



**Kenai Planning & Zoning Commission -
Regular Meeting**

October 25, 2023 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Info on Page 2****

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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. *Regular Meeting of September 27, 2023

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 PZ2023-19** - Recommending Approval to Rezone the Properties Located at 103 Birch Street and 1202, 1204, and 1206 First Avenue From General Commercial (CG) to Suburban Residential (RS) Zoning District.
2. **Resolution PZ2023-20** - Granting an Encroachment Permit for a Multi-Tenant Commercial Building to Encroach into the Required (East) Side Yard Setback on the Property Located at 735 Baleen Avenue in the Limited Commercial (LC) Zoning District.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the September 27, 2023 Regular Meeting – Halstead.

- [2.](#) ***Action/Approval** – Add a Condition to the Preliminary Plat – Strawberry Hill Estates 2023 Addition (Resolution PZ2023-15).

I. REPORTS

- [1.](#) City Council
- [2.](#) Kenai Peninsula Borough Planning
3. City Administration

J. ADDITIONAL PUBLIC COMMENT (*Public comment limited to five (5) minutes per speaker*)

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: November 8, 2023

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

- [1.](#) Kenai River Flood Map Update – 90-Day Appeal Period

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/81762460283>

Meeting ID: 817 6246 0283 **Passcode:** 080924

OR Call: (253) 215-8782 or (301) 715-8592

Meeting ID: 817 6246 0283 **Passcode:** 080924

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 27, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on September 27, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gary Greenberg
Diane Fikes

Gwen Woodard
Jim Glendinging
John Coston (*electronic participation*)

A quorum was present.

Absent:

Joe Halstead, Vice Chair

Also in attendance were:

Linda Mitchell, Planning Director
Scott Bloom, City Attorney
Meghan Thibodeau, Deputy City Clerk
James Baisden, City Council Liaison

3. Approval of Agenda and Consent Agenda

MOTION:

Commissioner Greenberg **MOVED** to approve the agenda and consent agenda. Commissioner Woodard **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Chair Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.
There being no objection; **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.

B. APPROVAL OF MINUTES

1. *Regular Meeting of September 13, 2023

Approved by the consent agenda.

C. **SCHEDULED PUBLIC COMMENTS** - None.

D. **UNSCHEDULED PUBLIC COMMENTS** - None.

E. **CONSIDERATION OF PLATS** - None.

F. **PUBLIC HEARINGS**

1. **Resolution PZ2023-18** – Granting a Modification to a Condition Listed in Resolution PZ2023-05 for a Conditional Use Permit to Expand the Assisted Living Facility on the Property Located at 701 N. Forest Drive (Parcel ID: 04321030) in the Suburban Residential (RS) Zoning District.

MOTION:

Commissioner Greenberg **MOVED** to approve Resolution PZ2023-18. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting to modify a condition listed in Resolution PZ2023-05 for the expansion of the assisted living facility, which would require the applicant to obtain a minimum 60-foot right-of-way (ROW) easement on the adjacent property for ingress and egress from/to Ponderosa Street. This acquisition has been challenging, and the applicant is seeking a reduction of the ROW easement width from 60 feet to 30 feet to ensure the construction for the expansion can move forward. Zoning and uses of surrounding lots were reviewed; staff recommended approval subject to the conditions in CUPs (Resolutions PZ12-22, PZ15-24, and PZ2023-05) and the following condition:

1. Obtain a minimum 30-foot in width right of way easement on the adjacent property for ingress and egress from/to Ponderosa Street.

Chair Twait opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

Clarification was provided that the reduction in easement width would still provide adequate space for the applicant's needs in terms of emergency access and parking; that this access would be secondary to the primary access in the front; and that the applicant would be responsible for snow removal of the easement and not the City.

MOTION TO AMEND:

Commissioner Woodard **MOVED** to amend Resolution PZ2023-18 by revising section 1 to read: "That a modification to condition 3 listed in Resolution PZ2023-05 to obtain a 60-foot right-of-way easement is reduced to a 30-foot in width right-of-way easement is granted for a conditional use permit to expand the assisted living facility on the property described as Tract 36A of Killen Estates 2014 Replat, and located at 701 N. Forest Drive." Commissioner Glendening **SECONDED** the motion.

UNANIMOUS CONSENT was requested.
There being no objection; **SO ORDERED**.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Glendening, Greenberg, Woodard, Fikes, Twait

NAY: None

ABSENT: Halstead

MOTION PASSED WITHOUT OBJECTION.

[Clerk's note: Commissioner Coston abstained from discussion and voting on Resolution PZ2023-18 pursuant to KMC 14.05.025(e)]

Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** - Transfer of Conditional Use Permits (Resolutions PZ12-22, PZ15-24, and PZ2023-05) for an Assisted Living Facility on a Property Described as Tract 36A, Killen Estates 2014 Replat, Located at 701 N. Forest Drive in the Suburban Residential (RS) Zoning District.

Approved by the consent agenda.

2. **Action/Recommendation** – Recommendations to Kenai City Council on Ordinance No. 3373-2023 – Amendment of KMC Section 14.20.330-Standards for Commercial Marijuana Establishments.

MOTION:

Commissioner Glendening **MOVED** to recommend City Council approval of Ordinance No. 3373-2023. Commissioner Woodard **SECONDED** the motion.

Clarification was provided that the City Council had referred Ordinance No. 3373-2023 to the Planning & Zoning Commission for their recommendations on any specific zoning-related considerations.

James Baisden spoke in support and explained his reasons for sponsoring the ordinance, and answered questions from the Commission.

Discussion ensued.

VOTE:

YEA: Fikes, Coston, Woodard, Greenberg, Glendening, Twait

NAY: None

ABSENT: Halstead

MOTION PASSED WITHOUT OBJECTION.

I. REPORTS

1. City Council – Vice Mayor Baisden reported on the actions of the September 20, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the September 11, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Attended American Planning Association (APA) conference with Commissioner Woodard and Administrative Assistant Beth McDonald.
 - Currently recruiting for a second part-time Planning assistant.
 - Intends to bring a draft ordinance amending code for waterfront rezoning before the Commission on November 8th.
 - Attending a State training for emergency management coordination and notification.
 - Met with the Borough and participating cities regarding an appropriation for grant funding for the Safe Streets for All program.
 - Next meeting will include a rezone of commercial area.

J. **ADDITIONAL PUBLIC COMMENT** – None.

K. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: October 11, 2023

Commissioner Woodard noted she would be absent.

L. **COMMISSION COMMENTS AND QUESTIONS**

Commissioner Glendening noted he looks forward to the Commission, Committees and Council on Aging review.

Commissioner Woodard noted she enjoyed her time at the APA conference.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS**

1. City of Kenai Commissions, Committees and Council on Aging Review

There being no further business before the Commission, the meeting was adjourned at 7:57 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of September 27, 2023.

Meghan Thibodeau
Deputy City Clerk

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Linda Mitchell, Planning Director

DATE: October 24, 2023

SUBJECT: Postpone Resolution PZ2023-19 – Rezone Four (4) Parcels from General Commercial (CG) to Suburban Residential (RS) Zoning District

During the draft of the staff report, staff discovered discrepancies with the future land use map in the final version of the *Imagine Kenai 2030* Comprehensive Plan that did not incorporate the latest revisions adopted by City Council in Ordinance No. 2908-2016, which affects the subject parcels being requested to be rezoned. This discovery would eliminate the need to amend the future land use map (i.e., Comprehensive Plan amendment) to be consistent with the rezone from General Commercial (CG) to Suburban Residential (RS) zoning district.

Staff is recommending Resolution PZ2023-19 be postpone to the next regular meeting scheduled for Wednesday, November 8, 2023.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-20**

A RESOLUTION **GRANTING** AN ENCROACHMENT PERMIT FOR A MULTI-TENANT COMMERCIAL BUILDING TO ENCROACH INTO THE REQUIRED (EAST) SIDE YARD SETBACK BY 3 FEET AND 1 INCH.

APPLICANT: Connie Vann

PROPERTY ADDRESS: 735 Baleen Avenue

LEGAL DESCRIPTION: Lot 6, Baleen Cove Subdivision

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04941061

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.185(c) was submitted to the City on October 10, 2023; and,

WHEREAS, the applicant has demonstrated that the prerequisites of an Encroachment Permit have been met pursuant to Kenai Municipal Code 14.20.185(b); and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on October 18, 2023, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds the criteria are met as set forth in KMC 14.20.185(d):

1. *An encroachment as defined in subsection (a) exists.*

KMC 14.20.185(a) *“Encroachment” means any object or structure above or below ground and constructed or located in a manner other than set forth in the Development Requirements Table.*

Findings: The multi-tenant commercial building meets the definition of an encroachment as it is located approximately 3 feet 1 inch from the property line, where a 15-foot side yard setback is required in the Limited Commercial (LC) zoning district.

2. *The encroachment does not encroach upon a Federal, State or City right-of-way or utility easement.*

Findings: The Baleen Cove Subdivision plat does not show any rights-of-way or easements along the east property line. The building would be approximately 11 feet 11

inches away from the east property line. There is no indication of an encroachment upon a right-of-way or utility easement.

3. *The issuance of the encroachment permit will not authorize a use which is a not a principal permitted use in the zoning district in which the property is located.*

Findings: Tenants are unknown at this time but uses will be subject to the Limited Commercial zoning district as listed in Land Use Table.

4. *The encroachment is not located across a platted lot line.*

Findings: The multi-tenant commercial building is within the property lines. The encroachment will not cross a platted lot line. The boiler room will be approximately 11 feet 11 inches away from the property line.

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

Section 1. That an encroachment permit is granted for a multi-tenant commercial building to encroach into the required 15-foot (east) side yard setback by 3 feet 1 inch.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 25TH DAY OF OCTOBER, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: October 24, 2023
SUBJECT: Resolution PZ2023-20 - Encroachment Permit for a Multi-Tenant Commercial Building to Encroach into the Required (East) Side Yard Setback

Request The applicant is requesting for a 3-foot 1-inch encroachment into the required 15-foot (east) side yard setback for a multi-tenant commercial building.

Staff Recommendation Adopt Resolution PZ2023-20 approving an Encroachment Permit to allow a multi-tenant commercial building to encroach into the required 15-foot (east) side yard setback by 3 feet 1 inch.

Applicant	Connie Vann
Legal Description	Lot 6, Baleen Cove Subdivision
Property Address	735 Baleen Avenue
Parcel No.	04941061
Lot Size	1.36 acres
Zoning	Limited Commercial (LC)
Current Land Use	Multi-Tenant Commercial Building
Land Use Plan	Low Density Residential

SUMMARY

A multi-tenant commercial building is under construction and pending final inspection that is contingent on the approval of an encroachment permit to allow the boiler room to encroach approximately 3 feet 1 inch into the required (east) side yard setback. Pursuant to Table 14.24.020 *Development Requirement Table* in the Kenai Municipal Code (KMC), the Limited Commercial (LC) zoning district requires a fifteen-foot (15') side yard setback.

ANALYSIS

Pursuant to KMC 14.20.185(b), the intent of an encroachment permit is to provide relief to the Development Requirements Table to remedy encroachments which do not fall under KMC 14.20.050 *Nonconforming Lots, Structures, and Uses* and which satisfy the requirements of financial institutions.

Prior to granting an encroachment permit, the Commission shall find that all of the conditions have been met as set forth in KMC 14.20.185(d) [Encroachment Permit] *Review Criteria*.

Criteria 1: An encroachment as defined in subsection (a) exists.

KMC 14.20.185(a) “Encroachment” means any object or structure constructed or located in a manner other than set forth in the Development Requirements Table.

Findings: The multi-tenant commercial building meets the definition of an encroachment as it is located approximately 3 feet 1 inch from the property line, where a 15-foot side yard setback is required in the Limited Commercial (LC) zoning district.

Criteria 2: The encroachment does not encroach upon a Federal, State or City right-of-way or utility-easement.

Findings: The Baleen Cove Subdivision plat does not show any rights-of-way or easements along the east property line. The building would be approximately 11 feet 11 inches away from the east property line. There is no indication of an encroachment upon a right-of-way or utility easement.

Criteria 3: The issuance of the encroachment permit will not authorize a use which is a not a principal permitted use in the zoning district in which the property is located.

Findings: Tenants are unknown at this time but uses will be subject to the Limited Commercial zoning district as listed in Land Use Table.

Criteria 4: An encroachment is not located across a platted lot line.

Findings: The multi-tenant commercial building is within the property lines. The encroachment will not cross a platted lot line. The boiler room will be approximately 11 feet 11 inches away from the property line.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280 notices of the public hearing for the encroachment permit 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* on October 18, 2023.

STAFF RECOMMENDATION

Staff finds that the request meets the criteria as set forth in KMC 14.20.185(d) for issuance of an

Encroachment Permit for a multi-tenant commercial building to encroach into the required 15-foot (east) side yard setback by 3 feet 1 inch, and hereby recommends that the Planning and Zoning Commission approve the encroachment permit.

ATTACHMENTS

Aerial Map
Application Materials
Plat

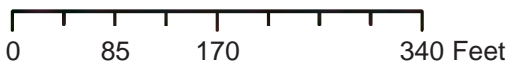


**Resolution PZ2023-20
Encroachment Permit
735 Baleen Avenue**



Date Printed: 10/24/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



RECEIVED

CITY OF KENAI

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

Encroachment Permit 10/023
Application Planning & Zoning

By: *ew/Linda*



PROPERTY OWNER

Name:	Vann Revocable Trust		
Mailing Address:	P.O. Box 561		
City:	Kas. lot	State: AK	Zip Code: 99610
Phone Number(s):	907-252-4209 or 907-252-2905		
Email:	Sundanz@ptialaska.net		

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):	04941061
Physical Address:	735 Baken Ave
Legal Description:	Baken Cove Sub Lot 6
Zoning:	Limited Commercial
Acres:	1.36 acres

ENCROACHMENT DESCRIPTION

(include site plan/floor plan with square footages, rights-of-way, easements, setbacks)
(include State Business License and KPB Tax Compliance if applicable)

How is this property currently being used?	Under Construction
Use of surrounding property - north:	Set Back
Use of surrounding property - south:	snow storage + set back
Use of surrounding property - east:	set back
Use of surrounding property - west:	Parking + set back

Encroachment Requested for (attach additional sheets if necessary):

*Boiler Room encroaching 3'1" into 15' set back
(Estimate 3'1")*

Explain how the encroachment falls into the following definition in City Code - "Encroachment" means any object or structure above or below ground and constructed or located in a manner other than set forth in the Development Requirements Table.":

ENCROACHMENT REQUIREMENTS
(must be met for a permit to be issued)

The encroachment does not encroach upon a Federal, State, or City right-of-way or utility easement. YES

The issuance of the encroachment permit will not authorize a use which is not a principal permitted use in the zoning district in which the property is located. YES

The encroachment is not located across a platted lot line. YES

AUTHORITY TO APPLY FOR AN ENCROACHMENT:

I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for an encroachment 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 encroachment. 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>Connie Vann</i>	Date:	10-9-23
Print Name:	<i>Connie Vann</i>	Title/Business:	<i>owner</i>

For City Use Only

Date Application Fee Received:

PZ Resolution Number:

BALEEN

15'-0" SETBACK 5'-0" SETBACK

EDGE RESTRICTOR
SLOPE SPRUCE

15' LOT

LOT 5

WATER WELL

COMPACTED GRAVEL DRIVEWAY

50'-0" SETBACK

Boiler Room encroaching 3' 1" into the 15' set back (estimate)

EXSTG UNDISTURBED VEGETATION - PERMEABLE (+25%)

24'-0" FIRE LANE
PRPSD 50' X 200' BUILDING

360'-0"

DRAINAGE

DRAINAGE

SEPTIC SNOW STORAGE

LOT 6
1.360 AC

30' EASEMENT

164'-6"

APPROX EXSTG BIKE LANE ROW

KALIFORNISKY BEACH ROAD

PLANNING ZONING DISTRICT

LEGEND:

- 3 1/4" ALUM. CAP MONUMENT 3932-S 1976 FOUND
- 1/2" REBAR FOUND
- 5/8" REBAR w/ PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 85-124 KRD

NOTES:

- 1) Basis of bearing taken from VP Country Estates Part 5, Plat 85-124, Kenai Recording District.
- 2) Further development of the property shall conform to all Federal, State of Alaska, and local regulations.
- 3) Development must meet City of Kenai Chapter 14 Zoning Requirements.
- 4) An access easement which affects this property is recorded as serial number 2020-010370-0 Kenai Recording District. The City of Kenai does not recommend that the access easement be used as primary access to the subdivision.
- 5) Exceptions to KPB 20.30.030, Projection of right-of-way, and 20.30.170, Block length, were granted by the Plat Committee at the meeting of June 14, 2021.
- 6) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 7) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order Number No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 8) Front 15 feet adjacent to rights-of-way is also 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.
- 9) **WASTEWATER DISPOSAL.** 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.

Mark Andrew II
 License No. CE 166793 27 Sep '21
 Engineer Date



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date 8-20-21



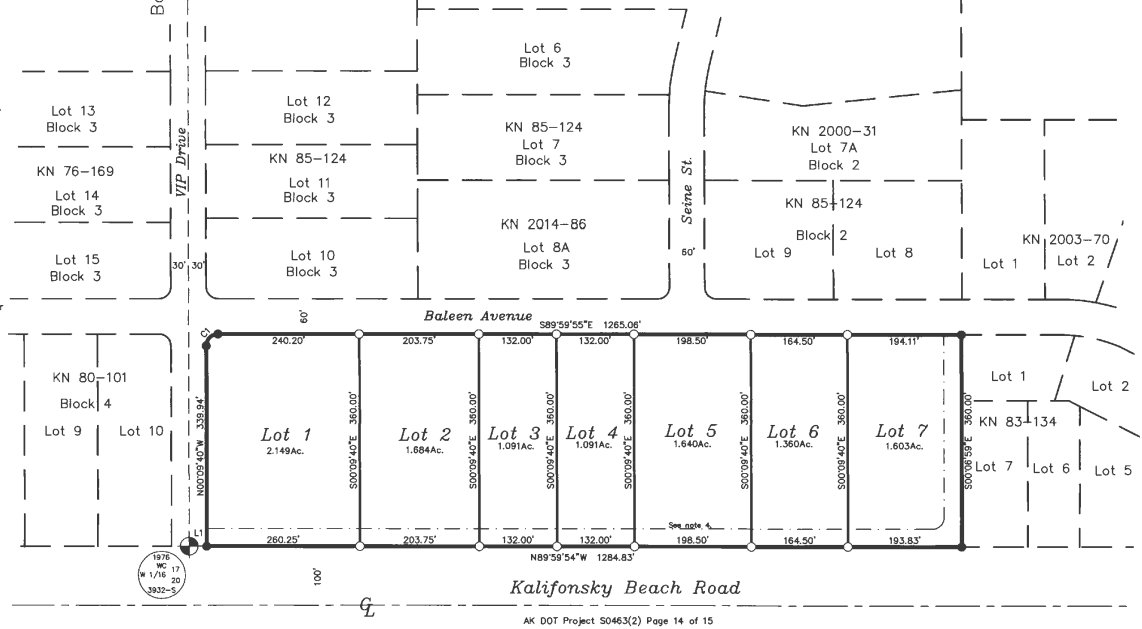
Basis of Bearing
 N00°09'40"W 2541.98'

VIP Drive
 N00°09'40"W 339.94'

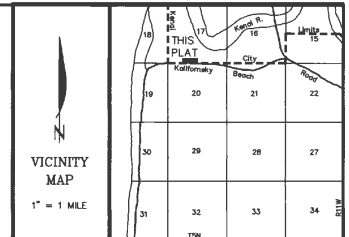


LINE	BEARING	DISTANCE
L1	S89°59'55"E	30.00'

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	80°09'18"	20.00'	31.47'	20.05'	28.32'	N44°3'59"E



AK DOT Project S0463(2) Page 14 of 15



CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE VANN REVOCABLE TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE VANN REVOCABLE TRUST, 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.

Connie L. Vann
 CONNIE L. VANN
 TRUSTEE OF VANN REVOCABLE TRUST
 P.O. BOX 561
 KASLOF, ALASKA 99610

NOTARY'S ACKNOWLEDGEMENT

FOR Connie L. Vann, Trustee
 ACKNOWLEDGED BEFORE ME THIS 24 DAY OF November, 2021

John D. ...
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 5/22/23

State of Alaska
 NOTARY PUBLIC
 Madeline Quilston
 My Commission Expires May 12, 2023

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 14, 2021.

KENAI PENINSULA BOROUGH
Scott ...
 11/29/21
 AUTHORIZED OFFICIAL

KPB FILE No. 2021-045

Baleen Cove Subdivision

A subdivision of the S1/2 SE1/4 SW1/4 Section 17, T1N, R11W, S.M., lying North of the Northernly Right of Way of Kalifonsky Beach Road excepting therefrom any portion lying within VP Country Estates Subdivision Part 5, Plat 85-124, Kenai Recording District.

Located within the S1/2 SE1/4 SW1/4 Section 17, T1N, R11W, S.M., City of Kenai, Kenai Peninsula Borough, Alaska.

Containing 10.618 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99689 (907) 262-3909	Owner Vann Revocable Trust P.O. Box 561 Kaslof, Alaska 99610
JOB NO. 21051	DRAWN: 8-14-21
SURVEYED: April, 2021	SCALE: 1"=100'
FIELD BOOK: 21-1	SHEET: 1 of 1

2021-05
John D. ...
 11/29/21
 11-51AM



KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: October 24, 2023
SUBJECT: **Action/Approval – Add a Condition to the Preliminary Plat – Strawberry Hill Estates 2023 Addition (Resolution PZ2023-15)**

The Planning and Zoning Commission recommended approval of the Preliminary Plat – Strawberry Hill Estates 2023 Addition on August 23, 2023 subject to the following conditions.

1. Recommend Kenai City Council to deny the requested exceptions to exceed the maximum block length of 1,400 linear feet and waive the rights-of-way dedication of Devray Street.
2. Recommend Kenai City Council to approve the exceptions from connecting to City water and sewer systems.
3. Revised Note 4 on the Preliminary Plat to "DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14.20 ZONING CODE REQUIREMENTS".

On September 6, 2023, City Council unanimously adopted Resolution No. 2023-55 to deny and grant certain exceptions listed in KMC Chapter 14.10 *Subdivision Regulations*. Subsequently, the developer and city staff met to discuss the required improvements for the proposed preliminary plat and collectively agreed that an installation agreement is required. There are no proposed changes to the preliminary plat. The number of lots and overall site layout as shown on the preliminary plat remains the same.

STAFF RECOMMENDATION

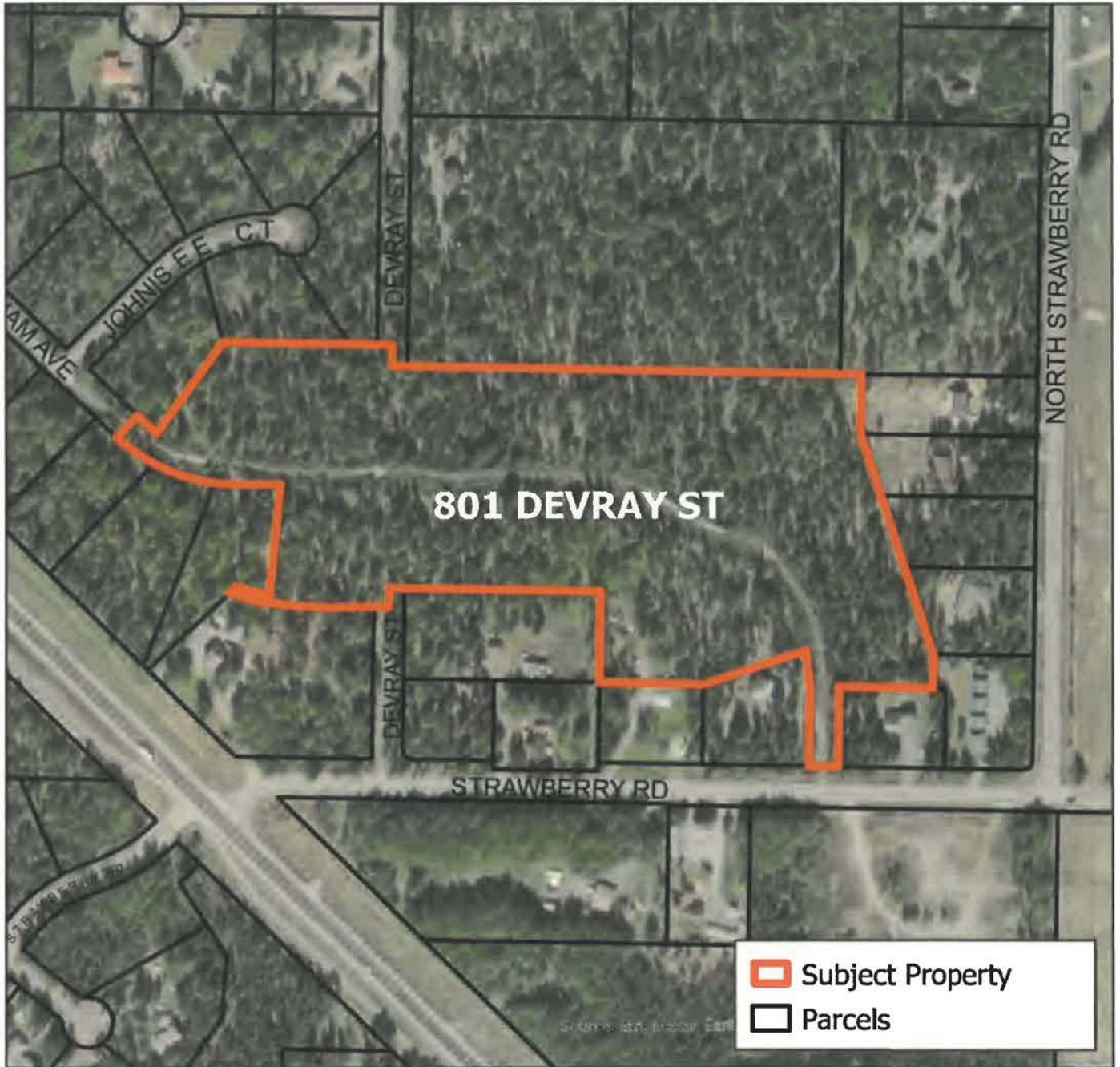
Staff hereby recommends approval to add a condition to Resolution PZ2023-15 to require an installation agreement for Preliminary Plat – Strawberry Hill Estates 2023 Addition. This action will be forward to Kenai Peninsula Borough Planning Department for the review of the preliminary plat.

ATTACHMENTS

- A. Aerial Map
- B. Resolution PZ2023-15
- C. Resolution No. 2023-55



PRELIMINARY PLAT
Resolution No. PZ2023-15
801 Devray Street
KPB Parcel ID: 04951027



Date Printed: 8/18/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



0 165 330 660 Feet



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-15**

A RESOLUTION RECOMMENDING THAT STRAWBERRY HILL ESTATES 2023 ADDITION PRELIMINARY PLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESS: 801 Devray Street

LEGAL DESCRIPTION: That certain parcel of land located in the South ½ of the Southeast ¼ lying East of the Kenai Spur Highway, in Section 6, Township 5 North, Range 10 West, Seward Meridian, Excepting Therefrom: Plat Nos. 73-6, 83-284, 75-24, 78-87, 72-63, 89-9, 84-111, and Corrected Warranty Deed (Book 79 at Page 314) in the records of the Kenai Recording District, Third Judicial District, State of Alaska. Further excepting therefrom, any portion within the rights-of-way of any and all public or private roads and highways.

KPB PARCEL NUMBER: 04951027

WHEREAS, the City of Kenai received the plat from McLane Consulting, Inc. on behalf of the property owners, David Bunts and Tracey Bunts for the subdivision of the subject parcel into 13 lots with two (2) requested exceptions to the adjoining street systems and block length standards; and,

WHEREAS, the plat generally meets Kenai Municipal Code (KMC) preliminary plat requirements and development requirements for the Rural Residential (RR) zoning district; and

WHEREAS, the street names are referenced correctly; and,

WHEREAS, the subdivided lots will have access via Wortham Avenue and Devray Street, which are not City-maintained roads; and

WHEREAS, City water and sewer systems are not available to the proposed subdivision; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, and on-site water system and wastewater treatment/disposal system will be subject to the regulatory requirements of ADEC.

2. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat does not meet the dedicated right-of-way for the continuation of the existing streets in adjoining areas and maximum block length of 1,400 linear feet. The request for the exception could potentially remove traffic congestion in exchange for convenient and additional access to surrounding subdivisions. The requested exception does not demonstrate a substantial hardship or injustice.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed parcel meet City standards for minimum lot sizes in the subject zoning district.
4. Pursuant to KMC 14.24.020 *General Requirements*, the proposed parcel meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

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

Section 1. That the preliminary plat of Strawberry Hill Estates 2023 Addition for the subdivision of the parcel located at 801 Devray Street (KPB Parcel No. 04951027) into 13 lots be approved, subject to the follow conditions:

1. Recommend Kenai City Council to deny the requested exceptions to exceed the maximum block length of 1,400 linear feet and waive the rights-of-way dedication of Devray Street.
2. Recommend Kenai City Council to approve the exceptions from connecting to City water and sewer systems.
3. Revised Note 4 on the Preliminary Plat to "DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14.20 ZONING CODE REQUIREMENTS".
4. Recommend Kenai City Council to approve the exception from the road improvement construction of Devray Street and requiring the subdivider include a covenant on the recorded plat that if an improvement district is formed, the real property involved will be a part of the improvement district without further action by the then owner of the property in question.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 23RD DAY OF AUGUST, 2023.



Jeff Twait, Chairperson

ATTEST:



Meghan Thibodeau, Deputy City Clerk

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (WORTHAM AVE, STRAWBERRY RD, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT, THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE _____
CITY MANAGER, CITY OF KENAI

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 DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAVID BUNTS
PO BOX 226, STERLING, AK 99702

TRACY BUNTS
PO BOX 226, STERLING, AK 99702

NOTARY ACKNOWLEDGEMENT

NOTARY PUBLIC STATE OF ALASKA
I, _____, DO HEREBY ACKNOWLEDGE BEFORE ME THIS _____ DAY OF _____, 2023
MY COMMISSION EXPIRES _____
NOTARY PUBLIC FOR THE STATE OF ALASKA

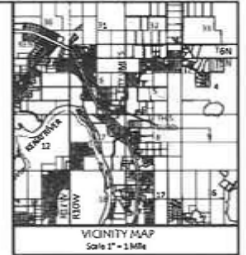
WASTEWATER DISPOSAL

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.

COOYR, MCGANE, C.E. 11530 AK DATE _____



GRAPHIC SCALE
1"=61' 40.8"



LEGEND

- FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR
- SET 5/8"x6" REBAR w/ 1" STAINLESS STEEL CAP 6x6x6
- CONTOUR INTERVAL = 4'

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 83.
2. THE FRONT 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT HEREBY GRANTED.
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. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
6. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
7. THIS PARCEL MAY BE AFFECTED BY AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 5, 1968 BY MISC. BOOK 31, PAGE 124, KNO. LOCATION NOT DEFINED.

CURVE #	DATA	CHORD BEARING	CHORD LENGTH			
C1	P38°13'	300.00	55.30	31.82	N 87° 27' 30" W	35.84'
C2	P37°34'	300.00	25.42	53.20	N 87° 37' 30" W	28.44'
C3	P37°30'	270.00	50.23	33.38	S 17° 50' 00" E	30.17'
C4	P17°30'	370.00	78.32	84.37	N 81° 02' 30" W	71.87'
C5	P10°30'	270.00	158.68	79.32	S 71° 30' 30" W	132.17'
C6	P47°34'	330.00	111.20	34.00	N 47° 20' 48" W	108.83'
C7	P17°13'	330.00	30.47	33.35	N 47° 00' 30" W	30.48'
C8	P35°50'	270.00	34.53	37.29	N 47° 50' 30" W	34.88'
C9	P27°34'	270.00	113.67	38.17	N 47° 47' 30" W	113.79'
C10	P15°18'	420.00	71.07	8.87	N 17° 20' 30" W	7.60'
C11	P27°30'	420.00	208.89	104.61	N 17° 41' 30" W	108.34'
C12	P47°30'	370.00	109.68	33.38	S 10° 34' 30" E	108.19'
C13	P47°30'	370.00	109.68	33.38	S 48° 57' 17" E	107.84'
C14	P47°30'	370.00	111.89	34.88	S 17° 42' 30" E	114.81'



STRAWBERRY HILL ESTATES 2023 ADDITION
SUBDIVISION OF THE SOUTH HALF OF THE SOUTH EAST QUARTER SECTION 5 NORTH RANGE 30 WEST, SEWARD MERIDIAN, ALASKA EXCEPTING PLAT NO. 2746-03-204, 75-24, 78-27, 72-23, 85-3, 84-111 WARRANTY DEED BOOK 79, PAGE 314 KENAI RECORDING DISTRICT AND ANY PORTION LYING WITHIN THE RIGHTS-OF-WAY OF ANY AND ALL PUBLIC OR PRIVATE ROADS AND HIGHWAYS.

DAVID BUNTS
PO BOX 226
STERLING, AK 99702

TRACY BUNTS
PO BOX 226
STERLING, AK 99702

18.466 AC. M.L. SITUATED ON THE SE1/4 OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 30 WEST, SEWARD MERIDIAN, AK. THE CITY OF KENAI, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2023.

ENGINEERING - TESTING INCLUDING: SURVEYING P.O. BOX 448 BROOKTON, AK 99568 PHONE: 907-361-1000 WWW.AKREGISTERED.COM	EPB File No. 2023-000 Project No. 222002
Scale: 1" = 60'	Date: JAN 2023 Book No.: 22-04 Drawn by: BAH



**CITY OF KENAI
RESOLUTION NO. 2023-55**

A RESOLUTION DENYING THE REQUESTED EXCEPTIONS TO KENAI MUNICIPAL CODE SECTION 14.10.070, SUBDIVISION DESIGN STANDARDS AND GRANTING EXCEPTIONS TO KENAI MUNICIPAL CODE SECTION 14.10.080, MINIMUM IMPROVEMENTS REQUIRED FOR STRAWBERRY HILL ESTATES 2023 ADDITION PRELIMINARY PLAT.

WHEREAS, Kenai Municipal Code Section (KMC) 14.10.090 *Variations and exceptions* allows for the City Council to vary or modify the minimum subdivision requirements, after a report by the Planning and Zoning Commission so that the subdivider may develop the property in a reasonable manner while at the same time protecting the public welfare and interests of the City, surrounding areas, and general intent and spirit of the development requirements when the tract to be subdivided is of unusual shape or size or is surrounded by such development or unusual conditions that strict application of the improvement requirements would result in real difficulties, substantial hardship, or injustice; and,

WHEREAS, the Planning and Zoning Commission reviewed a preliminary plat for Strawberry Hill Estates 2023 Addition on August 23, 2023, including requested variances and exceptions; and,

WHEREAS, the Planning and Zoning Commission passed Resolution No. PZ2023-15 on August 23, 2023, recommending that the City Council deny the requested exceptions to KMC Subsections 14.10.070(a) and 14.10.080(d)(1) from exceeding the maximum block length of 1,400 linear feet and waive the right-of-way dedication of Devray Street; however, Planning and Zoning Commission recommends that the City Council approve exceptions to KMC Subsections 14.10.080(c), (e), and (f) from the requirements of road improvement construction of Devray Street and connecting to City water and sewer systems; and,

WHEREAS, the Planning and Zoning Commission Resolution PZ2023-15 provided substantial findings to deny the requested exceptions and support the exceptions presented by staff; and,

WHEREAS, denying an exception to the requirements of KMC Subsections 14.10.070(a) and 14.10.080(d)(1) does not result in real difficulties, substantial hardship, or injustice for the subdivider from developing the property in a reasonable manner; and,

WHEREAS, granting an exception to the requirements of KMC Subsections 14.10.080(c), (e), and (f) will allow the subdivider to provide water supply and on-site wastewater systems for the development without connecting to City water and sewer systems since there's no connections within reasonable proximity; furthermore, the subdivider would not have to construct or improve the dedicated right-of-way, Devray Street since Wortham Avenue will provide adequate right-of-way access for the proposed subdivision and will be developed to City's standards for construction; and,

WHEREAS, the Planning and Zoning Commission conditioned its recommendation for exceptions to include a note on the recorded plat that when an improvement district is formed, the real property involved will be part of the improvement district without further action by the then owner of the property in question.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. That pursuant to KMC 14.10.090, exceptions to KMC Subsections 14.10.070(a) and 14.10.080(d)(1) from exceeding the maximum block length of 1,400 linear feet and waive the right-of-

way dedication of Devray Street are denied, however the City grants exceptions to the requirement for City water and sanitary sewer lines to each lot in the subdivision and the construction or improvement of Devray Street based on the findings stated above.

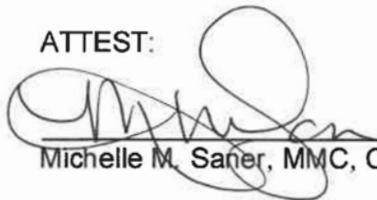
Section 2. That Council's action to provide exceptions for the above requests shall be revoked if the subdivision or individual phases of the subdivision are not completed within the allowable Kenai Peninsula Borough preliminary plat time extension process.

Section 3. That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 6TH DAY OF SEPTEMBER, 2023.



Brian Gabriel Sr., Mayor

ATTEST: 

Michelle M. Sauer, MMC, City Clerk



Kenai City Council - Regular Meeting

October 04, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council 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. SCHEDULED ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

D. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

E. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3371-2023** - Accepting and Appropriating Funds from the Institute of Museum and Library Services, Passed through the State of Alaska, Department of Education and Early Development, Division of Library, Archives & Museums, for Library Employee Training. (Administration)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3372-2023** - Accepting and Appropriating a Grant from the State of Alaska for the Purchase of Library Materials. (Administration)
3. **ENACTED AS AMENDED WITHOUT OBJECTION. Ordinance No. 3373-2023** - Amending Kenai Municipal Code 14.20.330 - Standard for Commercial Marijuana Establishments to Prohibit Licensed Retail Marijuana Establishments from Serving Customers through a Walk-Up or Drive-Through Window. (Baisden, Winger, Douthit)
4. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-60** - Authorizing the Use of Equipment Replacement Fund to Purchase a Second Replacement Ambulance for the Fire Department Fleet Under the Existing Contract with Braun Northwest, and Authorizing a Change Order to the Contract. (Administration)
5. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-61** - Authorizing the Use of the Equipment Replacement Fund for the Purchase of Snow Removal Equipment for the City Streets Department Utilizing a State of Alaska Procurement Contract. (Administration)

F. MINUTES

1. *Regular Meeting of September 20, 2023. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Ordinance No. 3374-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund for the Purchase of Aviation Fuel Due to Fuel Sales at the Kenai Municipal Airport Float Plane Basin Being in Excess of Budgeted Amounts. (Administration)
3. **12/6/2023 CITY COUNCIL MEETING CANCELLED. Discussion/Action** - Cancelling the December 6, 2023 City Council Meeting to Allow for Council Member Travel to the Alaska Municipal League Conference. (Administration)

I. 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

J. REPORT OF THE MAYOR

1. Mayor's Proclamation Declaring October 2023 as, "Domestic Violence Awareness Month".

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

1. CIRCAC Director's Report

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/82508796716>

Meeting ID: 825 0879 6716 **Passcode:** 792372

OR

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

Meeting ID: 825 0879 6716 **Passcode:** 792372



Kenai City Council - Regular Meeting

October 19, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Information on Page 2****

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. **RESULTS OF 10/3/2023 ELECTION CERTIFIED.** Certification of the October 3, 2023 Election Results
 - a. **Swearing in of Election Officials.** (*Term of office for those elected during the October 3, 2023 Regular Election begins on Monday, October 23, 2023.*)
4. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council 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. SCHEDULED ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

D. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

E. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3374-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund for the Purchase of Aviation Fuel Due to Fuel Sales at the Kenai Municipal Airport Float Plane Basin Being in Excess of Budgeted Amounts. (Administration)

F. MINUTES

1. *Regular Meeting of October 4, 2023. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License for Cook Inlet Cannabis Co., DBA East Rip - License No. 13382. (City Clerk)

3. ***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License KRC LLC, DBA Kenai River Cannabis - License No. 17808. (City Clerk)
4. ***Ordinance No. 3375-2023** - Accepting and Appropriating Donations from the Kenaitze Indian Tribe to Both the Animal Shelter and the Senior Center. (Administration)
5. ***Ordinance No. 3376-2023** - Increasing Estimated Revenues and Appropriations in the General Fund, Parks and Recreation Department for the Purchase of Playground Equipment Utilizing a Grant from Marathon Petroleum. (Administration)
6. **Action/Approval** - Airport Terminal Landscaping Project Revision - Bronze Bear Project. (Administration)

I. 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

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

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Join Zoom Meeting

<https://us02web.zoom.us/j/84392104903>

Meeting ID: 843 9210 4903 **Passcode:** 573806

OR

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

Meeting ID: 843 9210 4903 **Passcode:** 573806



Plat Committee Agenda

ACTION

September 25, 2023– 6:30 PM

Regular Meeting

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

Jeremy Brantley, Chair
Ridgeway / Sterling
Funny River District
Term Expires 2024

Pamela Gillham, Vice Chair
Kalifornsky / Kasilof District
Term Expires 2026

Virginia Morgan
Cooper Land / Hope
Eastern Peninsula District
Term Expires 2025

Diane Fikes
City of Kenai
Term Expires 2025

Charlene Tautfest
City of Soldotna
Term Expires 2024

Franco Venuti
City of Homer
Term Expires 2025

Vacant
City of Seward
Term Expires 2026

Jeffrey Epperheimer
Nikiski District
Term Expires 2026

Dawson Slaughter
South Peninsula District
Term Expires 2025

ZOOM MEETING DETAILS

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>
Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247
Zoom Meeting ID: 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. 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. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

Motions based on staff recommendations are in red font. Please note that depending on the committee's decision additional motions may be needed.

General information is in blue font.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA AND CONSENT AGENDA

(Action 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 commissioner so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)

- *1. **Agenda**
- *2. **Member Excused Absences**
- *3. **Minutes**
 - a. September 11, 2023 Plat Committee
- *4. **Grouped Plats**
 - E1. Deitz Home Estates No. 5 Skinner 2023 Replat; KPB File 2023-096
 - E2. Grewingk Glacier Vista; KPB File 2023-095
 - E3. Kachemak Heights 2023; KPB File 2023-093

Motion to approve the consent and regular agenda passed by unanimous vote. (4-Yes, 0-No)

D. UNFINISHED BUSINESS – None

E. NEW BUSINESS

1. Deitz Home Estates No. 5 Skinner 2023 Replat; KPB File 2023-096
Seabright Surveying / Skinner
Location: Glady's Court / PIN: 17445102
Kachemak City

Motion to grant preliminary approval passed by unanimous vote (4-Yes, 0-No)

2. Grewingk Glacier Vista; KPB File 2023-095 (*Consent Agenda*)
Seabright Surveying / Ross Community Property Trust
Location: Crested Crane Street / PIN: 17419217
Kachemak City

Motion to grant preliminary approval passed by unanimous vote (4-Yes, 0-No)

3. Kachemak Heights 2023; KPB File 2023-093 (*Consent Agenda*)
Geovera, LLC / Mitchell, Milne Community Property Trust
Location: Bradley Lane & Victor Drive off East End Road
PINs: 17211019, 17211020, 17211046, 17211047
Fritz Creek Area / Kachemak Bay APC

Motion to grant preliminary approval passed by unanimous vote (4-Yes, 0-No)

4. Teal Bay Subdivision Pattison Addition; KPB File 2023-098
Edge Survey & Design, LLC / Pattison
Location: Moose Run Road / PIN: 01413436
Nikiski Area / Nikiski APC

Motion to grant preliminary approval passed by unanimous vote (4-Yes, 0-No)

F. OTHER (*No Public Hearing*)

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday, October 9, 2023** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **5:30 p.m.**

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / 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>



Planning Commission Agenda

ACTION

September 25, 2023– 7:30 PM

Regular Meeting

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

Jeremy Brantley, Chair
Ridgeway / Sterling
Funny River District
Term Expires 2024

Pamela Gillham, Vice Chair
Kalifornsky / Kasilof District
Term Expires 2026

Virginia Morgan
Cooper Landing / Hope
Eastern Peninsula District
Term Expires 2025

Diane Fikes
City of Kenai
Term Expires 2025

Charlene Tautfest
City of Soldotna
Term Expires 2024

Franco Venuti
City of Homer
Term Expires 2025

Vacant
City of Seward
Term Expires 2026

Jeffrey Epperheimer
Nikiski District
Term Expires 2026

Dawson Slaughter
South Peninsula District
Term Expires 2025

ZOOM MEETING DETAILS

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>
Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247
Zoom Meeting ID: 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. 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. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

*2. Planning Commission Resolutions

- a. PC Resolution 2023-19
Building Setback Encroachment Permit; KPB File 2023-063

*3. Plats Granted Administrative Approval

- a. Hank and Mattie Bartos Subdivision; KPB File 2022-180
- b. Kenai Meadows Addition No. 1; KPB File 2022-035
- c. Soldotna Junction Sub Creek Side Estates 2023 Addn; KPB File 2023-027

*4. Plats Granted Final Approval

- a. Binkley Subdivision Back Replat; KPB File 2023-074

*6. Commissioner Excused Absences

- a. City of Seward, Vacant

*7. Minutes

- a. September 11, 2023 PC Meeting Minutes

**Motion to approve the consent & regular agendas passed by unanimous vote.
(8-Yes, 0-No)**

D. UNFINISHED BUSINESS – None

E. NEW BUSINESS

Public Hearing: Quasi-Judicial Matters *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

1. Building Setback Encroachment Permit; KPB File 2023-094
Petitioner/Landowner: Parker, Downs
Request: 4.7' portion of a hangar & well to remain in the 20' building setback
Location: Block 1, Lot 1 Lakewood Estates Amended Subdivision; Plat KN 2004-88
Sterling Area

Motion to adopt Planning Commission Resolution 2023-29 granting a setback encroachment permit to Block 1, Lot 1, Lakewood Estates Amended, Plat KN 0970037 passed by unanimous vote. (8-Yes, 0-No)

2. Building Setback Encroachment Permit; KPB File 2023-097
Petitioner/Landowner: Frison
Request: 40' garage to be constructed in the 20' building setback
Location: Block 1, Lot 1, Ashton Park Subdivision; Plat KN 1997-074
Kalifornsky Area

Motion to postpone until brought back by staff passed by unanimous vote (8-Yes, 0-No)

3. Conditional Use Permit; PC Resolution 2023-28
Petitioner: Wilson
Request: To construct a cabin in the 50' HPD of the Kenai River
Location: 45646 Spruce Avenue West / PIN: 05749306
Soldotna Area

Motion to adopt Planning Commission Resolution 2023-28 granting a conditional use permit pursuant to KPB 21.18 passed by unanimous vote (8-Yes, 0-No)

Public Hearing: Legislative Matters

4. Ordinance 2023-23: Amending KPB 20.30.280 and KPB 21.06 regarding floodplain management to adopt required changes to remain compliant with the National Flood Insurance program.

Move to forward to the Assembly a recommendation to adopt Ordinance 2023-23 passed by unanimous vote (8-Yes, 0-No)

F. PLAT COMMITTEE REPORT - Plat Committee review and approved 4 preliminary plats

G. OTHER (No Public Hearing)

1. Remand Hearing
Building Setback Encroachment; KPB File 2022-121
Lot 10, Lake Estates Subdivision, Plat KN 1648
Applicants: David & Nancy Whitmore
General Location: GL Hollier Street
Ridgeway Area
(First Heard At October 24, 2022 PC Meet

Motion to set the remand hearing date for October 9, 2023 and to reopen the record passed by unanimous vote (8-Yes, 0-No)

- H. PRESENTATIONS/PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**
- I. DIRECTOR'S COMMENTS**
- J. COMMISSIONER COMMENTS**
- K. ADJOURNMENT**

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, October 9, 2023** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **7:30 p.m.**

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / 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 rights-of-way, 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.



Planning Commission Agenda

MOTION

October 9, 2023– 7:30 PM

Regular Meeting

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

ZOOM MEETING DETAILS

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- A. CALL TO ORDER**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA AND CONSENT AGENDA**

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

- *3. Plats Granted Administrative Approval**
 - a. Baywood 2022; KPB File 2022-129
 - b. Bear Run Kilpin 2023 Replat; 2023-002
 - c. Diamond Cape No. 6; KPB File 2022-094
 - d. Kingswood Estates Subdivision 2022; KPB File 2022-183
 - e. Razdolna 2023 Replat Lot 10-D-2; KPB File 2022-163
 - f. Southern Bluff Acres 2023 Replat; KPB File 2023-029
- *4. Plats Granted Final Approval**
 - a. Corea Bend Subdivision Bumpus Replat; KPB File 2023-089
 - b. Moose Range Meadows Duchame Replat; KPB File 2023-090
- *6. Commissioner Excused Absences**
 - a. City of Seward, Vacant
- *7. Minutes**
 - a. September 25, 2023 PC Meeting Minutes

Motion to approve the consent & regular agendas passed by unanimous vote (8-Yes)

Jeremy Brantley, Chair
Ridgeway / Sterling
Funny River District
Term Expires 2024

Pamela Gillham, Vice Chair
Kalfornsky / Kasilof District
Term Expires 2026

Virginia Morgan
Cooper Landing / Hope
Eastern Peninsula District
Term Expires 2025

Diane Fikes
City of Kenai
Term Expires 2025

Charlene Tautfest
City of Soldotna
Term Expires 2024

Franco Venuti
City of Homer
Term Expires 2025

Vacant
City of Seward
Term Expires 2026

Jeffrey Epperheimer
Nikiski District
Term Expires 2026

Dawson Slaughter
South Peninsula District
Term Expires 2025

- D. UNFINISHED BUSINESS – None
- E. PLAT COMMITTEE REPORT - Plat Committee will review 3 preliminary plats
- F. OTHER (No Public Hearing) - None
- G. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA
- H. DIRECTOR’S COMMENTS
- I. COMMISSIONER COMMENTS
- J. NEW BUSINESS

Public Hearing: Quasi-Judicial Matters (*Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application*)

- 1. Remand Hearing
 - Building Setback Encroachment; KPB File 2022-121
 - Legal Description: Lot 10, Lake Estates Subdivision, Plat KN 1648
 - Applicants: David & Nancy Whitmore
 - General Location: GL Hollier Street
 - Ridgeway Area

Motion to go into adjudication session passed by unanimous vote (8-Yes)

Please note: The commission will discuss and vote on this building setback encroachment permit at the October 23, 2023 Planning Commission meeting.

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, October 23, 2023** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **7:30 p.m.**

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

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Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

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Plat Committee Agenda

ACTION

October 9, 2023– 6:30 PM

Regular Meeting

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

Jeremy Brantley, Chair
Ridgeway / Sterling
Funny River District
Term Expires 2024

Pamela Gillham, Vice Chair
Kalifornsky / Kasilof District
Term Expires 2026

Virginia Morgan
Cooper Land / Hope
Eastern Peninsula District
Term Expires 2025

Diane Fikes
City of Kenai
Term Expires 2025

Charlene Tautfest
City of Soldotna
Term Expires 2024

Franco Venuti
City of Homer
Term Expires 2025

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Jeffrey Epperheimer
Nikiski District
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Dawson Slaughter
South Peninsula District
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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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- *1. **Agenda**
- *2. **Member Excused Absences**
- *3. **Minutes**
 - a. September 25, 2023 Plat Committee
- *4. **Grouped Plats**
 - E2. Slikok Creek Alaska Poindexter-Opperman Replat
KPB 2023-100

Motion to approve the agenda and the minutes from the September 25, 2023 Plat Committee meeting and the grouped plats passed by unanimous vote (4-Yes)

C. UNFINISHED BUSINESS - None

E. NEW BUSINESS

1. Hetherton Homestead Acres Phillips Addition; KPB File 2023-099
Peninsula Surveying, LLC / Hetherton-Phillips
Location: Hetherton Avenue & Tyee Street PIN: 15941008
Happy Valley Area

Motion to grant preliminary approval passed by unanimous vote (4-Yes)

Motion to grant the exception request to KPB 20.40 – Wastewater Review, passed by unanimous vote (4-Yes)

2. Slikok Creek Alaska Poindexter-Opperman Replat; KPB File 2023-100 (*Consent Agenda*)
Segesser Surveys / Poindexter, Opperman
Location: Endicot Drive PINs: 06028010 & 11
City of Soldotna

Motion to grant preliminary approval passed by unanimous vote (4-Yes)

3. Patson Properties Cude Addition; KPB File 2023-101
McLane Consulting Group / SBC 2012 Family Trust
Location: Patson Road PINs: 13524330, 31 & 32
Funny River Area / Funny River APC

Motion to grant preliminary approval passed by unanimous vote (4-Yes)

Motion to grant the exception request to KPB 20.30.190(A) – Lot Dimensions, passed by unanimous vote (4-Yes)

F. OTHER (No Public Hearing)

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday, October 23, 2023** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **5:30 p.m.**

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / 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>



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
APPEAL START

September 25, 2023

The Honorable Brian Gabriel
Mayor, City of Kenai
210 Fidalgo Avenue
Kenai, Alaska 99611

Case No: 20-10-002S
Community: City of Kenai, Kenai Peninsula
Borough, Alaska
Community No.: 020114

Dear Mayor Gabriel:

On January 31, 2023, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Kenai Peninsula Borough, Alaska and Incorporated Areas. FEMA has posted digital copies of these revised FIRM and FIS report materials to the following Website: <https://hazards.fema.gov/femaportal/prelimdownload/>. The Preliminary FIRM and FIS report include proposed flood hazard information for certain locations in the City of Kenai. The proposed flood hazard information may include addition or modification of Special Flood Hazard Areas, the areas that would be inundated by the base (1-percent-annual-chance) flood; base flood elevations or depths; zone designations; or regulatory floodways.

We have published a notice of the proposed flood hazard determinations in the *Federal Register* and will publish a public notification concerning the appeal process (explained below) in the *Peninsula Clarion* on or about October 4, 2023, and October 11, 2023. We will also publish a separate notice of the flood hazard determinations on the "Flood Hazard Determinations on the Web" portion of the FEMA Website https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp. We have enclosed copies of the notice published in the *Federal Register* and the newspaper notice for your information.

These proposed flood hazard determinations, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any new or modified flood hazard information is effective for floodplain management purposes, FEMA will provide community officials and citizens an opportunity to appeal the proposed flood hazard information presented on the Preliminary FIRM and FIS report posted to the above-referenced Website.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of flood hazard determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the flood hazard determinations final. The appeal procedure is outlined below for your information.

During the 90-day appeal period following the second publication of the public notification in the above-named newspaper, any owner or lessee of real property in your community who believes their property rights will be adversely affected by the proposed flood hazard determinations may appeal to you, or to an agency that you publicly designate. It is important to note, however, that the sole basis for such appeals is the possession of knowledge or information indicating that the proposed flood hazard determinations are scientifically or technically incorrect. The appeal data must be submitted to FEMA during the 90-day appeal period. Only appeals of the proposed flood hazard determinations supported by scientific or technical data can be considered before FEMA makes its final flood hazard determination at the end of the 90-day appeal period. Note that the 90-day appeal period is statutory and cannot be extended. However, FEMA also will consider comments and inquiries regarding data other than the proposed flood hazard determinations (e.g., incorrect street names, typographical errors, omissions) that are submitted during the appeal period, and will incorporate any appropriate changes to the revised FIRM and FIS report before they become effective.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time. If warranted, FEMA will revise the FIRM and FIS report after the effective date. This means that the revised FIRM would be issued with the flood hazard information presently indicated, and flood insurance purchase requirements would be enforced accordingly, until such time as a revision could be made.

Any interested party who wishes to appeal should present the data that tend to negate or contradict our findings to you, or to an agency that you publicly delegate, in such form as you may specify. We ask that you review and consolidate any appeal data you may receive and issue a written opinion stating whether the evidence provided is sufficient to justify an official appeal by your community in its own name or on behalf of the interested parties. Whether or not your community decides to appeal, you must send copies of individual appeals and supporting data, if any, to:

Dale Meck, FEMA Region 10
130 228th Street SW
Bothell, WA 98021
(425) 487-4657

STARR Region 10 Service Center
20700 44th Avenue West, Suite 130
Lynwood, Washington 98036

If we do not receive an appeal or other formal comment from your community in its own name within 90 days of the second date of public notification, we will consolidate and review on their own merits such appeal data and comments from individuals that you may forward to us, and we will make such modifications to the proposed flood hazard information presented on the revised FIRM and in the revised FIS report as may be appropriate. If your community decides to appeal in its own name, all individuals' appeal data must be consolidated into one appeal by you, because, in this event, we are required to deal only with the local government as representative of all local interests. We will send our final decision in writing to you, and we will send copies to the community floodplain administrator, each individual appellant, and the State NFIP Coordinator.

All appeal submittals will be resolved by consultation with officials of the local government involved, by an administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice. Use of a Scientific Resolution Panel (SRP) is also available to your community in support of the appeal resolution process when conflicting scientific or technical data are submitted during the appeal period. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and community officials have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Please refer to the enclosed “Scientific Resolution Panels” overview for additional information on this resource available to your community.

FEMA will make the reports and other information used in making the final determination available for public inspection. Until the conflict of data is resolved and the revised FIRM becomes effective, flood insurance available within your community will continue to be available under the effective NFIP map, and no person shall be denied the right to purchase the applicable level of insurance at chargeable rates.

The decision by your community to appeal, or a copy of its decision not to appeal, should be filed with this office no later than 90 days following the second publication of the flood hazard determination notice in the above-named newspaper. Your community may find it appropriate to call further attention to the proposed flood hazard determinations and to the appeal procedure by using a press release or other public notice.

If warranted by substantive changes, during the appeal period we will send you Revised Preliminary copies of the revised FIRM and FIS report. At the end of the 90-day appeal period and following the resolution of any appeals and comments, we will send you a Letter of Final Determination, which will finalize the flood hazard information presented on the revised FIRM and FIS report and will establish an effective date.

If you have any questions regarding the proposed flood hazard determinations, revised FIRM panels, or revised FIS report for your community, please contact Dale Meck, FEMA Region 10 Engineer. Mr. Meck can be reached by telephone at (425) 487-4657 or by email at dale.meck@fema.dhs.gov.

Sincerely,



Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

List of Enclosures:

Newspaper Notice
Proposed Flood Hazard Determinations *Federal Register* Notice
“Scientific Resolution Panels” Overview

4

cc: Community Map Repository
Linda Mitchell, Planning Director, City of Kenai

bcc: Mitigation Division Director
State NFIP Coordinator
FEDD File



The Kenai Peninsula Borough will relay your input on the Preliminary Flood Insurance Rate Maps for Risk Mapping, Assessment & Planning (Risk MAP) program to the Federal Emergency Management Agency (FEMA), which has released these maps for public review. All submitted information will be forwarded to FEMA for review and consideration.

Completed forms and supporting documentation must be received by the KPB Floodplain Administrator by **January 8, 2024** (in order to meet the FEMA deadline of January 9, 2024).

1. Complete the following information:

Primary Applicant (owner or lessee)

Name: _____
 Phone: _____
 Email: _____
 Mailing Address: _____

Agent (e.g., engineer - if applicable)

Name: _____
 Phone: _____
 Email: _____
 Mailing Address: _____

Property Information

KPB Parcel ID: _____
 Physical Address: _____

2. Identify the type of objection:

Appeal

An Appeal addresses analysis believed to need revision such as calculation of a predicted flood elevation or delineation of a floodplain boundary. In addition to providing a description as noted below, you must also attach supporting technical documentation to this form, such as surveys, topographic maps, an engineering study, etc.

Comment

A Comment addresses a perceived map error such as an incorrect street name, city limit boundary, etc. Provide a detailed description of the issue as noted below. Supporting documentation may not be required.

3. Attach a detailed description of the objection and supporting documentation (if needed).

4. Send completed forms to the KPB Floodplain Administrator at jhindman@kpb.us