

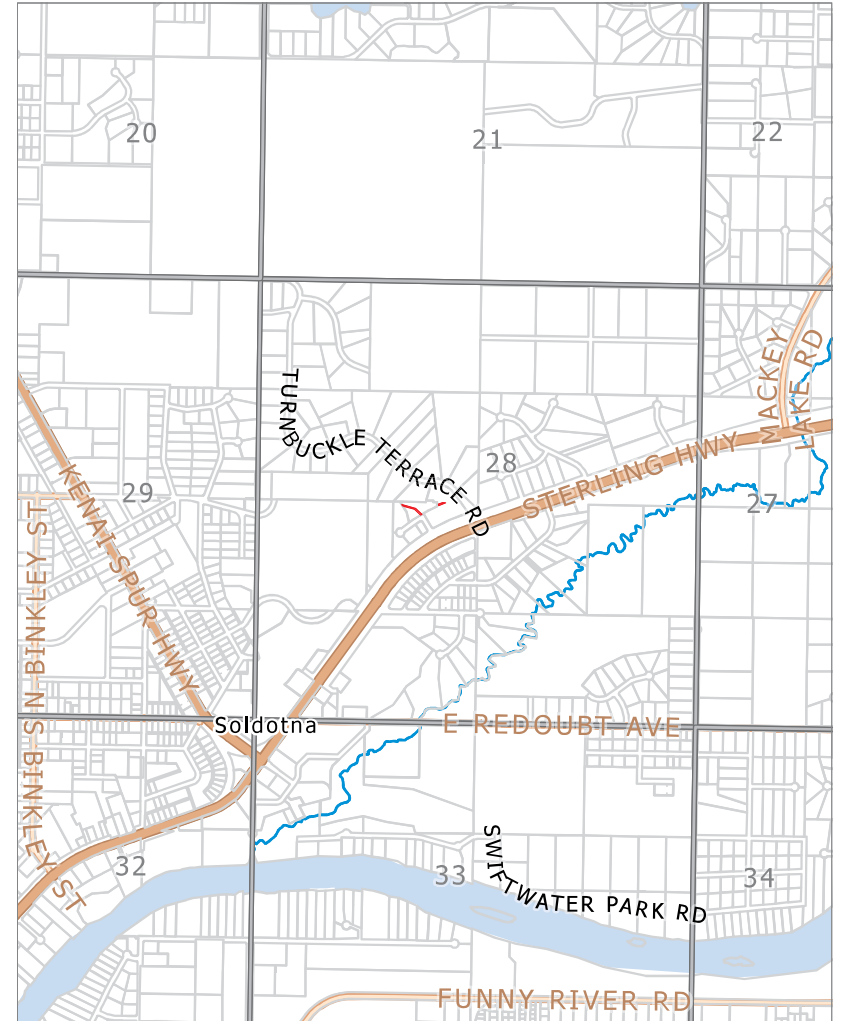
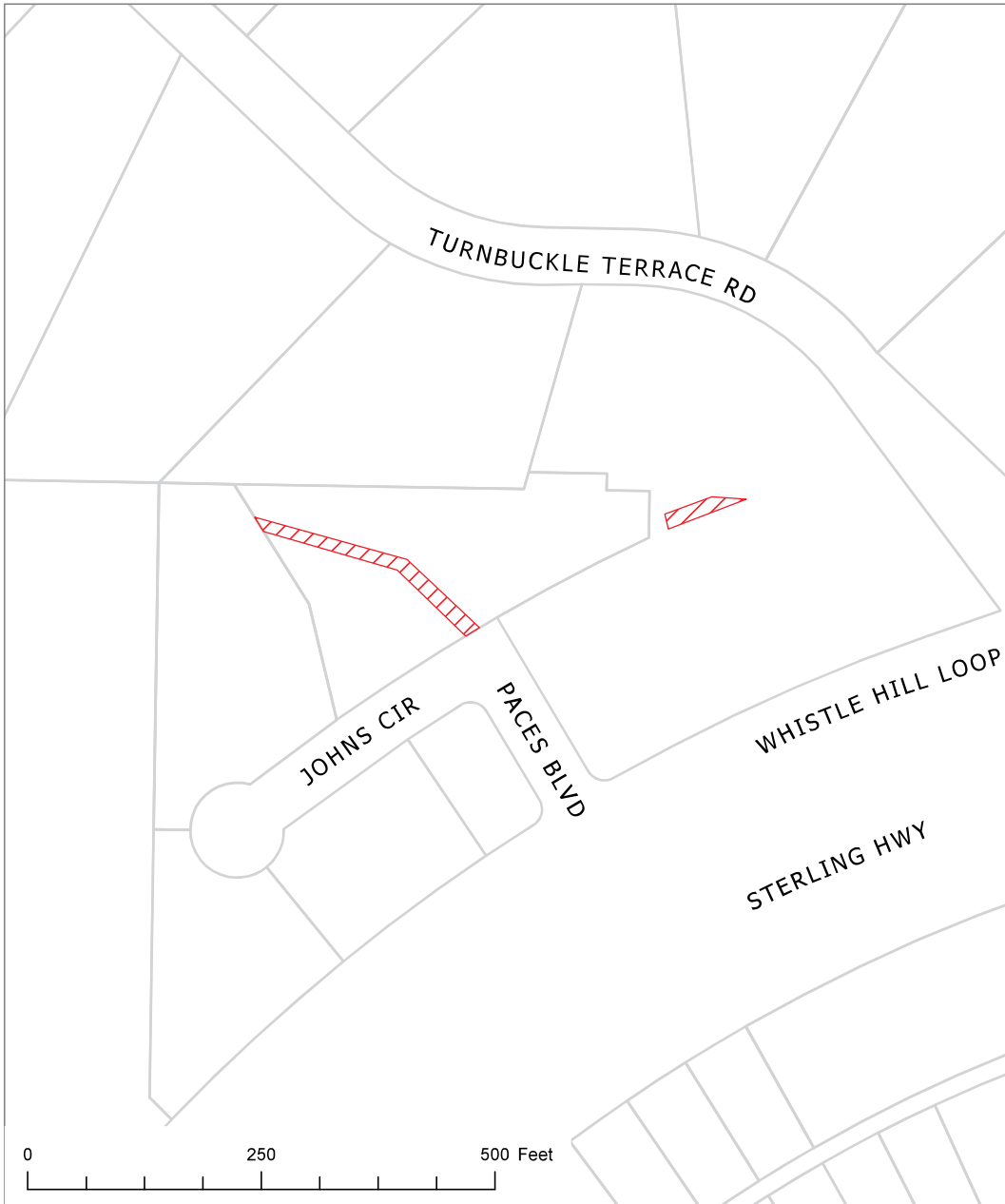
## **E. NEW BUSINESS**

### **3. Utility Easement Vacation; KPB File 2023-132V**

**Petitioner: Krull**

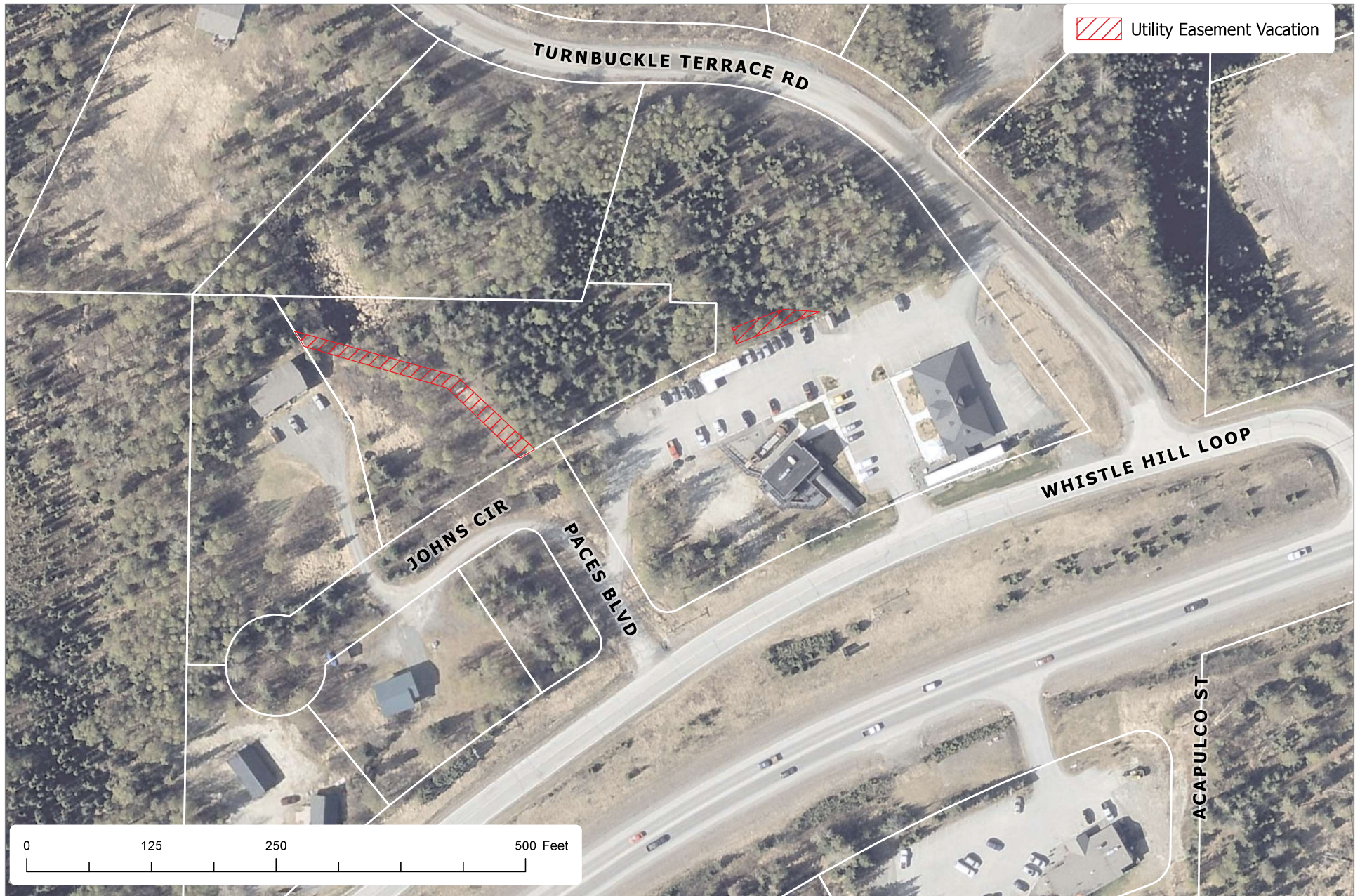
**City of Soldotna**

**Request: Vacates the entire utility easement granted by Plat KN 2022-031 crossing diagonally through Lot 4 & vacates the easternmost portion of the easement granted by Plat KN 2022-031 excluding the westerly 22.27 section in Lot 1B**



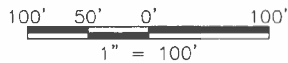
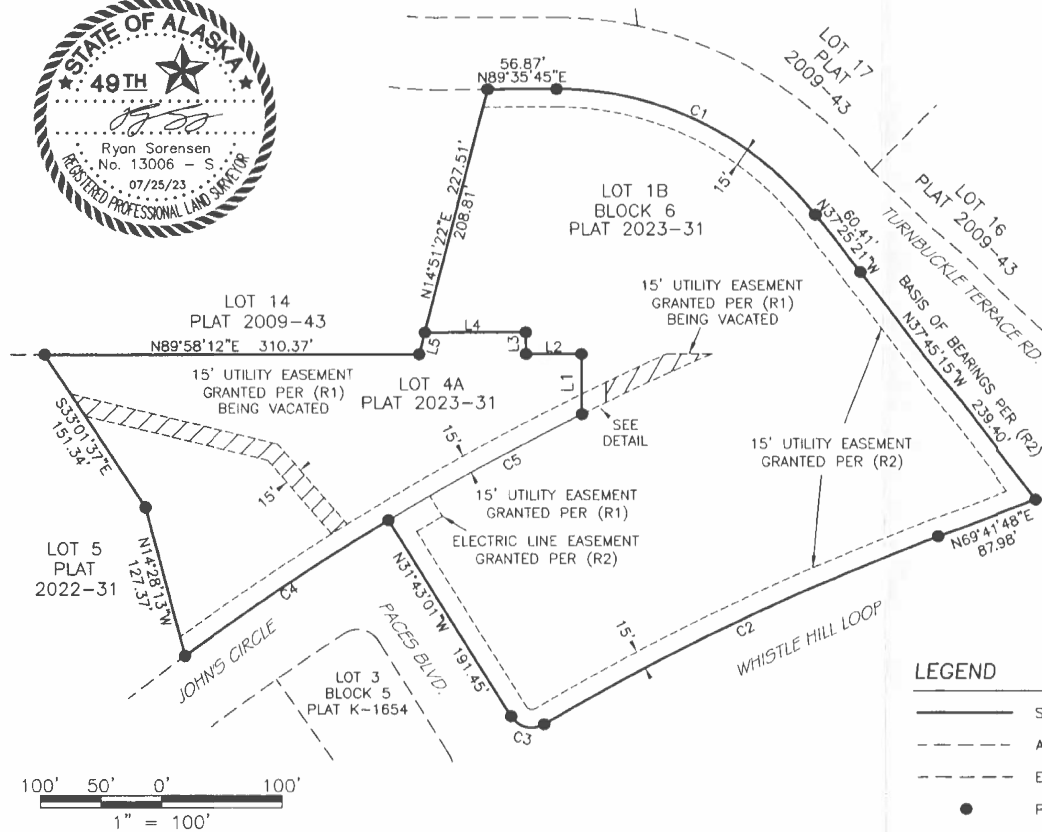
KPB File 2023-132V  
T 05N R 10W SEC 28  
Soldotna





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.





CURVE TABLE

| CURVE | RADIUS   | ARC LENGTH | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|----------|------------|-------------|---------------|--------------|
| C1    | 270.00'  | 246.23'    | 52°15'09"   | N63°58'45"W   | 237.79'      |
| C2    | 2059.89' | 363.96'    | 10°07'25"   | N64°38'06"E   | 363.49'      |
| C3    | 20.00'   | 30.97'     | 88°42'36"   | S76°04'19"E   | 27.96'       |
| C4    | 2269.89' | 203.47'    | 5°08'09"    | S56°26'09"W   | 203.40'      |
| C5    | 2269.89' | 183.67'    | 4°38'10"    | N61°19'18"E   | 183.62'      |
| C6    | 2284.89' | 22.23'     | 0°33'27"    | S64°06'18"W   | 22.23'       |
| C7    | 2269.89' | 22.27'     | 0°33'43"    | N63°55'15"E   | 22.27'       |

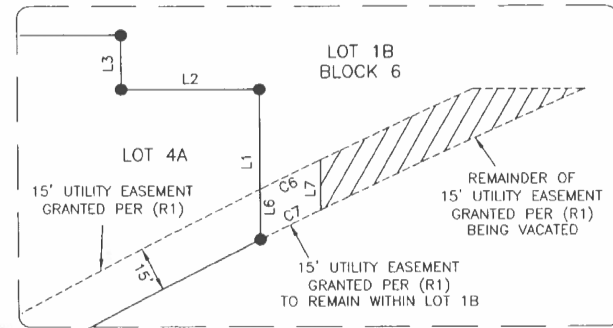
LINE TABLE

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N00°00'00"W | 49.88'   |
| L2   | S89°58'12"W | 45.97'   |
| L3   | S00°00'00"W | 18.07'   |
| L4   | N89°58'12"E | 83.75'   |
| L5   | S14°51'22"W | 18.70'   |
| L6   | N00°00'00"W | 16.73'   |
| L7   | S00°00'00"E | 16.65'   |

LEGEND

- SUBJECT PARCEL BOUNDARY
- ADJACENT PROPERTY LINE
- EASEMENT
- PROPERTY CORNER OF RECORD
- EASEMENT BEING VACATED

DETAIL - SCALE 1"=40'



NOTES

1. THIS EXHIBIT SHOWS THE VACATIONS OF UTILITY EASEMENTS GRANTED PER PLAT 2022-31, KRD.
2. NO FIELD SURVEY WAS COMPLETE, RECORD DATA SHOWN HEREON IS PER (R2).

REFERENCES

- (R1) PACE'S PLEASANT HAVEN SUBDIVISION ADDITION NO. 3, PLAT NO. 2022-31, KENAI RECORDING DISTRICT
- (R2) PACE'S PLEASANT HAVEN 2022 REPLAT, PLAT NO. 2023-31, KENAI RECORDING DISTRICT



8000 KING STREET ANCHORAGE, AK 99518  
Phone (907) 344-5990 Fax (907) 344-7794

EXHIBIT A

|                   |                     |                    |
|-------------------|---------------------|--------------------|
| DRAWN BY:<br>JY   | DATE:<br>07/25/2023 | PROJECT:<br>23-552 |
| CHECKED BY:<br>RS | SCALE:<br>AS SHOWN  | SHEET:<br>1 OF 1   |

**KPB 2023-132V**



AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - UTILITY EASEMENT ALTERATION  
VACATE ENTIRE 15' UTILITY EASEMENT GOING DIAGONALLY ACROSS LOT 4A AND  
VACATE EASTERNMOST PART OF 15' UTILITY EASEMENT EXCLUDING THE WEST 22.27 FEET IN LOT  
1B BLOCK 6 LOCATED IN KN 2023-31 AS GRANTED BY PLAT IN KN 2022-031**

|                                     |                                                            |
|-------------------------------------|------------------------------------------------------------|
| <b>KPB File No.</b>                 | 2023-132V                                                  |
| <b>Planning Commission Meeting:</b> | December 11, 2023                                          |
| <b>Applicant / Owner:</b>           | Henry and Mary Krull of Soldotna Alaska                    |
| <b>Surveyor:</b>                    | Jason Young & Mark Aimonetti / Edge Survey and Design, LLC |
| <b>General Location:</b>            | Whistle Hill Loop, City of Soldotna                        |
| <b>Resolution:</b>                  | 2023-32                                                    |

---

**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** The 15 foot utility easement being vacated within Lot 4A will no longer be needed. The overhead power line is in the process of being moved along John's Circle and onto Lot 5, Plat 2022-31. The area under the easement is being developed with solar panels. The 15 foot utility easement being vacated within Lot 1B is not required by any utility providers and prohibits possible future development.

**Notification:** Notice of vacation mailings were sent by regular mail to twenty-seven owners of property within 600 feet. Notice of the proposed vacation was emailed to twelve agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

**Staff Analysis:**

The petition is to vacate two utility easements. One is a 15 foot utility easement crossing diagonally across Lot 4A of Pace's Pleasant Haven 2022 Replat KRD 2023-31 that is no longer needed as new utilities are being moved out front. The new utilities are being located along John's Circle and the easterly line of Lot 5. The area under the easement is being developed with solar panels.

The second utility easement is a 15 foot easement located on the west side of Lot 1B Block 6 of Pace's Pleasant Haven 2022 Replat KRD 2023-31, being all but the west 22.27 feet of the easement located near the east end of Lot 4A. The portion of easement is no longer needed by any utility provider and has been prohibiting future development.

These easements were originally created on Pace's Pleasant Haven Subdivision Addition No. 3 KRD 2022-31. The diagonal easement was following a line of telephone poles that have now been removed. The easterly easement being vacated was at the east end of the lot at the time of platting and is now not needed and had no utilities put through it.

The City of Soldotna Planning and Zoning Commission reviewed the petition at its November 1, 2023 regular meeting and recommended approval of the petition with Resolution PZ 2023-021.

**Utility provider review:**

|        |                    |
|--------|--------------------|
| HEA    | See note in packet |
| ENSTAR | No comment         |
| ACS    | No comment         |
| GCI    | Approved as shown  |

**Findings:**

1. The petition does state that the utility easement proposed to be vacated is not in use by a utility company.
2. No surrounding properties will be denied utilities.
3. Pace's Pleasant Haven Subdivision Addition No. 3 KRD 2022-31 granted the easements
4. Pace's Pleasant Haven 2022 Replat KRD 2023-31 created the current lot configuration and carried the easements forward.
5. ACS, ENSTAR, and GCI provided written non-objection to the proposed vacation.
6. HEA approved with a recommendation for a small portion to be reserved.
7. HEA and GCI have relocated the utilizes to Lot 5 previously located on the power poles.
8. Removal of the easements will help with future development of the lots.

---

### **RECOMMENDATION:**

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested by the utility providers.
2. Finalizing the approval of the easement alteration by either;
  - a. The recording of a subdivision plat within 12 months or,
  - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
    - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
    - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
    - iii. The Planning Department is responsible for filing the Planning Commission resolution.

#### **20.65.070 Alteration of platted utility easements**

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement 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. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.**
- F. An appeal of the planning commission decision under this section 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*

- *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*
  - *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.*

---

**END OF STAFF REPORT**



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2023-34  
KENAI RECORDING DISTRICT  
VACATE THE ENTIRE**

15' utility easement going diagonally across Lot 4A of Pace's Pleasant Haven 2022 Replat KRD 2023-31 and the easterly most part of middle 15' utility easement except the west 22.27' Lot 1B Block 6 of Pace's Pleasant Haven 2022 Replat KN 2023-31 within S28, T05S, R10W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2023-132V

WHEREAS, a request has been received from Andrew Von Ruden and Erik Bakke of Owatonna, MN to 15' utility easement going diagonally across Lot 4A of Pace's Pleasant Haven 2022 Replat KRD 2023-31 and the easterly most part of middle 15' utility easement except the west 22.27' Lot 1B Block 6 of Pace's Pleasant Haven 2022 Replat KN 2023-31 (KN20230031); and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on December 11, 2023, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the above described 15' utility easement going diagonally across Lot 4A of Pace's Pleasant Haven 2022 Replat KRD 2023-31 and the easterly most part of middle 15' utility easement except the west 22.27' Lot 1B Block 6 of are hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the utility easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ann Shimberg,  
Administrative Assistant

Return to:  
Kenai Peninsula Borough Planning Department  
144 N. Binkley Street  
Soldotna, Alaska 99669





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





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



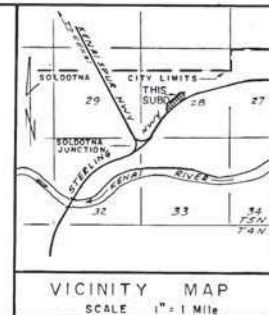
PACE'S UNSURVEYED REMAINDER 82 ACRES ±

CW 1/4  
SEC 26  
(237-5)

R E STIRITZ  
Deeds Bk 56 P 69

E. C. PACE (undeveloped)

L. HEATH (undeveloped)



LEGEND AND NOTES.

- Found official survey brass cap monument.
- Found 5/8" steel rod.
- Set 1" Al. Cap.
- └ Set 1/2" x 18" steel rod (re-bar) at all other lot corners.

The N-S center line of Section 28 is the base line for this survey, with the bearing of S0°06'E.

LEGAL DESCRIPTION:

COMMENCING FROM THE CENTER \* CORNER OF SECTION 28, T5N, R10W, S.M., ALASKA, FOUND OFFICIAL SURVEY MONUMENT, THIS BEING THE TRUE POINT OF BEGINNING, THENCE S0°06'E-79.30 FEET ALONG THE N-S CENTER LINE OF SECTION 28 TO A POINT ON THE NORTHERLY EDGE OF THE STERLING HIGHWAY RIGHT OF WAY, BEING 150 FEET FROM CENTER LINE OF SAID HIGHWAY, THENCE S69°47'30"W-309.41 FEET ALONG SAID R/W TO THE POINT OF CURVE, THENCE CONTINUE ALONG SAID R/W ON A CURVE WHOSE CENTRAL ANGLE IS 74°37' AND RADIUS IS 2,059.89 FEET FOR A DISTANCE OF 964.05 FEET TO A POINT, THENCE N45°51'W-33.23 FEET TO A POINT, THENCE N0°03'W-286.24 FEET TO A POINT, THENCE N69°57'E-3930 FEET TO A POINT ON THE WEST EDGE OF A 50 FOOT RADIUS TURN AROUND, THENCE AROUND THE NORTH EDGE OF 50 FOOT RADIUS TURN AROUND A DISTANCE OF 90.01 FEET TO THE POINT OF INTERSECTION WITH THE NORTH EDGE OF STREET ON A CURVE WHOSE CENTRAL ANGLE IS 74°37' AND RADIUS IS 2269.89 FEET A DISTANCE OF 735.73 FEET TO THE POINT OF INTERSECTION WITH A 50 FOOT RADIUS TURN AROUND, THENCE ALONG THE NORTH EDGE OF 50 FOOT RADIUS A DISTANCE OF 142.40 FEET TO A POINT, THENCE N89°58'E-180.00 FEET TO A POINT ON THE N-S CENTER LINE OF SECTION 28, THENCE S0°06'E-28.21 FEET TO THE TRUE POINT OF BEGINNING, THUS EMBRACING 5.469 ACRES OF LAND MORE OR LESS.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

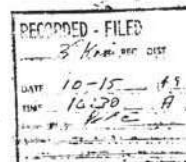
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON. WE REQUEST THE APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS AND OR STREETS DEDICATED BY US FOR PUBLIC USE.

DATE Oct 14, 69 E. C. Pace Owner  
OWNER

NOTARY'S ACKNOWLEDGEMENT:

SUBSCRIBED AND SHOWN BEFORE ME THIS 14th DAY OF Oct, 1969.

My COMMISSION EXPIRES July 1, 1970  
Edward S. Best  
NOTARY PUBLIC FOR ALASKA



Plat approved by the KENAI PENINSULA BOROUGH planning commission this 6th day of Oct, 1969.

George A. Rawson  
Chairman

K-1654  
10-15-69  
10:30 PM

III file  
230

SW 1/4  
SEC 28  
(237-5)

CS 1/4 SEC 28  
T5N R10W  
(237-5)

PACE'S PLEASANT HAVEN  
SUBDIVISION, ADDITION NO. 1

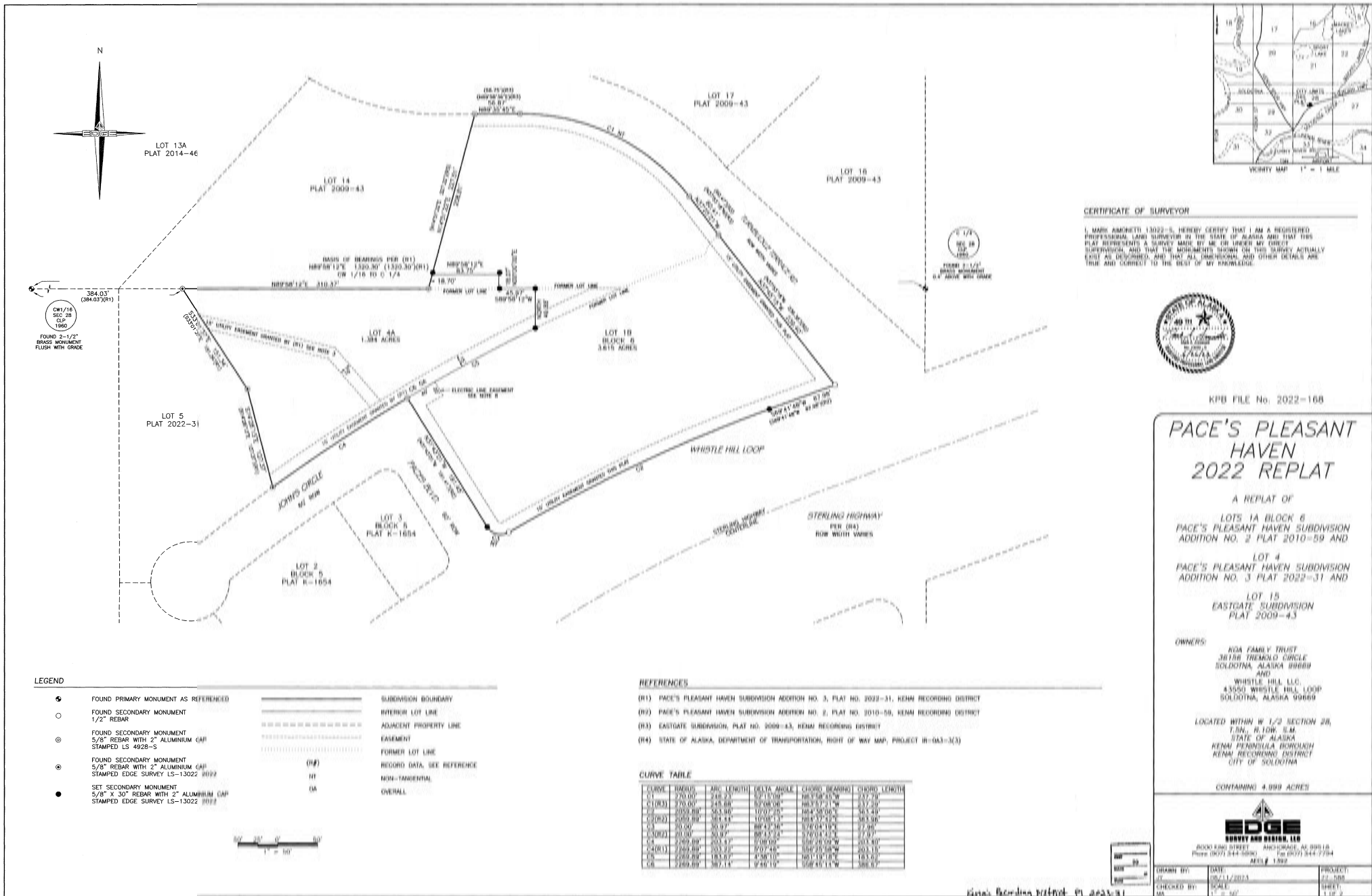
E. C. PACE, owner  
Box 386, Soldotna, Alaska.

5.469 ACRES SITUATED IN THE NE 1/4 SW 1/4  
SEC. 28, T5N, R10W, S.M., AND IN  
SOLDOTNA, ALASKA.

SURVEYED AND PREPARED BY: S. S. McLANE, R.L.S.

DATE OF SURVEY  
July 14, 1969 To July 31, 1969  
SCALE  
1" = 100'







# NOTES

1. THIS SUBDIVISION IS SUBJECT TO CITY OF SOLDOTHA ZONING REGULATIONS.
2. THE FRONT 15 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT, 10 FOOT UTILITY EASEMENT WAS CREATED BY PLAT 2009-43 WITHIN PARENT LOT 19 AND IS BEING INCREASED BY 5 FEET TO 15 FOOT UTILITY EASEMENT BY THIS PLATING ACTION. 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 SUBJECT TO 15 FOOT PUBLIC UTILITY EASEMENT GRANTED BY PLAT 2022-31, CENTERED ON EXISTING POWER POLES TO INCLUDE POLES, ANCHORS AND GUY WIRES.
4. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. THIS SUBDIVISION SUBJECT TO RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR LIENS THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DECLARED BY PUBLIC LAND ORDER NO. 801, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1990, PUBLIC LAND ORDER NO. 1613, DATED APRIL 7, 1998, AND DEPARTMENT OF THE INTERIOR ORDER NO. 7085, DATED OCTOBER 16, 1981, AMENDMENT NO. 1 THEREOF, DATED JULY 17, 1992 AND AMENDMENT NO. 2 THEREOF, DATED SEPTEMBER 15, 1996, FILED IN THE FEDERAL REGISTER.
6. FORMER LOT 1A SUBJECT TO EASEMENT FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SUBURBERY, RECORDED: APRIL 21, 2021, VOLUME/PAGE: 2021-003904-0, KRD, GRANTED TO HEMET ELECTRIC ASSOCIATION, INC.
7. FORMER LOT 15 SUBJECT TO EASEMENT, WITH NO DEFINED LOCATION, FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SUBURBERY, RECORDED: OCTOBER 31, 2008, VOLUME/PAGE: 2008-011300-0, KRD, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
8. THIS SUBDIVISION SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS, INCLUDING THE TERMS AND PROVISIONS THEREOF, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANT, CONDITION OR RESTRICTION VIOLATES 42 USC 3604 (D), AS CONTAINED IN AN INSTRUMENT, RECORDED: AUGUST 4, 2009, SERIAL NO. 2009-007713-0, KRD.
9. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.170.
10. WASTE WATER DISPOSAL, WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. PACE'S PLEASANT HAVEN SUBDIVISION ADDITION NO. 3, PLAT RN 2022-31, HAD A SOILS REPORT PREPARED FOR LOT 4 AND FOUND THE SOILS CONDITIONS UNSUITABLE FOR CONVENTIONAL LANDFILL WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. A NEW SOILS REPORT WAS NOT REQUIRED FOR LOT 4A AND THE PARENT SUBDIVISION SOILS REPORT IS AVAILABLE FROM THE KENAI PENINSULA BOROUGH.

## PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

*[Signature]*  
AUTHORIZED OFFICIAL

*[Signature]*

## CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT KOA FAMILY TRUST AND WHISTLE HILL LLC ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF KOA FAMILY TRUST AND WHISTLE HILL LLC, WE HEREBY ADMIT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

*[Signature]*  
KOA FAMILY TRUST  
HENRY KRULL, CO-TRUSTEE  
36156 TREMULO CIRCLE  
SOLDOTHA, ALASKA 99669  
OWNER FORMER LOT 4

*[Signature]*  
WHISTLE HILL LLC  
MARY KRULL, CO-TRUSTEE  
43550 WHISTLE HILL LOOP  
SOLDOTHA, ALASKA 99669  
OWNER FORMER LOTS 15 AND 1A

## NOTARY ACKNOWLEDGEMENT

FOR: HENRY KRULL  
ACKNOWLEDGED BEFORE ME

THIS 15<sup>th</sup> DAY OF June, 2023

*[Signature]*  
NOTARY PUBLIC SIGNATURE

Notary Public  
JANEN YOUNG  
State of Alaska  
My Commission Expires December 1, 2026

## NOTARY ACKNOWLEDGEMENT

FOR: MARY KRULL  
ACKNOWLEDGED BEFORE ME

THIS 15<sup>th</sup> DAY OF June, 2023

*[Signature]*  
NOTARY PUBLIC SIGNATURE

Notary Public  
JANEN YOUNG  
State of Alaska  
My Commission Expires December 1, 2026

KPB FILE NO. 2022-168

## PACE'S PLEASANT HAVEN 2022 REPLAT

A REPLAT OF

LOTS 1A BLOCK 6  
PACE'S PLEASANT HAVEN SUBDIVISION  
ADDITION NO. 2 PLAT 2010-59 AND

LOT 4  
PACE'S PLEASANT HAVEN SUBDIVISION  
ADDITION NO. 3 PLAT 2022-31 AND

LOT 15  
EASTGATE SUBDIVISION  
PLAT 2009-43

OWNERS:

KOA FAMILY TRUST  
36156 TREMULO CIRCLE  
SOLDOTHA, ALASKA 99669  
AND  
WHISTLE HILL LLC  
43550 WHISTLE HILL LOOP  
SOLDOTHA, ALASKA 99669

LOCATED WITHIN W 1/2 SECTION 28,  
T.9N., R.10W., S.14M.  
STATE OF ALASKA  
KENAI PENINSULA BOROUGH  
KENAI RECORDING DISTRICT  
CITY OF SOLDOTHA

CONTAINING 4.999 ACRES

**EDGE**  
SURVEY AND DESIGN, LLC

2000 KING STREET ANCHORAGE, AK 99518  
Phone (907) 544-5900 Fax (907) 544-7794  
MOBILE 1389

DRAWN BY: DATE: 06/11/2023 PROJECT: E2-280  
CHECKED BY: SCALE: 1" = 50' SHEET: 2 OF 2  
MS.

---

# CITY OF SOLDOTNA

## PLANNING & ZONING COMMISSION MINUTES

---

NOVEMBER 1, 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 November 1, 2023. Vice Chair Tautfest called the meeting to order at 5:30 p.m.

There were present:

Charlene Tautfest, Vice Chair  
Mark Burton  
Thomas Anderson

Dennis Murray  
Jenny Smithwick-Aley

Comprising a quorum of the Commission.

There were absent:

Kaitlin Vadla

Also in attendance were:

John Czarnezki, Director of Economic Development + Planning  
Jennifer Hester, Associate Planner

### APPROVAL OF THE AGENDA

The agenda was approved without objection.

### APPROVAL OF THE MINUTES

The October 4, 2023 meeting minutes were approved without objection.

### PUBLIC HEARINGS

#### **Resolution PZ 2023-022 – Granting a Conditional Use Permit for the Development of a Single-Family Residential Dwelling and Patio within the Kenai River Overlay District Located at 268 Diane Lane**

MOTION: Commission Member Burton moved to approve Resolution PZ 2023-022.

Director Czarnezki summarized the staff report.

Vice Chair Tautfest opened the public hearing, asking for public comment.

The following person spoke in support of Resolution PZ 2023-022:

James Delker, 261 River Watch Drive, Soldotna

Dr. Delker stated he is in the process of forming a development agreement with the City for the extension of the City's water main. Additionally, he plans to form an agreement for the extension of the storm water main and for paving a portion of Diane Lane.

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

VOTE ON MOTION:

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

No: None

Absent: Vadla

MOTION PASSED: 5 Yes, 0 No, 1 Absent

## NEW BUSINESS

### **Resolution PZ 2023-019 – Recommending Approval of the Mooring Estates Subdivision Dunbar Addition**

MOTION: Commission Member Murray moved to approve Resolution PZ 2023-019.

Associate Planner Hester summarized the written staff report and the laydown items.

Vice Chair Tautfest asked for public comment.

The following person spoke in support of Resolution PZ 2023-019:

Jason Young, PO Box 59, Kasilof

Mr. Young explained the preliminary plat's design change to a cul-de-sac from a through street. The inclusion of a pedestrian easement to the North provides access for students walking or biking to Soldotna High School. The design change will need an exception from the Kenai Peninsula Borough for Code 20.30.170, Block Length Requirements.

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

Commissioner Burton asked for the pros and cons of a cul-de-sac design with the entrance being from Knight Drive.

Mr. Young stated the cons would be that the subdivision would be harder to design as it was set up to have an entrance from Ridgewood Drive, and one of the parcel dimensions that would result would not meet the lot size requirements of the zoning code. Additionally, property values for the developer would be less.

Mr. Young stated the pros of having a through street would be that the Kenai Peninsula Borough block length requirement would be met, and there would be another way out of the subdivision, both for the residents of the subdivision and for those exiting Soldotna High School. The cons of the through road would be that which was stated in the Findings of Fact.

Commissioner Murray asked for clarification on a laydown item, the drawing submitted by the Director of Public Works, Kyle Kornelis.

Director Czarnezki stated that the drawing is a sketch that was penciled in to illustrate a potential connection with the existing storm water infrastructure. The exact layout would be determined in the future after the developer and the City came to an agreement.

Vice Chair Tautfest spoke to her seat on the Kenia Peninsula Borough Planning Commission, and recused herself from the discussion and from the vote, as she intends to participate and vote at the Borough level.

VOTE ON MOTION:

Yes: None

No: Anderson, Burton, Murray, Smithwick-Aley

Abstain: Tautfest

Absent: Vadla

MOTION PASSED: 4 Yes, 0 No, 1 Abstain, 1 Absent

Commissioner Anderson excused himself from the remainder of the meeting and was subsequently absent.



**Resolution PZ 2023-020 – Recommending Approval of the River View Subdivision 2024 Replat**

MOTION: Commission Member Smithwick-Aley moved to approve Resolution PZ 2023-020.

Associate Planner Hester summarized the 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.

VOTE ON MOTION:

Yes: Burton, Murray, Smithwick-Aley, Tautfest

No: None

Absent: Anderson, Vadla

MOTION PASSED: 4 Yes, 0 No, 2 Absent

**Resolution PZ 2023-021 – Recommending approval of the Vacation of Two Utility Easements within Lot 1B and Lot 4A of the Pace's Pleasant Haven 2022 Replat**

MOTION: Commission Member Burton moved to approve Resolution PZ 2023-021.

Associate Planner Hester summarized the staff report.

Vice Chair Tautfest opened the public hearing, asking for public comment.

The following person spoke in support of Resolution PZ 2023-021:

Jason Young, PO Box 59, Kasilof

Mr. Young stated that both Homer Electric Association's utility poles and the GCI utility that was located on the electric poles have been relocated. The reason for the vacation of the easement is to give the landowners more useable space to develop on the parcels. With the relocation of the utilities, all of the utility companies are in agreement and supportive of the vacations of the easements.

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

VOTE ON MOTION:

Yes: Burton, Murray, Smithwick-Aley, Tautfest

No: None

Absent: Anderson, Vadla

MOTION PASSED: 4 Yes, 0 No, 2 Absent

**REPORTS**

Director Czarnezki reported that the City is recruiting to fill Seat A's vacancy, and he informed Commissioners Burton, Murray and Vadla that their terms expire December 31, 2023.

Director Czarnezki reported that the Commissioners will have a joint work session with Council on November 14<sup>th</sup> to review a draft of the Riverfront Redevelopment Plan. The December 6<sup>th</sup> meeting will include a Resolution to adopt the Riverfront Redevelopment Plan. Additionally on the December 6<sup>th</sup> agenda will be minor Code changes.

Director Czarnezki reported that Code Enforcement actions have taken place for two properties, one on Pace Street and one on Turnbuckle Terrace Road.

### COMMISSION COMMENTS

Commissioner Murray commented that there is value in keeping day cares as a Conditional Use, as it gives neighbors notice and allows for traffic patterns to be reviewed.

Commissioner Murray asked for an update on the River Terrace Property eviction.

Director Czarnezki stated that contact has been made with the attorney representing the owners. The intention is to work with the tenants as best that they can.

Associate Planner Hester stated that the City Manager met with one of the tenants and it spurred an internal meeting with many of the department heads and staff. The Assistant to the City Manager put together a list of resources for the tenants.

Commissioner Burton commented that he would like to see a follow up with the issue of the River Terrace Property as well. He is in support of a work session to address housing issues within the City.

### ADJOURNMENT

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

\_\_\_\_\_  
Jennifer Hester, Associate Planner

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

