



**Kenai Planning and Zoning Commission
Meeting**

September 23, 2020 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

Telephonic/Virtual Information on Page 2

www.kenai.city

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda
5. *Excused Absences

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. APPROVAL OF MINUTES

1. *September 9, 2020

C. SCHEDULED PUBLIC COMMENT

Public comment limited to ten (10) minutes per speaker)

D. UNSCHEDULED PUBLIC COMMENT

*(Public comment limited to three (3) minutes per speaker;
thirty (30) minutes aggregated)*

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolution PZ2020-30** – Application for a Conditional Use Permit for the breeding and sale of dogs, for the property described as Lot 1, Block 7, North 90 feet thereof, Mommsens Subdivision Replat Additions No. 1 and 2, located at 1115 First Street, Kenai, Alaska 99611. The application was submitted by Robert H. and Donna L. Myers, 1115 First Street, Kenai, Alaska 99611

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. PENDING ITEMS

J. REPORTS

1. City Council
2. Kenai Peninsula Borough Planning
3. City Administration

K. ADDITIONAL PUBLIC COMMENT

(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)

1. Citizens Comments *(Public comment limited to five (5) minutes per speaker)*
2. Council Comments

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. October 14, 2020 - Regular Meeting

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Participation (join Zoom meeting): <https://us02web.zoom.us/j/88619201987>

Virtual Meeting ID: 886 1920 1987
Password: 870090

OR Telephonic Participation: +1 253 215 8782 or +1 301 715 8592

Meeting ID: 886 1920 1987
Passcode: 870090

File Attachments for Item:

*September 9, 2020

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 9, 2020 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

Commission Chair Twait called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

Commission Chair Twait led those assembled in the Pledge of the Allegiance.

2. Roll Call

Commissioners present: J. Twait, D. Fikes, J. Halstead, V. Askin, T. McIntyre

Commissioners absent: R. Springer, G. Greenberg

Staff/Council Liaison present: City Attorney S. Bloom, Planning Assistant W. Anderson,
Deputy City Clerk J. LaPlante, Council Liaison H. Knackstedt

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as written and Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Askin **MOVED** to approve the consent agenda and Commissioner Halstead **SECONDED** the motion. There were no objections; **SO ORDERED**.

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

5. *Excused absences – R. Springer, G. Greenberg

B. APPROVAL OF MINUTES

1. *August 26, 2020

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS – None.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Resolution PZ2020-32** - Recommending to the Kenai City Council that the City of Kenai Rename Daubenspeck Circle to Daubenspeck Road on the Plat of Baron Park 2020 Replat. The request was submitted by the City of Kenai, 210 Fidalgo Street, Kenai, AK 99611

The Planning Assistant referred to the staff report in the packet noting the Plat of Baron Park 2020 was recommended for approval by the Commission in May 2020. With the vacation of the right-of-way for the cul-de-sac of Daubenspeck Circle, the road was being extended, it was recommended by the Kenai Peninsula Borough to rename it from Daubenspeck Circle to Daubenspeck Road for ease to emergency services.

MOTION:

Commissioner Askin **MOVED** to recommend Council approval of Resolution No. PZ2020-32 and Commissioner Fikes **SECONDED** the motion.

VOTE:

YEA: McIntyre, Halstead, Fikes, Askin, Twait
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Action/Approval** – Recommendation to the Kenai City Council for the Execution of a Forty-Five Year Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Kenai Aviation Operations, LLC, for Lot 9A, Block 5, General Aviation Apron No. 5.

The Planning Assistant reviewed the memorandum in the packet, adding that a notice was advertised opening the space for additional applicants submission and there were none.

MOTION:

Commissioner Askin **MOVED** to recommend approval of the execution of a forty-five year lease between the City of Kenai and Kenai Aviation Operations, LLC as described and Commissioner Fikes **SECONDED** the motion.

VOTE:

YEA: Halstead, McIntyre, Twait, Fikes, Askin
NAY:

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **Borough Planning** – Commissioner Fikes reported the Borough Planning Commission has not met since the last Planning and Zoning Commission meeting; the next meeting is on September 14.
2. **City Council** – Council Member Knackstedt reported on the actions from the September 2 City Council meeting, also noting a presentation by Janice Nightingale regarding the need for cold-weather shelter in Kenai/Soldotna area, and introduction of the new Executive Director at the Kenai Chamber of Commerce and Visitors' Center, Brittany Brown.
3. **Administration** – City Attorney S. Bloom reported that Assistant Planner, W. Anderson was the point of contact for the Planning Department until a new Planning Director was hired. It was also reported that Deputy Clerk, Jacquelyn LaPlante submitted her resignation to be a stay at home mother; her last day would be October 6.

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION** – September 23, 2020

N. **COMMISSION COMMENTS & QUESTIONS** – None.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:31 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk

File Attachments for Item:

Resolution PZ2020-30 – Application for a Conditional Use Permit for the breeding and sale of dogs, for the property described as Lot 1, Block 7, North 90 feet thereof, Mommsens Subdivision Replat Additions No. 1 and 2, located at 1115 First Street, Kenai, Alaska 99611. The application was submitted by Robert H. and Donna L. Myers, 1115 First Street, Kenai, Alaska 99611



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2020-30**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR THE BREEDING AND SALE OF DOGS

APPLICANT: Robert H. and Donna L. Myers

PROPERTY ADDRESS: 1115 First Street

LEGAL DESCRIPTION:

Lot 1, Block 7, North 90 feet thereof, Mommsens Subdivision Replat Addition No. 1 and 2

KENAI PENINSULA BOROUGH PARCEL NUMBER: 03910116

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City; and,

WHEREAS, the applicant has demonstrated with plans and other documents that the prerequisites of a Conditional Use Permit have been met pursuant to Kenai Municipal Code 14.20.150; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on September 23, 2020, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

1. *KMC 14.20.150(d)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

The intent of the RS Zone is to provide for medium density residential development in areas which will be provided with common utility systems. Kennels are a conditional use within this zone. The parcel is about a third larger in size than many of the other surrounding parcels. The layout of the property is such that a kennel would not violate the neighborhood character of surrounding parcels as there is sufficient space to accommodate the kennel and there will only be two females available for breeding.

2. *KMC 14.20.150(d)(2) The value of the adjoining property and neighborhood will not be significantly impaired;*

The surrounding neighborhood is comprised of single family dwellings and four-plexes. The applicant states that the breeding operation will be small in scale with two females

available for breeding at a time. Typically, there are between 4 and 6 puppies in a litter. The property on three sides of the property are vacant lots and wooded so barking would be absorbed. The parcel to the south is owned by the City of Kenai and is recommended to be retained for a potential road right-of-way at some point in the future. The parcel to the north is also owned by the City of Kenai. This parcel could potentially be developed for a single-family home eventually by a private party, but the kennel is not expected to impact the development potential. The parcels to the west are owned by a private property owner who has a house on one parcel and a vacant lot on the parcel closest to the proposed kennel. First Street fronts the parcel at the east.

3. *KMC 14.20.150(d)(3) The proposed use is in harmony with the Comprehensive Plan;*

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. The dog breeding business will allow for a new small business without impairing the quality of life within the neighborhood.

4. *KMC 14.20.150(d)(4) Public services and facilities are adequate to serve the proposed use;*

The properties located along First Street have access to City water, City sewer, natural gas, electricity, and telephone services. First Street is a paved road which is maintained by the City of Kenai. The operation of a commercial kennel would not have an impact on these services.

5. *KMC 14.150(d)(5) The proposed use will not be harmful to the public safety, health or welfare;*

The applicant indicates that the Shelties are totally socialized and contained within a fenced yard. The breeding business is not expected to increase traffic as customers would only occasionally come by to pick up a dog or the owner would deliver the dog.

6. *KMC 14.150(d)(6) Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions should be met by the applicant. These may include, but are not limited to, measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.*

See Conditions of Approval as set forth below. The applicant must obtain a commercial kennel license.

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

Section 1. That a conditional use permit is granted to Robert H. and Donna L. Myers for the breeding and sale of dogs at 1115 First Street.

Section 2. That the conditional use permit is subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

2. Prior to operation, the applicant must obtain a commercial kennel license from Animal Control, pursuant to Kenai Municipal Code 3.05.10(7)(A).
3. The applicant will not have more than two breeding female dogs on the premises.
4. A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 23rd day of September, 2020.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: September 3, 2020
SUBJECT: PZ2020-30 – Conditional Use Permit – Breeding and Sale of Dogs

Applicant: Robert H. and Donna L. Myers
1115 First Street
Kenai, Alaska 99611

Legal Description: Lot 1, Block 7, North 90 feet thereof, Mommsens Subdivision
Replat Addn. No. 1 and 2

Property Address: 1115 First Street

KPB Parcel No: 03910116

Lot Size: 0.31 acres (13,504 square feet)

Existing Zoning: Suburban Residential

Current Land Use: Single Family Dwelling

Land Use Plan: Suburban Residential

GENERAL INFORMATION

The applicant purchased this residence in February of 2019, and would like to establish a small commercial kennel for the breeding of Shetland Sheep dogs. The residence is located in the Suburban Residential zone. Kenai Municipal Code 14.22.010 – Land Use Table provides that an animal boarding/commercial kennel is a conditional use; therefore, the property owner has submitted an application for a Conditional Use Permit. The applicant has also submitted an application for a commercial kennel permit to Animal Control. JJ Hendrickson, Animal Control Officer, is in the process of reviewing the application. An inspection of the premises will be performed by the Animal Control Officer to determine if it is feasible to have a small breeding operation located in the residence. The applicants have stated that the business is to be small in scale and run by their teenage daughter with some parental assistance.

Application, Public Notice, Public Comment

Pursuant to Kenai Municipal Code 14.20.280(c) notices of the public hearing for the conditional use were mailed to property owners within a three hundred-foot (300') periphery of the subject property. City staff published notice of the public hearing in the *Peninsula Clarion*. The applicant submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use request.

ANALYSIS

Kenai Municipal Code 14.20.150(d) – Review Criteria for Conditional Use Permits

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. KMC 14.20.150(d)-Conditional Use Permits Review Criteria states six conditions that the Planning and Zoning Commission must deem to exist when establishing findings prior to issuing a conditional use permit:

- The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.

The intent of the RS Zone is to provide for medium density residential development in areas which will be provided with common utility systems. Kennels are a conditional use within this zone. The parcel is about a third larger in size than many of the other surrounding parcels. The layout of the property is such that a kennel would not violate the neighborhood character of surrounding parcels as there is sufficient space to accommodate the kennel and there will only be two females available for breeding.

- The value of the adjoining property and neighborhood will not be significantly impaired.

The surrounding neighborhood is comprised of single family dwellings and four-plexes. The applicant states that the breeding operation will be small in scale with two females available for breeding at a time. Typically, there are between 4 and 6 puppies in a litter. The property on three sides of the property are vacant lots and wooded so barking would be absorbed. The parcel to the south is owned by the City of Kenai and is recommended to be retained for a potential road right-of-way at some point in the future. The parcel to the north is also owned by the City of Kenai. This parcel could potentially be developed for a single-family home eventually by a private party, but the kennel is not expected to impact the development potential. The parcels to the west are owned by a private property owner who has a house on one parcel and a vacant lot on the parcel closest to the proposed kennel. First Street fronts the parcel at the east.

- The proposed use is in harmony with the Comprehensive Plan.

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. The dog breeding business will allow for a new small business without impairing the quality of life within the neighborhood.



- Public services and facilities are adequate to serve the proposed use.

The properties located along First Street have access to City water, City sewer, natural gas, electricity, and telephone services. First Street is a paved road which is maintained by the City of Kenai. The operation of a commercial kennel would not have an impact on these services.

- The proposed use will not be harmful to the public safety, health or welfare.

The applicant indicates that the Shelties are totally socialized and contained within a fenced yard. The breeding business is not expected to increase traffic as customers would only occasionally come by to pick up a dog or the owner would deliver the dog.

- Specific conditions deemed necessary.

See Conditions of Approval as set forth below. The applicant must obtain a commercial kennel license.

RECOMMENDATIONS

City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (d)(1) through (d)(4) of Kenai Municipal Code 14.20.185, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to operation, the applicant must obtain a commercial kennel license from Animal Control, pursuant to Kenai Municipal Code 3.05.10(7)(A).
3. The applicant will not have more than two breeding female dogs on the premises.
4. A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.

ATTACHMENTS

- A. Resolution No. PZ2020-30
- B. Application



- C. Site Plan
- D. Aerial Map





Aerial Map: PZ2020-30

Parcel 03910116

1115 First Street

Lot 1, Block 7, Mommsens Subdivision Replat





Conditional Use Permit Application

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

PROPERTY OWNER

Name:	ROBERT H & DONNA L. MYERS			
Mailing Address:	1115 1ST STREET			
City:	KENAI	State:	AK	99611
Phone Number(s):	R - 907-978-5960		D - 907-978-2517	
Email:	AK mr bob@gmail.com			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:				
Mailing Address:				
City:		State:		Zip Code:
Phone Number(s):				
Email:				

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	
Physical Address:	1115 1ST STREET, KENAI, AK 99611
Legal Description:	PARCEL ID 03910116
Zoning:	110 - RESIDENTIAL - SINGLE
Acres:	0.31 ACRES

CONDITIONAL USE DESCRIPTION

(include site plan/floor plan with square footages)
(include State Business License and KPB Tax Compliance if applicable)

How is this property currently being used?	FAMILY RESIDENCE
Conditional Use Requested for (attach additional sheets if necessary):	

BRZEDING AND SALE OF REGISTERED SHETLAND SHEEP DOGS
PLAN IS FOR 2 BRZEDING FEMALES AND ONE MALE.

Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:

BACK YARD IS FENCED TO CONTAIN THE DOGS. SHELTERS, BEING A WORKING DOG BREED, ARE KNOWN TO BARK. THIS PROPERTY IS SURROUNDED BY TREES ON 3 SIDES TO ABSORB BARKING.

Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:

FIRST STREET IS A NEIGHBORHOOD OF SINGLE FAMILY HOMES AND 4 PLEXS. MANY OTHER RESIDENTS HAVE DOGS. THEREFORE DOGS ARE NOT NEW TO THIS NEIGHBORHOOD.

Use of surrounding property - north:	WOODS - OWNED BY CITY
Use of surrounding property - south:	WOODS - OWNED BY CITY -
Use of surrounding property - east:	WOODS - OWNED BY CITY -
Use of surrounding property - west:	1ST STREET - WITH OTHER HOMES.

Explain how the conditional use is in harmony with the City's Comprehensive Plan:

LOOKING AT THE 8 GOALS OF THE CITY'S COMPREHENSIVE PLAN, I SEE NO CONFLICT WITH ANY OF THE GOALS. OPERATION OF THIS BUSINESS WILL ADD REVENUE TO THE CITY IN FORM OF SALES TAX.

Are public services and facilities on the property adequate to serve the proposed conditional use?

UTILITIES ARE ADEQUATE. THERE ARE NO PUBLIC SERVICES OR FACILITIES OTHER THAN THE STREET. THIS WILL HAVE NO IMPACT.

Explain how the conditional use will not be harmful to public safety, health, or welfare:

THE SHELTIES ARE TOTALLY SOCIALIZED AND CONTAINED WITHIN A FENCED BACK YARD, THERE SHOULD BE NO NEGATIVE IMPACT REGARDING, SAFETY, HEALTH AND WELFARE.

Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?

THE HOME AND YARD ARE PRESENTLY DESIGNED TO MINIMIZE ANY POTENTIAL IMPACT ON THE NEIGHBORHOOD.

AUTHORITY TO APPLY FOR CONDITIONAL USE:

I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.

Signature:	<i>Donna L. Myers</i>	Date:	8-28-20
Print Name:	Donna L. Myers	Title/Business:	

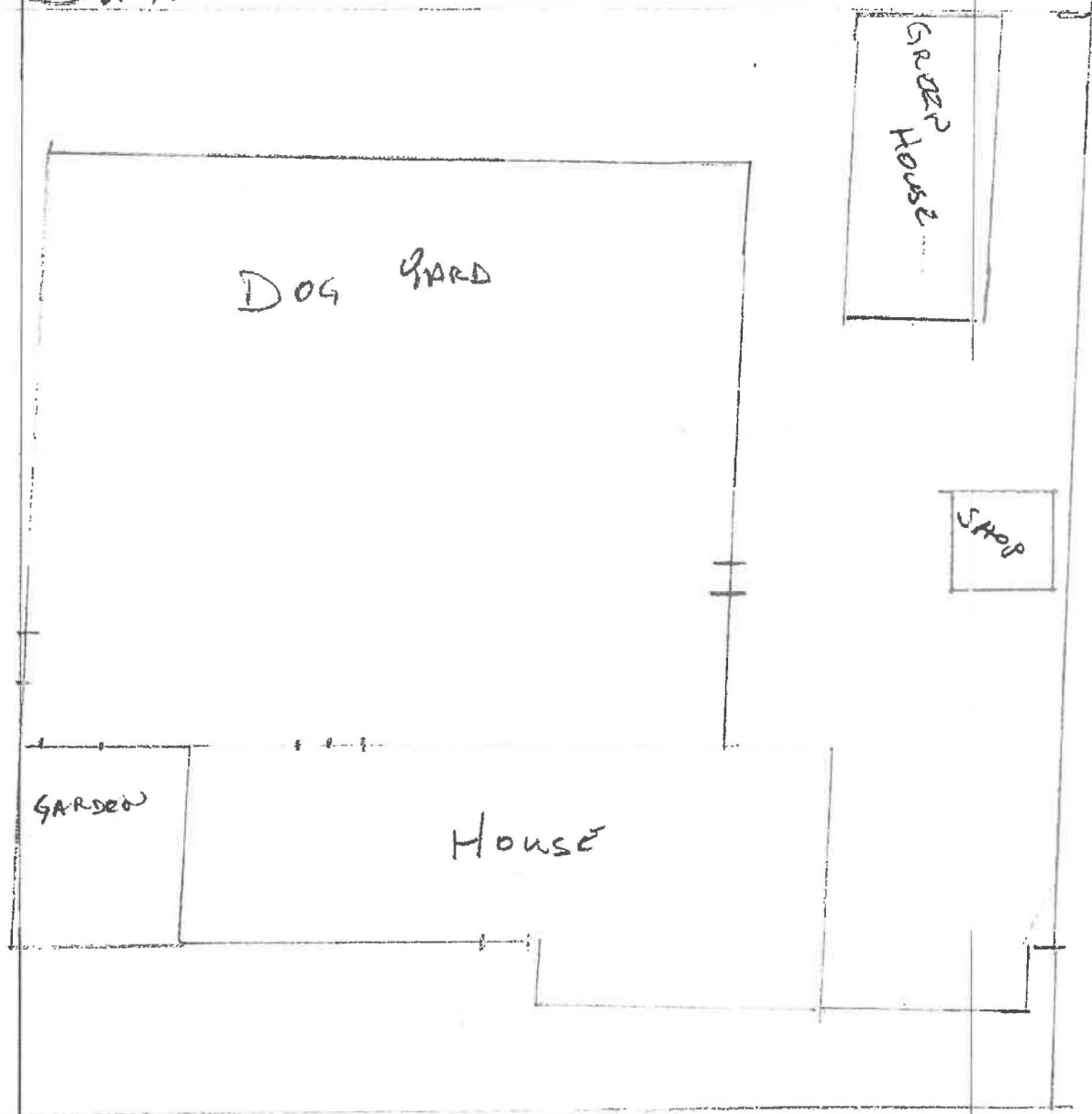
For City Use Only

Date Application Fee Received: 8/28/20
 PZ Resolution Number: PZ 2020-30



SUGAR PUM SHELTIES

150'



90'

1ST STREET

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

Sugarplum Shelties

1115 1st Street , Kenai, AK 99611

owned by

Donna Lee Myers

is licensed by the department to conduct business for the period

August 28, 2020 to December 31, 2020
for the following line(s) of business:

11 - Agriculture, Forestry, Fishing and Hunting



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Anderson
Commissioner



From: jeffa1@srt.com <jeffa1@srt.com>
Sent: Sunday, August 30, 2020 4:14 PM
To: Animal Control Shelter <animal@kenai.city>
Subject: Response to Kennel Application in Mommsens subdivision

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jeffrey N Anderson

1122 First Street
Kenai, AK 99611
907-351-7939
jeffa1@srt.com

August 30, 2020

City of Kenai
Animal Control
210 Fidalgo St
Kenai, AK 99611

RE: Application for commercial kennel permit for a small breeding kennel

To whom it may concern,

My name is Jeffrey N Anderson, owner of a home located in Mommsens subdivision, address 1122 First Street Kenai. I am writing in regards to the notice I have received from the City of Kenai Animal Control regarding an application for a commercial kennel permit for the purpose of a small breeding kennel submitted by Donna Myers 1115 First Street Kenai, Ak 99611. Lot 1 Block 7

I am 100 percent against this proposal!! I do not want a dog breeding kennel near my property and do not believe that a residential neighborhood is the place to set up a kennel. It will cause nothing but noise and discontent in the neighborhood. Thank you for listening and it is my hope that the application is not approved.

Sincerely yours,

Jeffrey N Anderson

File Attachments for Item:

City Council



Kenai City Council - Regular Meeting

September 16, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

****Telephonic/Virtual Information on Page 3****

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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B. SCHEDULED PUBLIC COMMENTS

(Public comment limited to ten (10) minutes per speaker)

1. **Tim Dillon, Kenai Peninsula Economic Development District** - Census and AK Cares Update.

C. UNSCHEDULED PUBLIC COMMENTS

(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3162-2020** - Amending Municipal Code Section 23.50.010 – Employee Classification, to Amend a Class Title in the Supervisory and Professional Class. (Administration)
2. **ADOPTED UNANIMOUSLY. Resolution No. 2020-76** - Renaming Daubenspeck Circle to Daubenspeck Road on the Plat of Baron Park 2020 Replat. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2020-77** - Approving the Execution of a Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Kenai Aviation Operations, LLC, for Lot 9A, Block 5, General Aviation Apron Subdivision No. 5. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2020-78** - Approving an Airline Operating Agreement and Terminal Area Lease with FLOAT Shuttle/Corvus Airlines Inc., D/B/A Ravn Alaska and Ratifying a Stipulation Regarding Rejection of Unexpired Lease of Non-Residential Real Property with Ravn Group, Inc. (Administration)

5. **ADOPTED UNANIMOUSLY. Resolution No. 2020-79** – Authorizing the City Manager to Accept a Grant from the Federal Aviation Administration for the Construction of the Kenai Municipal Airport’s New Sand Storage Facility. (Administration)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of September 2, 2020. (City Clerk)

F. UNFINISHED BUSINESS

1. **POSTPONED TO THE 10/07/2020 COUNCIL MEETING. Ordinance No. 3155-2020** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from The Federal Aviation Administration for Phase One Construction of a New Sand Storage Facility. (Administration)

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Purchase Orders Over \$15,000. (Administration)
3. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Non-Objection to the Renewal of Marijuana License for Grateful Bud LLC. (City Clerk)
4. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Approving Election Workers for the October 6, 2020 Regular Election. (City Clerk)
5. **Discussion** - Response to COVID-19. (Administration)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

1. City Manager
2. City Attorney
3. City Clerk

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)
2. Council Comments

L. EXECUTIVE SESSION

M. PENDING ITEMS

1. **Ordinance No. 3157-2020** - Amending Kenai Municipal Code Section 1.85.010 – Report of Financial and Business Interests, to Allow for Certification by Municipal Officers that a Previously Filed Statement of Disclosure Remains Accurate and Approving an Alternate Certification. (Vice Mayor Molloy) (**Clerk's Note:** *At the 09/02/20 meeting, this item was postponed to the 10/7/20 meeting.*)
2. **Substitute Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [**Clerk's Note:** *At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]
3. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) [**Clerk's Note:** *At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000.
2. Cook Inlet Regional Citizens' Advisory Council Board of Directors Update.

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Join Zoom Meeting

<https://us02web.zoom.us/j/88612469335>

Meeting ID: 886 1246 9335 **Passcode:** 874477

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 886 1246 9335 **Passcode:** 874477

File Attachments for Item:

2. Kenai Peninsula Borough Planning



Planning Commission Action Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Marcus Mueller, Acting Planning Director • Charlie Pierce, Borough Mayor

*Blair Martin, Chair – Kalifornsky Beach ~ Robert Ruffner, Vice Chair – Kaslof/Clam Gulch
Syverine Abrahamson-Bentz, Parliamentarian – Anchor Point/Ninilchik ~ Jeremy Brantley – Sterling
Paulette Bokenko-Carluccio – City of Seldovia ~ Cindy Ecklund – City of Seward ~ Pamela Gillham – Ridgeway
Diane Fikes – City of Kenai ~ Virginia Morgan – East Peninsula ~ Franco Venuti – City of Homer*

September 14, 2020

7:30 p.m.

Due to the current COVID-19 pandemic and CDC guidelines, the meeting will not be physically open to the public. The meeting will be held through Zoom. The Planning Commission and staff members will be attending via teleconferencing. The public will be able to listen or participate. To join the meeting from a computer visit <https://zoom.us/j/2084259541>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099** or **1-877-853-5247**. When calling in you will need the Meeting ID **208 425 9541**. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the Meeting ID, and your participant number. Detailed instructions will be posted on the Planning Commission's webpage prior to the meeting. <https://www.kpb.us/planning-dept/planning-commission>

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report and staff recommendations on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests. In that case, the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.

- *1. Time Extension Request – None**
- *2. Planning Commission Resolutions - None**
- *3. Plats Granted Administrative Approval –**
- *4. Plats Granted Final Approval (20.10.040) - None**

- *5. **Plat Amendment Request**
- *6. **Commissioner Excused Absences**
 - a. Pamela Gillham, Ridgeway
- *7. **Minutes**

August 24, 2020 Planning Commission Meeting

Motion to approve the consent & regular agendas passed by unanimous consent

D. OLD BUSINESS - None

E. NEW BUSINESS

1. Vacate the 66 foot wide public right of way easement within Lot 2B and Lot 3B Questa Woods Estates #6, plat SW 2003-14. The public right of way easement was labeled and granted as a 66 foot wide section line easement per Questa Woods Estates Number 6, Plat SW 2003-14. The right-of-way being vacated is unconstructed and located within the SE1/4 Section 14, Township 1 North, Range 1 West, Seward Meridian, Alaska, Kenai Peninsula Borough. KPB File 2020-094V. Petitioner(s): David J. Smith, Melanie K. Smith, Melissa Hughes and Jess Sweatt of Seward, AK.

Motion to approve the vacations as petitioned based on the means of evaluating public necessity established by KPB 20.70 subject to staff recommendations & compliance with borough code passed by unanimous vote. (7-Yes)

2. Vacate a 100' wide Section Line Easement within Tract B, Quartz Creek Subdivision (Plat SW 94-11). The Section Line Easement, running east to west, is unconstructed and located within the SW1/4 Section 25 and the NW1/4 Section 36, Township 5 North, Range 3 West, Seward Meridian, Alaska, Kenai Peninsula Borough. KPB File 2020-098V. Petitioner(s): Three Bears Alaska, Inc. of Wasilla, AK\

Motion to approve the vacations as petitioned based on the means of evaluating public necessity established by KPB 20.70 subject to staff recommendations & compliance with borough code passed by majority vote. (7-Yes, 1-No)

3. Resolution 2020-27: Conditional Use Permit to construct a post or pile supported 8-foot high cedar fence running 119 feet of the entire upstream side lot line of a parcel within the 50-foot Habitat Protection Area of the Kenai River, near Soldotna, AK; Petitioner: Marilyn DeFord; Physical Address: 35795 Sabaca Road; KPB Parcel Number: 057-483-18

Motion to adopt PC Resolution 2020-27, granting approval of a condition use permit, subject to permit conditions & compliance with borough code passed by unanimous vote. (7-Yes)

4. Resolution 2020-25: Conditional Use Permit to rehabilitate a portion of the Seward Highway Corridor between MP 17 and 22.5, north of Seward near Primrose and Crown Point. A portion of this projects falls within the Borough's 50-foot Anadromous Waters Protection District of Kenai Lake, near Seward, AK; Petitioner: AK DOT & PF; KPB Parcel Number: Multiple

Motion to adopt PC Resolution 2020-25, granting approval of a condition use permit, subject to permit conditions & compliance with borough code passed by unanimous vote. (7-Yes)

5. Resolution 2020-24: Conditional Use Permit to reshape and repair approximately 100 lineal feet of slope failure within the Borough's 50-foot Anadromous Waters Protection District of Crooked Creek, near Kasilof, AK; Petitioner: AK DNR; Legal Description: T03N R12W SEC 25&36 S.M. KN all of Sec 36 Excluding Rhodes Estates Amended & Excluding Coho Road & Including SW1/4 SE1/3 of Sec 25; KPB Parcel Number: 133-110-88

Motion to adopt PC Resolution 2020-24, granting approval of a condition use permit, subject to permit conditions & compliance with borough code passed by unanimous vote. (7-Yes)

- 6. Resolution 2020-26: Conditional Use Permit to install a 250 lineal log barrier fence and gravel trail within the State of Alaska Crooked Creek Recreational Site, within the Borough's 50-foot Anadromous Waters Protection District of the Kasilof River, near Kasilof, AK. Petitioner: AK DNR; Legal Description: T03N R12W SEC 25 S.M. KN 0880051 Crooked Creek State Recreational Site Plat Lot 18-A; KPB Parcel: 133-111-53.

Motion to adopt PC Resolution 2020-26, granting approval of a condition use permit, subject to permit conditions & compliance with borough code passed by unanimous vote. (7-Yes)

F. PENDING ITEMS - None

G. OTHER

Preview of draft Ordinance 2020-__ Amending KPB Code of Ordinances including Chapter 2.40-Planning Commission, Title 20 Subdivisions, Chapter 21.20-Hearing & Appeals, to correct grammatical errors, clarify & improve certain administrative procedures.

H. PLAT COMMITTEE REPORT

- 1. The Plat Committee will review 15 preliminary plats

I. PUBLIC COMMENT/PRESENTATIONS/COMMISSIONERS

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made.)

J. ASSEMBLY COMMENTS

K. LEGAL REPRESENTATIVE COMMENTS

L. DIRECTOR'S COMMENTS

M. COMMISSIONER COMMENTS

N. ADJOURNMENT

O. MISCELLANEOUS INFORMATIONAL ITEMS

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, September 28, 2020** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley St, Soldotna, Alaska at **7:30 p.m.**

ADVISORY PLANNING COMMISSION MEETINGS

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Anchor Point Chamber of Commerce		
Cooper Landing	Cooper Landing Community Hall		
Funny River	Funny River Community Center		
Kalifornsky	Cook Inlet Aquaculture Association		
Kachemak Bay			

Moose Pass	Moose Pass Community Hall		
Hope / Sunrise	Hope Social Hall		

NOTE: Advisory planning commission meetings are subject to change. Please verify the meeting date, location, and time with the advisory planning commission chairperson. Chairperson contact information is on each advisory planning commission website. Links to the websites can be found on the Planning Department website.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215
 Phone: toll free within the Borough 1-800-478-4441, extension 2215
 Fax: 907-714-2378
 e-mail address: planning@kpb.us
 website: <http://www.kpb.us/planning-dept/planning-home>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees.

Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly. Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, 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.



Plat Committee Action Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Paulette Bokenko-Carluccio – City of Seldovia **Cindy Ecklund** – City of Seward

Robert Ruffner – Kasilof/Clam Gulch **Jeremy Brantley** – Sterling Area

September 14, 2020

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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

1. Agenda
2. Member/Alternate Excused Absences
3. Minutes

August 24, 2020 Plat Committee Meeting

Motion to approve the agenda and minutes passed by unanimous consent.

D. PUBLIC COMMENT

(Items other than those appearing on the agenda or not scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made.)

E. OLD BUSINESS – None

F. NEW BUSINESS

1. Loris Landing Subdivision 2020 Replat
KPB File 2020-095; [Johnson Surveys / Gregson]
Off Maud Drive & Heather Avenue
Kalifornsky APC

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

2. Newton Subdivision 2020 Replat
KPB File: 2020-101; [Geovera, LLC/James & Kate Thacker Revocable Living Trust]
Off Skyline Drive
City Homer

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

Motion to grant exception request to KPB 20.30.240 Building Setbacks – Removal of the 20-foot building setback plat note from parent plat passed by unanimous consent.

3. The Meadows
KPB File: 2020-031R1; [Geovera, LLC/STS Development, LLC]
Off Fanning Road & East End Road
Kachemak City

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

4. Echo Hills Subdivision 2020 Replat
KPB File: 2020-099; [McLane Consulting Group/Kuemerle]
Off Oxford Avenue & Echo Lake Road
Kalifornsky APC

Motion to postpone until the Oct. 12, 2020 Plat Committee meeting passed by unanimous consent.

5. Sockeye Estates
KPB File: 2020-100; [McLane Consulting Group/T & R Properties, LLC]
Off Gerrard Avenue
Sterling Area

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

Motion to grant exception request to KPB 20.30.030(A)-Proposed Street Layout & KPB 20.30.170-Block Length passed by unanimous consent.

Motion to grant exception request to KPB 20.30.230-Double Frontage, for Lots 7, 9, 10 & 23 passed by unanimous consent.

- 6. Diamond Storage Subdivision
KPB File 2020-105; [Orion Surveys/Negro Nest Holding Company, LLC]
Diamond Ridge Road & Ruth Way; Diamond Ridge Area
Kachemak Bay APC

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

Motion to grant exception request to KPB 20.30.190-Lot dimensions for Lot 2 passed by unanimous consent.

Motion to grant exception request to KPB 20.30.030(D)-Easement requirements – for not granting a utility easement along Ruth Way passed by unanimous consent.

- 7. Razdolna Subdivision 2020 Addition
KPB File: 2020-104; [Orion Surveys/Martushev]
Off Basargin Road: Fox River Area
Kachemak Bay APC

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

- 8. Buckingham Cove Chartier 2020 Replat
KPB File: 2020-088; [Seabright Surveying/Chartier, Rein, Gordon]
Off Seldovia Bay REM & Buckingham Avenue
Remote Area

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

Motion to grant exception request to KPB 20.30.030-Proposed Street Layout Requirements passed by unanimous consent.

Motion to grant exception request to KPB 20.30.210-Lots-Access to Street passed by unanimous consent.

- 9. Fish Creek Chartier 2020 Replat
KPB File: 2020-106; [Seabright Surveying/Chartier]
Off Buckingham Avenue
Remote Area

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

Motion to grant exception request to KPB 20.30.030(A)-Appropriate projection of all street / ingress for surrounding acreage parcels & KPB 20.30.170-Block Length Requirements passed by unanimous consent.

- 10. Beaver Loop Acres Addition No. 2
KPB File: 2020-049R1; [Segesser Surveys/Estate of Patrick Joseph, Doyle, Beaver Loop Sand & Gravel LLC]
Off Beaver Loop Road
City of Kenai

Motion to postpone until the Oct. 12, 2020 Plat Committee meeting passed by unanimous consent.

- 11. Cook Estates Blizzard Addition
 KPB File: 2020-102; [Segesser Surveys/Blizzard]
 Corner Three John Street & Honda Court
 Sterling Area

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

- 12. Halcyon Subdivision McDevitt Addition
 KPB File: 2020-096; [Segesser Surveys/Girves, McDevitt]
 Off W. Riverview Avenue
 City of Soldotna

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

- 13. Harold Subdivision Dale Addition
 KPB File: 2020-097; [Segesser Surveys/Dale]
 Off Holt Lamplight & Maud Circle
 Nikiski Area

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

- 14. Konovalof Lake Subdivision 2020 Addition
 KPB File: 2020-092; [Segesser Surveys/Bauder, Frederic]
 Corner of Herring Road & Grayling Street
 Remote Area

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

Motion to grant exception request to KPB 20.30.170-Block Length Requirements passed by unanimous consent.

- 15. Soldotna Creek Hills Subdivision Martin Addition
 KPB File 2020-103; [Segesser Surveys/Martin]
 Off Mackey Lake Road
 City of Soldotna

Motion to grant preliminary approval based on staff recommendations & compliance with borough code passed by unanimous consent.

G. PENDING ITEMS

H. OTHER

I. ADJOURNMENT

J. MISCELLANEOUS INFORMATION – NO ACTION REQUIRED

NEXT REGULARLY SCHEDULED MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday September 28, 2020** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley, Soldotna, Alaska at **5:30 p.m.**

PLANNING DEPARTMENT

Phone: 907-714-2215 Fax: 907-714-2378

Phone: toll free within the Borough 1-800-478-4441, extension 2215
email address: planning@kpb.us
website: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KPB 2.40.080.