



Kenai Planning & Zoning Commission - Regular Meeting

November 13, 2019 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

<https://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. *October 30, 2019

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 PZ2019-43** – Application for a Conditional Use Permit to operate a Gunsmithing Business, located at 1006 Inlet Woods Drive, Kenai, Alaska 99611 and further described as Lot 2A, Block 2, Inlet Woods Subdivision Moore Replat. The application was submitted by Paul N. Begins, 1006 Inlet Woods Drive, Kenai, AK 99611.

- 2.** **Resolution PZ2019-44** – Application for Amendment to Conditional Use Permit PZ03-32, (amended by Resolution PZ05-35 and PZ16-39 and transferred by Resolution PZ2018-09) to remove the restriction that all fill material must originally be from the 52.5 acre site located at 2369 Beaver Loop Road, and further described as Tr. A-1, Beaver Loop Acres Addition No. 1. The application was submitted by David N. Yragui, P.O. Box 1290, Kenai, AK 99611, on behalf of Beaver Loop Sand & Gravel LLC, P.O. Box 1290, Kenai, AK 99611.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- 1.** Review of Kenai Peninsula Borough Substitute Ordinance 2019-24 - Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions
- 2.** Review of City of Kenai Draft Hazard Mitigation Plan

I. PENDING ITEMS

J. REPORTS

- 1.** City Council
- 2.** Borough Planning
- 3.** 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

- 1.** Public Comment from Inlet Woods Subdivision Resident

M. NEXT MEETING ATTENDANCE NOTIFICATION

- 1.** CANCELLED - November 27, 2019 - 7pm - Regular Meeting
- 2.** December 11, 2019 - 7pm - Regular Meeting

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
OCTOBER 30, 2019 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
COMMISSION 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: Chair J. Twait, J. Halstead, V. Askin, G. Greenberg, T. McIntyre

Commissioners absent: Vice-Chair D. Fikes, R. Springer

Staff/Council Liaison present: City Planner E. Appleby, Planning Assistant W. Anderson, Deputy Clerk J. LaPlante, Council Liaison B. Molloy

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda and Commissioner Askin **SECONDED** the motion.

There were no objections on the amendment; **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, D. Fikes

B. APPROVAL OF MINUTES

1. *September 25, 2019

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT

1. **Jennifer LeMay**, LeMay Engineering & Consulting, Inc. to Discuss the City of Kenai Local Hazard Mitigation Plan

Ms. LeMay noted that this was the first public meeting, the draft plan would be available for public comment in the second week of November, and the public hearing for the Draft Plan was scheduled for December 4, 2019. She explained the hazards applicable for the City of Kenai included Flood/Erosion, Earthquakes, Severe Weather, Wildland/Conflagration Fires, Volcanic Ashfall, and changes in the Cryosphere. Ms. LeMay summarized the plan process, the purpose of the plan, and noted the mitigation goals ranked in order of priority for the City of Kenai.

The City Planner clarified that currently the City of Kenai does not participate in the National Flood Insurance Plan (NFIP) and the Local Hazard Mitigation Plan would not make that decision for the City but would only evaluate and provide the hazards, goals, and mitigation measures.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2019-40** - Original Preliminary Plat of Valhalla Heights Osmond Replat, submitted by Edge Survey and Design, P.O. Box 468, Soldotna AK 99669, on behalf of Jeremiah N. and Jennifer Cates, 415 Phillips Dr., Kenai, AK 99611

The City Planner reviewed the staff report as provided in the meeting packet and noted the submitted plat would vacate the property lines between the two lots to create one larger lot.

The City Planner reported that staff recommended approval of this preliminary plat, subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local Regulations;
- Remove Note #4 on the plat covering building setbacks as it is covered under Note #2 referencing City of Kenai zoning regulations; and
- Remove the depiction of the building setback line from the plat as the building setback is a City of Kenai zoning regulation that could be amended with a Code change.

MOTION:

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-40 with staff recommendations

and Commissioner Halstead **SECONDED** the motion.

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

VOTE:

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

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2019-41** – Original Preliminary Plat of Valhalla Heights 2019 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna AK 99669, on behalf of Jeremiah N. and Jennifer Cates, 415 Phillips Dr., Kenai, AK 99611

The City Planner reviewed the staff report as provided in the meeting packet noting there was an existing home on lot 11 and this plat would remove the property lines between lot 10 and 11, creating one large lot.

The City Planner reported that staff recommended approval of this preliminary plat, subject to the condition that further development of the property shall conform to all federal, State of Alaska, and local regulations.

MOTION:

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-41 with staff recommendations and Commissioner Halstead **SECONDED** the motion.

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

VOTE:

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

MOTION PASSED UNANIMOUSLY.

3. **Resolution PZ2019-42** – Original Preliminary Plat of Valhalla Heights White Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of John J. and Mary L. White, 5327 Kenai Spur Highway, Kenai, AK 99611

The City Planner reviewed the staff report as provided in the meeting packet and specifically noted it has different zoning than the previous two plats, clarifying it was not Rural Residential as the staff report noted but actually Limited Commercial as it was located along the Kenai Spur Highway. It was added that removing these lot lines would just place the primary and accessory residential structures onto one lot. In addition, this would add Block 9 on the legal record for additional clarity.

The City Planner reported that staff recommended approval of this preliminary plat, subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations; and
- Add “Block 9” to the legal description on the proposed plat.

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2019-42 with staff recommendations and Commissioner McIntyre **SECONDED** the motion.

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

Clarification was provided that the primary residence on the property crossed between two lot lines and combining the lots would remove that concern if there was interest in selling the property in the future.

Clarification was also provided that the shop size would have had to meet the zoning setback requirements when it was constructed.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS** – None.

I. **PENDING ITEMS** – None.

J. REPORTS

1. **City Council** – Council Member Molloy reported on the Board of Adjustment meeting of October 7, noting a decision would be distributed on or after November 8, and he reviewed the action agenda from the October 2 and 16 meetings. He added that at the next Council meeting on November 6, the Mayor would re-assign Council member liaisons to Commissions/Committees.
2. **Borough Planning** – No report.
3. **Administration** – City Planner Appleby reported on the following:
 - The Department of Transportation updated their website for the Kenai Spur Highway and Beaver Loop Road projects; clarifying that the State of Alaska would snow plow

Beaver Loop this winter and upon completion of the project, the City of Kenai would be responsible for it;

- The Hazard Mitigation Draft Plan would come before the Planning and Zoning Commission as a resolution in the near future for review;
- The Commission meetings of November 13 and December 11 were as scheduled but due to the holiday, the November 27 meeting would be canceled;
- Staff was currently doing an internal review of the land parcels as part of the Lands Management Plan; and
- A quick summary of the informational items in the packet was provided.

K. ADDITIONAL PUBLIC COMMENT – None.

L. INFORMATIONAL ITEMS

1. Planning and Zoning Resolutions – Third Quarter 2019
2. Building Permits – Third Quarter 2019
3. Code Violations – Third Quarter 2019

M. NEXT MEETING ATTENDANCE NOTIFICATION – November 13, 2019

Chair Twait noted he would be absent from the next meeting.

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Halstead thanked Council Member Molloy for being the representative on the Planning and Zoning Commission this year and for the information he provided.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:00 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2019-43**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR THE USE OF GUNSMITHING AT 1006 INLET WOODS DRIVE

APPLICANT: Paul N. Begins

PROPERTY ADDRESS: 1006 Inlet Woods Drive

LEGAL DESCRIPTION: Lot 2A, Block 2, Inlet Woods Subdivision Moore Replat

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04101358

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on October 11, 2019; 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 November 13, 2019, 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;*

Condition Exists: The subject parcel is within the RS Zone. Pursuant to KMC 14.20.090, the intent of the Suburban Residential Zones (RS, RS-1, and RS-2 Zones) is for medium density residential development in areas which will be provided with common utility systems, to prohibit uses which would violate the residential character of the environment or generate heavy traffic in a predominantly residential area, and to separate residential structures to an extent which will allow for adequate light, air, and privacy. The Suburban Residential Zones provide for denser development than the Rural Residential Zones of the City.

The business use for gunsmithing will be secondary or incidental to the residential use of the main building. While the use requires a Conditional Use Permit because of its location in the RS Zone, it will be similar in character to a home occupation in that business will be conducted such that the average neighbor would not be aware of the use. The applicant does not expect to conduct retail sales or have customers visit the garage business with his permit. Additional postal traffic or administrative traffic may be created while the

applicant cleans guns and tests cleaning options for guns related to this gunsmithing business. Retail customers bringing in orders for gunsmithing are not part of his business plan at this time for this location. If the applicant plans to have customers at the garage at this location, he would need to amend his conditional use permit from the City. Adequate parking is available in the driveway for deliveries or other administrative traffic for the gunsmithing business. Business will be conducted in an existing garage and will not require the building of new structures on the premises.

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

Condition Exists: The proposed use will not impact the character of the street. Residents may turn onto Inlet Woods Drive from Redoubt Avenue. The applicant anticipates having few and infrequent additional traffic on-site. His business use of the property would not be readily apparent to the average person and would thus be unlikely to significantly impair the value of the adjoining property and neighborhood. He does not expect to have a sign for his business, and would obtain a sign permit from the City if he does put up a sign in the future.

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

Condition Exists: The proposed use is in line with goals and objectives identified in the Comprehensive Plan, including Goal 2-Economic Development which states Kenai will encourage businesses to start up while providing growth that promotes affordable residential and commercial development and Goal 3-Land Use which states Kenai implement a forward-looking approach to community growth and development. That applicant will be able to start his small business in Kenai with a low up-front cost while maintaining the suburban residential character and quality of life in his neighborhood.

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

Condition Exists: Access to the property is from Inlet Woods Drive, which connects to Redoubt Avenue and eventually the Kenai Spur Highway. Both Inlet Woods Drive and Redoubt Avenue are paved roads maintained by the City of Kenai. The property is connected to City water and sewer.

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

Condition Exists: According to KMC 13.15.010-Discharge of firearms, it is unlawful for a firearm to be discharged in more populated areas of the City of Kenai, including the neighborhood for the proposed gunsmith business. A proposed condition of issuance of the Conditional Use Permit is that the applicant obtain and submit a copy of his license from the federal Bureau of Alcohol, Tobacco, and Firearms to the City of Kenai prior to operation. The applicant will follow federal requirements for security and is aware he may need to add additional security to the window, entry points to the garage, and

divider between the garage halves. The measures are listed as a recommended condition of the issuance of the Conditional Use Permit. In addition, a health and safety inspection by the City of Kenai Fire Marshal is listed as a recommended condition of the issuance of the Conditional Use Permit. The Fire Marshal will be contacted for an inspection if the Planning and Zoning Commission approves of the use of gunsmithing. The applicant may not operate his business until he has passed the Fire Marshal's inspection. If these conditions are met prior to operation as terms of the conditional use permit, the gunsmithing businesses will not be harmful to the public safety, health, or welfare.

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.*

Conditions of the conditional use permit are stated in Section 2 of the resolution.

WHEREAS, the applicant has agreed to conditions of the conditional use permit that will protect public safety health, and welfare, follow the intent of the Suburban Residential (SR) Zone, and follow City requirements of the conditional use permits and gunsmithing is an allowed use within the SR Zone with a Conditional Use Permit.

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 Paul N. Begins for the use of gunsmithing at 1006 Inlet Woods Drive.

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

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155.
3. The applicant will meet with City staff for on-site inspections when requested.
4. 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). This includes a change in use to have customers at the garage instead of the described use.
5. 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.
6. Prior to operation, the applicant must submit a copy of the federal firearms license issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
7. Prior to operation, the applicant must schedule an appointment for an inspection by the City of Kenai Fire Marshal and shall comply with instructions from the Fire Marshal to

meet municipal Fire Code. The applicant will provide documentation to the City of biannual fire inspections (once every two years) after the initial inspection prior to operation.

8. Prior to operation, the applicant will install any additional security as required by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the City of Kenai Fire Marshal. Casual access shall not be available to the garage.
9. If the applicant decides to put up a sign for his business, he will first obtain a sign permit from the City of Kenai.
10. Failure to provide documentation to the City of meeting these conditions prior to operation of the gunsmithing business shall be grounds for the suspension or revocation of the Conditional Use Permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 13th day of November, 2019.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
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www.kenai.city

STAFF REPORT

To: Planning & Zoning Commission

From: Elizabeth Appleby, City Planner

Date: November 7, 2019

Subject: Resolution PZ2019-43 – Conditional Use Permit – Gunsmithing

Applicant: Paul N. Begins
1006 Inlet Woods Drive
Kenai, AK 99611

Owner: Roseann Wilson
1006 Inlet Woods Drive
Kenai, AK 99611

Requested Action: Conditional Use Permit – Gunsmithing

Legal Description: Lot 2A, Block 2, Inlet Woods Subdivision Moore Replat

Property Address: 1006 Inlet Woods Drive

KPB Parcel Number: 04101358

Lot Size: 17,424 square feet (0.40 acres)

Existing Zoning: Suburban Residential (RS)

Current Land Use: Single Family Dwelling

Land Use Plan: Suburban Residential (SR)

GENERAL INFORMATION

The City has received an application for a conditional use permit for gunsmithing at 1006 Inlet Wood Drive. The subject parcel is located in the Suburban Residential (RS) Zone of the City of

Kenai. Kenai Municipal Code (KMC) 14.22.010-Land Use Table denotes the land use of Gunsmithing as a conditional use within the SR Zone. KMC 14.20.320-Definitions gives the following definition of a gunsmith:

“Gunsmith” means a person who repairs, modifies, designs, or builds firearms.

The applicant intends to use approximately 256 square-foot of the attached garage for his gunsmithing business. The property is owned by Rosann Wilson. Ms. Wilson has submitted a letter to the City of Kenai granting Mr. Begins permission to operate the gunsmithing business with the attached garage of the residence in which he resides.

Application

KMC 14.20.150(b) details application requirements for conditional use permits. City staff deemed the application to be complete and the City is in receipt of the application fee. The City Planner conducted a site visit of the premises on October 29, 2019.

Public Notice, Public Comment

KMC 14.20.150(b) details application requirements for conditional use permits. City staff deemed the application to be complete and the City is in receipt of the application fee. Pursuant to KMC 14.20.280-Public hearing and notifications, City staff published notice of the public hearing twice in the *Peninsula Clarion*, sent notification to real property owners within three-hundred-feet (300') of the affected parcel, and notification was posted on the property. The City received one phone call from a resident requesting information about the applicant's intended use. One letter was received by the City from an Inlet Woods resident. The letter did not address any specific agenda item of the Planning and Zoning Commission. As such, it is included as an informational item, but it likely pertains to PZ2019-43 as it mentions the Inlet Woods subdivision.

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:

- *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;*

Condition Exists: The subject parcel is within the RS Zone. Pursuant to KMC 14.20.090, the intent of the Suburban Residential Zones (RS, RS-1, and RS-2 Zones) is for medium density residential development in areas which will be provided with common utility systems, to prohibit uses which would violate the residential character of the environment or generate heavy traffic in a predominantly residential area, and to separate residential structures to an extent which will allow for adequate light, air, and privacy. The Suburban Residential Zones provide for denser development than the Rural Residential Zones of the City.

The business use for gunsmithing will be secondary or incidental to the single-family residential use of the main building. While the use requires a Conditional Use Permit because of its

location in the RS Zone, it will be similar in character to a home occupation in that business will be conducted such that the average neighbor would not be aware of the use. The applicant does not expect to conduct retail sales or have customers visit the garage business with his permit. It will not be a storefront-style business. Additional postal traffic or administrative traffic may be created while the applicant cleans guns and tests cleaning options for guns related to this gunsmithing business. Retail customers bringing in orders for gunsmithing are not part of his business plan at this time for this location. If the applicant plans to have customers at the garage at this location, he would need to amend his conditional use permit from the City. Adequate parking is available in the driveway for deliveries or other administrative traffic for the gunsmithing business. Business will be conducted in an existing garage and will not require the building of new structures on the premises.

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

Condition Exists: The proposed use will not impact the character of the street. Residents may turn onto Inlet Woods Drive from Redoubt Avenue. The applicant anticipates having few and infrequent additional traffic on-site. His business use of the property would not be readily apparent to the average person and would thus be unlikely to significantly impair the value of the adjoining property and neighborhood. He does not expect to have a sign for his business, and would obtain a sign permit from the City if he does put up a sign in the future.

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

Condition Exists: The proposed use is in line with goals and objectives identified in the Comprehensive Plan, including Goal 2-Economic Development which states Kenai will encourage businesses to start up while providing growth that promotes affordable residential and commercial development and Goal 3-Land Use which states Kenai implement a forward-looking approach to community growth and development. That applicant will be able to clean guns in his garage and develop his business plans while maintaining the suburban residential character and quality of life in his neighborhood.

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

Condition Exists: Access to the property is from Inlet Woods Drive, which connects to Redoubt Avenue and eventually the Kenai Spur Highway. Both Inlet Woods Drive and Redoubt Avenue are paved roads maintained by the City of Kenai. The property is connected to City water and sewer.

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

Condition Exists: According to KMC 13.15.010-Discharge of firearms, it is unlawful for a firearm to be discharged in more populated areas of the City of Kenai, including the neighborhood for the proposed gunsmith business. A proposed condition of issuance of the Conditional Use Permit is that the applicant obtain and submit a copy of his license from the federal Bureau of Alcohol, Tobacco, and Firearms to the City of Kenai prior to operation. The applicant will follow federal requirements for security and is aware he may need to add additional security to the window, entry points to the garage, and divider between the garage halves. The measures are listed as a recommended condition of the issuance of the

Conditional Use Permit. In addition, a health and safety inspection by the City of Kenai Fire Marshal is listed as a recommended condition of the issuance of the Conditional Use Permit. The Fire Marshal will be contacted for an inspection if the Planning and Zoning Commission approves of the use of gunsmithing. The applicant may not operate his business until he has passed the Fire Marshal's inspection. The applicant would fine-tune a prototype apparatus used to clean guns using typical amounts of gun cleaning solvents that are already widely available and would not be mixing or adjusting typical solvents used to clean guns. If the conditions are met prior to operation as terms of the conditional use permit, the use will not be harmful to the public safety, health, or welfare.

- *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.*

Recommended conditions are stated at the end of the report.

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. Applicant must comply with all federal, State of Alaska, and local regulations.
2. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155.
3. The applicant will meet with City staff for on-site inspections when requested.
4. 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). This includes a change in use to have customers at the garage instead of the described use.
5. 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.
6. Prior to operation, the applicant must submit a copy of the federal firearms license issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
7. Prior to operation, the applicant must schedule an appointment for an inspection by the City of Kenai Fire Marshal and shall comply with instructions from the Fire Marshal to meet municipal Fire Code. The applicant will provide documentation to the City of biannual fire inspections (once every two years) after the initial inspection prior to operation.
8. Prior to operation, the applicant will install any additional security as required by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the City of Kenai Fire Marshal. Casual access shall not be available to the garage.

9. If the applicant decides to put up a sign for his business, he will first obtain a sign permit from the City of Kenai.
10. Failure to provide documentation to the City of meeting these conditions prior to operation of the gunsmithing business shall be grounds for the suspension or revocation of the Conditional Use Permit.

ATTACHMENTS

- A. Resolution No. PZ2019-43
- B. Application
- C. Letter from Property Owner
- D. Site Plan
- E. Photo from Site Visit on October 29, 2019
- F. Maps



APPLICATION FOR CONDITIONAL USE PERMIT
KMC 14.20.150

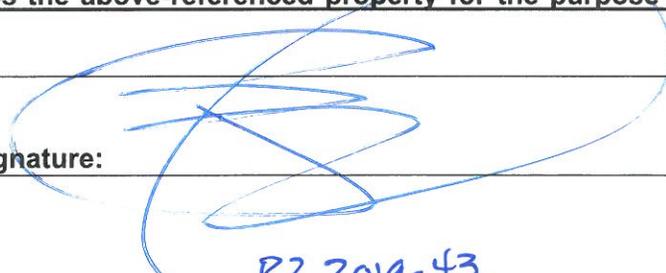
PROPERTY OWNER	PETITIONER REPRESENTATIVE
Name:	Name: PAUL N. BEGINS
Mailing Address:	Mailing Address: 1006 INLET WOODS DR.
City, State Zip:	City, State Zip: KENAI, AK 99011
Phone Number:	Phone Number: 907 598 9912
Fax Number:	Fax Number:
Email:	Email: pbegins@gmail.com

PROPERTY INFORMATION
Property Tax ID #: 0410135E
Site Street Address: 1006 Inlet Woods Dr.
Current Legal Description: Lot 2A, B1K.2, Inlet Woods Subd. Moore Plat
Conditional Use Requested For: (Describe the project, and use additional sheets if necessary) Firearms cleaning: testing / prototyping apparatus - <u>No</u> discharge of ammunition
Zoning: Suburban Residential (RS)
Acreage: 0.40 acres

DOCUMENTATION
Required Attachments: Completed Application Form Site Plan/Floor Plan with Square Footage \$250 Fee (plus applicable sales tax) KPB Tax Compliance (if applicable) State Business License (if applicable)

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.

Date: 10/11/2019	Signature: 
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P2 2019-43



CONDITIONAL USE STANDARD (KMC 14.20.150)

The Planning and Zoning Commission may only approve the conditional use if the Commission finds that the following six (6) standards are satisfied. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. The burden of proof rests with you. Feel free to use additional paper if needed.

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

Yes. The operation is strictly relegated to the interior creative space of a currently constructed and lawfully inhabited building i.e. home occupation

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

True. No detrimental attributes will be created.

The proposed use is in harmony with the Comprehensive Plan:

Yes. This use will encourage economic development and provide additional services to the public, while setting the stage to encourage land use alternatives for home occupations

Public services and facilities are adequate to serve the proposed use:

Yes. Accessible and adequate for purposes relating to proposed use with regard to public interfaces.

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

On the contrary, it will improve public safety due to proper functioning, due to cleaning, of firearms.

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.

LAND USE
Describe current use of property covered by this application: <i>Cleaning Equipment For Firearms / Prototyping</i>
Surrounding property: (Describe how land adjacent to the property is currently being used)
North: <i>Residential</i>
South: <i>Residential</i>
East: <i>Industrial / Residential</i>
West: <i>Industrial / Residential</i>

PROCEDURES FOR PERMITS REQUIRING PUBLIC HEARINGS AND NOTIFICATIONS

The permit you have applied for may require Public Hearing and Notification under KMC 14.20.280. The Planning and Zoning Commission meets the 2nd and 4th Wednesday of each month. To meet notice requirements, the Planning Department must receive your completed application **21 days prior** to the meeting when the Public Hearing is scheduled.

- Applications requiring Public Hearings must be filed no later than noon on the date of the deadline.
- Home Occupations and Landscape/Site Plans do not require a Public Hearing.
- Allow up to 4 weeks for the permitting process.
- If required:
 - The Fire Inspection Report must be received prior to processing the application.
 - The Affidavit of Posting must be received 2 weeks prior to the hearing date in order to schedule a public hearing.
 - Resolutions cannot be issued until expiration of the 15-day appeal period.
 - Resolutions cannot be issued until documentation is received that the certificate of compliance is met.

WHEN YOU HAVE A COMPLETED APPLICATION, CALL 283-8237 TO SCHEDULE AN APPOINTMENT WITH THE PLANNING DEPARTMENT TO REVIEW THE APPLICATION.

IF THE APPLICATION IS DETERMINED COMPLETE AND ACCEPTED, THE PUBLIC HEARING FEE OF \$125 PLUS TAX WILL BE COLLECTED. YOU WILL BE GIVEN A SIGN TO POST AND AN AFFIDAVIT OF POSTING TO SIGN AND RETURN TO THE PLANNING DEPARTMENT TO BEGIN PROCESSING THE APPLICATION.

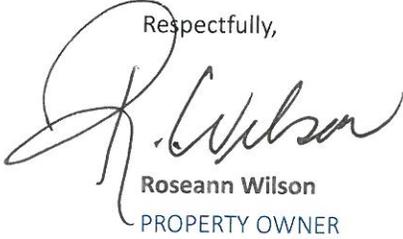
RE: Permission for use of property for FFL related activities.

1006 Inlet Woods Drive
Kenai, AK 99611

To whom it may concern,

Please let this document serve as formal permission, with no restrictions, to perform lawful business activities, related in whole, or in part, to the firearms and sporting industry and in obtaining any related or required licensure to conduct said activity.

Respectfully,



Roseann Wilson
PROPERTY OWNER

v

1006 Inlet Woods Drive,
Kenai, AK 99611

907.513.2877

darbyroseann@gmail

ROSEANN WILSON

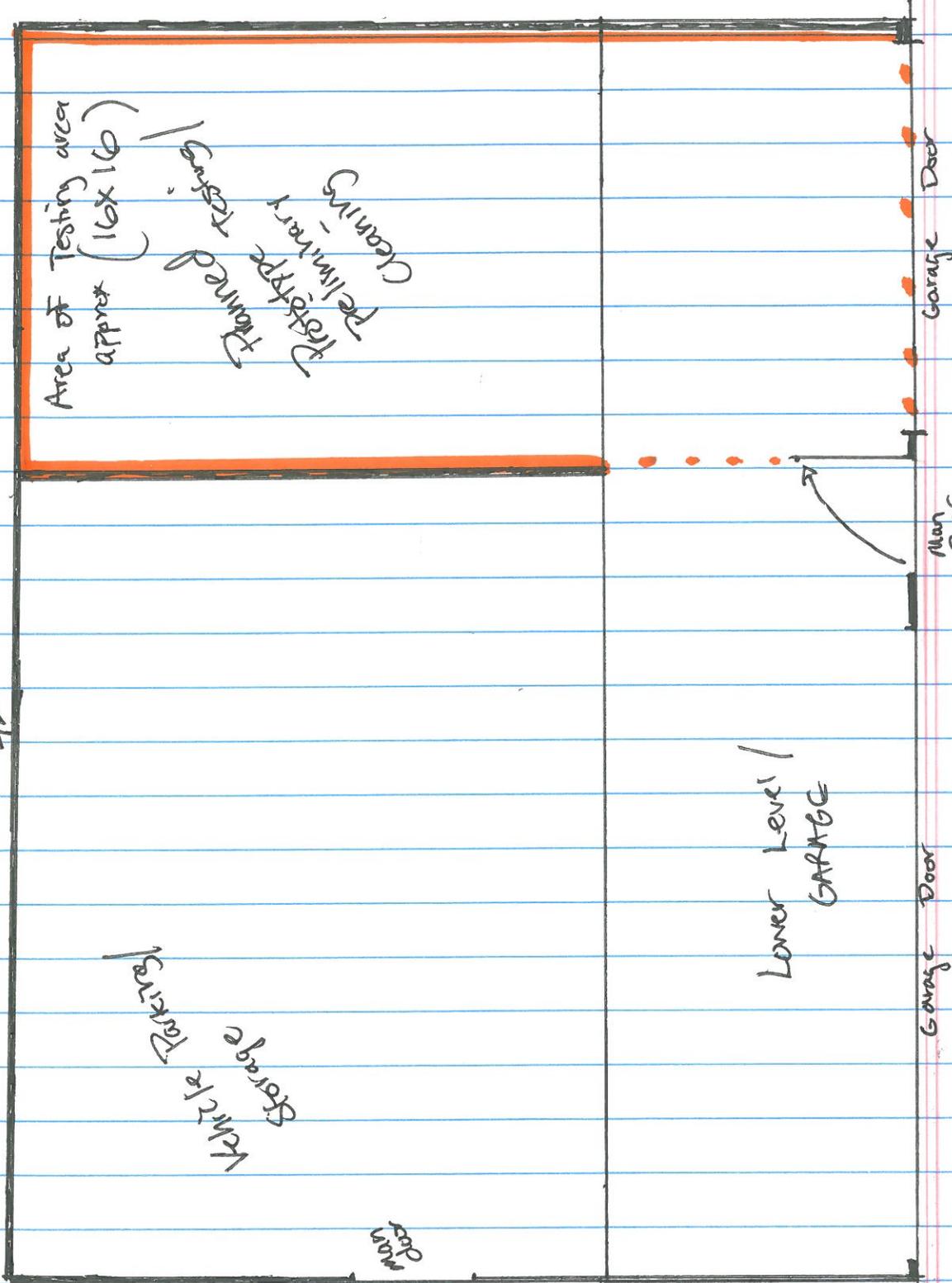
SITE PLAN: NORTHMAN LTD. (TEMPORARY)

42x30

~~SCALE~~
SCALE
1" = 5.25'

42'

30'





Untitled Map

Write a description for your map.



Legend

23

Google Earth

© 2019 Google
© 2018 Google

6.20 ft



**Map for PZ2019-43
(1:400 Scale)**

1006 Inlet Woods Drive

04101358

**Lot 2A, Block 2
Inlet Woods Subd.
Moore Replat**



The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 10/29/2019



**Map for PZ2019-43
(1:4,000 Scale)**

1006 Inlet Woods Drive

04101358

**Lot 2A, Block 2
Inlet Woods Subd.
Moore Replat**

LEGEND

Zoning

 Suburban Residential (RS)

 Rural Residential (RR)



The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 10/29/2019



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**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2019-44**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A REQUEST TO AMEND A CONDITIONAL USE PERMIT FOR SURFACE
EXTRACTION OF NATURAL RESOURCES TO:

APPLICANT: BEAVER LOOP SAND & GRAVEL, LLC

USE: SURFACE EXTRACTION OF NATURAL RESOURCES

LEGAL DESCRIPTION: TRACT A-1, BEAVER LOOP ACRES ADDITION NO. 1

PHYSICAL ADDRESS: 2369 BEAVER LOOP ROAD

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04912051

WHEREAS, the applicant requested an amendment to the Conditional Use Permit transferred by PZ18-09, amended by PZ03-32, PZ05-35, and PZ16-39, and initially granted by PZ85-42 following Kenai Municipal Code 14.20.150(h) Conditional use permits, Modification of final approval; and,

WHEREAS, the amendment affects land zoned as Rural Residential; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on June 26, 2019, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications; and,

WHEREAS, removing the condition for all fill to come from the subject parcel would still meet the criteria for the issuance of the conditional use permit; and,

WHEREAS, the Planning and Zoning Commission finds:

Criteria for the issuance of conditional use permit applications for surface extraction of natural resources are outlined in KMC 14.20.154.

1. KMC 14.20.154(a)(1) The application is in substantial compliance with the requirements of this chapter;

Criteria Met: This application is in substantial compliance with the requirements of this chapter. The applicant has demonstrated the proposed use meets the requirements for

boundaries of the proposed extraction, back slopes, public safety, and the need for gravel within the City.

2. KMC 14.20.154(a)(2) The boundaries of the proposed excavation at its greatest dimensions, including back slopes, are at least two hundred feet (200') from any road or public right-of-way and at least one hundred fifty feet (150') from other surrounding property lines, except that adjoining permitted surface extraction of natural resources sites are not required to maintain the above one hundred fifty feet (150') excavation between sites;

Criteria Met: The applicant obtained a variance 2016 for the setback requirements. The gravel pit has been in operation for 40 years and the buffers were unintentionally breached prior to the City assuming zoning powers. The analysis for that variance discussed the western property line where the buffer had been breached borders another gravel pit (Twin Rivers Resources, Inc. operated by Foster Construction). Pursuant to KMC 14.20.154, gravel pit sites are not required to maintain setbacks between extraction sites. The excavation area can be located within this property line, but water run-off must be maintained on the subject parcel.

3. KMC 14.20.154(a)(3) The buffer strips between the excavation site and roadways and property lines contain sufficient natural screening to obscure the entire excavation from sight of roadways and inhabited areas. If there is not sufficient natural screening, the site plan must provide for artificial screening;

Criteria Met: The subject gravel pit is located off Beaver Loop Road and is not visible from the road to the casual observer. Staff observed property lines during a site visit in October 2019. Adjacent parcels with residences are owned by family members of the applicant. The western boundary is another gravel pit. The northern boundary is an undeveloped parcel owned by the City of Kenai. The gravel pit is accessed by a secure gate. Fencing was fixed surrounding the gravel pit as a City requirement in 2016.

4. KMC 14.20.154(a)(4) The surface extraction is outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high-hazard coastal areas;

Criteria Met: City staff also confirmed the parcel is outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high-hazard coastal areas. A permit from the U.S. Army Corps of Engineers is not required.

5. KMC 14.20.154(a)(5) The site plan provides that back slopes be a minimum of a 2:1 slope, except for the contiguous working face;

Criteria Met: The operator also mentioned the intent to continue meeting the 2:1 slope requirement for back slopes during a site visit with City staff. The current configuration met this requirement and it is shown on the site plan.

6. KMC 14.20.154(a)(6) The site plan does not provide for excavation below the water table except where a reasonable method of drainage is available at the particular site or where the proposed future development plan provides for a lake on the site of the excavation;

Criteria Met: PZ05-35 (PZ03-32) amended the existing Conditional Use Permit to allow for gravel extraction below the water table with PZ05-35. As part of PZ05-35, Area 1 was identified as having been excavated to the north property line prior to the city's assumption of zoning powers and the adoption of the Kenai Municipal Code. It was further discussed that generally, non-conforming uses are not allowed to be enlarged or increased, pursuant to KMC 14.20.050. However, under the "diminishing asset doctrine" as adopted by the Alaska Supreme Court, excavation down into the water table would not be considered to enlarge or increase the non-conformity of the use. The applicant identified on the site plan that Area 1 would be reclaimed as a lake, thus this area complied with Kenai Municipal Code.

As shown on the site plan dated June 21, 2005, Areas 2 and 3 were identified to be excavated below the water table and then back filled with dirt. The applicant has found there is not enough dirt on site to complete this reclamation and would like to use dirt obtained from a neighboring pit. The condition for the fill to not contain hazardous materials would remain.

7. KMC 14.20.154(a)(7) If the excavation is to be below the water table and the site is likely to endanger the public safety, the site plan shall provide for fencing of the work area;

Criteria Met: The gravel pit is fenced on all sides and may only be accessed by a gate.

8. KMC 14.20.154(a)(8) The proposed use of land after extraction is completed is feasible and realistic and is a use permitted in the zone in which the property is located;

Criteria Met: The applicant intends to have a lake on the property and to reclaim the pits with fill materials and eventually grass plantings so they may be used for other purposes. The applicant is aware the zoning of the parcel is within the Rural Residential Zone of the City and would comply with uses outlined in the Zoning Code.

9. KMC 14.20.154(a)(9) The extraction does not destroy the land for the purposes for which it is zoned;

Criteria Met: The applicant is actively reclaiming the pit while extraction is occurring.

10. KMC 14.20.154(a)(10) The need for the particular natural resource within the City of Kenai outweighs any detrimental effects the operation may have on surrounding property owners;

Criteria Met: The applicant will sell some of the gravel for road projects within the City of Kenai. There are very few surrounding property owners and the benefit of a local gravel source from this location outweighs potential detrimental effects.

11. KMC 14.20.154(a)(11) The applicant is the owner of the subject property.

Criteria Met: The applicant is the owner of the subject property.

12. KMC 14.20.154(a)(12) Clearing limits shall be delineated on the site plan as well as clearly visible on site and shall be inspected by the City Planner or designee prior to the application being deemed complete.

Criteria Met: City staff conducted a site visit in October 2019. Buffer limits are delineated clearly on the site plan.

The requirements of KMC 14.20.154 are specific to conditional use permits for surface extraction of natural resources. KMC 14.20.150 contains requirements that apply to the evaluation of all conditional use permits. The requirements of KMC 14.20.150 are reviewed as follows:

13. 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;

Criteria Met: The property under consideration is within the Rural Residential (RR) Zone. Pursuant to KMC 14.20.080, the intent of the zone is for low density residential development in an attractive residential environment, to prohibit uses which would violate the residential character of the environment or generate heavy traffic in a predominantly residential area, and to separate residential structures in order to prevent health hazards and preserve the rural, open quality of the environment. Surface extraction is a permitted use and can be consistent with the intent of the residential zone. The proposed extraction is adjacent to an existing permitted gravel pit. It would not change the character of the neighborhood. This use is consistent with the purposes and intent of the RR Zone.

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

Criteria Met: Adjacent property to the west is a permitted gravel pit. The applicant has a reclamation plan and the amendment to the permit will allow for it to be implemented. By reclaiming the property with a lake and filling in other excavated areas, adjacent property and the neighborhood will not be significantly impaired.

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

Criteria Met: The 2016 Imagine Kenai 2030 Comprehensive Plan notes on p. 74 that, areas off of Beaver Loop Road has been a conditional use to obtain economically advantageous local sources of gravel and fill, but that there is potential for conflict between surface extraction and residential uses. The location of this pit minimizes the potential for conflict with neighbors and fits with the pattern of land use along Beaver Loop Road in the City. The surface extraction will support Goals 2 and 3 for economic development and land use that support the fiscal health of Kenai and implement a forward-looking approach to community growth.

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

Criteria Met: The surface extraction is accessed by driveway off of Beaver Loop Road. Adequate utilities are available to support the use.

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

Criteria Met: The gravel pit is screened adequately and has a fence for safety. The

extraction will not be a safety concern or visual impairment. The applicant has plans for reclamation and amending the permit will allow for their implementation.

18. 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.

Recommended conditions are stated at the end of the report.

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

Section 1. That the request to remove from Condition 7 the limitation that fill materials must be from the subject parcel is granted for Conditional Use Permit PZ03-32, (amended by Resolution PZ05-35 and PZ16-39 and transferred by Resolution PZ2018-09).

Section 2. Amended conditions of PZ03-32, (amended by Resolution PZ05-35 and PZ16-39 and transferred by Resolution PZ2018-09) with New Text Underlined; [DELETED TEXT BRACKETED] as follows:

1. Prior to commencement of extraction of Natural Resources or any reclamation activities, the Applicant shall obtain all necessary State and Federal Permits.
2. Prior to commencement of any extraction of Natural Resources or any reclamation activities, the Applicant shall repair or replace any damaged fencing located on the rear of the site.
3. Prior to commencement of any extraction of Natural Resources or any reclamation activities, the Applicant shall submit a revised site plan which labels the area behind Area 2 as Area 2A and ensures that the further subsurface extraction is limited to within 10 feet of the rear property line.
4. Excavation below the water table shall only be allowed in those locations marked Area 1, Area 2, Area 2A and Area 3.
5. There shall be no further excavation below the water table in the Area located up to 10 feet from the rear property line behind Area 2. The final working face shall be back sloped to minimum angle of 2:1.
6. The excavation may not penetrate the subsurface clay/silt layer located approximately 30 feet below the original ground surface.
7. If fill material is placed in the pits, it must [be fill material originally from this approximately 52.5-acre site and it must] not contain any "hazardous substances," or "industrial waste," "mining waste," "solid waste," or "other waste" as defined in Alaska State Statues.
8. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai

Municipal Code 14.20.155.

9. Applicant shall employ the use of dust control measures to ensure the material site and the driveway fronting onto Beaver Loop Road remain dust free. Dust control shall include the daily use of a water truck and placement of Calcium Chloride on the driveway. A water truck shall also be used to control dust from the working face of the Gravel Pit.
10. If there is a change of use for the above described property, a new Conditional Use Permit must be obtained, pursuant to KMC 14.20.150(i)(5).

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 13th day of NOVEMBER, 2019.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



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STAFF REPORT

To: Planning & Zoning Commission

Date: November 5, 2019

Subject: Resolution PZ2019-44 – Amend Conditional Use Permit – Surface Extraction of Natural Resources

Applicant: Beaver Loop Sand & Gravel, LLC
P.O. Box 1290
Kenai, AK 99611

Representative: David Yragui
P.O. Box 1290
Kenai, AK 99611

Requested Action: Amend Conditional Use Permit – Surface Extraction of Natural Resources

Legal Description: Tract A-1, Beaver Loop Acres Addition No. 1

Property Address: 2369 Beaver Loop Road

KPB Parcel No: 04912051

Lot Size: 2,286,900 square feet (52.5 acres)

Existing Zoning: Rural Residential (RR)

Current Land Use: Gravel Pit

Land Use Plan: Low Density Residential

GENERAL INFORMATION

Application

The applicant, Beaver Loop Sand & Gravel, LLC, has requested an amendment to Condition #7 of their Conditional Use Permit for Surface Extraction of Natural Resources granted by PZ2018-09. Condition #7 states all fill materials must originally be from the same parcel. In order to facilitate reclamation of the gravel pit, the applicant would like to haul in dirt and gravel from other parcels along Beaver Loop Road. The initial permit was granted by PZ85-42. Extraction

has been occurring on the parcel for 40 years and before the City had zoning power. Resolution PZ2018-09 transferred the permit to Beaver Loop Sand & Gravel, LLC from Mary J. Doyle. The permit has been amended previously through Resolutions PZ03-32 (modified permit to include storage), PZ05-35 (modified permit to allow extraction below the water table), and PZ16-39 (modified permit to account for a variance granted on setback requirements). City staff conducted a site visit of the property as part of the annual review of conditional use permits for surface extraction on October 8, 2019.

Public Notice, Public Comment

KMC 14.20.150(b) details application requirements for conditional use permits. City staff received a request in writing to amend the conditional use permit and discussed the request with the applicant. Pursuant to KMC 14.20.280, Public hearing and notifications, City staff published notice of the public hearing in the *Peninsula Clarion*, notification was sent to adjacent property owners within 300 feet, and notification was posted on the property. No public comments have been submitted to the City about the amendment request as of November 7, 2019.

ANALYSIS

Kenai Municipal Code 14.20.150(h) Conditional use permits, Modification of final approval

KMC 14.20.150(h) states an approved conditional use permit may upon application by the permittee be modified by the Planning and Zoning Commission to implement a different development plan conforming to the standards for its approval. The applicant has requested the condition limiting the source of fill materials be amended to allow for the use of off-site fill. This amendment will help facilitate reclamation of the gravel pit.

The applicant discussed plans for reclamation of their gravel pit with the applicant during a site visit on October 8, 2019. The applicant would like to use fill materials from a gravel pit also along Beaver Loop Road as part of his reclamation plans. Other gravel pits along Beaver Loop Road have done this as part of their reclamation. Other gravel pits do not have the restriction in their permit that the fill must all come from the same site as the gravel pit. The intent of the original condition was to keep hazardous materials out of the gravel pit. The applicant will still be bound to that condition, but it is a reasonable request in line with the intent of the existing permit conditions that not all of the fill from the same site.

Kenai Municipal Code 14.20.154 – Issuance of Permit for Surface Extraction of Natural Resources

Criteria for the issuance of conditional use permit applications for surface extraction of natural resources are outlined in KMC 14.20.154.

- *KMC 14.20.154(a)(1) The application is in substantial compliance with the requirements of this chapter;*

Criteria Met: This application is in substantial compliance with the requirements of this chapter. The applicant has demonstrated the proposed use meets the requirements for boundaries of the proposed extraction, back slopes, public safety, and the need for gravel within the City.

- *KMC 14.20.154(a)(2) The boundaries of the proposed excavation at its greatest dimensions, including back slopes, are at least two hundred feet (200') from any road or public right-of-way and at least one hundred fifty feet (150') from other surrounding property lines, except that adjoining permitted surface extraction of natural resources sites are not required to maintain the above one hundred fifty feet (150') excavation between sites;*

Criteria Met: The applicant obtained a variance 2016 for the setback requirements. The gravel pit has been in operation for 40 years and the buffers were unintentionally breached prior to the City assuming zoning powers. The analysis for that variance discussed the western property line where the buffer had been breached borders another gravel pit (Twin Rivers Resources, Inc. operated by Foster Construction). Pursuant to KMC 14.20.154, gravel pit sites are not required to maintain setbacks between extraction sites. The excavation area can be located within this property line, but water run-off must be maintained on the subject parcel.

- *KMC 14.20.154(a)(3) The buffer strips between the excavation site and roadways and property lines contain sufficient natural screening to obscure the entire excavation from sight of roadways and inhabited areas. If there is not sufficient natural screening, the site plan must provide for artificial screening;*

Criteria Met: The subject gravel pit is located off Beaver Loop Road and is not visible from the road to the casual observer. Staff observed property lines during a site visit in October 2019. Adjacent parcels with residences are owned by family members of the applicant. The western boundary is another gravel pit. The northern boundary is an undeveloped parcel owned by the City of Kenai. The gravel pit is accessed by a secure gate. Fencing was fixed surrounding the gravel pit as a City requirement in 2016.

- *KMC 14.20.154(a)(4) The surface extraction is outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high-hazard coastal areas;*

Criteria Met: City staff also confirmed the parcel is outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high-hazard coastal areas. A permit from the U.S. Army Corps of Engineers is not required.

- *KMC 14.20.154(a)(5) The site plan provides that back slopes be a minimum of a 2:1 slope, except for the contiguous working face;*

Criteria Met: The operator also mentioned the intent to continue meeting the 2:1 slope requirement for back slopes during a site visit with City staff. The current configuration met this requirement and it is shown on the site plan.

- *KMC 14.20.154(a)(6) The site plan does not provide for excavation below the water table except where a reasonable method of drainage is available at the particular site or where the proposed future development plan provides for a lake on the site of the excavation;*

Criteria Met: PZ05-35 (PZ03-32) amended the existing Conditional Use Permit to allow for gravel extraction below the water table with PZ05-35. As part of PZ05-35, Area 1 was identified as having been excavated to the north property line prior to the city's assumption of zoning powers and the adoption of the Kenai Municipal Code. It was further discussed that

generally, non-conforming uses are not allowed to be enlarged or increased, pursuant to KMC 14.20.050. However, under the “diminishing asset doctrine” as adopted by the Alaska Supreme Court, excavation down into the water table would not be considered to enlarge or increase the non-conformity of the use. The applicant identified on the site plan that Area 1 would be reclaimed as a lake, thus this area complied with Kenai Municipal Code.

As shown on the site plan dated June 21, 2005, Areas 2 and 3 were identified to be excavated below the water table and then back filled with dirt. The applicant has found there is not enough dirt on site to complete this reclamation and would like to use dirt obtained from a neighboring pit. The condition for the fill to not contain hazardous materials would remain.

- *KMC 14.20.154(a)(7) If the excavation is to be below the water table and the site is likely to endanger the public safety, the site plan shall provide for fencing of the work area;*

Criteria Met: The gravel pit is fenced on all sides and may only be accessed by a gate.

- *KMC 14.20.154(a)(8) The proposed use of land after extraction is completed is feasible and realistic and is a use permitted in the zone in which the property is located;*

Criteria Met: The applicant intends to have a lake on the property and to reclaim the pits with fill materials and eventually grass plantings so they may be used for other purposes. The applicant is aware the zoning of the parcel is within the Rural Residential Zone of the City and would comply with uses outlined in the Zoning Code.

- *KMC 14.20.154(a)(9) The extraction does not destroy the land for the purposes for which it is zoned;*

Criteria Met: The applicant is actively reclaiming the pit while extraction is occurring.

- *KMC 14.20.154(a)(10) The need for the particular natural resource within the City of Kenai outweighs any detrimental effects the operation may have on surrounding property owners;*

Criteria Met: The applicant will sell some of the gravel for road projects within the City of Kenai. There are very few surrounding property owners and the benefit of a local gravel source from this location outweighs potential detrimental effects.

- *KMC 14.20.154(a)(11) The applicant is the owner of the subject property.*

Criteria Met: The applicant is the owner of the subject property.

- *KMC 14.20.154(a)(12) Clearing limits shall be delineated on the site plan as well as clearly visible on site and shall be inspected by the City Planner or designee prior to the application being deemed complete.*

Criteria Met: City staff conducted a site visit in October 2019. Buffer limits are delineated clearly on the site plan.

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

The requirements of KMC 14.20.154 are specific to conditional use permits for surface extraction of natural resources. KMC 14.20.150 contains requirements that apply to the

evaluation of all conditional use permits. The requirements of KMC 14.20.150 are reviewed as follows:

- *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;*

Criteria Met: The property under consideration is within the Rural Residential (RR) Zone. Pursuant to KMC 14.20.080, the intent of the zone is for low density residential development in an attractive residential environment, to prohibit uses which would violate the residential character of the environment or generate heavy traffic in a predominantly residential area, and to separate residential structures in order to prevent health hazards and preserve the rural, open quality of the environment. Surface extraction is a permitted use and can be consistent with the intent of the residential zone. The proposed extraction is adjacent to an existing permitted gravel pit. It would not change the character of the neighborhood. This use is consistent with the purposes and intent of the RR Zone.

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

Criteria Met: Adjacent property to the west is a permitted gravel pit. The applicant has a reclamation plan and the amendment to the permit will allow for it to be implemented. By reclaiming the property with a lake and filling in other excavated areas, adjacent property and the neighborhood will not be significantly impaired.

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

Criteria Met: The 2016 *Imagine Kenai 2030 Comprehensive Plan* notes on p. 74 that, areas off of Beaver Loop Road has been a conditional use to obtain economically advantageous local sources of gravel and fill, but that there is potential for conflict between surface extraction and residential uses. The location of this pit minimizes the potential for conflict with neighbors and fits with the pattern of land use along Beaver Loop Road in the City. The surface extraction will support Goals 2 and 3 for economic development and land use that support the fiscal health of Kenai and implement a forward-looking approach to community growth.

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

Criteria Met: The surface extraction is accessed by driveway off of Beaver Loop Road. Adequate utilities are available to support the use.

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

Criteria Met: The gravel pit is screened adequately and has a fence for safety. The extraction will not be a safety concern or visual impairment. The applicant has plans for reclamation and amending the permit will allow for their implementation.

- *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.

Recommended conditions are stated at the end of the report.

RECOMMENDATIONS

Staff recommends the Planning and Zoning Commission approve the application to amend the conditional use permit granted by PZ2018-09 to remove the limitation that fill materials be from the subject parcel. As such, Resolution PZ2019-44 would amend the conditions under PZ2018-09 with New Text Underlined; [DELETED TEXT BRACKETED] as follows:

1. Prior to commencement of extraction of Natural Resources or any reclamation activities, the Applicant shall obtain all necessary State and Federal Permits.
2. Prior to commencement of any extraction of Natural Resources or any reclamation activities, the Applicant shall repair or replace any damaged fencing located on the rear of the site.
3. Prior to commencement of any extraction of Natural Resources or any reclamation activities, the Applicant shall submit a revised site plan which labels the area behind Area 2 as Area 2A and ensures that the further subsurface extraction is limited to within 10 feet of the rear property line.
4. Excavation below the water table shall only be allowed in those locations marked Area 1, Area 2, Area 2A and Area 3.
5. There shall be no further excavation below the water table in the Area located up to 10 feet from the rear property line behind Area 2. The final working face shall be back sloped to minimum angle of 2:1.
6. The excavation may not penetrate the subsurface clay/silt layer located approximately 30 feet below the original ground surface.
7. If fill material is placed in the pits, it must [be fill material originally from this approximately 52.5-acre site and it must] not contain any "hazardous substances," or "industrial waste," "mining waste," "solid waste," or "other waste" as defined in Alaska State Statues.
8. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155.
9. Applicant shall employ the use of dust control measures to ensure the material site and the driveway fronting onto Beaver Loop Road remain dust free. Dust control shall include the daily use of a water truck and placement of Calcium Chloride on the driveway. A water truck shall also be used to control dust from the working face of the Gravel Pit.
10. If there is a change of use for the above described property, a new Conditional Use Permit must be obtained, pursuant to KMC 14.20.150(i)(5).

ATTACHMENTS

- A. Resolution No. PZ2019-44
- B. Formal Request to Amend Permit
- C. Maps
- D. Photo from October 8, 2019 Site Visit
- E. Soil Testing and Site Plan Drawings



APPLICATION FOR CONDITIONAL USE PERMIT
KMC 14.20.150

Amendment Request

RECEIVED
CITY OF KENAI
DATE 10/8/19
PLANNING DEPARTMENT

PROPERTY OWNER	PETITIONER REPRESENTATIVE
Name: BEAVER LOOP SAND & GRAVEL LLC	Name: DAVID M YRAGOI
Mailing Address: PO BOX 1290	Mailing Address: PO BOX 1290
City, State Zip: KENAI AK 99611	City, State Zip: KENAI AK 99611
Phone Number: 283-3285	Phone Number: 252-1891
Fax Number: 283-6106	Fax Number: 283-6106
Email: redoubt@ALASKA.NET	Email: redoubt@ALASKA.NET

PROPERTY INFORMATION
Property Tax ID #: 04912051
Site Street Address: 2369 BEAVER LOOP RD
Current Legal Description: TSN R11W SEC 10 S4M KN 0960085 BEAVER LOOP ACRES TRACT A-1
Conditional Use Requested For: (Describe the project, and use additional sheets if necessary) WE REQUEST A PERMIT TO HAUL IN AND FILL WITH DIRT & GRAVEL, WHERE WE HAVE EXCAVATED GRAVEL FOR SALE. THE SAME AS WAS PERMITTED IN THE GRAVEL PIT NEXT TO OURS OWNED BY STEVE FOSTER
Zoning: RURAL RESIDENTIAL
Acreage: 52.5

DOCUMENTATION
Required Attachments: Completed Application Form Site Plan/Floor Plan with Square Footage \$250 Fee (plus applicable sales tax) KPB Tax Compliance (if applicable) State Business License (if applicable)

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.

Date: 10-8-2019 Signature: *[Handwritten Signature]*

CONDITIONAL USE STANDARD (KMC 14.20.150)

The Planning and Zoning Commission may only approve the conditional use if the Commission finds that the following six (6) standards are satisfied. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. The burden of proof rests with you. Feel free to use additional paper if needed.

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

THE USE IS CONSISTENT WITH THE PURPOSE OF THIS CHAPTER AND INTENT OF THE ZONING DISTRICT BECAUSE IN ORDER TO RECLAIM THE PIT WE NEED TO BE ABLE TO BRING IN MATERIAL SO THAT THE HOLE IS FILLED

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

FILLING THE PIT WILL NOT ADVERSELY AFFECT THE SURROUNDING PROPERTY. IT SHOULD MAKE IT MORE VALUABLE

The proposed use is in harmony with the Comprehensive Plan:

WE BELIEVE THAT FILLING THE HOLE LEFT FROM MINING WILL BE IN HARMONY WITH THE PLAN TO RECLAIM THE PIT

Public services and facilities are adequate to serve the proposed use:

GAS & POWER ARE ON SITE, WELLS & SEPTICS WILL WORK TO PROVIDE WATER & SEWER REQUIREMENTS

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

THE PROPOSED FILL WILL NOT BE HARMFUL TO THE PUBLIC AND WILL MAKE THE PIT SAFER IN THE FUTURE

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.

WE NEED TO Import material from outside the Gravel pit to fill the hole left from mining operation

LAND USE

Describe current use of property covered by this application:

Gravel Pit

Surrounding property: (Describe how land adjacent to the property is currently being used)

North: NO USE - OWNED BY CITY OF KENAI WETLAND

South: Rural Residential

East: Gravel Pit - Wooded Borough Property

West: Gravel Pit

PROCEDURES FOR PERMITS REQUIRING PUBLIC HEARINGS AND NOTIFICATIONS

The permit you have applied for may require Public Hearing and Notification under KMC 14.20.280. The Planning and Zoning Commission meets the 2nd and 4th Wednesday of each month. To meet notice requirements, the Planning Department must receive your completed application **21 days prior** to the meeting when the Public Hearing is scheduled.

- Applications requiring Public Hearings must be filed no later than noon on the date of the deadline.
- Home Occupations and Landscape/Site Plans do not require a Public Hearing.
- Allow up to 4 weeks for the permitting process.
- If required:
 - The Fire Inspection Report must be received prior to processing the application.
 - The Affidavit of Posting must be received 2 weeks prior to the hearing date in order to schedule a public hearing.
 - Resolutions cannot be issued until expiration of the 15-day appeal period.
 - Resolutions cannot be issued until documentation is received that the certificate of compliance is met.

WHEN YOU HAVE A COMPLETED APPLICATION, CALL 283-8237 TO SCHEDULE AN APPOINTMENT WITH THE PLANNING DEPARTMENT TO REVIEW THE APPLICATION.

IF THE APPLICATION IS DETERMINED COMPLETE AND ACCEPTED, THE PUBLIC HEARING FEE OF \$125 PLUS TAX WILL BE COLLECTED. YOU WILL BE GIVEN A SIGN TO POST AND AN AFFIDAVIT OF POSTING TO SIGN AND RETURN TO THE PLANNING DEPARTMENT TO BEGIN PROCESSING THE APPLICATION.



**Map for PZ2019-44
(1:3,000 Scale)**

2369 Beaver Loop Road

04912051

**Tract A-1
Beaver Loop Acres
Addition No. 1**

42



The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 10/30/2019



**Map for PZ2019-44
(1:12,000 Scale)**

2369 Beaver Loop Road

04912051

**Tract A-1
Beaver Loop Acres
Addition No. 1**

43



The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 10/30/2019



CLIENTNAME: Moore, Tom

LOGID: 2193

LEGAL1: Lot 3

PUMPINFO:

LEGAL2: Beaver Loop Acres

PARCEL#:

ROADAREA: Beaver Loop Rd

DIAMETER: 6

RIGTYPE: AR

CITY: Kenai

CASINGTYPE:

BUILDERNAME:

GROUT:

DEPTH: 102

WELLCOMPLETION: Flowed 5gpm

DATE: 10/1/1993

DRILLER: RRK

IRON PPM:

YIELDGPM: 30

SCREEN:

STATICLEVEL: -10

CLASS:

CASINGLENGTH: 105

LATITUDE:

CASINGSTICKUP:

LONGITUDE:

DRILLING REPORT:

0-2 gravel fill

2-4 topsoil & clay

4-12 sand & gravel

12-16 sticky blue clay

16-27 layers blue clay, silty sand

27-30 gravel & clay

30-52 hard sticky blue clay

52-64 wet silty sand, clay

64-75 hard sticky clay

75-79 artesian silty sand 1/2gp

79-91 Blue Clay

91-98 gravel & blue clay

98-101 silt, sand, grv, water

101-102 water sand & gravel

(37' of 8" casing)

Clay 48' Deep

Well Drilling Log --- Kraxberger Drilling Inc. ---- (907) 262-4720

35055 Gas Well Road

Soldotna, AK 99669

CLIENTNAME: Moffis, Don

LOGID: 2173

LEGAL1:

PUMPINFO:

LEGAL2:

PARCEL#:

ROADAREA: 2241 Beaver Loop

DIAMETER: 6

RIGTYPE: AR

CITY: Kenai

CASINGTYPE:

BUILDERNAME:

GROUT:

DEPTH: 101

WELLCOMPLETION: Flow 50gpm

DATE: 10/15/1990

DRILLER: SLK

IRON PPM:

YIELDGPM: 100

SCREEN:

STATICLEVEL: -109

CLASS:

CASINGLENGTH: 103

LATITUDE:

CASINGSTICKUP:

LONGITUDE:

DRILLING REPORT:

0-9 sand & gravel

9-23 strks of water sand & grv

23-34 blue clay & sand

34-42 silt & clay streaks

42-53 blue clay

53-71 silt & clay streaks

71-74 silt, fine sand & water

74-100 blue clay & gravel

100-101 Artesian Water gravel

Clay 37' Deep

Beaverloop Acres

Lot 1

Water Analysis Results

Lab Sample # 28

Client: Buccaneer Energy / Weems Geophysical
Property Owner: Ms. Joann Doyle
Project: Kenai 3-D
Sample Taken By: R. Payne

Date Received (by Lab): 3/6/2012 **Sample ID:** 28
Time Received (by Lab): 11:30:00 AM **Date Sampled:** 2/20/2012
Date Reported: 05/14/12 **Time Sampled:** 1:45:00 PM

Parameter	Results	MDL	Units	Date Analyzed	Analyst	Method
Suspended Solids, Total	1	1	mg/L	4/10/2012	TT	EPA160.2
Conductivity	252	----	micromhos/cm	4/9/2012	TT	SM2510A
pH	8.42	----	----	4/17/2012	TT	SM4500HB
Alkalinity, Total (end point 4.59 pH)	120	----	mg/L CaCO ₃	4/17/2012	TT	SM2320B
Sulfate (as SO ₄)	<5	5	mg/L	4/12/2012	TT	EPA300
Nitrate, Nitrogen	<.5	0.5	mg/L	4/12/2012	TT	EPA300
Iron, Total	<.5	0.5	mg/L	4/11/2012	TT	SM3111B
Hardness, Total	10	10	mg/L CaCO ₃	4/18/2012	TT	EPA130.2
Arsenic	16.9	----	ug/L	3/7/2012	RM	EPA/600/R-94/111
Color	40	----	Alpha Platinum Colbalt	2/18/2012	RP	EPA2120B

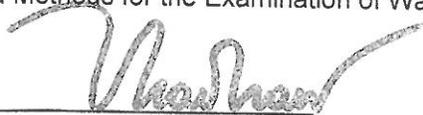
mg/L = milligrams per liter

MDL = Method Detection Limit

EPA = Environmental Protection Agency

SM = Standard Methods for the Examination of Water and Wastewater 20th Ed.

Approved by: _____



Field Note:

National Primary and Secondary Drinking Water Standards

Total Suspended Solids (TSS)

TSS is the measurement of solids suspended in water sample. Suspended solids are retained on a filter as water is passed through filter and filter is dried and weighed to determine TSS.

MCL (Maximum Concentration Limit):

No MCL has been established by EPA, but drinking water should not contain TSS above 5 mg/L. High TSS could increase the chance of bacteria being present.

Conductivity

Conductivity is the measure of ions in water sample. The conductivity of most potable waters in the United States ranges from 50 to 1500 μ mhos/cm.

MCL: No MCL has been established by EPA.

pH

pH is the measure of hydrogen ion activity. The pH can indicate if the water is acidic or basic.

Secondary MCL:

6.5 to 8.5 A pH above or below this range can indicate that the water may be corrosive to pipes and fixtures.

Total Alkalinity

Alkalinity of water is its acid-neutralizing capacity (or buffering capacity).

MCL: No MCL has been established by EPA.

Sulfates

Sulfates is the measure of inorganic sulfates in water. Many sources may contribute to the sulfate level.

Secondary MCL:

250 mg/L Sulfate levels above MCL may give water a salty or bitter taste and cause a laxative effect on individuals.

Nitrates

Nitrates in water can occur naturally but can also be introduced from runoff from fertilizer use; leaching from septic tanks, sewage, and erosion of natural deposits.

Primary MCL:

10 mg/L Nitrates levels above MCL in water may have potential health effects to infants below the age of six months who drink this water. Infant could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

Iron

Secondary MCL: 0.3 mg/L Iron levels above MCL in water may make water have a rusty color; sediment; metallic taste, or a reddish or orange staining.

Total Hardness

Total Hardness is the measure of calcium and magnesium in water. The higher the concentration of calcium or magnesium, the higher the Total Hardness in water sample.

MCL:

No MCL has been established by EPA. Water with a Total Hardness above 160 mg/L is considered very hard water. Very hard water will cause problems in hot water using appliances. A Total Hardness below 50 mg/L indicates soft water.

Arsenic

Arsenic is a semi-metal element in the periodic table. It is odorless and tasteless. EPA has set the arsenic standard for drinking water at 10 parts per billion to protect against the long-term chronic exposure of arsenic. Results listed on the Vibra-Tech water analysis page are in parts per billion.

Reference: Environmental Protection Agency National Primary and Secondary Water Standards available online at <http://www.epa.gov/safewater/consumer.html>



Laboratory Analysis Report

Kay Tauriainen
 Tauriainen Engineering & Testing
 35186 Spur Highway
 Soldotna, AK 99669

Work Order:	1104235	Forest Taylor
	Water Samples	2010.09.02
Client:	Tauriainen Engineering & Testing	07:35:00
Report Date:	September 01, 2010	-08'00'

Janet Taylor
 Alaska Division Project Manager

Enclosed are the analytical results associated with the above work order. All results are intended to be used in their entirety and SGS is not responsible for use of less than the complete report. If you have any questions regarding this report, or if we can be of any other assistance, please contact your SGS Project Manager at 907-562-2343. All work is provided under SGS general terms and conditions (http://www.sgs.com/terms_and_conditions.htm), unless other written agreements have been accepted by both parties.

SGS maintains a formal Quality Assurance/Quality Control (QA/QC) program. A copy of our Quality Assurance Plan (QAP), which outlines this program, is available at your request. The laboratory certification numbers are AK00971 (DW Chemistry & Microbiology) & UST-005 (CS) for ADEC and AK100001 for NELAP (RCRA methods: 1020A, 1311, 3010A, 3050B, 3520C, 3550C, 5030B, 5035B, 6010B, 6020, 7470A, 7471B, 8021B, 8081B, 8082A, 8260B, 8270D, 8270D-SIM, 9040B, 9045C, 9056A, 9060A, AK101 and AK102/103). Except as specifically noted, all statements and data in this report are in conformance to the provisions set forth by the SGS QAP and, when applicable, the National Environmental Laboratory Accreditation Program and other regulatory authorities. The following descriptors or qualifiers may be found in your report:

- * The analyte has exceeded allowable regulatory or control limits.
- I Surrogate out of control limits.
- B Indicates the analyte is found in a blank associated with the sample.
- CCV Continuing Calibration Verification
- CL Control Limit
- D The analyte concentration is the result of a dilution.
- DF Dilution Factor
- DL Detection Limit (i.e., maximum method detection limit)
- E The analyte result is above the calibrated range.
- F Indicates value that is greater than or equal to the DL
- GT Greater Than
- ICV Initial Calibration Verification
- J The quantitation is an estimation.
- JL The analyte was positively identified, but the quantitation is a low estimation.
- LCS(D) Laboratory Control Spike (Duplicate)
- LOD Limit of Detection (i.e., 2xDL)
- LOQ Limit of Quantitation (i.e., reporting or practical quantitation limit)
- LT Less Than
- M A matrix effect was present.
- MB Method Blank
- MS(D) Matrix Spike (Duplicate)
- ND Indicates the analyte is not detected.
- Q QC parameter out of acceptance range.
- R Rejected
- RPD Relative Percent Difference
- U Indicates the analyte was analyzed for but not detected.

Note: Sample summaries which include a result for "Total Solids" have already been adjusted for moisture content. All DRO/RRO analyses are integrated per SOP.



SGS Ref.# 1104235001
 Client Name Tauriainen Engineering & Testing
 Project Name/# Water Samples
 Client Sample ID Don Moffis Bathroom
 Matrix Drinking Water

Printed Date/Time 09/01/2010 15:24
 Collected Date/Time 08/16/2010 12:00
 Received Date/Time 08/18/2010 9:30
 Technical Director Stephen C. Ede

Sample Remarks:

Parameter	Results	LOQ	Units	Method	Container ID	Allowable Limits	Prep Date	Analysis Date	Init
Metals by ICP/MS									
Hardness as CaCO3	ND	5.00	mg/L	SM20 2340B	B		08/19/10	08/23/10	KDC
Waters Department									
Total Nitrate/Nitrite-N	ND	0.100	mg/L	SM20 4500NO3-F	A			08/18/10	AYC
Private Individual Analysis									
Alkalinity	112	10.0	mg/L	SM20 2320B	C			08/18/10	LP
Aluminum	ND	20.0	ug/L	EP200.8	B		08/19/10	08/23/10	KDC
Antimony	ND	1.00	ug/L	EP200.8	B	(<6)	08/19/10	08/23/10	KDC
Arsenic	16.3	* 5.00	ug/L	EP200.8	B	(<10)	08/19/10	08/23/10	KDC
Barium	ND	3.00	ug/L	EP200.8	B	(<2000)	08/19/10	08/23/10	KDC
Cadmium	ND	0.500	ug/L	EP200.8	B	(<5)	08/19/10	08/23/10	KDC
Calcium	ND	500	ug/L	EP200.8	B		08/19/10	08/23/10	KDC
Chloride	9.84	0.100	mg/L	EPA 300.0	C	(<250)	08/21/10	08/21/10	SDP
Chromium	ND	2.00	ug/L	EP200.8	B	(<100)	08/19/10	08/23/10	KDC
CO3 Alkalinity	ND	10.0	mg/L	SM20 2320B	C			08/18/10	LP
Conductivity	258	1.00	umhos/cm	SM20 2510B	C			08/18/10	LP
Copper	2.82	1.00	ug/L	EP200.8	B	(<1300)	08/19/10	08/23/10	KDC
Fluoride	0.222	0.100	mg/L	EPA 300.0	C	(<2)	08/21/10	08/21/10	SDP
HCO3 Alkalinity	105	10.0	mg/L	SM20 2320B	C			08/18/10	LP
Iron	ND	250	ug/L	EP200.8	B	(<300)	08/19/10	08/23/10	KDC
Lead	0.339	0.200	ug/L	EP200.8	B	(<15)	08/19/10	08/23/10	KDC
Magnesium	183	50.0	ug/L	EP200.8	B		08/19/10	08/23/10	KDC
Manganese	4.63	1.00	ug/L	EP200.8	B	(<50)	08/19/10	08/23/10	KDC
Nickel	ND	2.00	ug/L	EP200.8	B	(<100)	08/19/10	08/23/10	KDC
OH Alkalinity	ND	10.0	mg/L	SM20 2320B	C			08/18/10	LP

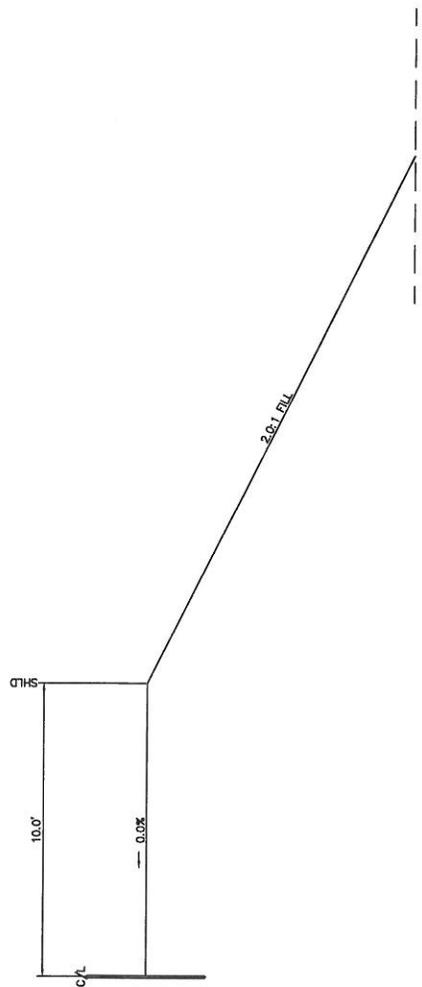


SGS Ref.# 1104235001
Client Name Taurainen Engineering & Testing
Project Name/# Water Samples
Client Sample ID Don Moffis Bathroom
Matrix Drinking Water

Printed Date/Time 09/01/2010 15:24
Collected Date/Time 08/16/2010 12:00
Received Date/Time 08/18/2010 9:30
Technical Director Stephen C. Ede

Parameter	Results	LOQ	Units	Method	Container ID	Allowable Limits	Prep Date	Analysis Date	Init
Private Individual Analysis									
pH	8.60	* 0.100	pH units	SM20 4500-H B	C	(6.5-8.5)		08/18/10	LP
Selenium	ND	5.00	ug/L	EP200.8	B	(<50)	08/19/10	08/23/10	KDC
Silver	ND	1.00	ug/L	EP200.8	B	(<100)	08/19/10	08/23/10	KDC
Sodium	56100	500	ug/L	EP200.8	B	(<250000)	08/19/10	08/23/10	KDC
Sulfate	1.98	0.100	mg/L	EPA 300.0	C	(<250)	08/21/10	08/21/10	SDP
Thallium	ND	1.00	ug/L	EP200.8	B	(<2)	08/19/10	08/23/10	KDC
Total Dissolved Solids	177	10.0	mg/L	SM20 2540C	C	(<500)		08/18/10	JJR
Zinc	ND	5.00	ug/L	EP200.8	B	(<5000)	08/19/10	08/23/10	KDC





NO.	BY	DATE	DATE	SCALE
	CHK			
	APP			

HERE WILL BE NO
EXCAVATION WITH IN
150' OF THE BOUNDARIES

Area 2A

AREA 2
EXCAVATE BELOW WATER TABLE
THAN BACK FILL & PLANT GRASS

Area 6
Storage Area

Area 1
Lake

TR. A-1 EXCAVATE BELOW WATER TABLE
AREA 3 FILL & USE FOR AGRICULTURE
BACK FILL

Area 5

BEAVER LOOP ACRES

THIS AREA WILL REMAIN
THE SAME

Area 4
Family Dwelling

1 2

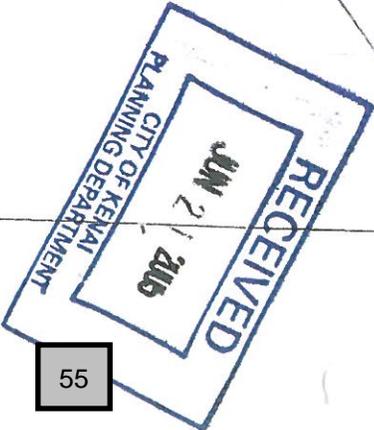
3

4

TUNDRA ROSE LN

9

30





"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: November 8, 2019
SUBJECT: **KPB Substitute Ordinance No. 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions**

The Kenai Peninsula Borough (KPB) has proposed Substitute Ordinance No. 2019-24 to allow for the creation of private streets and gated subdivisions in a way other than the KPB exception process. They could be created at the time of subdivision or after streets have been dedicated with the proposed Ordinance. The Ordinance would also set out requirements and standards for private roads and gated subdivisions.

The KPB Planning Commission discussed the Ordinance at their August 26, 2019 meeting and September 23, 2019 meeting. The KPB Planning Commission will consider Substitute Ordinance No. 2019-24 at their meeting on November 12, 2019. The Borough Assembly will consider the Substitute Ordinance at its meeting on December 3, 2019.

KPB staff has discussed the Ordinance with cities in the Borough and have met with City of Kenai staff. KPB staff will be present at the City of Kenai Planning and Zoning Commission meeting on November 12, 2019 to discuss the Ordinance and answer questions of the Commissioners before it goes before the KPB Assembly.

Included in this packet are memorandums from KPB staff and Substitute Ordinance No. 2019-24 for your review.



MEMORANDUM

TO: KPB Planning Commission
THRU: Max Best – Planning Director
FROM: Scott Huff – Platting Manger
DATE: October 31, 2019
RE: Substitute Ordinance 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

At the August 26th Planning Commission meeting, Ordinance 2019-24 Adopting KPB 20.80 Subdivision Private Streets and Gated Subdivision was introduced. A motion was made to approve Ordinance 2019-24; an ordinance adopting KPB 20.80 Subdivision private streets and gates subdivision. The commissioners then requested Staff to gather additional information and reviews before a vote on the motion.

At the September 23, 2019 Planning Commission meeting further discussion was had regarding Ordinance 2019-24. The Commission moved and approved a motion to postpone until brought back by staff.

This ordinance was introduced to the KPB Assembly on September 3, 2019. On October 8th the Assembly moved to postpone any action on the ordinance until the December 3, 2019 Assembly meeting.

With the additional time, staff met with cities of the borough to discuss the ordinance. During the discussions with the cities, and staff work sessions, further edits and changes were made to the ordinance. As a result, a substitute ordinance has been prepared. The following summarizes the changes that the substitute ordinance incorporates.

SECTION 1

- 20.80.020 - Requirements
 - o The provisions were changed to follow KPB Chapter 20 subdivisions, excluding 20.30.210 fronting on a dedicated right of way and 20.50 Exceptions.
 - o Reference to the construction of roadways within a private street tract was

- removed. The borough will not inspect, or regulate, the construction of roads within a private tract.
- Private streets must follow KPB street naming and street addressing standards.
 - All reference to Home Owners Association (HOA) has been removed from the ordinance.
 - Plat notes were identified that must be added to the subdivision plat.
 - Reference was added any final plat located within a city must comply with KPB 20.60.080 – Installation Agreement.
- 20.80.030 - Gates
 - All reference to the HOA owning the private tract was removed.
 - Language was clarified that the fire and emergency service provider that serves the proposed gated subdivision must approve the access plan prior to installation.
 - The fire and emergency service provider will also approve the emergency access systems after installation.
 - 20.80.040 – Converting to gated subdivision
 - Language was added to follow KPB 20.70.040(A) – application for vacating the public right of way. This complies with State Statute Sec. 29.40.120.
 - At the request of utility providers, a line was removed which read, ‘Utilities proposed for vacation must not provide service to customers outside the proposed gated subdivision boundary.’. Staff was agreeable to this as all plats are sent to utility providers for review and comments.
 - All reference to the HOA owning the private tract was removed.
 - The requirement for all land owners to submit fully executed deeds conveying their interest in the vacated street to the HOA was eliminated.
 - 20.80.050 – Converting private streets to public right of way in gated subdivision
 - A section was added to clarify that the private street to be dedicated to right of way must comply with KPB design criteria.
 - All reference to the HOA owning the private tract was removed.
 - 20.80.060 – Enforcement
 - The KPB code reference has been corrected.

SECTION 2

- 20.90.010 – Definitions generally
 - o The definition of gated subdivision has been edited by
 - removing the number of lots required (5) so that any number of multiple lots will comply
 - revising the language to not limit gates, security personnel, fences or walls.
 - Remove the portion that addressed gates or other barriers on private parcels.

SECTION 3

- Revised the effective date to be 90 days after the ordinance is enacted. This will allow cities to review their code and make any additions for private streets within cities, if necessary. This extra time will also allow staff to prepare application forms and review forms for preparing the staff reports.

Staff recommends the Planning Commission approve Substitute Ordinance 2019-24 and forward to the KPB Assembly for their review and approval.

Introduced by: Mayor
Date: 9/3/19
Hearing: 10/8/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-**

**AN ORDINANCE ADOPTING KPB 20.80, SUBDIVISION PRIVATE
STREETS AND GATED SUBDIVISIONS**

WHEREAS, privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions; and

WHEREAS, Goal 6.5 of the 2005 Comprehensive Plan is to maintain the freedom of property owners in the rural areas of the borough to make decisions and control use of their private land; and

WHEREAS, private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access; and

WHEREAS, there is a need for designated standards and requirements and establishment of procedures for creating gated communities; and

WHEREAS, designating standards, requirements and procedures for establishing private streets within subdivisions with gated access will address residents as well as the public’s privacy, security, and access concerns; and

WHEREAS, the Kenai Peninsula Borough Road Service Area board at its meeting held on August 13, 2019, recommended unanimous approval of this ordinance; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its meeting held on November 12, 2019 recommended _____;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB Chapter 20.80, entitled “Private Streets and Gated Communities” is enacted as follows:

20.80.010. - Purpose.

This chapter provides standards and requirements for the establishment of private streets in subdivisions in the borough. A subdivision with private streets and gated access may be created at the time of subdivision by the owner of the parcel being subdivided or, where streets have been previously dedicated to the public which access lots in different ownerships, by the owners of those parcels in accordance with the provisions of this chapter.

20.80.020. – Requirements.

Private streets in subdivisions shall meet the following requirements:

- A. Provisions of KPB Chapter 20, excluding 20.30.210 and 20.50, apply and must be met.
- B. When constructed, private streets shall generally conform to the same standards regulating the design and construction of streets per KPB 14.06.
- C. All private streets will comply to street naming and street addressing per KPB 14.10 and 14.20.
- D. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. An unrestricted turn around, located within the private street, shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. The turnaround requirements shall be reviewed and approved by the Road Service Area Board. KPB Maintenance of the turnaround is not required but can be provided at the discretion of the Roads Director.
- E. Private streets shall be contained within a separate lot which meets right of way requirements of Chapter 20. The entrances to all private streets will be marked with a sign stating that it is a private street in compliance with KPB 14.06.200.
- F. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- G. The following notes are required on the subdivision final plat
 - 1. Borough maintenance shall not be provided on any private streets.

2. Private streets are not public and are subject to private construction and maintenance.
3. To convert private streets back to a public right of way, the requirements of KPB 14.06 – Road Standards, must be met.

H. Gated subdivisions and private streets may be approved, provided they meet the following criteria:

1. Emergency services shall be provided access within the private subdivision. Approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision, is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision;

20.80.030. – Gates

If a gate is installed to prevent public access to a subdivision with private streets the gate must conform to the following requirements:

- A. The fire and emergency services provider that serves the proposed gated subdivision must approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider should consider access for emergency vehicles into, and within, the private streets and gated subdivision.
- B. Gates, approach and departure areas shall be designed by a licensed professional civil engineer.
- C. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
- D. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The owner(s) of the private street parcel must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation.
- E. No part of the gate system will be placed in a public right-of-way.

20.80.040. – Converting to gated subdivision.

- A. A platted right of way may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property is located or by the owner of the majority of land fronting or abutting the right of way to be vacated. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.
- B. Converting public street to private street – standards.
1. Vacation of the public right-of-way shall be in accordance with the criteria set forth in KPB 20.70.
 2. The proposed gated subdivision shall not cause discontinuity in the existing or proposed public street system for adjoining lands.
 3. The proposed gated subdivision must not cause discontinuity in the existing or proposed road system to any property owner within the proposed gated subdivision that fronts on the public right-of-way that is to be vacated.
 4. Prior to recording, the private tract owner(s) shall accept the road “as-is” in its present condition and shall agree to indemnify, hold harmless, and defend the borough against any claims arising from the private ownership, maintenance and control of the converted street.
 5. The private tract owner(s) shall execute a defense and indemnification agreement in favor of the borough in the following form: The private tract owner(s) shall indemnify, defend, and hold and save the borough, its elected and appointed officers, officials, agents and employees, hereinafter collectively referred to as “agents”, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys’ fees. The private tract owner(s) shall be responsible under this clause for any and all legal actions or claims of any character arising from the private tract owner(s) or the private tract owner(s) acts or omissions related to its private streets and gates in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.

20.80.050. – Converting private streets to public right of way in gated subdivision.

- A. The owner(s) of a private street may petition to dedicate the private street through the platting process. The plat must comply with KPB Chapter 20.
- B. The private street to be dedicated to a public right of way must meet the design criteria set forth in KPB 20.30 and KPB 14.06.
- C. At the expense of the private street tract owner(s), a civil engineer will determine whether the private streets meet KPB Title 14 and Title 20 standards for street design and construction. If the streets do not meet borough standards the dedication shall be denied.
- D. The borough may also require, at the private street tract owner’s expense, the removal of any improvements, access control devices, gates, landscaping or other aesthetic amenities associated with the private street.

20.80.060. – Enforcement.

Violations of this chapter shall be in accordance with KPB 20.10.030 and KPB 21.50.

SECTION 2. That KPB Chapter 20.90, entitled “Definitions is amended as follows:

20.90.010. – Definitions generally.

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply.

...
“Gated subdivision” means a residential subdivision consisting of multiple parcels of land where vehicular and/or pedestrian access by the general public from a public street and street(s) within the gated community and/or public right-of-way(s) is restricted as a result of a barrier that may include, but is not limited to gates, security personnel, fences or walls.

...
“Private street” is defined as a vehicular access way shared by and serving two or more lots, which is not publicly maintained, but maintained by a homeowners’ association. The term “private street” shall be inclusive of alleys. The term “street” also includes the term “street” as used in KPB title 14.

SECTION 3. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
_____ DAY OF _____, 2019.

, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor
Dil Uhlin, Roads Director

FROM: Max Best, Planning Director

DATE: August 22, 2019

RE: Ordinance 2019-_____, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

Goal 6.5 of the 2005 Comprehensive Plan is to maintain the freedom of property owners in the rural areas of the borough to make decisions and control use of their private land. Privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions. Private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access.

There is a need for standardization, criteria, and establishment of procedures for creating both subdivisions with private streets and gated subdivisions. This ordinance codifies the requirements and procedures for creating these types of subdivisions.

This matter is scheduled to come before the KPB Road Service Area Board's at its August 13, 2019 meeting and the KPB Planning Commission at its August 26, 2019 meeting. The recommendations of both boards will be presented to the assembly prior to the final hearing on this ordinance.

Your consideration of this ordinance is appreciated.



Kenai City Council - Regular Meeting

November 06, 2019 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

ACTION AGENDA

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. **COUNCIL MEMBER MOLLOY ELECTED VICE MAYOR. Election of Vice Mayor**
5. Consent Agenda (*Public comment 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 PUBLIC COMMENTS

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

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. 3092-2019** - Amending Kenai Municipal Code, Section 1.10.030 – Organization Meeting, to Provide that the Terms of Office of the Mayor and Other Councilmembers Shall Begin the Monday Following Certification of the Election. (City Clerk)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3093-2019** - Accepting and Appropriating a Grant From the U.S. Department of Homeland Security Passed through the State of Alaska Department of Military and Veterans' Affairs for the Purchase of a Fire Station Alerting System, an IT Security Audit, and Base Radio System Replacement for Dispatch. (Administration)

3. **ENACTED UNANIMOUSLY. Ordinance No. 3094-2019** - Accepting and Appropriating a Donation from Hilcorp Energy Company to Assist with the Annual Kenai Senior Center Thanksgiving Dinner. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2019-72** - Authorizing the City to Join the Alaska Remote Seller Sales Tax Commission for the Purpose of Developing, Implementing, and Enforcing a Remote Seller Sales Tax Code and Designating a Commission Representative. (Administration)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2019-73** - Authorizing the City Manager to Recruit For and Hire an Additional Police Officer Position Based on Anticipated Attrition. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2019-74** - Declaring a Utility Easement Twenty Foot (20') Wide Between the Shared Lot Lines of Tract A, and Lots 4, 5, 6, Block 1, Bridge Road Subdivision Number 2 and Lot 7A, Block 1, Bridge Road Subdivision Lockwood Addition as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2019-75** - Awarding a Contract for City-Owned Lands Appraisal Services. (Administration)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of October 16, 2019. (City Clerk)
2. **APPROVED BY THE CONSENT AGENDA.** *Work Session Summary of October 16, 2019. (City Clerk)

F. UNFINISHED BUSINESS

1. **POSTPONED TO 12/04/19 FOR A SUBSTITUTE AND A SECOND PUBLIC HEARING. Resolution No. 2019-71** - Repealing Policy No. 2017-02, Supervisory Sub-Committee. (Council Member Knackstedt) [*Clerk's Note: At its October 16 meeting Council postponed this item to the November 6 meeting; a motion to adopt is on the floor.*]

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. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 12/04/19.** *Ordinance No. 3095-2019 - Increasing Estimated Revenues and

Appropriations in the General Fund – Police Department and Accepting a Grant from the Department of Justice for the Purchase of Ballistic Vests. (Administration)

4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 12/04/19. *Ordinance No. 3096-2019** - Determining that Real Property Described as Lot One (1), Aleyeska Subdivision Part 3, According to Plat No. 1531 and Lot One A (1-A), Aleyeska Subdivision Part 3, According to Plat K-1531, City-Owned Airport Land Located Outside the Airport Reserve, is not Needed for a Public Purpose and Authorizing the Sale of the Property to MITAK, LLC. (Administration)
5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 12/04/19. *Ordinance No. 3097-2019** - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)
6. **APPROVED UNANIMOUSLY. Action/Approval** - Authorize the Issuance of a Request for Proposals for Naming Rights of the Multi-purpose Facility. (Administration)
7. **APPROVED UNANIMOUSLY. Action/Approval** - Approving a Special Use Permit for Axtel Enterprises, LLC, to Conduct Fuel Reduction Activities on Tract A, Kenai Meadows, 2200 Redoubt Avenue, Parcel 03901065. (Administration)
8. **APPROVED UNANIMOUSLY. Action/Approval** - Mayoral Nominations of Council Liaisons for Appointment to Committees and Commissions. (Mayor Gabriel)
9. **\$500 GRANT APPROVED UNANIMOUSLY. Discussion/Action** - Bridges Community Resource Network Mini-Grant Request for its Project Homeless Connect Event. (Mayor Gabriel)
10. **Discussion** - Personal Use Fishery Capital Improvement Projects. (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

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders between \$2,500 and \$15,000.
2. Utilities Collection Site - Public Comment
3. CIRCAC Comments on State of Alaska Oil Discharge Prevention and Contingency Plan Public Scoping

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.



Planning Commission Tentative 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

Max J. Best, Planning Director • Charlie Pierce, Borough Mayor

*Blair Martin, Chairman – Kalifornsky Beach • Robert Ruffner, Vice Chairman – Kasilof/Clam Gulch
Dr. Rick Foster, Parliamentarian – Southwest Borough • Syverine Abrahamson-Bentz – Anchor Point/Ninilchik
Jeremy Brantley – Sterling • Paulette Bokenko-Carluccio – City of Seldovia • Cindy Ecklund – City of Seward
Robert F. Ernst – Northwest Borough • Diane Fikes – City of Kenai • Virginia Morgan – East Peninsula
Franco Venuti – City of Homer • Paul Whitney – City of Soldotna*

NOVEMBER 12, 2019

7:30 p.m.

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 which 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 Chairman 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 (20.10.070) - None**

***5. Plat Amendment Request - None**

***6. Utility Easement Vacations**

- a. Application to vacate 10' guy anchor easements and radial 220' guy wire easement in the City of Seward. Located within Lots 1, 2, and 4 Block 7 Oceanview Subdivision. KPB File 2019-107V. Petitioner(s)/Owner(s): Seward Wildlife Cruises LLC of Bremerton, WA.

***7. Commissioner Excused Absences**

- a. Paulette Bokenko-Carluccio, City of Seldovia
- b. Vacant, Ridgeway

***8. Minutes**

- a. October 28, 2019 Planning Commission Meeting

D. 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.)

E. UNFINISHED BUSINESS

- 1. Ordinance 2019-24; An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions.
(Postponed from the August 26, 2019 Planning Commission meeting. Motion on floor.)
- 2. Ordinance 2019-__; An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures.
(Postponed from the September 9, 2019 Planning Commission meeting. Motion on floor.)

F. PUBLIC HEARINGS - None

G. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT (21.18) - None

H. VACATIONS NOT REQUIRING A PUBLIC HEARING – None

I. SPECIAL CONSIDERATIONS - None

J. SUBDIVISION PLAT PUBLIC HEARINGS

- 1. The Plat Committee will review 8 preliminary plat.

K. OTHER/NEW BUSINESS

L. ASSEMBLY COMMENTS

M. LEGAL REPRESENTATIVE COMMENTS

N. DIRECTOR'S COMMENTS

O. COMMISSIONER COMMENTS

P. PENDING ITEMS FOR FUTURE ACTION

Q. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, November 25, 2019** 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	December 12, 2019	7:00 p.m.
Cooper Landing	Cooper Landing Community Hall	December 11, 2019	6:00 p.m.
Funny River	Funny River Community Center	January 6, 2020	6:00 p.m.
Moose Pass	Moose Pass Community Hall	TBD	6:30 p.m.
Hope / Sunrise	Hope Social Hall	TBD	6:00 p.m.
The Kachemak Bay Advisory Planning Commission is inactive at this time.			

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, which is linked to 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>



Plat Committee Tentative 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

*Jeremy Brantley – Sterling • Paulette Bokenko-Carluccio – City of Seldovia • Cindy Ecklund – City of Seward
Robert Ruffner – Kasilof/Clam Gulch • Paul Whitney – City of Soldotna
Alternates: Dr. Rick Foster– Southwest Borough • Franco Venuti – City of Homer*

**NOVEMBER 12, 2019
6:30 p.m.**

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

1. Agenda
2. Member/Alternate Excused Absences
 - a. Paulette Bokenko-Carluccio, City of Seldovia
3. Minutes
 - a. October 28, 2019 Plat Committee Meeting

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. SUBDIVISION PLAT PUBLIC HEARINGS

1. Timberline Subdivision Ahvakana 2019 Replat
KPB File 2019-125 [Seabright Surveying / Ahvakana, Huff-Ahvakana]
Location: off East End Road; Fritz Creek
Kachemak Bay APC
2. AA Mattox Aplin 2019 Replat
KPB File 2019-122 [Geovera, LLC / Aplin, Echo Trading Company LLC]
Location: on Shirley Court and Kallman Road, off Kramer Lane
by East End Road; City of Homer
3. Forest Hills Lookout Bolder Heights Addition
KPB File 2019-117 [McLane Consulting Group / McLane]
Location: on Paper Birch Lane and Mountain Ash Street; Sterling
4. Section Line Easement Vacation Plat Associated with Lot 1 Forest Hills Lookout Subdivision
Amended KN 86-204 and NE ¼ NE ¼ S35 T5N R10W
KPB File 2019-121 [McLane Consulting Group / McLane]

Location: on Paper Birch Lane and Mountain Ask Street; Sterling

5. Patson Properties 2019 Replat
KPB File 2019-124 [McLane Consulting Inc. / Kahtnu Estates LLC]
Location: on Patson Road off Funny River Road; Funny River
6. Ravenwood Subdivision Schrock Replat
KPB File 2019-123 [Segesser Surveys / Schrock Construction LLC]
Location: on Ravenwood Street N and Mud Duck Avenue; Kalifornsky
Kalifornsky APC
7. Tundra Subdivision
KPB File 2019-127 [Edge Survey & Design, LLC / Kenai Peninsula Borough]
Location: on Scout Lake Loop Road off the Sterling Highway; Sterling
8. Buerge Subdivision
KPB File 2019-116 [Edge Survey & Design, LLC / Buerge]
Location: on Kustatan Street off of W Poppy Lane; Kalifornsky
Kalifornsky APC

F. FINAL SUBDIVISION PLAT PUBLIC HEARING - None

G. OTHER / NEW BUSINESS

H. MISCELLANEOUS INFORMATION – NO ACTION REQUIRED

I. ADJOURNMENT

NEXT REGULARLY SCHEDULED MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday, November 25, 2019** 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

e-mail address: planning@kpb.us

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

City of Kenai
Planning & Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611



November 4, 2019

To who it may concern:

As a resident of the Inlet Wood subdivision and I would like to address my concerns over the proposed storefront business that is asking for approval to open in our residential subdivision. I'm not against the services the business wants to offer. This business would be a nice addition in the city of Kenai.

However, I am against operating within our residential subdivision. There are many commercial spaces available in the city that would be a better fit for this business. A business of this would have considerable traffic coming and going on our residential streets.

I don't believe it fits into this neighborhood to have a storefront style business. My fear is if allowed, this could open the door for many more commercial uses. The additional traffic with lots of families with small children in addition to the possible negative effects and possible lower property values.

Thank you,

Anonymous Concerned Neighbor