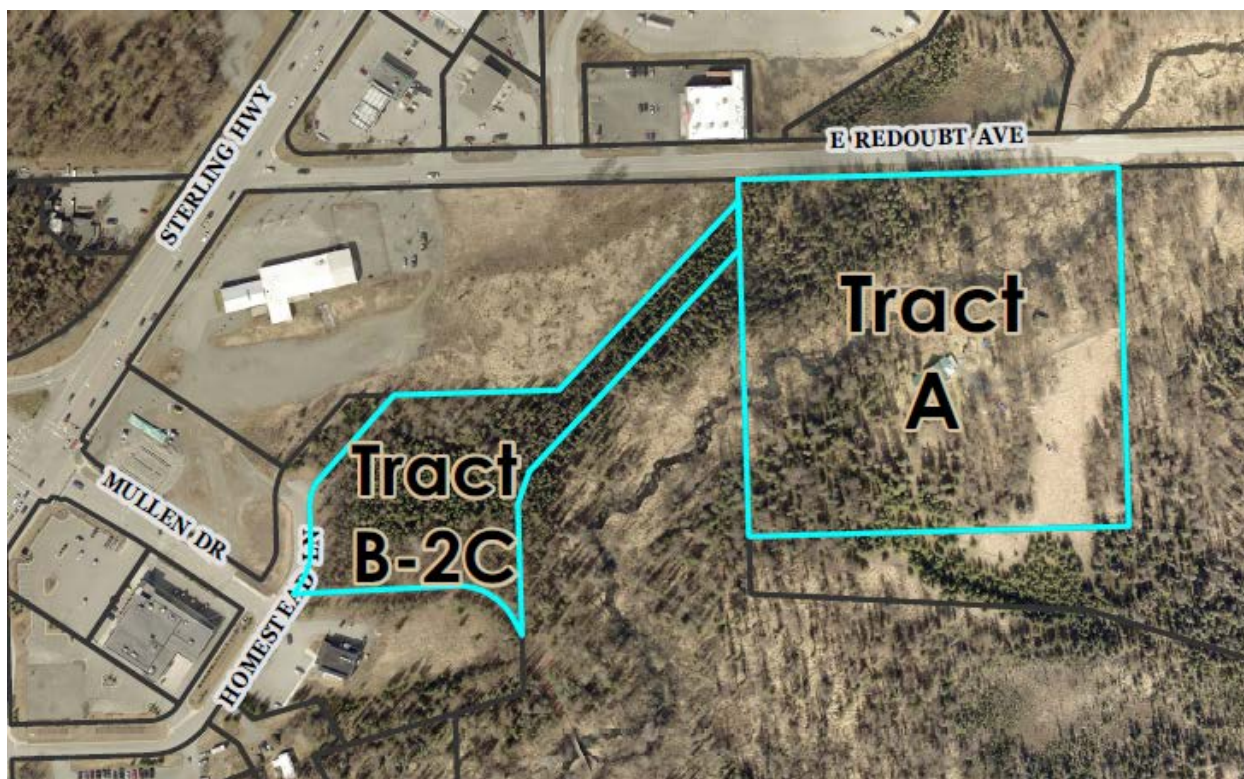


Figure 1. Tract A is a 9.5-acre parcel intended to be subdivided into two lots and dedicate 60-ft of right-of-way. Tract B-2C is a 3.46 acre parcel intended to dedicate 60-ft right-of-way.

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



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).

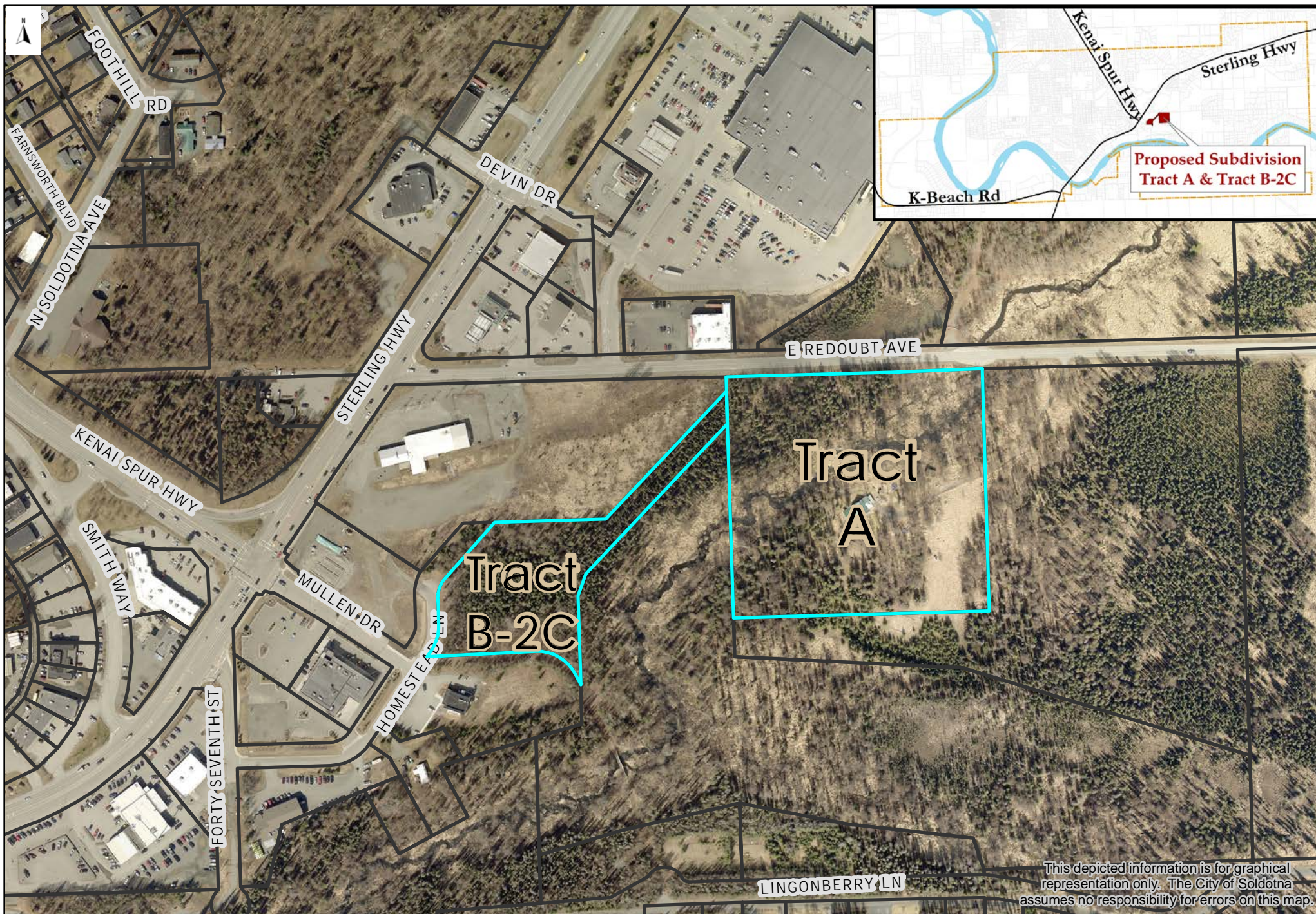
A meeting will be held by the City of Soldotna Planning and Zoning Commission on **Wednesday, January 4, 2023**, commencing at 5:30 p.m. The meeting will be held at 177 N. Birch Street, Soldotna, Alaska 99669.

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

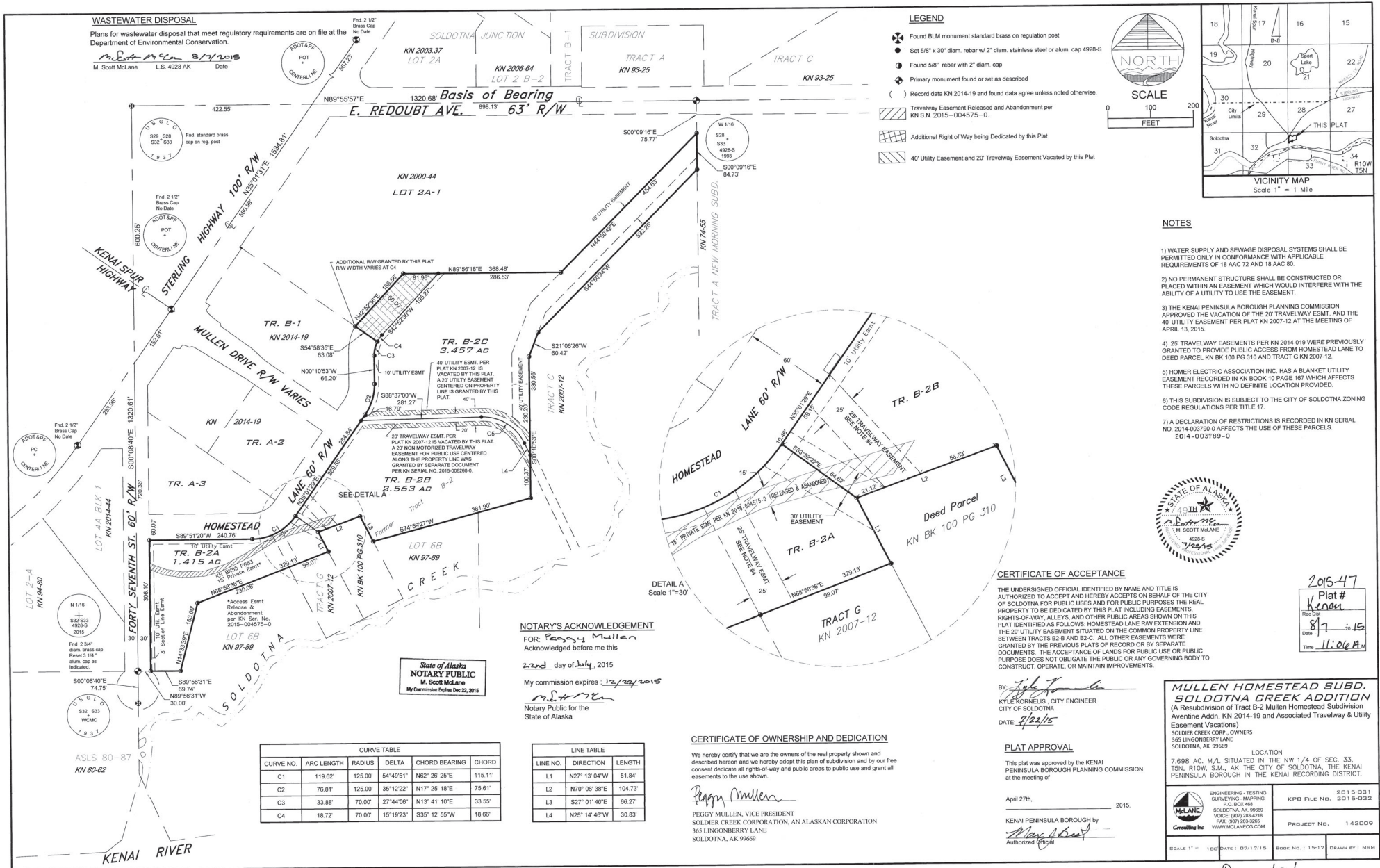
A MAP SHOWING THE PARCEL REPLAT LOCATION IS ON THE BACK OF THIS NOTICE.

A COPY OF THE PROPOSED PLAT IS INCLUDED.

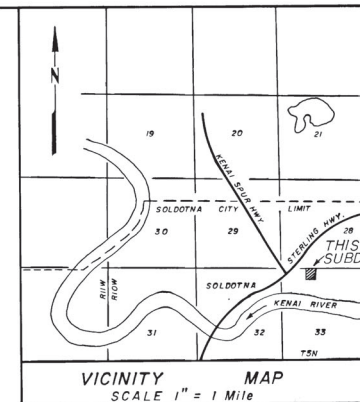
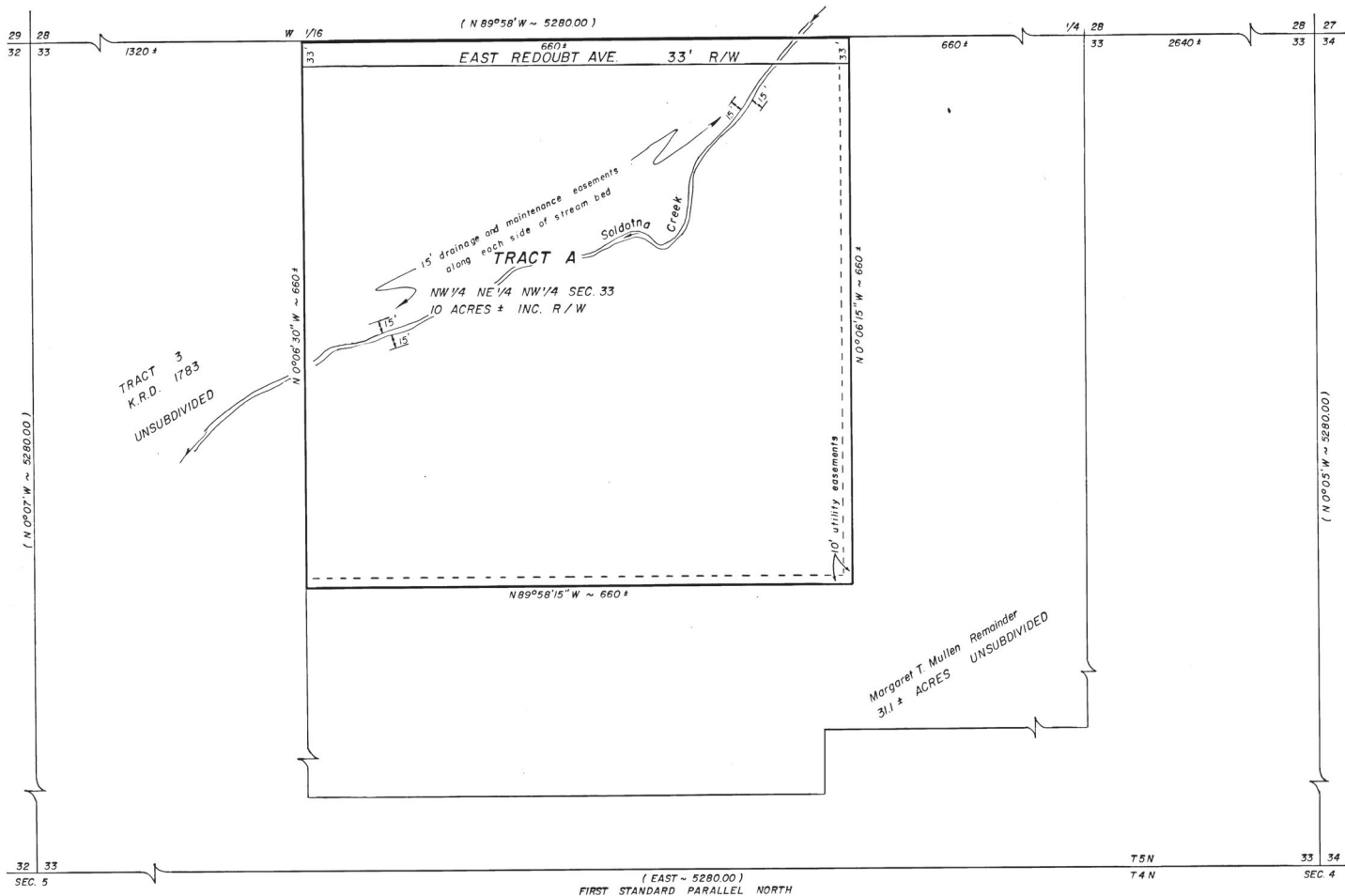


OWNER	ADDRESS	CITY STATE ZIP
TRIGGER LLC	1113 W FIREWEED LN STE 202	ANCHORAGE, AK 99503
FARNSWORTH JACK C RESIDUARY TRUST	PO BOX 330	SOLDOTNA, AK 99669
FRED MEYER OF ALASKA INC	1014 VINE ST	CINCINNATI, OH 45202
SCHMITTER LISA K	PO BOX 3194	SOLDOTNA, AK 99669
ALASKA STATE D N R	550 W 7TH AVE STE 650	ANCHORAGE, 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

Resolution PZ 2023-003 Packet Item
PARENT PLAT
MULLEN HOMESTEAD SUBDIVISION



Resolution PZ 2073-003 Packet Item
PARENT PLAT
NEW MORNING SUBDIVISION



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

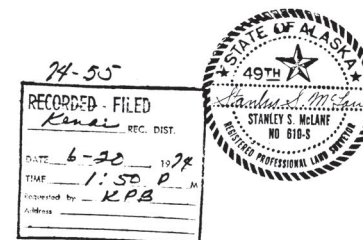
NOTES:

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.



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 28, 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'

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.

This is a reconsideration of a previously reviewed plat that has changed since first submitted. The proposed change is the vacation of the existing 20-foot pedestrian easement located in the middle of Lot B-3. The preliminary plat subdivides a 9.5-acre parcel into two separate lots: Lot A-1 and Lot A-2, dedicates 60-feet of right-of-way, and vacates a 20-ft pedestrian easement. 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 2023-007. 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).

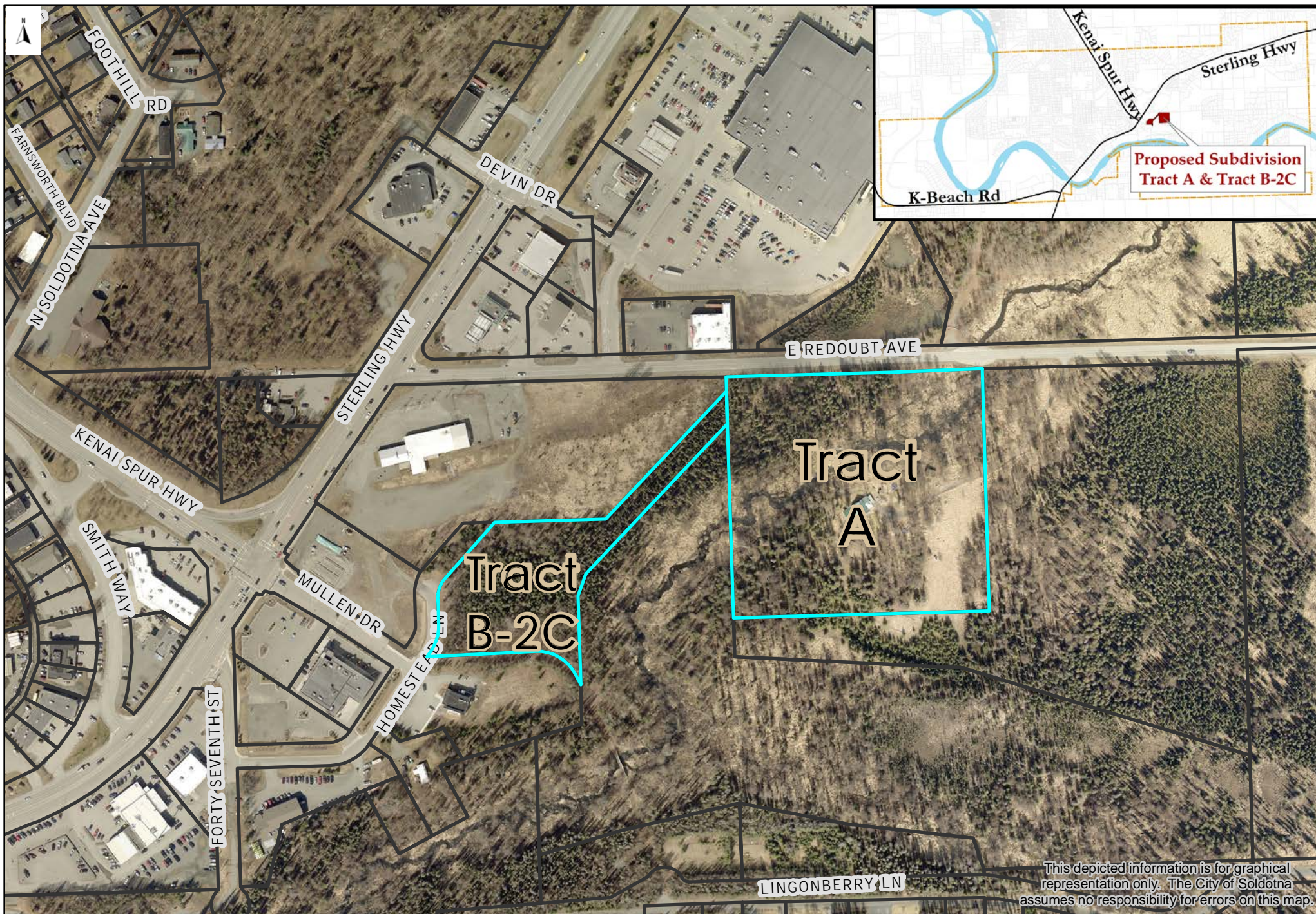
A meeting will be held by the City of Soldotna Planning and Zoning Commission on **Wednesday, March 1, 2023**, commencing at 5:30 p.m. The meeting will be held at 177 N. Birch Street, Soldotna, Alaska 99669.

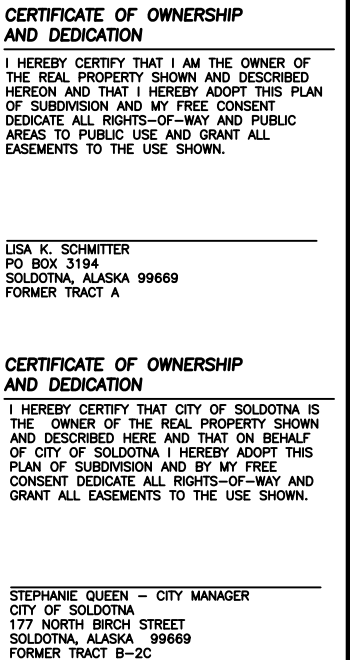
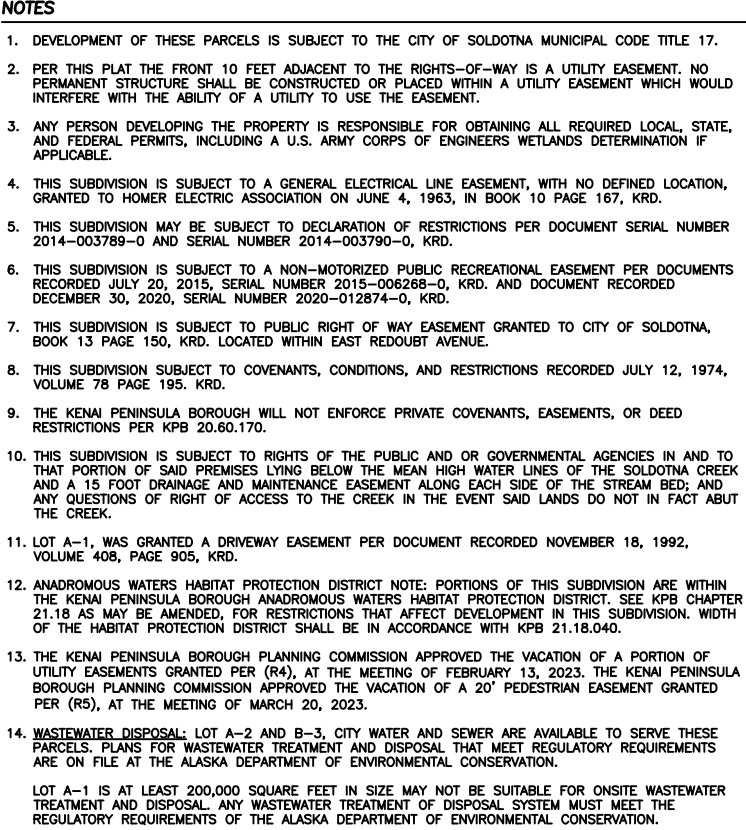
Anyone wishing to testify may come to the above meeting to give testimony; or may submit a written statement to the attention Jennifer Hester, Associate Planner, City of Soldotna, 177 N. Birch Street, Soldotna, Alaska 99669; faxed to 907-714-1234; or emailed to jhester@soldotna.org

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.





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"	N1°33'18"E	76.67'
C3 (R3)	76.88'	35°14'22"	35°14'22"	N7°25'18"E	76.67'
C3 (HRR)	108.00'	124.47'	66°02'05"	N58°16'30"W	117.70'
C3 (R1)	108.00'	124.57'	66°05'03"	N58°16'07"W	117.78'
C4	50.00'	41.04'	47°01'42"	N66°23'52"E	39.90'

CERTIFICATE OF ACCEPTANCE AND DEDICATION BY CITY OF SOLDOTNA

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF SOLDOTNA FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

DEDICATION OF RIGHT OF WAY - EXTENSION OF HOMESTEAD LANE

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

BY: _____ DATE _____

STEPHANIE QUEEN - CITY MANAGER
CITY OF SOLDOTNA
177 NORTH BIRCH STREET
SOLDOTNA, ALASKA 99669

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

STATE OF ALASKA
★ 49TH ★
★ FINAL REVIEW ★
Mark A. Almonetti
No. 13022 - S
REGISTERED PROFESSIONAL LAND SURVEYOR

RECORDER'S
STAMP
AREA

2.25"

2.25"


**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**


EDGE
SURVEY AND DESIGN, LLC

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

DRAWN BY: JY	DATE: 02/14/2023	PROJECT: 22--610
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1

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

No: None
Absent: Burton, Smithwick-Aley
MOTION PASSED: 5 Yes, 0 No, 2 Absent

Resolution PZ 2023-007 - Recommending Approval of the Vacation of a Pedestrian Easement within the New Homestead Subdivision

MOTION: Commission Member Anderson moved to approve Resolution PZ 2023-007.

Director Czarnezki summarized the written staff report.

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

Commissioner Anderson clarified that all the platting actions for the preliminary plat have been previously considered and voted upon, except for the easement. He inquired as to Soldotna 2030 Comprehensive Plan or another document that may recommend or require pedestrian access.

Director Czarnezki stated that based on planning documents, there is no requirement for access through the lot. Additionally, the easement ends before it reaches the neighboring lot to the south. Access as it stands now is only to go through seven eighths of the lot. This easement does not perform a function for connectivity. Ultimately, the goal for this preliminary plat is to extend the right-of-way. Thus, public access will be provided through the dedication of the Homestead Lane right-of-way. The City-owned property is anticipated to be sold at a later date. The City believes the easement would hurt the sale of the property, as well as the development potential of this parcel.

Chair Vadla inquired about the utility easement and why the easement does not extend through the entire lot.

Director Czarnezki explained that the easement length is due to a right-of-way vacation.

Commissioner Tautfest stated she is on the Borough Planning Commission, but she was not at the meeting that determined this plat shall be sent back to the City.

VOTE ON MOTION:

Yes: Anderson, Barbaza, Murray, Tautfest, Vadla

No: None

Absent: Burton, Smithwick-Aley

MOTION PASSED: 5 Yes, 0 No, 2 Absent

REPORTS

Council Member Chilson reported that City Council had a work session on Recruitment and Retention of employees. A number of measures were considered such as supplemental retirement, parental leave, and increased health insurance measures. At the regular meeting, two ordinances were introduced to update the park permitting procedure, as well as a general ordinance about conduct and lewdness within City parks. Also, City Council enacted the Ordinance to rezone New Homestead Plat.

Council Member Chilson reported that an Ordinance was passed that authorized a contract for the consulting of an Arts and Culture Master Plan. Additionally, Council extended City Manager Queen's employment contract. The City is currently in contract negotiations to fill the open City Manager position.

CITY OF SOLDOTNA
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2023-007

RECOMMENDING APPROVAL OF THE VACATION OF A PEDESTRIAN EASEMENT
WITHIN 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, on January 4, 2023 the Soldotna Planning Commission reviewed and approved the preliminary plat for the New Homestead Subdivision; and

WHEREAS, the city forwarded the recommendation to the Kenai Peninsula Borough (KPB), and the KPB Plat Committee reviewed the New Homestead Subdivision on February 13, 2023; and

WHEREAS, upon review, the KPB Plat Committee noted that a previously dedicated pedestrian easement was missing from the plat and needed to be included; and

WHEREAS, The City of Soldotna Administration recommends that the existing pedestrian easement be vacated; and

WHEREAS, SMC requires that major changes to a plat be resubmitted to the Soldotna Planning Commission for their consideration, and staff considers the vacation of an easement a major change; and

WHEREAS, Edge Survey and Design, LLC resubmitted the preliminary plat on February 16, 2023 with the intent to vacate the pedestrian easement; and

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

1. The New Homestead Subdivision includes the dedication of a 60-foot right-of-way to extend Homestead Lane to East Redoubt Avenue;
2. The New Homestead Subdivision includes the vacation of a 20-foot pedestrian easement that runs through the middle of Tract B-2C;
3. The pedestrian easement lies within the parcel legally described as T 5N R 10W Sec 33 Seward Meridian KN 2015047 Mullen Homestead Sub Soldotna Creek Addn Tract B-2C;
4. The pedestrian easement is not utilized by the public as it does not grant access to an area of interest;
5. The dedication of right-of-way for the extension of Homestead Lane provides for any pedestrian access removed through the vacation;
6. The pedestrian easement is not incorporated into any City planning document for connectivity;
7. The pedestrian easement does not grant access to an area that would otherwise be land

locked;

8. Tract B-2C is undeveloped and zoned Commercial;
9. The proposed lot will be served by municipal sewer and water;
10. 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;
11. 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 vacation of the 20-foot pedestrian easement found within the 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 1st DAY OF MARCH, 2023.


Kaitlin Vadla, Chair

ATTEST:


Jennifer Hester, Associate Planner

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