



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

**January 12, 2022 – 7:00 PM**

**Kenai City Council Chambers**

**210 Fidalgo Avenue, Kenai, Alaska**

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

[www.kenai.city](http://www.kenai.city)

**Agenda**

**A. CALL TO ORDER**

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
- 4. Election of Chair and Vice-Chair**
5. Consent Agenda
6. \*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. \*Regular Meeting of December 8, 2021
2. \*Regular Meeting of December 22, 2021

**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 PZ2022-01** - Application for a Conditional Use Permit for Cabin Rentals for the property described as North 70 ft of South 140 ft of Government Lot 166, located at 104 N Tinker Lane, Kenai, Alaska 99611. The application was submitted by Bill Elmore, P.O. Box 1531, Kenai, Alaska 99611.

**G. UNFINISHED BUSINESS**

- 1. Resolution PZ2021-39** - Recommending the Council of the City of Kenai Approve and Adopt the City of Kenai Land Management Plan. [**Clerk's Note:** At the December 22nd Meeting, this Resolution was Postponed to this Meeting; a Motion to Enact is On the Floor.]

**H. NEW BUSINESS**

**I. PENDING ITEMS**

**J. REPORTS**

- 1.** City Council
- Kenai Peninsula Borough Planning
- City Administration

**K. ADDITIONAL PUBLIC COMMENT**

*(Public comment limited to five (5) minutes per speaker)*

**L. INFORMATIONAL ITEMS**

- 1.** Code Violation Remedy Letter - 1005 Angler
- 2.** KMC Chapter 12.10 Nuisances in General

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. January 26, 2022

**N. COMMISSION COMMENTS AND QUESTIONS**

**O. ADJOURNMENT**

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

**Join Zoom Meeting**

<https://us02web.zoom.us/j/82407471126>

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

**Meeting ID:** 824 0747 1126 **Passcode:** 545338

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
DECEMBER 8, 2021 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

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

**1. Pledge of Allegiance**

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

**2. Roll Call**

Commissioners present: J. Twait, D. Fikes, A. Douthit, G. Woodard, G. Greenberg

Commissioners absent: J. Halstead, R. Springer

Staff/Council Liaison present: Planning Director R. Foster, Deputy City Clerk M. Thibodeau, Council Liaison T. Winger

A quorum was present.

**3. Agenda Approval**

Chair Twait requested that the items under New Business be heard before the item under Unfinished Business.

**MOTION:**

Vice Chair Fikes **MOVED** to approve the agenda with requested revisions to the packet and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED**.

**4. Consent Agenda**

**MOTION:**

Commissioner Greenberg **MOVED** to approve the consent agenda and Vice Chair Fikes **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 – None

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of November 10, 2021

The minutes were approved by the Consent Agenda.

**C. SCHEDULED PUBLIC COMMENT** – None.

**D. UNSCHEDULED PUBLIC COMMENT**

Jim Glendening discussed the Kenai Peninsula Borough Assembly's decision regarding membership and apportionment of Planning Commission members, noting that first-class home rule cities will have a guaranteed seat, the number of Planning Commission seats will increase to 14, and that seats will align with assembly districts. He also explained a proposed amendment that was defeated.

**E. CONSIDERATION OF PLATS** – None.

**F. PUBLIC HEARINGS** – None.

**G. NEW BUSINESS**

1. **Resolution No. PZ2021-41** - Granting a Request for a Transfer of Conditional Use Permit for the Use of a Hotel, Guide, and Boat Parking in the Rural Residential Zone to Wild Kenai Adventures, LLC, 1105 Angler Drive, Lot 6, Anglers Acres, Subdivision Part 3.

**MOTION:**

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-41 and Commissioner Woodard **SECONDED** the motion.

Planning Director Foster reviewed the staff report provided in the packet noting the Conditional Use Permit was for the use of a hotel, guide, and boat parking and would be transferred for the same use to Wild Kenai Adventures, LLC, and recommended approval with the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
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(l)(5).
5. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
6. All conditions of PZ05-26 will be met.

Clarification was provided that the business would continue to be operated under the name of Hi



Lo Charters.

**VOTE:**

YEA: Woodard, Greenberg, Douthit, Fikes, Twait  
NAY:

**MOTION PASSED UNANIMOUSLY.**

2. **Resolution No. PZ2021-42** - Granting a Request for a Transfer of Conditional Use Permit for the Use of a Hotel (Short-Term Recreational Rentals) in the Rural Residential Zone to Wild Kenai Adventures, LLC, 1230 Angler Drive, Lot 1, Block 2, Anglers Acres Subdivision, Addition No.1, PT 2.

**MOTION:**

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-42 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster reviewed the staff report provided in the packet noting the Conditional Use Permit was for the use of a hotel (short-term recreational rentals) and would be transferred for the same use to Wild Kenai Adventures, LLC, and recommended approval with the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
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(l)(5).
5. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
6. All conditions of PZ06-84 (PZ01-11) will be met.

The applicants were wished good luck, and it was noted that it is good to see they are maintaining the business name as it has historical value in the area.

**VOTE:**

YEA: Greenberg, Douthit, Fikes, Twait, Woodard  
NAY:

**MOTION PASSED UNANIMOUSLY.**

**H. UNFINISHED BUSINESS**

1. **Resolution PZ2021-39** - Recommending the Council of the City of Kenai Approve and Adopt the City of Kenai Land Management Plan. *[Clerk's Note: At the November 10th Meeting, this Resolution was Postponed to this Meeting; a Motion to Enact is*

*On the Floor.]*

Chair Twait opened for public hearing.

Bob Molloy thanked Vice Mayor Glendening and Council Member Winger for trying to provide more time for public outreach on this discussion. He noted that the draft Land Management Plan (LMP) is a great tool for the City and public, but that it is incomplete because it does not include policies and procedures for disposal, and Title 22 of the code is not clear enough on this either. He also noted that some properties have a long history of contention, and recommend additional category for “to be determined” for those.

Kristine Schmidt noted that the problem with the LMP is that it is a plan to dispose of property and the City’s current processes for disposal are ad hoc and not well organized. She suggested approving the inventory but postponing disposal recommendation until there is a better plan, and also having a work session to go over these properties and have a dialogue for the public. She noted mistakes she saw in the LMP, including certain parcels which have a divisive history.

Jim Glendening explained that State Title 29 explains roles and responsibility of a Planning & Zoning Commission, and that commissioners have a responsibility to engage themselves with the LMP as much as they did the Comprehensive Plan.

There being no one else wishing to be heard, the public hearing was closed.

The suggestion was made that the names of recommended categories should clarify that “dispose” properties are not needed by the City for a public purpose, and “retain” properties are needed. It was reiterated that the focus of the current document is an inventory of lands and recommendations, and the City has many processes that are required before moving forward with these recommendations and there may be changes to code to update these processes in the future.

It was noted that business owners looking to purchase a City-owned lot will have an easier time navigating the policies and procedures for disposal with this inventory. However, it may be so streamlined that it leads people to believe this is a land sale, and it would be good to clarify that is not the case. It was suggested that the City consider the Borough’s process for choosing lands for municipal entitlements to refine our disposal practice.

Clarification was provided that there have been some public comments submitted, and more comments have been received through commission meetings. It was reiterated that it is important to keep having conversations about the LMP to receive more comments. It was noted that refinement of semantics and definitions would help people to understand better.

Clarification was provided that it is possible to query the data in the GIS system to show which lands are wetlands and slopes, as well as things like water and sewer lines and some electric information.

The commission discussed the City’s approach to land sales, and it was noted that sales of City-owned lands are typically consumer-driven and disposal processes begin when a member of the public approaches the City with interest. An exception to this is airport lands, as the Airport Manager does advertise available lease lands through an annual brochure and through booths at aviation conventions. It was noted that when the GIS tool becomes available to the public, it may

generate more interest.

Clarification was provided that public works needs have been in consideration for the recommendations, and is the reason for some of the mixed-use designations.

The commission discussed the possibility of holding a work session, and it was noted that dates will be suggested at the next Planning & Zoning Commission meeting.

**MOTION:**

Commissioner Douthit **MOVED** to postpone Resolution No. PZ2021-39 until December 22, 2021 and Commissioner Woodard **SECONDED** the motion.

**VOTE:**

YEA: Twait, Woodard, Greenberg, Douthit, Fikes

NAY:

**MOTION PASSED UNANIMOUSLY.**

**I. PENDING ITEMS** – None.

**J. REPORTS**

1. **City Council** – Council Member Winger reported on the actions from the December 1, 2021 City Council meeting. Encouraged commissioners to engage the public and get more comment about the LMP.
2. **Borough Planning** – Vice Chair Fikes reported on the actions from the November 29, 2021 Kenai Peninsula Borough Planning Commission.
3. **City Administration** – Planning Director Foster reported on the following:
  - The next Planning & Zoning Commission meeting will include two CUP applications, as well as dates to consider for scheduling a work session;
  - The Planning Department is working on trying to fill the administrative assistant position;
  - Informational Items includes a letter stating that a CUP code violation has been remedied; trees were planted by CUP owner to fulfill their approved landscape plan.

**K. ADDITIONAL PUBLIC COMMENT**

Jim Glendening noted that there is concern over a piece of property, and suggested that further information be provided during the City Manager's Report at next Council meeting.

**L. INFORMATIONAL ITEMS**

1. 2022 Commission Meeting Calendar
2. Land Management Plan Comment Forms
3. Letter to JAC Enterprises - Violation Remedied

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: November 22, 2021

**N. COMMISSION COMMENTS & QUESTIONS**

Commissioner Woodard noted she will bring treats for the next meeting.

Commissioner Douthit noted that he was appointed to the Chamber of Commerce Board of Directors.

Vice Chair Fikes noted she may not be able to attend the next meeting on December 22<sup>nd</sup>.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:20 p.m.

Minutes prepared and submitted by:

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Meghan Thibodeau  
Deputy City Clerk

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
DECEMBER 22, 2021 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

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

**1. Pledge of Allegiance**

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

**2. Roll Call**

Commissioners present: J. Twait, D. Fikes, A. Douthit, G. Woodard, A. Douthit, J. Halstead, R. Springer

Commissioners absent: G. Greenberg

Staff/Council Liaison present: Planning Director R. Foster, City Manager P. Ostrander, Deputy City Clerk M. Thibodeau, Vice Mayor J. Glendening

A quorum was present.

**3. Agenda Approval**

**MOTION:**

Commissioner Halstead **MOVED** to approve the agenda and Vice Chair Fikes **SECONDED** the motion. There were no objections; **SO ORDERED**.

**4. Consent Agenda**

**MOTION:**

Commissioner Halstead **MOVED** to approve the consent agenda and Vice Chair Fikes **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 – None

- B. **APPROVAL OF MINUTES** – None.
- C. **SCHEDULED PUBLIC COMMENT** – None.
- D. **UNSCHEDULED PUBLIC COMMENT** – None.
- E. **CONSIDERATION OF PLATS** – None.
- F. **PUBLIC HEARINGS**

- 1. **Resolution PZ2021-43** - Application for a Conditional Use Permit for a Limited Marijuana Cultivation Facility for the property described as Lot 2, Block 9, Valhalla Heights Subdivision Part 1, located at 5345 Kenai Spur Highway, Kenai, Alaska 99611. The application was submitted by Bryce Hoxeng, 5345 Kenai Spur Highway, Unit B, Kenai, Alaska 99611.'

**MOTION:**

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-43 and Commissioner Halstead **SECONDED** the motion.

Michael Welch noted that he is one of the owners of this business, and explained that his business partner lives on this property and is passionate about the business. Mr. Welch explained that he operates a cultivation facility at his own home address and is ready to help his partner to start another.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for a limited marijuana cultivation facility. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

- 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 2. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director.
- 3. Prior to beginning construction of any new structures, a building permit must be issued by the Building Official for the City of Kenai. Any renovations must check in with the Building Official regarding any required building permits.
- 4. Standards for commercial marijuana establishments per KMC14.20.330 must be maintained.
- 5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
- 6. The applicant will meet with City staff for on-site inspections when requested.
- 7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(I)(5).
- 8. Pursuant to KMC 14.20.150(I)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
- 9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

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

Clarification was provided that once the business is in operation it should not prevent other businesses from operating within a 1,000 foot radius, although it may create a scenario where there is a non-conforming use with any new uses; if the cultivation facility wanted to expand there may be additional requirements.

Mr. Welch clarified that the current State requirements for security, noting that he will receive notifications when regulations change. He explained that the 500 square foot area is canopy for the plants.

Clarification was provided on how the 500 foot buffer was determined. It was noted that there is no limitations on how many cannabis operations can be within proximity of each other.

**VOTE:**

YEA: Fikes, Halstead, Douthit, Woodard, Twait, Springer  
NAY:

**MOTION PASSED UNANIMOUSLY.**

Chair Twait noted the fifteen-day appeal period.

2. **Resolution PZ 2021-44** - Application for a Conditional Use Permit for a Standard Marijuana Cultivation Facility for the property described as Lot 1, Yragui Subdivision, located at 8847 Kenai Spur Highway, Kenai, Alaska 99611. The application was submitted by Nicholas Mann, 140 Bidarka Street #1342, Kenai, Alaska 99611.

**MOTION:**

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-44 and Vice Chair Fikes **SECONDED** the motion.

Nicholas Mann, business owner and sole proprietor, noted that he is looking forward to exercising his knowledge of the industry.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for a standard marijuana cultivation facility. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning construction of any new structures, a building permit must be issued by Building Official for the City of Kenai. Any renovations must check in with the Building Official regarding any required building permits.
4. Standards for commercial marijuana establishments per KMC14.20.330 must be maintained.

5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31<sup>st</sup> day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
8. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

Chair Twait opened for public hearing.

Nicholas Mann noted that Director Foster did a good job with the staff report presentation. In response to commissioner questions, he clarified that he does not currently have plans to go into retail, and if he did it would not be on this property. He noted that there is a family living in the house, and they will not be providing security for the business. He explained that he currently has an 18-month lease which he may extend, and the property is on City services for utilities. He clarified that he has taken the standard security measures required by the Alcohol and Marijuana Control Board, and provided details about his security system.

Katherine Uei, owner of the property, shared that every tenant on this property are all in support of this.

There being no one else wishing to be heard, the public hearing was closed.

**VOTE:**

**YEA:** Halstead, Woodard, Springer, Douthit, Fikes, Twait

**NAY:**

**MOTION PASSED UNANIMOUSLY.**

Chair Twait noted the fifteen-day appeal period.

**G. NEW BUSINESS** – None.

**H. UNFINISHED BUSINESS**

1. **Resolution PZ2021-39** - Recommending the Council of the City of Kenai Approve and Adopt the City of Kenai Land Management Plan. *[Clerk's Note: At the December 8th Meeting, this Resolution was Postponed to this Meeting; a Motion to Enact is On the Floor.]*

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

Director Foster noted that information had been added to the packet on Titles 21 and 22, zoning and additional definitions.

Discussion involved how the commission had approached Land Management Plan (LMP)



discussions at previous meetings, and how better clarification can be reached with regard to their LMP recommendations and subsequent implementation plan.

The goals of LMP presentation to commissions were clarified, and it was noted that the intent was not to develop policies and procedure, and the focus should be more about developing recommendations for parcels to retain for a public purpose or dispose. It was also advised that the commission could recommend to re-zone or subdivide a parcel, which would affect the implementation plan.

The commission discussed how the City's website offers resources for prospective land buyers such as GIS maps and land purchase application which clarify the disposal process of City lands. Director Foster clarifies that when he is approached by interested parties he will share this information, meet with them along with the Building Official and Fire Marshal to share information about the potential application, and discuss anything else required by code such as permits and site plans. It was noted that the lands inventory and GIS tool will make this process much easier.

Clarification was provided regarding how competing applications would be handled, and it was noted that the City pays for appraisal and the code specifies the reimbursement process.

Dates for a potential work session were discussed; clarification was provided on how motions will be made, and how public comment will be presented for consideration. It was noted that lands that have already been disposed of will not be moved.

Clarification was provided that commission can recommend eliminating property lines to make smaller adjacent parcels into one combined larger lot which could be more desirable; this would take place in implementation plan. It was noted that this could be expensive for the City, and the suggestion was made to wait until an interested party comes forward.

The commission decided to hold work session on Jan 20, 2022.

The commission requested that Administration provide information about the implementation plan, which would clarify differentiations between it and LMP recommendations.

**MOTION:**

Vice Chair Fikes **MOVED** to postpone Resolution No. PZ2021-39 until January 12, 2022 and Commissioner Woodard **SECONDED** the motion.

**VOTE:**

YEA: Springer, Twait, Halstead, Woodard, Douthit, Fikes

NAY:

**MOTION PASSED UNANIMOUSLY.**

**I. PENDING ITEMS** – None.

**J. REPORTS**

1. **City Council** – Council Member Glendening noted the good discussion, and discussed

next steps for LMP and implementation plan considerations. Reported on the actions from the December 15, 2021 City Council meeting.

2. **Borough Planning** – No report.

3. **City Administration** – Planning Director Foster reported on the following:

- Several meetings have been scheduled for January;
- January 12, 2022 meeting will include one CUP application;
- January 20, 2022 work session will begin at 6:00 pm;
- In response to inquiries from the commission, referred to KMC Title 12 Health & Safety which addresses abandoned and dilapidated buildings.

**K. ADDITIONAL PUBLIC COMMENT**

Vice Mayor Glendening noted that the City Council is looking for help with the LMP, and really depends on the Planning & Zoning Commission.

**L. INFORMATIONAL ITEMS** – None.

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. January 12, 2022

**N. COMMISSION COMMENTS & QUESTIONS**

Commissioner Woodard wished everyone a Merry Christmas.

Commissioner Halstead thanked Commissioner Woodard for the treats she brought.

Vice Chair Fikes thanked Commissioner Woodard for the treats.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:57 p.m.

Minutes prepared and submitted by:

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Meghan Thibodeau  
Deputy City Clerk



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 2022-01**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI  
**GRANTING** A CONDITIONAL USE PERMIT FOR CABIN RENTALS.

APPLICANT: Bill Elmore

PROPERTY ADDRESS: 104 N Tinker Lane

LEGAL DESCRIPTION: North 70 ft of South 140 ft of Government Lot 166

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04515204

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on December 20, 2021; 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 January 12, 2022, 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(e)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

Criteria Met: The proposed cabin rental meets the intent of the Suburban Residential (RS) Zone to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;
- (2) To prohibit uses which would:
  - (A) Violate the residential character of the environment;
  - (B) Generate heavy traffic in predominantly residential areas.

A single rental cabin would not violate the residential character of the neighborhood or generate heavy traffic.

The Land Use Table provides that Cabin Rentals are a conditional use for the Suburban Residential zoning district; therefore, a conditional use permit must be granted for the operation of rental cabins. The applicant has provided a site plan that provides the layout of the cabin and parking.

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

Criteria Met. The parcel located to the North is a 4-plex, to both the South and East is a single family residence, and the middle school is located to the West, across N Tinker Lane. The economic and noneconomic value of adjacent properties should not be significantly impaired with the renovation and use of a rental cabin. Generally speaking, renovation of existing, vacant structures of this nature, tends to increase neighborhood property values.

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

Criteria Met. The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai.

- ED-5 Promote adaptive reuse of vacant commercial buildings in the city center and along the Kenai Spur Highway.
- ED-9 Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

Goal 3 of the Comprehensive Plan is to Develop land use strategies to implement a forward-looking approach to community growth and development.

- LU-2 Promote the infill of existing, improved subdivision lots.

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

Criteria Met. The subject property is accessed via a paved, City maintained road. City sewer and water provide service to the property via N Tinker Lane. There is access to natural gas, electricity, and telephone services.

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

Criteria Met: The use of a rental cabin will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this development.

The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for rental guests.

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

See Conditions of Approval as set forth below.

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 Bill Elmore for Cabin Rentals for property described as North 70 ft of South 140 ft of Government Lot 166, and located at 104 N Tinker Lane.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31<sup>st</sup> day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. 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(l)(5).
7. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions 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 12th day of January, 2022.

---

JEFF TWAIT, CHAIRPERSON

ATTEST:

---

SHELLIE SANER, CITY CLERK



# KENAI

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

## STAFF REPORT

**TO:** Planning and Zoning Commission  
**FROM:** Ryan Foster, Planning Director  
**DATE:** January 4, 2022  
**SUBJECT:** PZ2022-01 – Conditional Use Permit – Cabin Rentals

---

Applicant: Bill Elmore  
P.O. Box 1531  
Kenai, Alaska 99611

Legal Description: North 70 ft of South 140 ft of Government Lot 166

Property Address: 104 N Tinker Lane

KPB Parcel No: 04515204

Lot Size: 0.53 Acres (23,086 square feet)

Existing Zoning: Suburban Residential (RS)

Current Land Use: Vacant Commercial/Residential

Land Use Plan: Suburban Residential

### GENERAL INFORMATION

The applicant, Bill Elmore, has submitted a conditional use permit application for Cabin Rentals at 104 N Tinker Lane. Cabin rentals are listed as a conditional use within the Suburban Residential zone in Kenai Municipal Code 14.22.010, Land Use Table. KMC 14.20.320 Definitions, defines cabin rentals, “Cabin rentals” means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.

### Application, Public Notice, Public Comment

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

## ANALYSIS

### Kenai Municipal Code 14.20.150(e) – 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(e)-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:

***Criteria # 1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.***

Applicant Response: As a temporary rental – 30 days or less – a complete renovation to accommodate 2-3 bedrooms, 2 baths, kitchen & dining & living space. We want to maintain the property as a residence/cabin.

Staff Response: The proposed cabin rental meets the intent of the Suburban Residential (RS) Zone to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;
- (2) To prohibit uses which would:
  - (A) Violate the residential character of the environment;
  - (B) Generate heavy traffic in predominantly residential areas.

A single rental cabin would not violate the residential character of the neighborhood or generate heavy traffic.

The Land Use Table provides that Cabin Rentals are a conditional use for the Suburban Residential zoning district; therefore, a conditional use permit must be granted for the operation of rental cabins. The applicant has provided a site plan that provides the layout of the cabin and parking.

***Criteria #2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.***

Applicant Response: Any impact will be positive. The remodel will consist of structural, interior & exterior painting & landscaping. Parking area will be defined. Adjacent neighbors will not be negatively affected.

Staff Response: The parcel located to the North is a 4-plex, to both the South and East is a single family residence, and the middle school is located to the West, across N Tinker Lane. The economic and noneconomic value of adjacent properties should not be significantly impaired with the renovation and use of a rental cabin. Generally speaking,

Page 2 of 4





renovation of existing, vacant structures of this nature, tends to increase neighborhood property values.

**Criteria #3: The proposed use is in harmony with the Comprehensive Plan.**

Applicant Response: Provide close proximity, short term destination housing. Provide lodging for seasonal, visitor, workforces. Maintain as early Kenai historical structure.

Staff Response: The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai.

- ED-5 Promote adaptive reuse of vacant commercial buildings in the city center and along the Kenai Spur Highway.
- ED-9 Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

Goal 3 of the Comprehensive Plan is to Develop land use strategies to implement a forward-looking approach to community growth and development.

- LU-2 Promote the infill of existing, improved subdivision lots.

**Criteria #4: Public services and facilities are adequate to serve the proposed use.**

Applicant Response: Yes, city utilities are onsite. Street level entrances & parking.

Staff Response: The subject property is accessed via a paved, City maintained road. City sewer and water provide service to the property via N Tinker Lane. There is access to natural gas, electricity, and telephone services.

**Criteria #5: The proposed use will not be harmful to the public safety, health or welfare.**

Applicant Response: The structure will be constructed & maintained to current codes. Facility will be maintained & occupied in a clean, safe manner as a temporary rental. Short term use will mitigate long term issues of debris.

Staff Response: The use of a rental cabin will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for rental guests.

**Criteria # 6: Specific conditions deemed necessary.**



Applicant Response: Landscaping, defined parking, privacy fences will be utilized as is consistent with need. No outdoor permanent pets will be present.

Staff Response: See Conditions of Approval as set forth below.

## RECOMMENDATIONS

City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31<sup>st</sup> day of December of each year.
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6. 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(l)(5).
7. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

## ATTACHMENTS

- A. Application
- B. Draft Site Plan
- C. Floor Plans/Elevation Drawings
- D. Aerial Map





# Conditional Use Permit Application

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

### PROPERTY OWNER

Name:	BILL ELMORE		
Mailing Address:	PO BOX 1531		
City:	KENAI	State:	ALASKA
		Zip Code:	99611
Phone Number(s):	907-240-7953      907-394-4470		
Email:	AKBILL1956@GMAIL.COM		

### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

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

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04515204
Physical Address:	104 NORTH TINKER LN.
Legal Description:	T6N R11W SEC.34 SE1/4 MER KN NORTH 70
Zoning:	RS = SUBURBAN RESIDENTIAL
Acres:	

### CONDITIONAL USE DESCRIPTION

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

How is this property currently being used?	VACANT RESIDENTIAL
--	--------------------

Conditional Use Requested for (attach additional sheets if necessary):

VRBO / AIR B & B - VACATION RENTAL -

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

AS A TEMPORARY RENTAL - 30 DAYS OR LESS.  
 A COMPLETE RENOVATION TO ACCOMMODATE 2-3 BEDROOMS, 2 BATHS  
 KITCHEN & DINING & LIVING SPACE. WE WANT TO MAINTAIN  
 THE PROPERTY AS A RESIDENCE / CABIN.

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

ANY IMPACT WILL BE POSITIVE. THE REMODEL WILL CONSIST  
 OF STRUCTURAL, INTERIOR & EXTERIOR PAINTING & LANDSCAPING -  
 PARKING AREA WILL BE DEFINED.  
 ADJACENT NEIGHBORS WILL NOT BE NEGATIVELY AFFECTED

Use of surrounding property - north:	4 PLEX SHORT/LONG TERM RENTAL
Use of surrounding property - south:	PRIVATE RESIDENCE
Use of surrounding property - east:	PRIVATE RESIDENCE
Use of surrounding property - west:	CITY STREET - MIDDLE SCHOOL

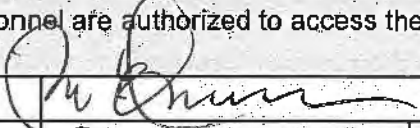
Explain how the conditional use is in harmony with the City's Comprehensive Plan:  
 PROVIDE CLOSE PROXIMITY - SHORT TERM DESTINATION HOUSING.  
 PROVIDE LODGING FOR SEASONAL - VISITOR - WORKFORCES  
 MAINTAIN AS EARLY KENAI HISTORICAL STRUCTURE

Are public services and facilities on the property adequate to serve the proposed conditional use?  
 YES - CITY UTILITIES ARE ONSITE.  
 STREET LEVEL ENTRANCES & PARKING

Explain how the conditional use will not be harmful to public safety, health, or welfare:  
 THE STRUCTURE WILL BE CONSTRUCTED & MAINTAINED TO CURRENT CODES - FACILITY WILL BE MAINTAINED & OCCUPIED IN A CLEAN, SAFE MANNER AS A TEMPORARY RENTAL, SHORT TERM USE WILL MITIGATE LONG TERM ISSUES OF DEBRIS

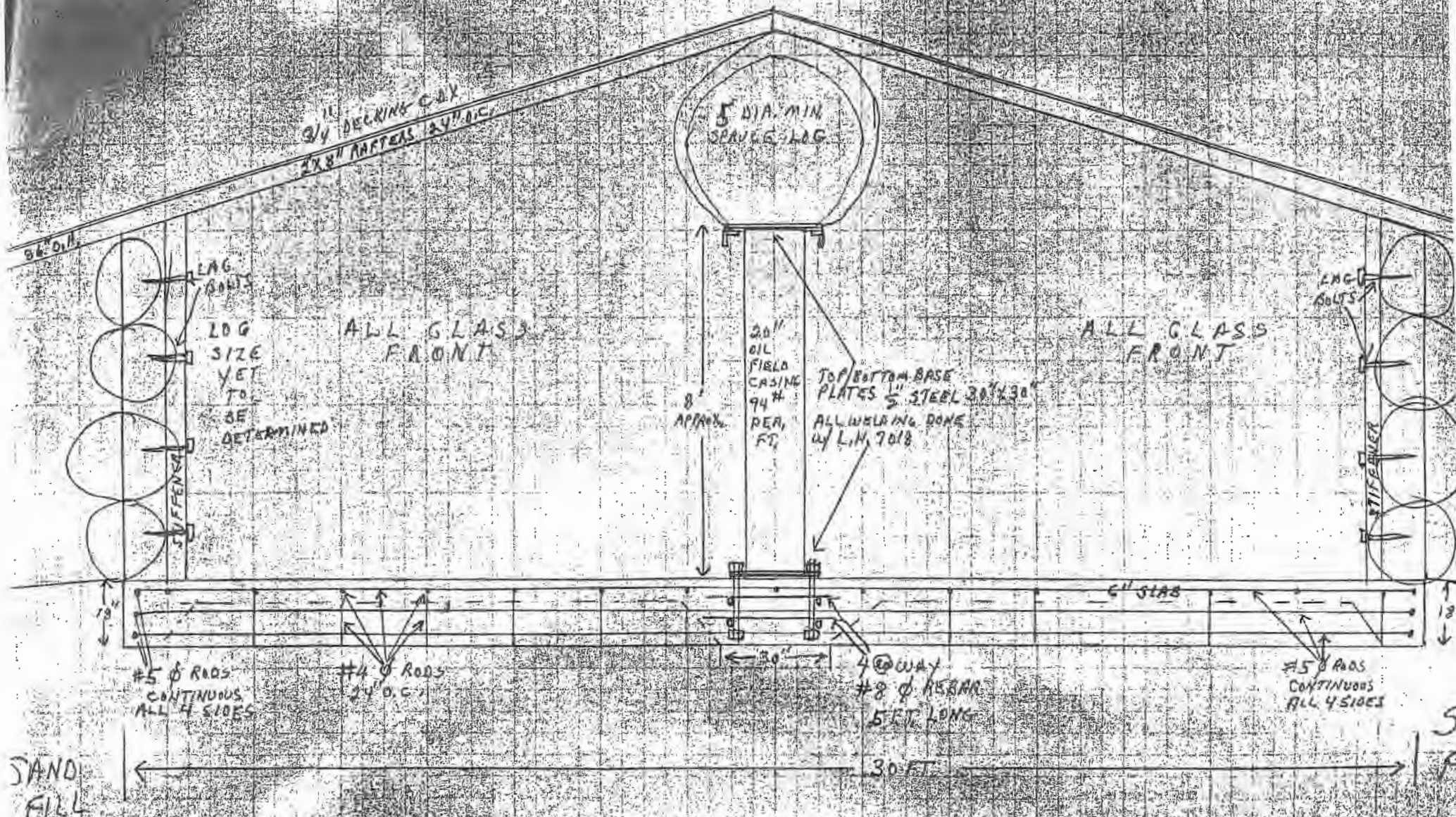
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?  
 LANDSCAPING, DEFINED PARKING, PRIVACY FENCES WILL BE UTILIZED AS IS CONSISTANT WITH A NEED. NO OUTDOOR PERMANENT PETS WILL BE PRESENT.

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

Signature:  Date: Dec 13, 2021  
 Print Name: BILL ELMORE Title/Business: ELMORE ENT. BROWN BEAR HOUSE

**For City Use Only**  
 Date Application Fee Received:  
 PZ Resolution Number:

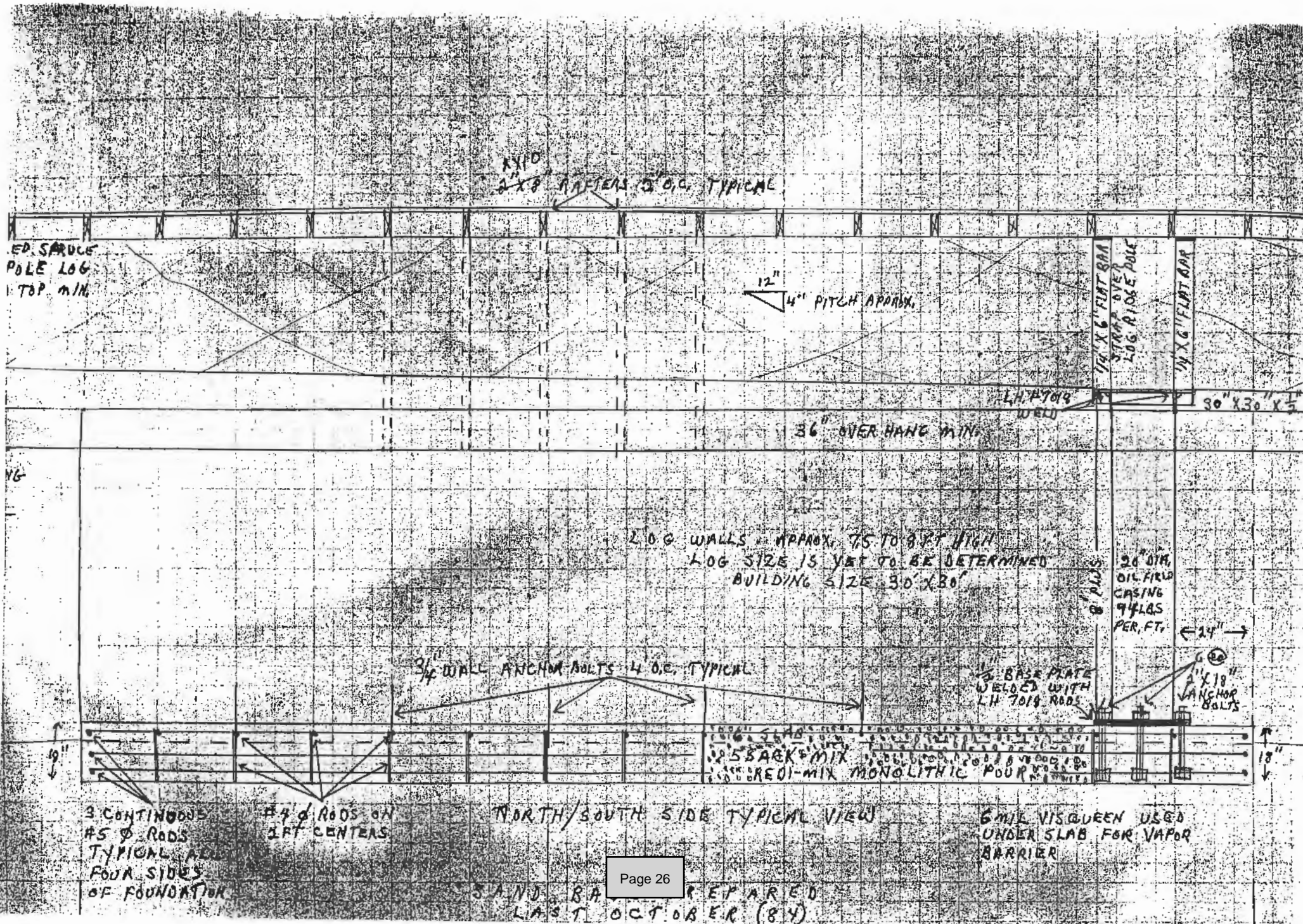




FRONT VIEW LOOKING EAST

104 NORTH TINKER LANE





ED. SARDUC  
POLE LOG  
TOP MIN.

KYFD  
2x8 RAFTERS @ 6' O.C. TYPICAL

12"  
4" PITCH APPROX.

1/4" X 6" FLAT BAR  
STRAP OVER  
LOG RISE POLE  
1/4" X 6" FLAT BAR

L.H. #7019  
WELD

30" X 30" X 5"

36" OVER HANG MIN.

LOG WALLS APPROX. 75 TO 8 FT HIGH  
LOG SIZE IS YET TO BE DETERMINED  
BUILDING SIZE 30' X 30'

26" DIA.  
OIL FIELD  
CASING  
94 LBS  
PER. FT.

3/4" WALL ANCHOR BOLTS @ 4' O.C. TYPICAL

1/2" BASE PLATE  
WELDED WITH  
L.H. #7019 RODS

2" X 18"  
ANCHOR  
BOLTS



3 CONTINUOUS  
#5 Ø RODS  
TYPICAL ALL  
FOUR SIDES  
OF FOUNDATION

#4 Ø RODS ON  
2 FT CENTERS

NORTH/SOUTH SIDE TYPICAL VIEW

6 MIL VISQUEEN USED  
UNDER SLAB FOR VAPOR  
BARRIER

SAND B.A. PREPARED  
LAST OCTOBER (84)

Tax id: 4515204

Zoning: SUBURBAN RESIDENTIAL Lot Size: 0.53 acres

Assessed Value: \$63,500.00



1:992



**Owner(s)**

THORNTON DAVID F & MARY R

**Property Address**

104 TINKER LN - NORTH  
Kenai, AK  
99611

**Mailing Address**

104 N TINKER LN  
KENAI, AK  
99611

**Legal Description**

T 6N R 11W SEC 34 SEWARD MERIDIAN KN  
NORTH 70 FT OF SOUTH 140 FT OF GOVT  
LOT 166

### Planning and Zoning Permits

Resolution	Permit Type	Type	Requested by	Meeting Date	Action

### Building Permits

Permit	Date	Contractor	Description	Plan Fee	Permit Fee	Valuation
B2761	5/24/1989		Other-Commercial	\$0.00	\$42.00	\$5,000.00
B2426	7/5/1985		New-Garage/Carport	\$0.00	\$36.00	\$20,000.00

### Utility Services

Water Service	Sewer Service	Utility Service ID
N	N	



**Alaska Department of Commerce, Community, and Economic Development**

Division of Corporations, Business, and Professional Licensing  
PO Box 110806, Juneau, AK 99611-0806

This is to certify that

**ALASKA CRANE CONSULTANTS**

PO BOX 1531, KENAI, AK 99611

owned by

WILLIAM L ELMORE

is licensed by the department to conduct business for the period

December 10, 2020 to December 31, 2022  
for the following line(s) of business:

54 - Professional, Scientific and Technical Services

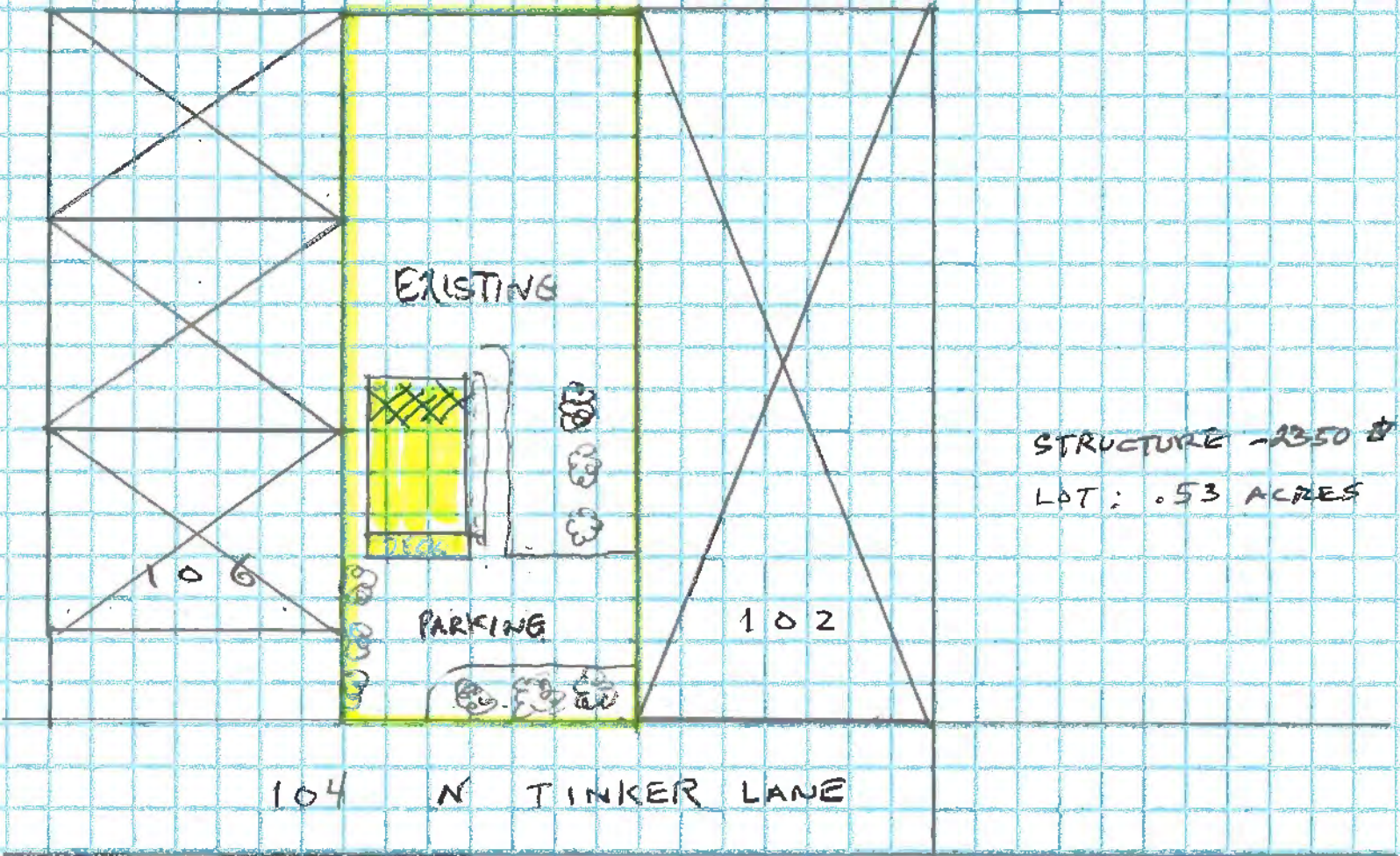


This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

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

Julie Anderson  
Commissioner

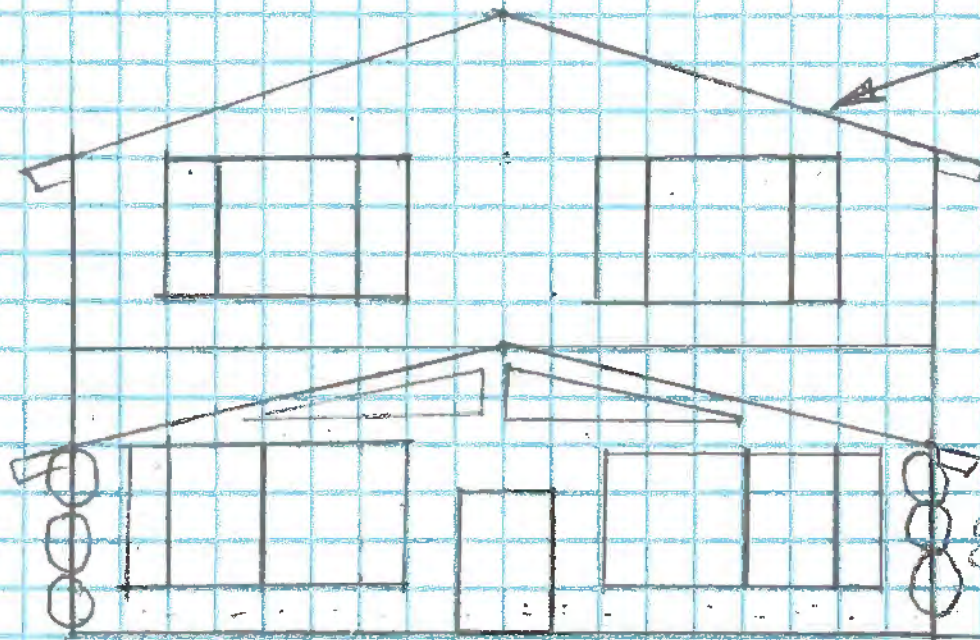




BILL ELMORE  
DBA BROWN BEAR HOUSE



BILL ELMORE  
104 NORTH TINKER  
KENAI ALASKA



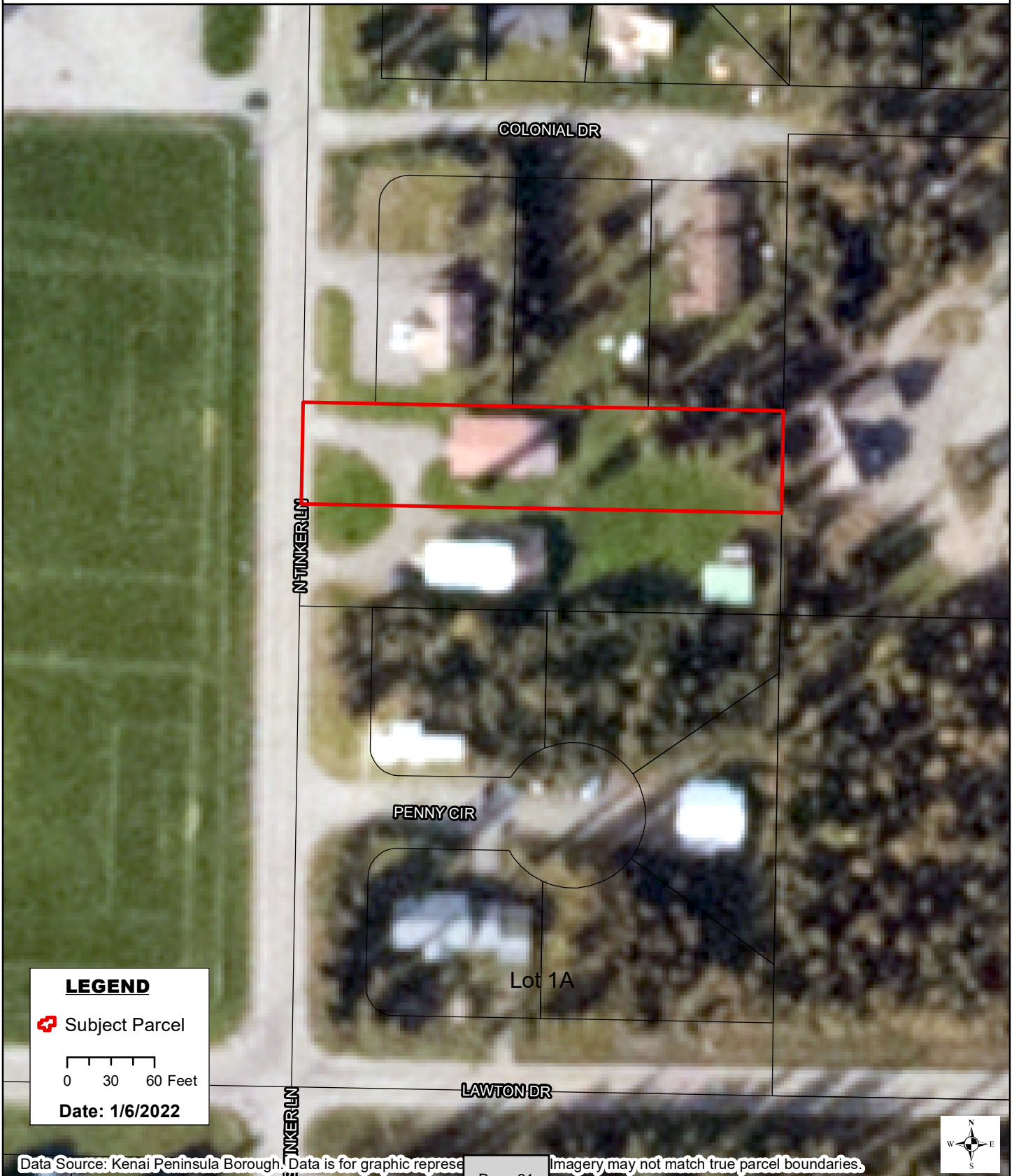
PROPOSED  
NEW ADDITION  
ABOVE  
2 BEDS / BATH  
600 S/F

PARKING





**PZ2022-01 CUP Cabin Rentals**  
**104 N Tinker Lane**  
**Parcel 04515204**



# PLANNING & ZONING COMMISSION

Resolution PZ2022-01 – Conditional Use Permit – Cabin Rentals

104 N Tinker Lane

# SUMMARY

**Applicant:** Bill Elmore  
P.O. Box 1531  
Kenai, Alaska 99611

**Legal Description:** North 70 ft of South 140 ft of Government Lot 166

**Property Address:** 104 N Tinker Lane

**KPB Parcel No:** 04515204

**Lot Size:** 0.53 Acres (23,086 square feet)

**Existing Zoning:** Suburban Residential (RS)

**Current Land Use:** Vacant Commercial/Residential

**Land Use Plan:** Suburban Residential



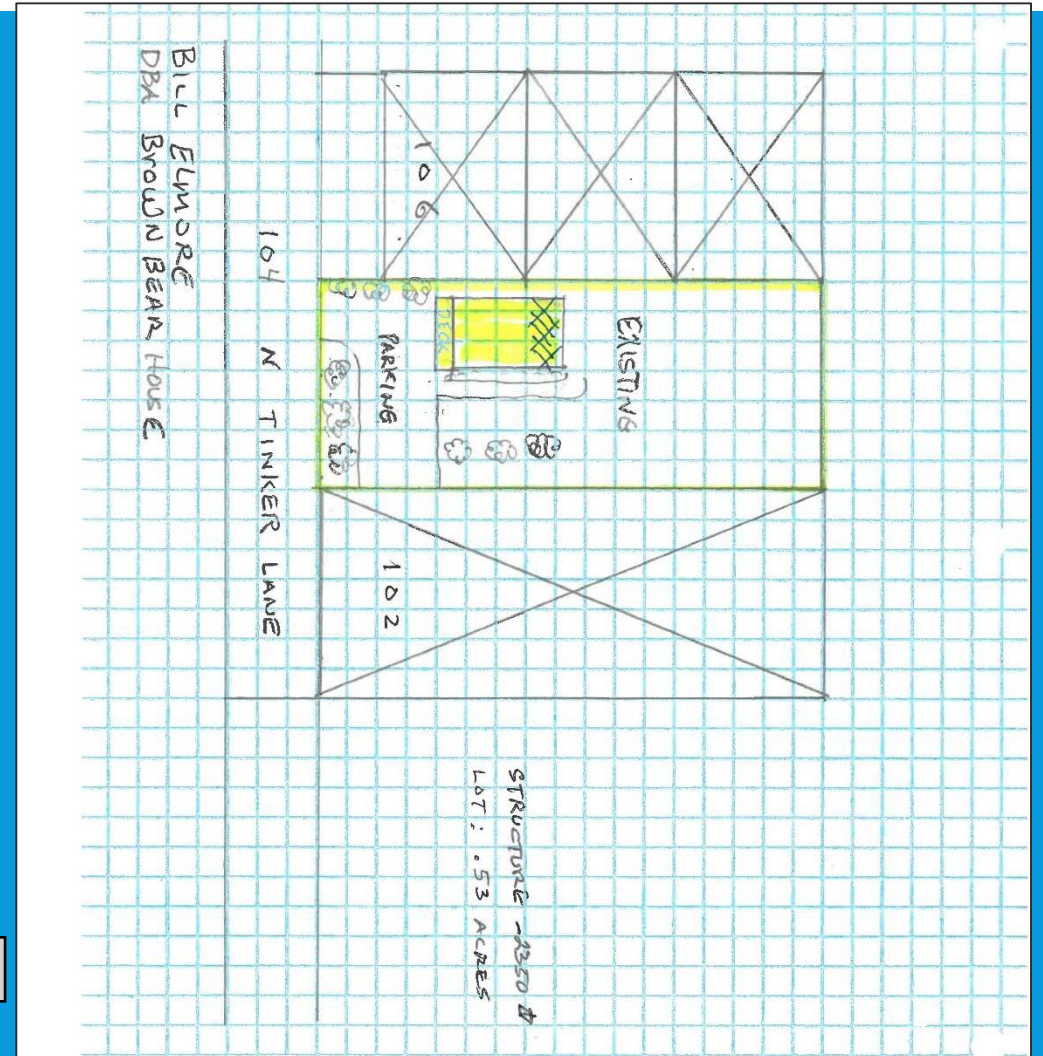
# SUMMARY

- Cabin rentals are listed as a conditional use within the Rural Residential zone in Kenai Municipal Code 14.22.010
- Land Use Table. KMC 14.20.320 Definitions, defines cabin rentals “Cabin rentals” means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.



# SITE PLAN

- Site plan identifies the rough layout of the existing structure, parking, and landscaping.



# STAFF ANALYSIS

- Kenai Municipal Code 14.20.150(e) – 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(e)- 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:



# REVIEW CRITERIA

- *Criteria #1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.*
- *Criteria #2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.*
- *Criteria #3: The proposed use is in harmony with the Comprehensive Plan.*
- *Criteria #4: Public services and facilities are adequate to serve the proposed use.*
- *Criteria #5: The proposed use will not be harmful to the public safety, health or welfare.*
- *Criteria #6: Specific conditions deemed necessary.*

# RECOMMENDATIONS

- City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:
  1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
  2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
  3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
  4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.


# RECOMMENDATIONS CONTINUED

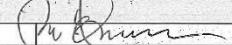
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8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

# ATTACHMENTS

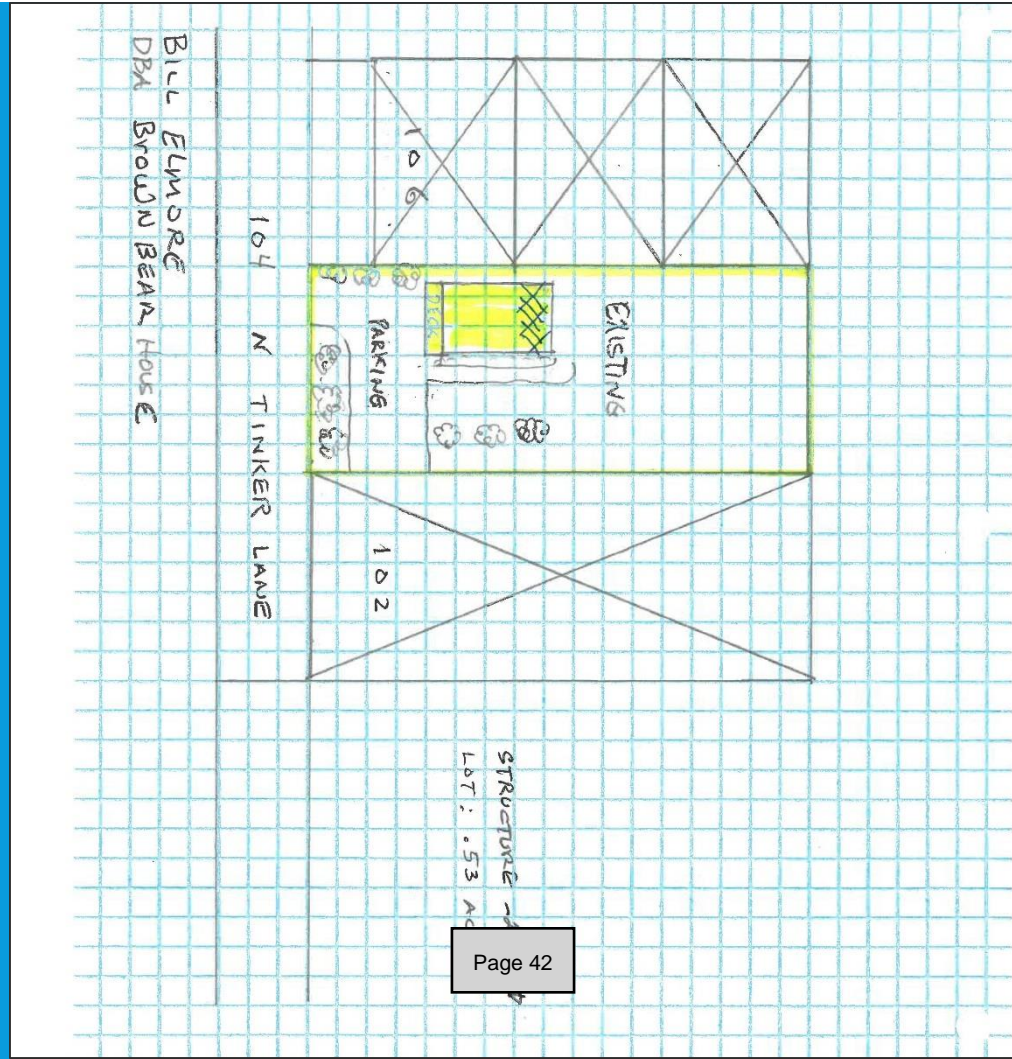
- A. Application
- B. Draft Site Plan
- C. Floor Plans/Elevation Drawings
- D. Aerial Map

# A. APPLICATION

 <b>Conditional Use Permit Application</b>		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
		PROPERTY OWNER	
Name:	BILL ELMORE		
Mailing Address:	PO Box 1531		
City:	KENAI	State:	ALASKA
Zip Code:	99611		
Phone Number(s):	907-240-7953	907-394-4470	
Email:	AKBILL1956@GMAIL.COM		
PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)			
Name:			
Mailing Address:			
City:		State:	
Phone Number(s):			
Email:			
PROPERTY INFORMATION			
Kenai Peninsula Borough Parcel # (Property Tax ID):	04515204		
Physical Address:	104 NORTH TINKER LN.		
Legal Description:	T6N R11W SEC.34 SE1/4 MER. KN NORTH 70		
Zoning:	RS - SUBURBAN RESIDENTIAL		
Acres:			
CONDITIONAL USE DESCRIPTION (include site plan/floor plan with square footages) (include State Business License and KPB Tax Compliance if applicable)			
How is this property currently being used?	VACANT RESIDENTIAL		
Conditional Use Requested for (attach additional sheets if necessary):	NRBO / AIR B & B - VACATION RENTAL -		
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:			
AS A TEMPORARY RENTAL - 30 DAYS OR LESS - A COMPLETE RENOVATION TO ACCOMMODATE 2-3 BEDROOMS, 2 BATHS KITCHEN & DINING & LIVING SPACE. WE WANT TO MAINTAIN THE PROPERTY AS A RESIDENCE / CABIN.			
Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:			
ANY IMPACT WILL BE POSITIVE. THE REMODEL WILL CONSIST OF STRUCTURAL, INTERIOR & EXTERIOR PAINTING & LANDSCAPING - PARKING AREA WILL BE DEFINED. ADJACENT NEIGHBORS WILL NOT BE NEGATIVELY AFFECTED			

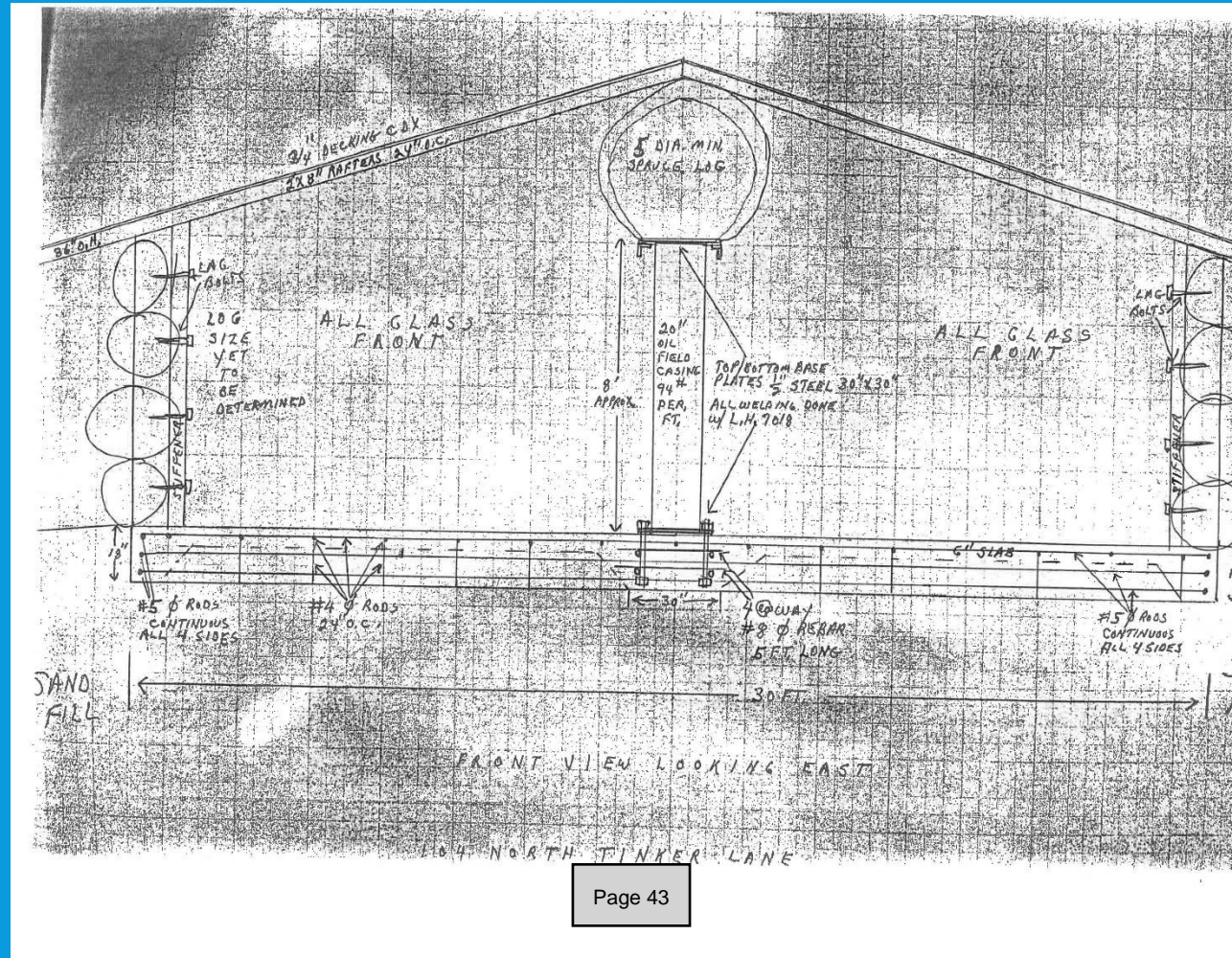
Use of surrounding property - north:	4 PLEX SHORT/LONG TERM RENTAL
Use of surrounding property - south:	PRIVATE RESIDENCE
Use of surrounding property - east:	PRIVATE RESIDENCE
Use of surrounding property - west:	CITY STREET - MIDDLE SCHOOL
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	
PROVIDE CLOSE PROXIMITY - SHORT TERM DESTINATION HOUSING. PROVIDE LODGING FOR SEASONAL - VISITOR - WORK FORCES MAINTAIN AS EARLY KENAI HISTORICAL STRUCTURE	
Are public services and facilities on the property adequate to serve the proposed conditional use?	
YES - CITY UTILITIES ARE ON SITE STREET LEVEL ENTRANCES & PARKING	
Explain how the conditional use will not be harmful to public safety, health, or welfare:	
THE STRUCTURE WILL BE CONSTRUCTED & MAINTAINED TO CURRENT CODES - FACILITY WILL BE MAINTAINED & OCCUPIED IN A CLEAN, SAFE MANNER AS A TEMPORARY RENTAL. SHORT TERM USE WILL MITIGATE LONG TERM ISSUES OF DEBRIS	
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?	
LANDSCAPING, DEFINED PARKING, PRIVACY FENCES WILL BE UTILIZED AS IS CONSISTENT WITH NEED. NO OUTDOOR PERMANENT PETS WILL BE PRESENT.	
AUTHORITY TO APPLY FOR CONDITIONAL USE:	
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Signature:	
Date:	DEC 13, 2021
Print Name:	BILL ELMORE
Title/Business:	ELMORE ENT. BREW BEAR HOUSE
For City Use Only	Date Application Fee Received: PZ Resolution Number:

# B. SITE PLAN



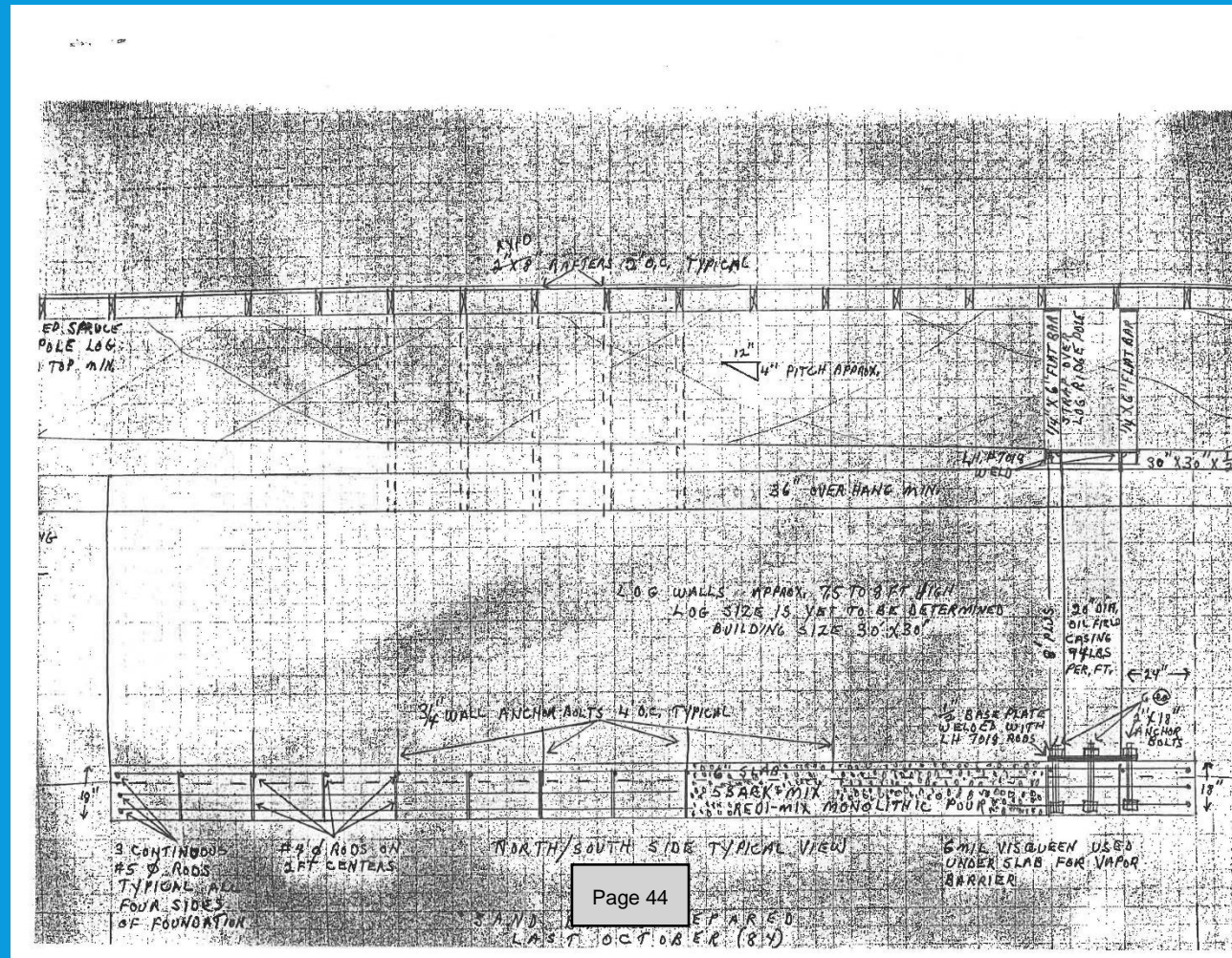


# C. FLOOR PLANS/ELEVATION DRAWINGS



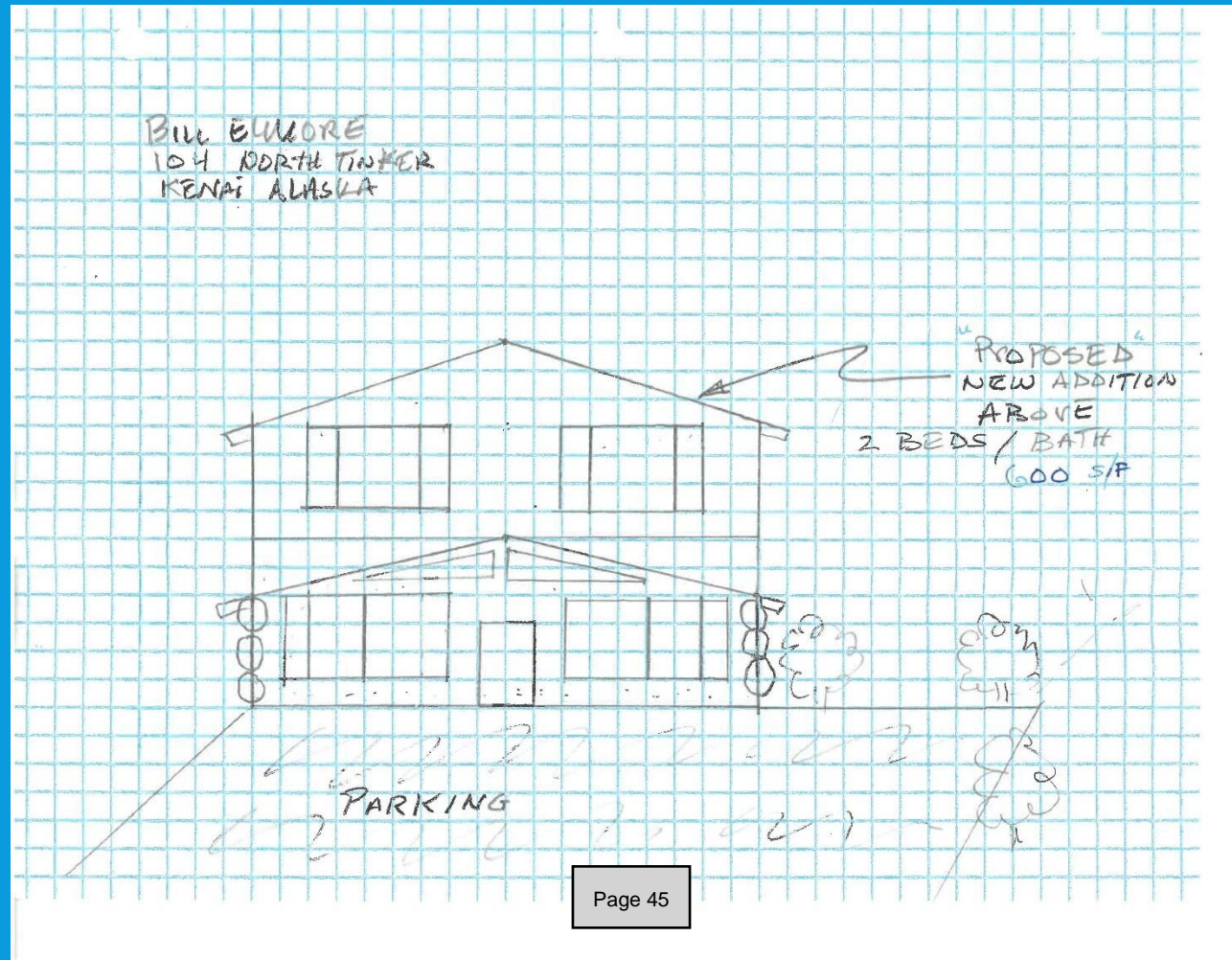


# C. FLOOR PLANS/ELEVATION DRAWINGS





# C. FLOOR PLANS/ELEVATION DRAWINGS



# C. FLOOR PLANS/ELEVATION DRAWINGS





# D. AERIAL MAP





**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 2021-39**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI APPROVE AND ADOPT THE CITY OF KENAI LAND MANAGEMENT PLAN

WHEREAS, in 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan; and

WHEREAS, the City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development; and,

WHEREAS, the City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes; and

WHEREAS, the Planning and Zoning Commission of the City of Kenai and Planning Staff has received numerous comments and input regarding the draft City of Kenai Land Management Plan; and,

WHEREAS, the Planning and Zoning Commission of the City of Kenai considered public comments and made changes to the draft City of Kenai Land Management Plan based on those comments; and,

WHEREAS, City Staff held a public meeting on October 11, 2021, and scheduled public meetings for Commissions on November 4, 2021 November 8, 2021, and November 9, 2021 to receive public comments and discuss the City of Kenai Land Management Plan; and,

WHEREAS, City Staff created an electronic comment form available on the City website to receive public comments on the City of Kenai Land Management Plan; and,

WHEREAS, the Planning and Zoning Commission held a Public Hearing on October 27, 2021 and recommended that the Council of the City of Kenai approve the City of Kenai Land Management Plan.

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

**Section 1.** The Draft of the City of Kenai Land Management Plan is hereby approved and adopted as the City of Kenai Land Management Plan.

**Section 2.** That a copy of Resolution PZ2021-39 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
this 27th day of October, 2021.

\_\_\_\_\_  
JEFF TWAIT, CHAIRPERSON

ATTEST:

\_\_\_\_\_  
JAMIE HEINZ, CITY CLERK

DRAFT



# KENAI

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

## MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Ryan Foster, Planning Director  
**DATE:** October 22, 2021  
**SUBJECT:** **Resolution PZ2021-39 – Recommending the Kenai City Council approve and adopt the City of Kenai Land Management Plan**

---

In 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan. Since that time, Administration has worked diligently to draft a Land Management Plan to inventory, evaluate, and develop recommendations related to City-owned lands.

The City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development. The goals of the Land Management Plan incorporate many of these objectives and include the following:

- Provide an inventory of City-owned lands with detailed information on each parcel.
- Identify properties required for a public purpose or to meet a future public need.
- Establish recommendations for individual parcels that are surplus to the needs of the City to assist in responsible development.
- Create a comprehensive reference document that establishes a format for developing land management policies and procedures.

One of the City's greatest assets is its land inventory. The City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes. The Land Management Plan is an important tool to spur economic growth and improve the quality of life for Kenai residents and is key to the long-term viability of the City.

On October 11, 2021 there was a joint work session with City Council and City Commission Members to kick-off the review, discussion, and comment on the draft City of Kenai Land Management Plan. In addition to additional meeting(s) with the Planning and Zoning Commission, staff have scheduled presentations with the Airport Commission, Parks and Recreation Commission, Beautification Committee, and Harbor Commission to solicit discussion and comments on the draft Land Management Plan.

Please review the attached materials.

**Does the Commission recommend Council approve and adopt the City of Kenai Land Management Plan?**

Attachments

October 11, 2021 Joint Work Session Presentation

Draft City of Kenai Land Management Plan





# CITY OF KENAI LAND MANAGEMENT PLAN

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CITY OF KENAI



# WHAT IS OUR "WHY"

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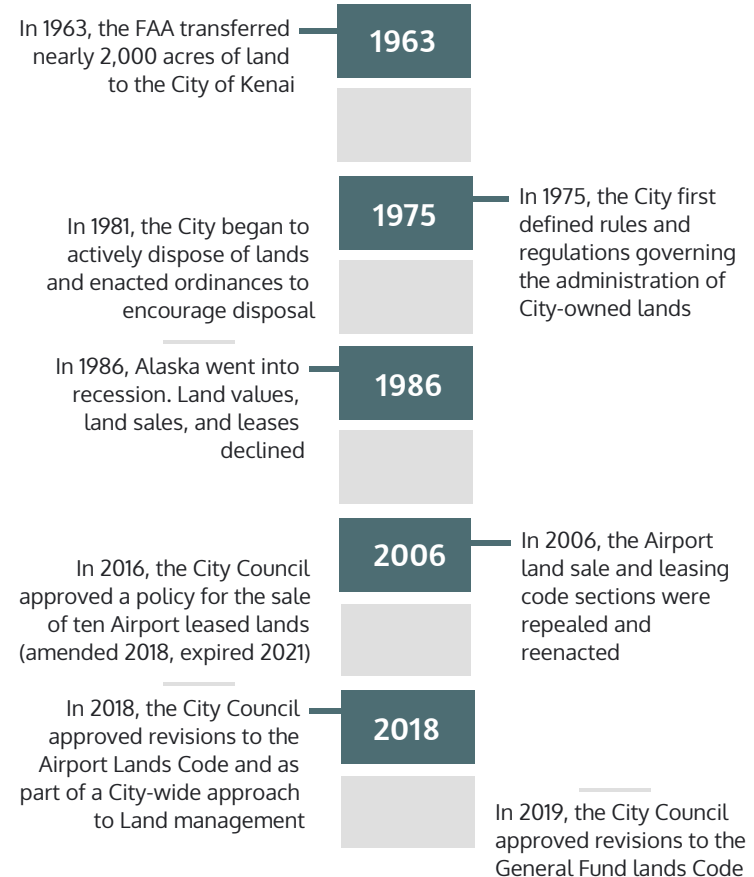
The purpose of the **Land Management Plan** is to evaluate and develop recommendations related to City-owned lands that **encourage responsible growth and development** to support a thriving business, residential, recreational and cultural community.



# Background



In 2018, the Kenai City Council approved land code revisions as part of a **City-wide approach** to land management through development of the City's first Land Management Plan.



# The City is unique in its ownership of a large and diverse amount of public land

---



5,440 Acres of Land

369 Subdivided parcels

The equivalent of 4,114 Football Fields  
(with endzones)

Approximately 8.5 square  
miles, roughly the size of  
Soldotna.



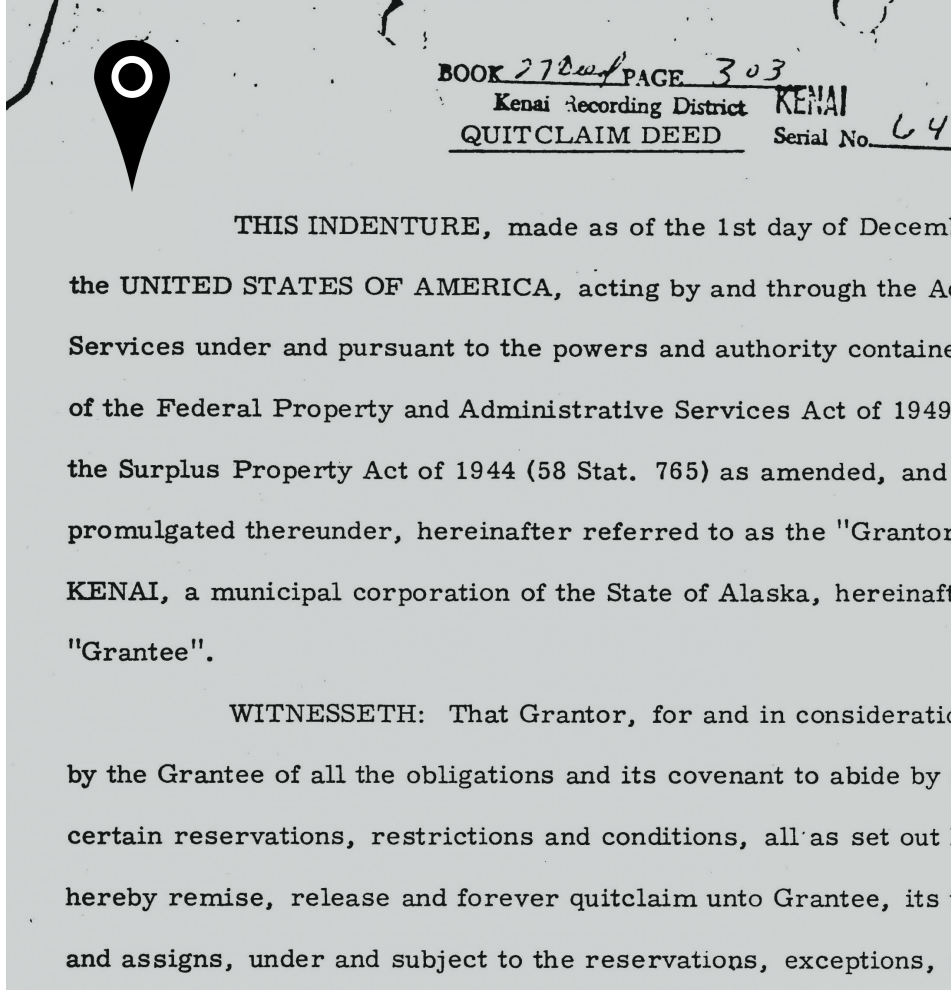


# A SIGNIFIGANT UNDERTAKING

A Land Management Plan provides an active approach to management that requires an inventory of land holdings and a comprehensive evaluation and analysis of each parcel.

In 2018, the City hired a **Temporary Lands Technician** to research each parcel of City-owned land and enter the information into a new Lands Database.

**Over 567 recorded documents were reviewed and scanned into the database as part of this project**





# New City Lands Inventory and Database



An examination of public records and mapping was performed for **each City-owned parcel** to review and record detailed information in the database, including:

- Property Description (e.g. physical characteristics, zoning, land use)
- Facilities (e.g. parks, trails, structures, utilities)
- Status (e.g. public use, under active lease, availability for lease or sale)
- Fund (e.g. Airport Fund or General Fund)
- How the land was obtained (e.g. State, FAA, Municipal Entitlement, tax foreclosure)
- Encumbrances (e.g. easements, restrictions)



# Land Management Plan Objectives

---



- Provide an **inventory** of City-owned lands with detailed information on each parcel
- Identify properties required for a **public purpose** or to meet a future public need
- Establish **recommendations** for individual parcels that are surplus to the needs of the City to assist in responsible development.
- Create a **comprehensive reference document** that establishes a format for developing land management policies and procedures.



# IMPROVED RESPONSE TO PUBLIC

---

The Land Management Plan can be used to actively manage City-owned lands in a wholistic way as well as provide better information to the public.

In the future, we hope to make the Plan available on the City's **interactive online mapping** tool, allowing the public to research City-owned lands from anywhere.



## BEFORE

### No Public Inventory of City-owned Lands

A member of the public must identify a parcel of interest

### No Individual Parcel Information on File

City staff must research to determine if a parcel has conveyance or legislative restrictions

### No Guidance or Planning Documents

Administration provides recommendation on case-by-case basis

VS.

## AFTER

### Public Listing of City-owned Lands

Available listing on City website and at City Hall

### Individual Parcel Information Available

A member of the public can immediately know if a parcel has been designated for lease or sale

### Land Management Plan

Provides guidance and direction to Administration on the management of City-owned lands



# Land Statistics

Approximately 1,613 acres or 129 parcels of City-owned lands are designated as **Airport Fund**



Parcels of City-owned Land are designated as "Airport Fund"

# 35%

AIRPORT FUND  
PARCELS CURRENTLY  
UNDER LEASE

The City will generate **\$512,255** from 46 leases of land designated as Airport Fund in **FY22**, not including apron, airline, or terminal leases

## Recommendations for **Airport Fund** Parcels Based on the Final Draft Land Management Plan:

- 19** PARCELS RECOMMENDED FOR RETENTION
- 47** PARCELS RECOMMENDED FOR LEASE OR SALE
- 49** PARCELS RECOMMENDED FOR LEASE-ONLY
- 14** PARCELS RECOMMENDED FOR MIXED: RETAIN/DISPOSE





# Land Statistics

Approximately 3,826 acres or 239 parcels of City-owned lands are designated as **General Fund**.



Parcels of City-owned Land designated as "General Fund"

## 8.75%

GENERAL FUND PARCELS CURRENTLY **UNDER LEASE**

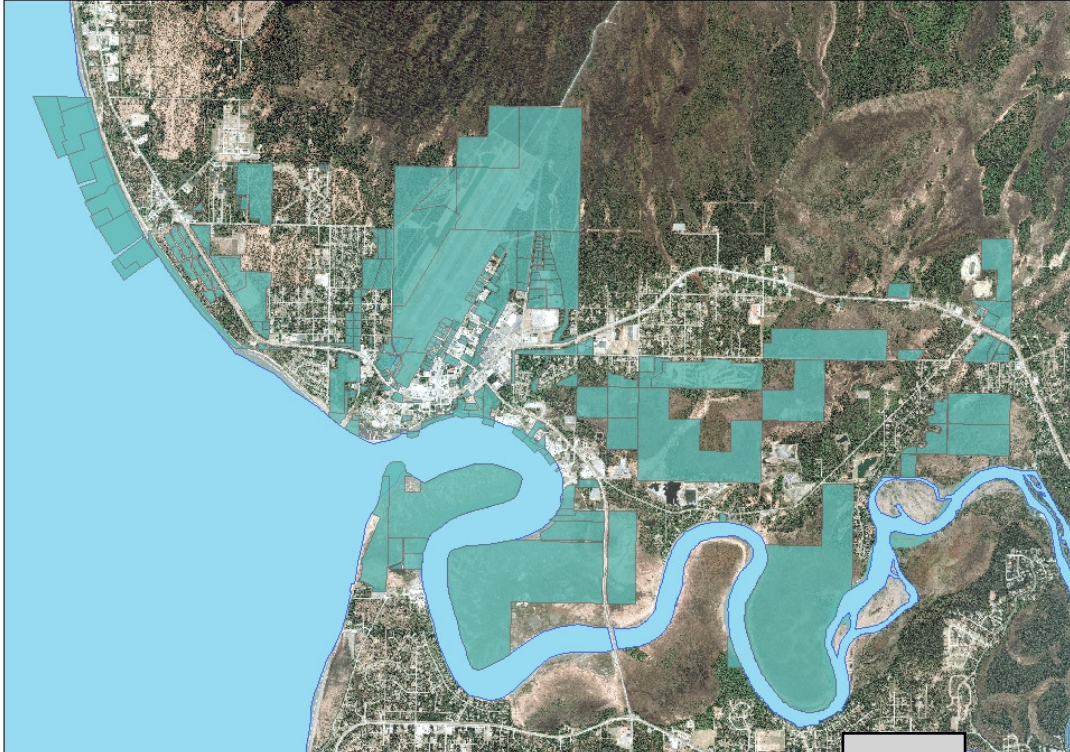
The City will generate **\$218,031** from 19 leases of land designated as General Fund in **FY22**, including tidelands, shorefishery, and no-cost leases

Recommendations for **General Fund** Parcels Based on the Final Draft Land Management Plan:

- 113** PARCELS RECOMMENDED FOR RETENTION
- 86** PARCELS RECOMMENDED FOR LEASE OR SALE
- 19** PARCELS RECOMMENDED FOR LEASE-ONLY
- 21** PARCELS RECOMMENDED FOR MIXED: RETAIN/DISPOSE



# Land Management Plan Retention Recommendations



Page 62

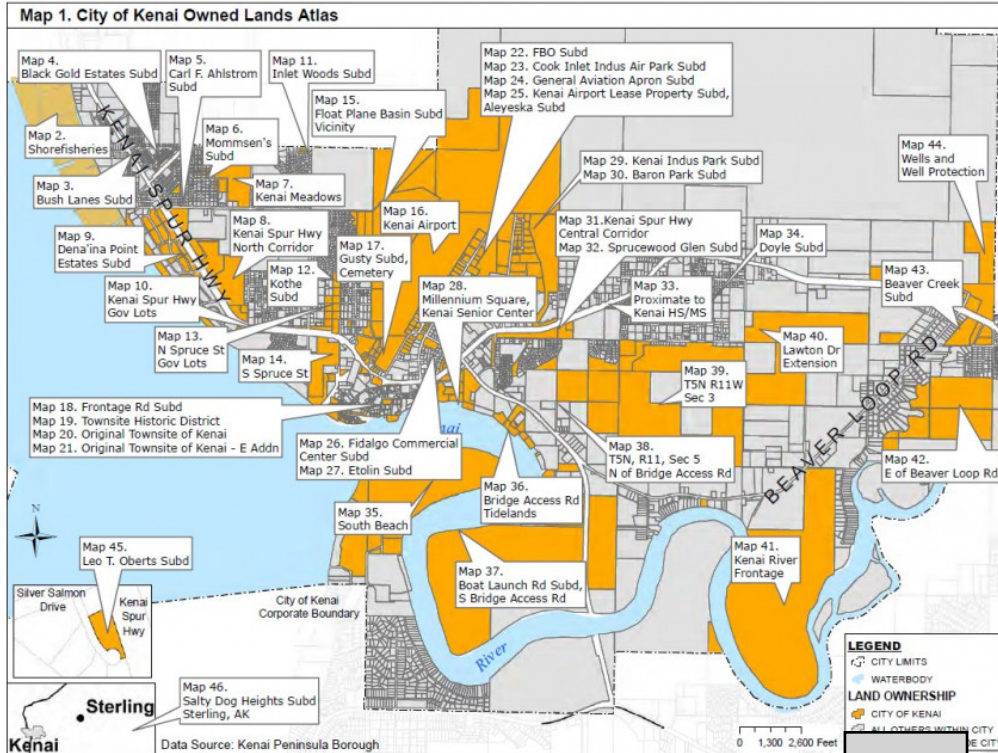
Many City-owned lands should be retained for a public purpose and many are suitable for a variety of business, commercial, industrial, residential, recreational and cultural purposes.

The Plan has **four recommendation categories:**

- Retain
- Dispose
- Dispose - Lease Only
- Mixed - Retain/Dispose



# How the Land Management Plan is Structured



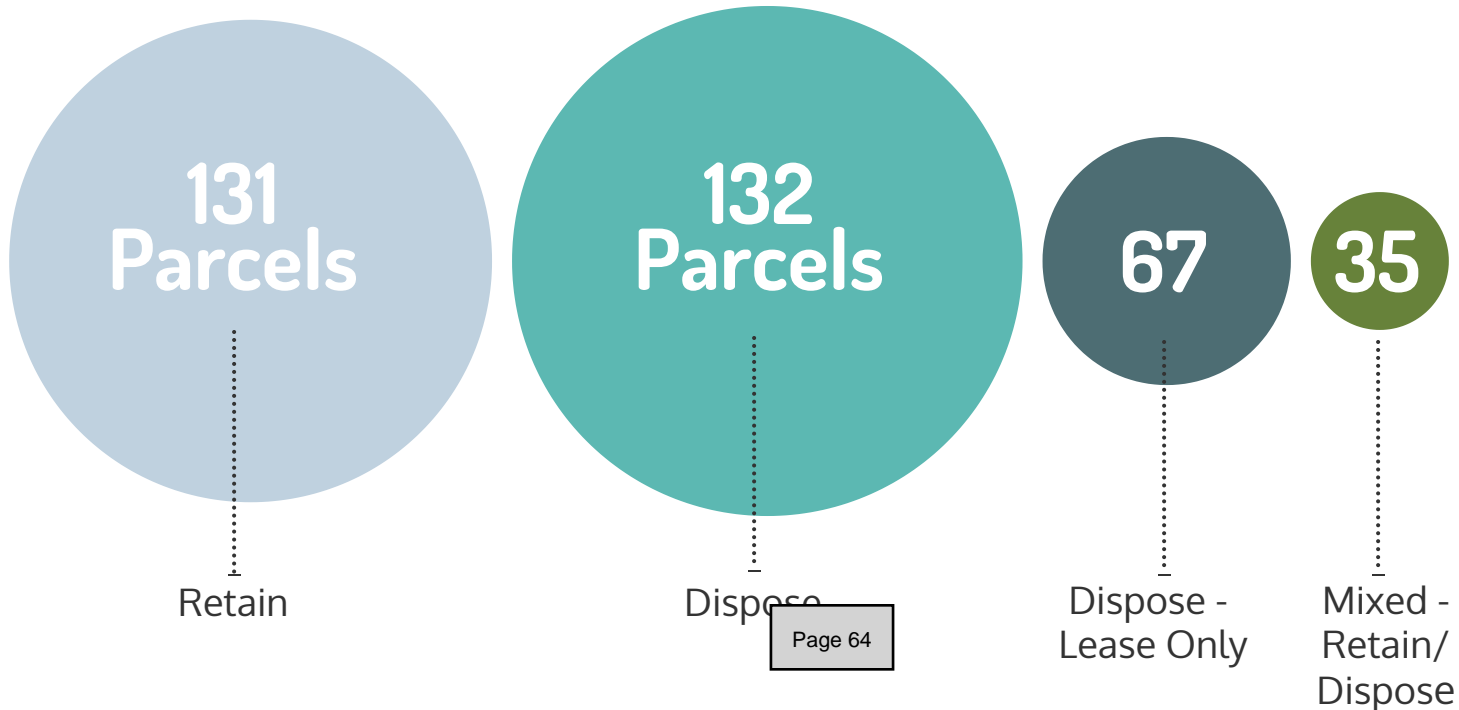
The plan breaks city-owned lands into **46 areas** with a map for each area

Each area includes an overview and tables with detailed information on recommendations for each parcel



# Land Management Plan Recommendation Categories

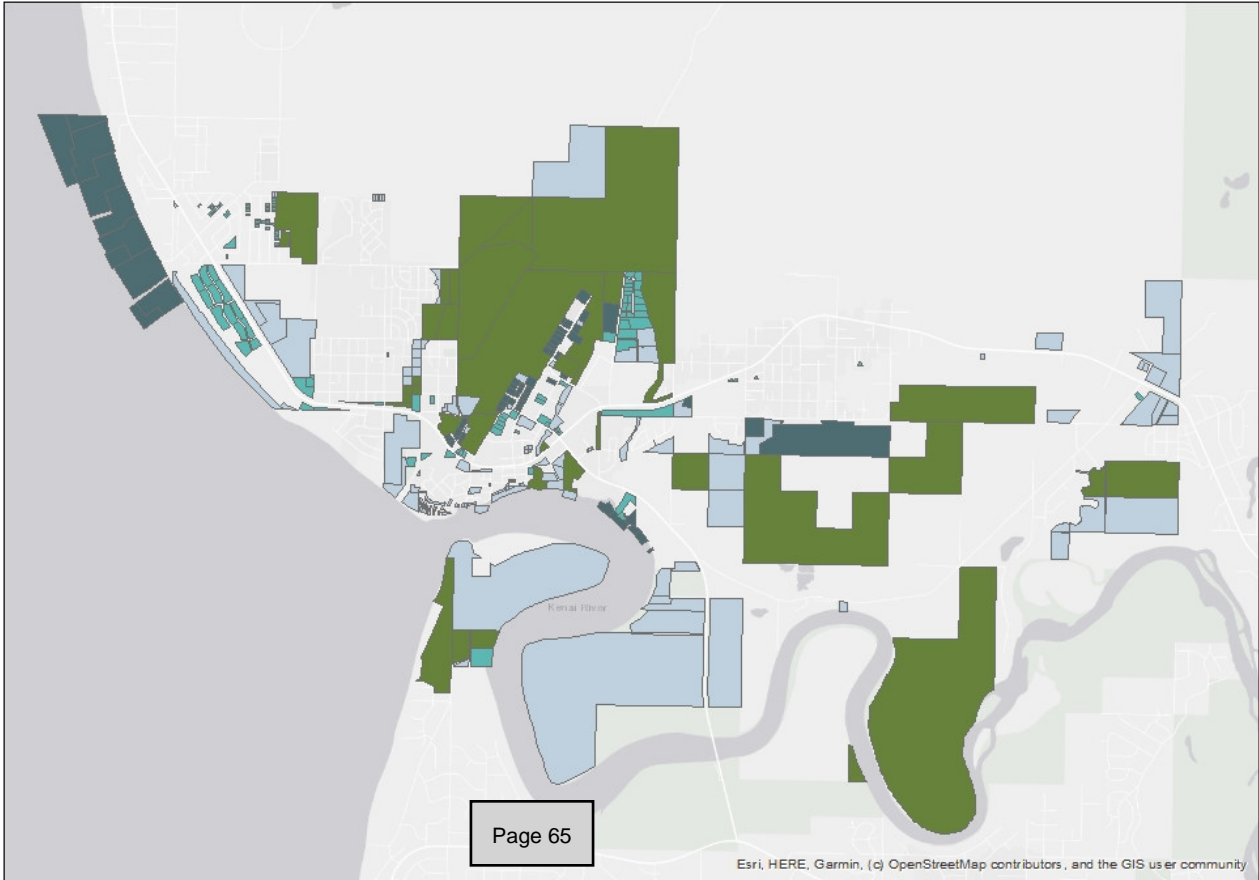
The Land Management Plan contains a recommendation for each parcel using the following categories:









# Land Management Plan Recommendation Categories

- Retain
- Dispose
- Dispose - Lease Only
- Mixed - Retain/ Dispose






# Land Management Plan Recommendation Categories

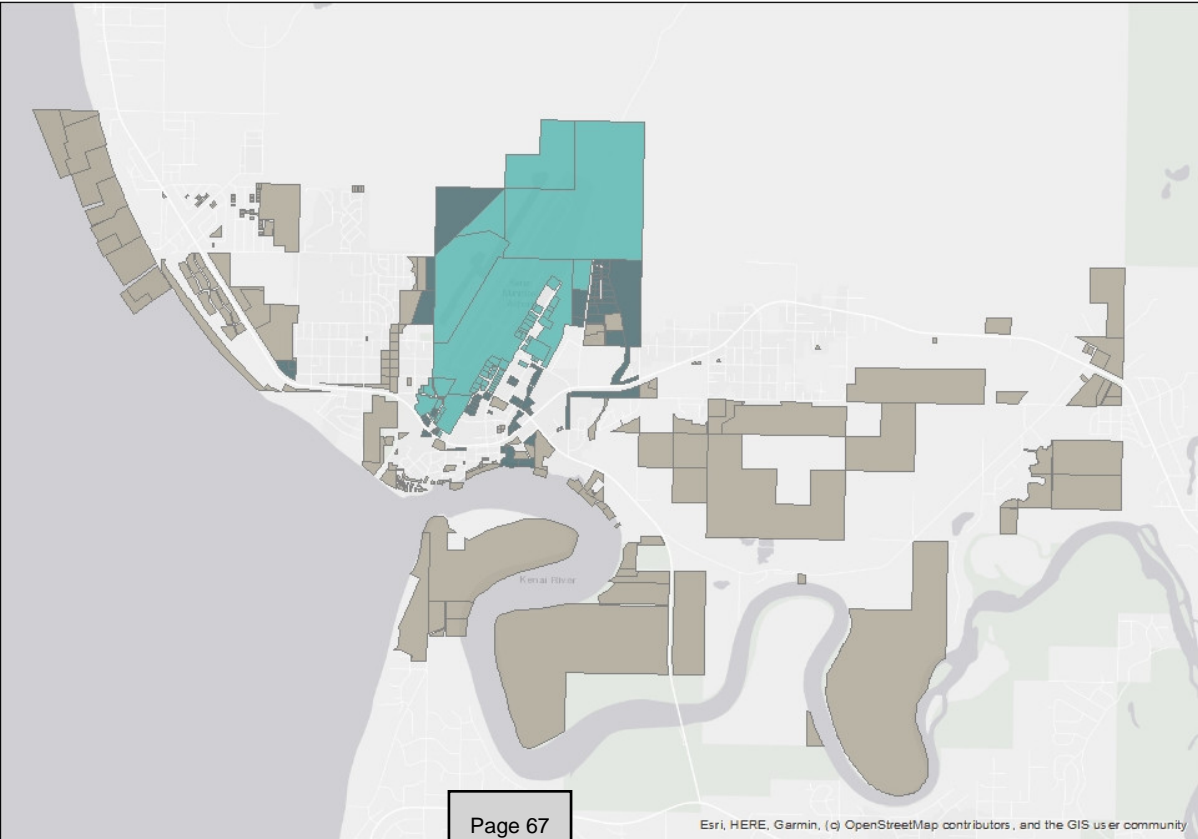


-  Retain
-  Dispose
-  Dispose - Lease Only
-  Mixed - Retain/ Dispose



# Land Management Plan Land Fund Categories




-  Airport Reserve Land
-  Airport Land Outside the Airport Reserve
-  General Fund Land

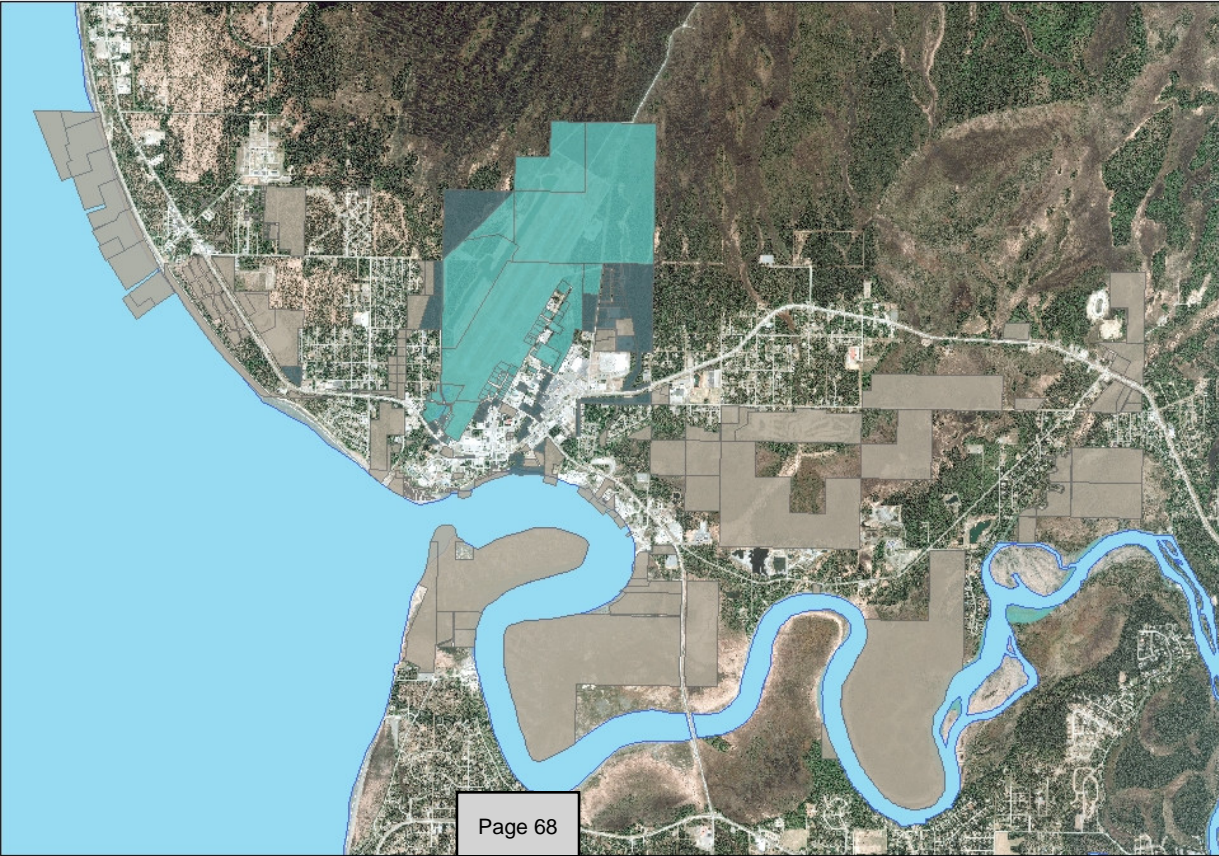




# Land Management Plan Land Fund Categories

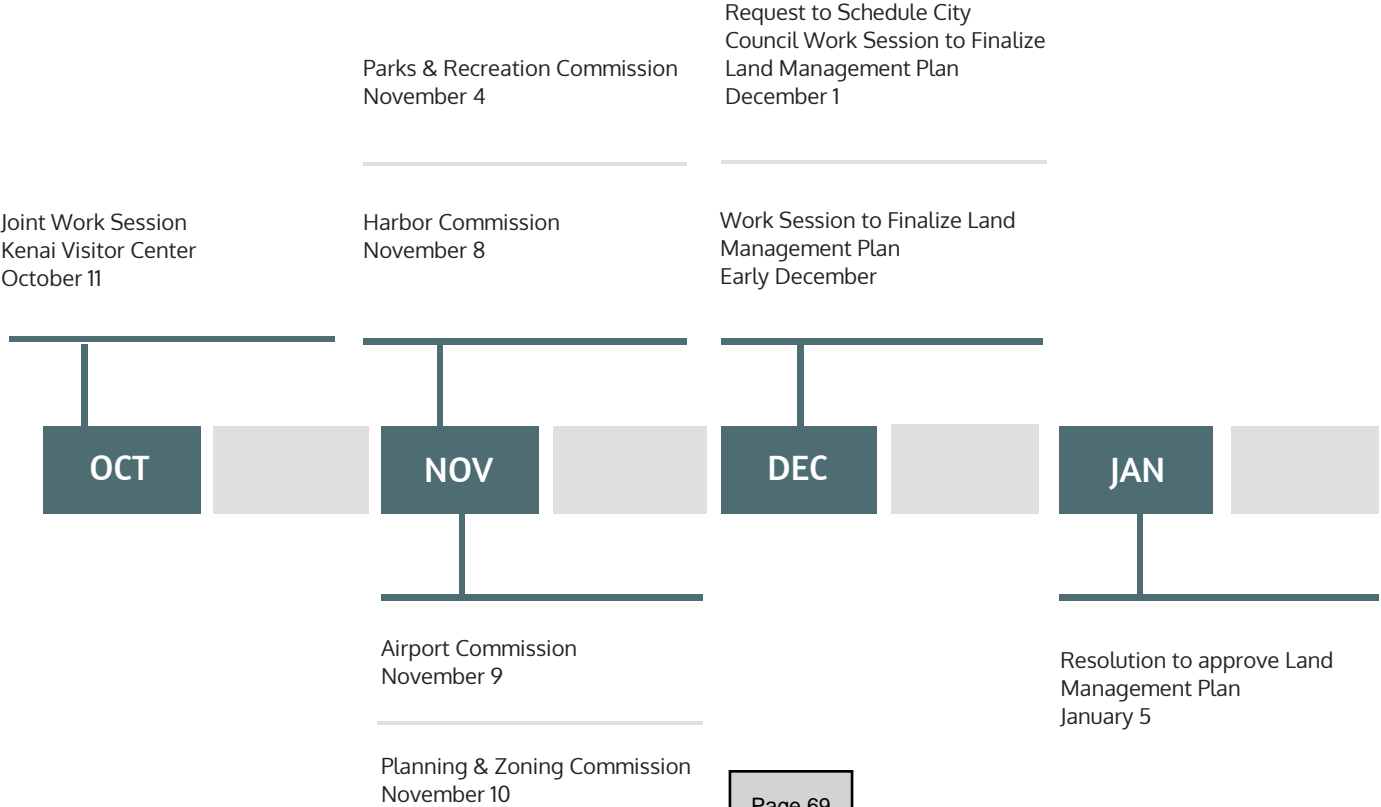


-  Airport Reserve Land
-  Airport Land Outside the Airport Reserve
-  General Fund Land



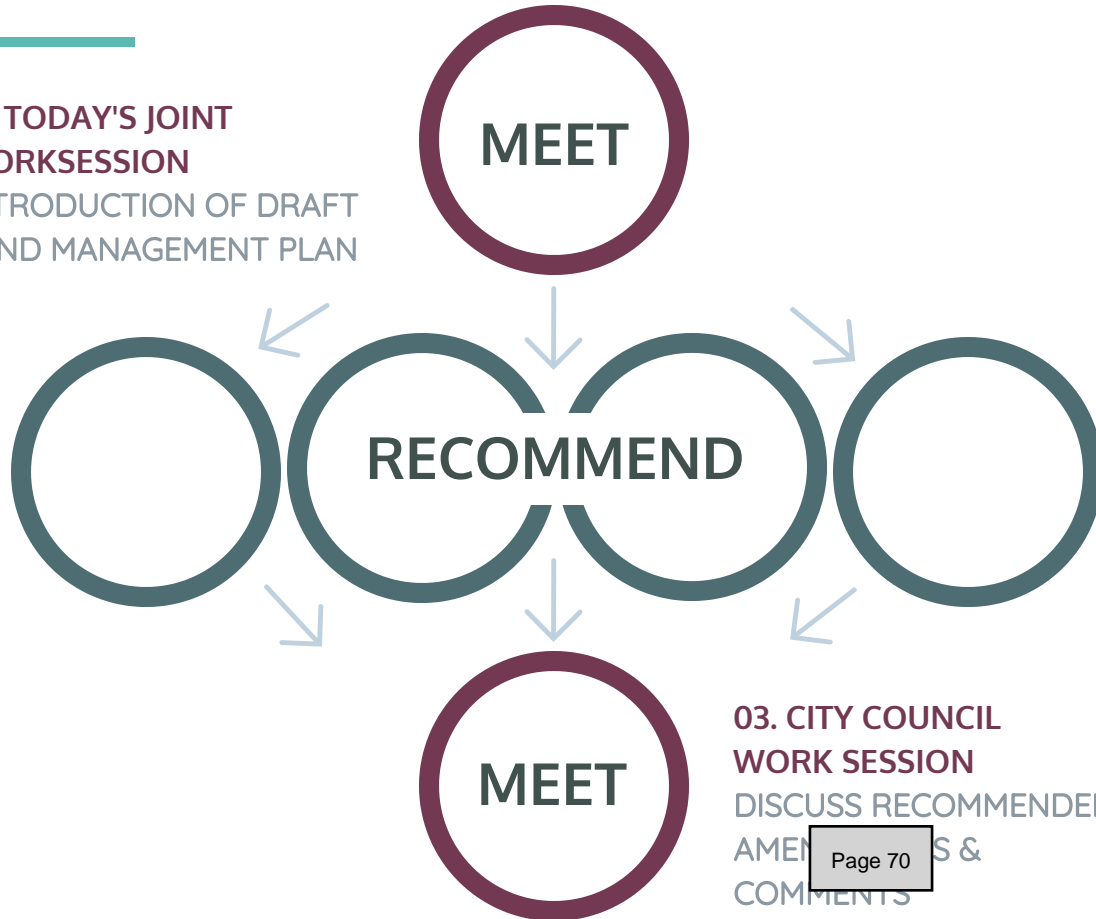


# Land Management Plan Draft Timeline



# Land Management Plan Process

**01. TODAY'S JOINT WORKSESSION**  
INTRODUCTION OF DRAFT LAND MANAGEMENT PLAN



**02. COMMISSION WORK SESSIONS / PUBLIC COMMENTS**  
RECOMMEND AMENDMENTS  
e.g. additional information such as personal knowledge of a parcel appropriate to include, factual inaccuracies, reasons to change a recommendation

**03. CITY COUNCIL WORK SESSION**  
DISCUSS RECOMMENDED AMENDMENTS & COMMENTS



# Land Management Plan Process Continued



## AFTER COUNCIL WORK SESSION:

- Administration revises plan for approval
- Council determines if more work sessions are necessary
- Resolution approving plan scheduled by Council
- Hold public hearing on resolution

## AFTER APPROVAL:

- Update lands database to reflect approved plan
- GIS needs assessment
- Implementation plan



# Online Mapping Presentation





# Questions and Comments





# QR Code to City of Kenai Land Management Plan Webpage

<https://www.kenai.city/lands/page/land-management-plan>





# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel, Council Members and City Commissions  
**FROM:** Paul Ostrander, City Manager  
**DATE:** December 6, 2021  
**SUBJECT:** **Disposition of City Lands – Summary of KMC 22.05**

---

Kenai Municipal Code Chapter 22.05, The Disposition of City Lands, was repealed and reenacted by Ordinance 3072-2019 on October 2, 2019. This memorandum will provide an overview of this provision of code. Excerpts from code are identified in *italics*.

KMC Chapter 22.05 applies to City owned real property other than lands within the airport reserve – described in KMC Chapter 21.10, and the leasing of tidelands for shore fisheries.

### Authority

KMC Chapter 22.05 establishes the authority for the City's land disposals:

*The City may sell, convey, exchange, transfer, donate, dedicate, direct, assign to use, or otherwise dispose of City-owned real property, including property acquired, held for, or previously devoted to a public purpose, only in accordance with this chapter, and, with respect to properties acquired through foreclosure for taxes, in compliance with those terms and provisions of AS 29 which apply to home-rule municipalities. Disposal or sale of lands shall be made only when, in the judgment of the City Council, such lands are not or are no longer required for a public purpose.*

### Intent

KMC Chapter 22.05 establishes the intent of the chapter and goes further to establish that it is not the intent of the chapter to allow for speculation on City-owned lands:

*It is the intent of this chapter to provide land policies and practices that encourage responsible growth and development to support a thriving business, residential, recreational and cultural community.*

*It is not the intent of this chapter to allow for speculation on City-owned lands. All leases, sales, and other disposals of City-owned land must meet the intent of this chapter.*

### Lease and / or Sale of City Lands

KMC Chapter 22.05 has provisions for the lease and sale of City owned real property. An individual or entity that wishes to acquire real property from the City can pursue a lease, a sale, or a lease with an option to purchase from the City.

## **Lease**

To lease City owned lands an applicant must first submit a lease application:

*All applications for lease of lands must be submitted to the City Manager or designee on an application form provided by the City. Applications will be dated on receipt and must include payment of the nonrefundable application fee as set forth in the City's schedule of fees approved by the City Council.*

If a subdivision is required to lease the land, the costs of that subdivision are generally at the expense of the applicant:

*Applications which propose a subdivision shall require the applicant to be responsible for all costs associated with the subdivision, including but not limited to any new appraisal, engineering services, surveying and consulting costs unless, in the sole discretion of the City Council, it is determined that the subdivision serves other City purposes.*

To determine the annual lease rate of the property an appraisal must have been completed in the last 12 months:

*Applications for lands which have not been appraised within one (1) year of the requested starting date of the lease require the applicant to be responsible for all costs associated with appraisal. The cost of the appraisal shall be credited or refunded to the lessee once development is completed as required by the lease, extension or renewal.*

The length of the lease term is based on the amount of investment the applicant proposes to make with a minimum investment of \$7,500 equaling a maximum term of 5 years, and an investment value of \$307,500 or more equaling a maximum term of 45 years:

*The length of term for an initial lease shall be based on the amount of investment the applicant proposes to make in the construction of new permanent improvements on the premises as provided in the application. The City Council may offer a shorter lease term, if the City Council makes specific findings that a shorter lease term is in the best interest of the City.*

*The maximum term of a lease shall be determined according to the following term table and cannot exceed forty-five (45) years:*

The public is notified of all lease applications received by the City to provide an opportunity for competing applications:

*Notice of complete applications for new leases, renewals or extensions shall be published in a newspaper of general circulation within the City and posted on the property. The notice must contain the name of the applicant, a brief description of the land, whether the applicant requests a lease with an option to purchase, and the date upon which any competing applications must be submitted (thirty (30) days from the date of publication).*





If a competing application is submitted, the City Manager will recommend the application anticipated to best serve the interest of the City to the applicable commissions and the City Council:

*If another application for a new lease, extension or a renewal is received for the same property within thirty (30) days from the notice of application publication date by a different applicant, City staff shall process the application and forward the application, the City Manager's recommendation and applicable commission recommendations to the City Council for approval of the application anticipated to best serve the interest of the City. The City Council may approve one (1) of the applications, reject all the applications or direct the City Manager to award a lease of the property by sealed bid.*

If there are no competing applications, the City Council will determine if the lease is in the best interests of the City after considering the recommendations of the Planning and Zoning Commission, any other applicable commissions, and the City Manager:

*The recommendations of the City Manager, Planning and Zoning Commission, and any other applicable commissions shall be provided to the City Council. The City Council shall determine whether the lease is consistent with the intent of this chapter and in the best interest of the City. The decision whether or not to lease land rests in the sole discretion of the City Council.*

### **Development Incentives**

The City Council may approve lease incentives to encourage commercial development:

*A credit may be applied toward rent for a maximum of five (5) years. The credit may only include the value of site preparation work on the leased premises to include clearing and grubbing, unclassified excavation, classified fill and back fill, crushed aggregate base course, and utility extensions.*

*For the credit to be applied, the approved scope of work must be completed.*

### **Sale of Land**

KMC Chapter 22.05 authorizes the sale of City owned lands through both a non-competitive and competitive process:

There are four methods to sell City owned lands through a non-competitive process:

- (i) Conveyance to encourage new enterprises where it is found that encouragement of a new commercial or industrial enterprise would be in the best interest of the City; one (1) or more parcels of City land may be sold upon such terms as to price, conditions of conveyance, and with such contingencies as may be set forth in the ordinance.*
- (ii) Property sale to adjacent owners for the conveyance of a parcel of City property at fair market value to the owner of adjacent land whenever, in the judgment of the City Council, the parcel of land is of such small size, shape, or location that it could not be put to practical use by any other party.*
- (iii) Grant or devotion of real property to the United States, the State of Alaska, a local political subdivision of the State of Alaska, or any agency of any of these governments or a nonprofit corporation, for a consideration agreed upon between the City and*



*grantee without a public sale if the grant, devotion or lease is in the best interest of the City.*

- (iv) Conveyance of land to resolve a land use conflict.*

There are four methods to sell City owned lands through a competitive process:

- (i) Public outcry auction to the highest responsible bidder.*
- (ii) Sealed bid to the highest responsible bidder.*
- (iii) Over-the-counter sale after a public outcry auction or sealed bid process on a first-come basis, provided minimum development requirements are met within two (2) years of sale and the land is sold for fair market value. An appraisal to determine fair market value must be completed within a one (1) year period prior to the date of sale.*
- (iv) Leased land in which the lease was subject to competition through the lease application review process and which contains an option to purchase once the minimum development requirements have been met for the fair market value of the land excluding permanent improvements made by the lessee. An appraisal to determine fair market value must be completed within a one (1) year period prior to the sale.*

The application process, subdivision process (if necessary) and appraisal process for the sale of land is similar to the process for the lease of land:

*All requests to purchase City land must be submitted to the City Manager or designee on approved forms provided by the City. Applications will be dated on receipt and payment of the nonrefundable application fee and must include applicable deposit as set forth in the City's schedule of fees adopted by the City Council. The City Council may decide to sell lands consistent with the intent of this chapter after a recommendation from the City Manager and any appropriate City commission. The City Council may always recommend a lease as opposed to a sale when in the best interest of the City and consistent with the intent of this chapter.*

*Applications which propose a subdivision shall require the applicant to be responsible for all costs associated with the subdivision, including but not limited to engineering services, surveying and consulting costs, unless in the sole discretion of the City Council it is determined the subdivision serves other City purposes. Sales of parcels must be of appropriate size to meet the needs of the proposed development or use to meet the intent of this chapter. The sale of excess acreage not needed for the intended development or use does not meet the intent of this chapter.*

*The City will retain the services of an independent real estate appraiser certified under Alaska State statutes to determine the fair market value for a determination of the minimum price on the land to be paid for from the deposit made by the applicant unless such an appraisal has been obtained within one (1) year prior to the date of sale. The cost of the appraisal will be credited toward the purchaser at closing.*



### **Lease with an option to purchase**

KMC Chapter 22.05 will allow an applicant to request to acquire City land using a combination of lease and sale. A lease with an option to purchase would allow an applicant to lease the real property for a period of time, during which the development of the property could be completed and the applicant would benefit from lease development incentives, followed by the sale of the property when the incentives have been exhausted.

### **Kenai Municipal Code Chapter 21.10**

KMC Chapter 21.10, Leasing and Acquisition of Airport Reserve Lands, with few exceptions, mirrors KMC Chapter 21.05, although KMC Chapter 21.10 does not allow the sale of land. Airport Reserve Lands are available for lease only.





# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel, Council Members and City Commissions  
**FROM:** Ryan Foster, Planning Director  
**DATE:** December 6, 2021  
**SUBJECT:** Zoning and Definition of “Retain” and “Dispose” in the Draft Land Management Plan

---

### Zoning in the City of Kenai

The City of Kenai is a home rule city with its own City Charter and Municipal Code. Kenai Municipal Code Title 14 Planning and Zoning codifies the planning and development processes within the City by implementing the Comprehensive Plan (long range policy document), establishing zoning districts, and specifying development standards for zoning districts regarding land use, form, layout, and density.

To determine the land uses and development standards of a parcel, the City’s Zoning Map and Land Use Table must be referenced. Each parcel in the City has a zoning designation (there are 17 total zoning districts) across categories such as residential, commercial, industrial, etc. The City of Kenai Interactive Zoning Map App can be found here:

<https://kenai.maps.arcgis.com/home/index.html>

After determining the zoning district of a property, reference the KMC 14.22.010 Land Use Table, which contains a list of land uses and all of the corresponding zoning districts in the City. A land use is either designated as P= Principal Permitted Use, C= Conditional Use, S= Secondary Use, N= Not Permitted for each zoning district. This provides the necessary information to determine the development options for a property based on the zoning and the desired land use. The Land Use Table can be found here:

<https://kenai.municipal.codes/KMC/14.22>

### Definitions of “Retain” and “Dispose” in the Draft Land Management Plan

The Draft Land Management Plan contains recommendations for each City owned property. For clarification, below are the definitions of “retain” and “dispose” and where they can currently be found in Kenai Municipal Code in the same context:

- “Retain” means a parcel is needed for a public purpose, such as for:
  - Existing public buildings and facilities.
  - Future public buildings and facilities.
  - Public purposes such as wetlands, beach protection, and stormwater retention.



- For Airport Fund lands, “retain” means the parcel is needed for a public purpose where the use is aviation-related or consistent with the FAA self-sustaining requirement and does not adversely affect the airport’s capacity, security, safety, or operations.
- In this context, the term retained is currently found in Kenai Municipal Code:
  - 22.05.110 Determination as to need for public purpose
- “Dispose” means the parcel has not been retained for a public purpose and will be considered available for lease, sale, or lease with the option to purchase. All disposals are at the discretion of the Kenai City Council and must meet the intent of Kenai Municipal Code:
  - 22.05.010 Authority and intent
    - (c) It is the intent of this chapter to provide land policies and practices that encourage responsible growth and development to support a thriving business, residential, recreational and cultural community.
    - (d) It is not the intent of this chapter to allow for speculation on City-owned lands. All leases, sales, and other disposals of City-owned land must meet the intent of this chapter.
- In order for a property to be sold, it must first be determined that it is not needed for a public purpose. Most disposals will require development on the parcel. In this context, the term disposal is currently found in Kenai Municipal Code:
  - KMC 22.05.015 Lands available for lease, sale, or disposal
  - KMC 22.05.095 Methods of sale or disposal





# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel, Council Members and City Commissions  
**FROM:** Paul Ostrander, City Manager  
**DATE:** January 4, 2022  
**SUBJECT:** **City of Kenai Land Management Plan Requested Information**

---

This memo provides additional information requested by the Planning and Zoning Commission at its December 22, 2021 Regular Meeting to clarify the intent of the City of Kenai Land Management Plan and the best way for Commissioners to make amendments, as well as provide an example of a motion to amend and sample Implementation Plan that Commissions may use as they review and consider recommending adoption of the Land Management Plan.

### Intent of the Land Management Plan

The intent of the Land Management Plan is to catalog the inventory of City-owned lands, including identification of properties needed for a public purpose, and recommendations for lease or sale of individual parcels not needed for a public purpose. The Plan does *not* provide land policies or procedures or include an implementation plan. The City's land policies for lease and sale of City-owned land are provided in the Kenai Municipal Code, and the decision whether or not to lease or sell land rests in the sole discretion of the City Council. Any sale or lease of City-owned land would require further Council action. An implementation plan is a separate document outlining action items based on the adopted Land Management Plan. An implementation plan would require Council approval.

### Motions to Amend

All commissioner-suggested amendments received in writing or requested during a scheduled meeting or work session will be compiled by the Planning Director and placed in the proper format for consideration at the meeting in which the commission resolution to adopt the Plan will be considered.

If an amendment has not been received in writing, or has not been requested during previous meetings or work sessions, motions to amend the draft Plan may also be made by commissioners at the meeting in which the commission resolution to adopt the Plan will be considered.

Amendments related to land ownership changes or clerical errors will not need to be made as motions to amend the Plan. Administration will prepare a memo with these updates and corrections when the Plan is finalized for consideration by City Council.

### **Example: Motion to Amend**

The following is an example of a recommended amendment provided by a Commissioner that may be made as a motion to amend:

Map 8, Page 36, Parcel Numbers 04314103 and 04314104 should not be recommended for disposal. These parcels should be retained for a public purpose of future sports facilities.

The following amendment is respectfully requested:

Amend Section 1 so that it reads:

The draft of the City of Kenai Land Management Plan is hereby recommended for adoption with the following amendment:

1. The retention status of parcel numbers 04314103 and 04314104, which appear on Map 8 Kenai Spur Highway North Corridor be changed from Dispose to Retain.

### **Example: Role of Implementation Plan in Process**

Attached is a table describing the role of the Kenai Municipal Code, Land Management Plan and a sample Implementation Plan in the management of City-owned lands.

Attachment



## KENAI MUNICIPAL CODE

A Codification of the General Ordinances of the City of Kenai

### Title 21 and Title 22 Govern City Airport Reserve Lands and City-Owned Lands

- Provides land lease and sale policies and practices that encourage responsible growth and development to support a thriving business, residential, recreational and cultural community.
- Provides process for competitive lease application, and both competitive and non-competitive sale of lands as well as rules governing subdivision, appraisal, annual lease rates and terms, public notice, and review by commissions

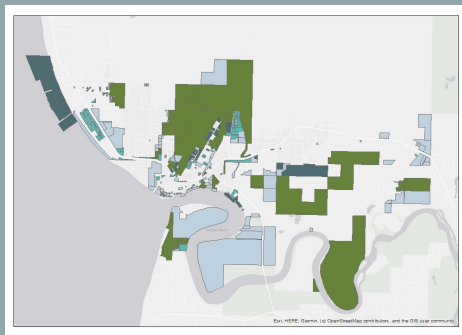


## LAND MANAGEMENT PLAN

An inventory of City-owned lands and comprehensive reference document

### Land Inventory and Retention Recommendations Adopted by a Resolution of the City Council

- Provides an inventory of City-owned lands with detailed information on each parcel
- Identifies properties recommended required or not needed for a public purpose
- Information available to the public



## SAMPLE: IMPLEMENTATION PLAN

An outline of action items approved by Council based on the adopted Land Management Plan

### For example:

Date	Actions	Staff Assigned
March 2022	Apply to Borough for removal of restrictive plat notes on City lands	Planning
March 2022	Request removal of patent restrictions from BLM	Planning
July 2023	Request FAA release of parcels not needed for a public purpose	Airport/ Planning

NOTE: the decision whether or not to lease or sell City-owned land rests in the sole discretion of the City Council





## Kenai City Council - Regular Meeting

January 05, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

[www.kenai.city](http://www.kenai.city)

### **Action Agenda**

#### **A. CALL TO ORDER**

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

\*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. 3261-2021** - Accepting and Appropriating a Grant from the Institute of Museum and Library Services through the Department of Education and Early Development, Division of Library, Archives & Museums for the Purchase of a Hold Locker. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3262-2021** - Accepting and Appropriating a Grant from the Institute of Museum and Library Services Passed Through the Department of Education and Early Development, Division of Library, Archives & Museums for the Purchase of Steam Kit Shelving, Library Materials, and Other Items. (Administration)
3. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3263-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association (AMLJIA) for the Purchase of Ballistic Vests. (Administration)

4. **ENACTED UNANIMOUSLY. Ordinance No. 3264-2021** - Accepting and Appropriating Asset Forfeiture Funds Provided to the City of Kenai through the State of Alaska Department of Public Safety. (Administration)
5. **ENACTED. Ordinance No. 3265-2021** - Increasing Estimated Revenue and Appropriations in the General Fund and the Parks Improvement Capital Project Fund for Additional Kenai Dog Park Funding. (Vice Mayor Glendening and Council Members Winger and Baisden)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2022-01** - Approving the Purchase of Fifteen Mobile Radios and Associated Programming for the Police and Fire Departments Under Sole Source Purchases from Motorola Solutions Using NASPO Valuepoint Contract Pricing for the Total Price of \$83,979.77. (Administration)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2022-02** - Adopting an Alternative Allocation Method for the FY22 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity In FMA 14: Cook Inlet Area. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2022-03** - Amending the Employee Classification Plan to Change the Range of the Human Resources Director. (Administration)

**E. MINUTES**

1. **APPROVED BY THE CONSENT AGENDA.** \*Regular Meeting of December 15, 2021. (City Clerk)

**F. UNFINISHED BUSINESS**

1. **APPOINTMENTS OF GWEN WOODARD AND JEFF TWAIT CONFIRMED.**  
**Action/Approval** - Confirmation of Mayoral Nominations for Appointment to the Planning and Zoning Commission. (Mayor Gabriel) [*Clerk's Note: At the December 15, 2021 Meeting, this item was Postponed to this meeting.*]

**G. NEW BUSINESS**

1. **APPROVED BY THE CONSENT AGENDA.** \*Action/Approval - Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA.** \*Action/Approval - Non-Objection to Marijuana License Transfer for Herban Extracts, LLC. (City Clerk)
3. **APPROVED BY THE CONSENT AGENDA.** \*Action/Approval - Non-Objection to Liquor License Renewals for Country Liquor, Wal-Mart Supercenter and American Legion Post 20. (City Clerk)
4. **APPROVED BY THE CONSENT AGENDA.** \*Action/Approval - Special Use Permit to Schilling Alaska, Inc., d/b/a the Uptown Motel for Snow Storage. (Administration)
5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 1/19/2022.**  
**\*Ordinance No. 3266-2022** - Accepting and Appropriating Funds in the Airport Fund, and

Accepting Two Grants From the Federal Aviation Administration Under the American Rescue Plan Act of 2021 (H.R. 1319, Public Law 117-2). (Administration)

6. **APPROVED UNANIMOUSLY. Action/Approval** – Kenai Bluff Stabilization Project Thank You Letter (Council Member Pettey)

**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. Thank You Letter to VFW

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

**Join Zoom Meeting**

<https://us02web.zoom.us/j/87968544334>

**Meeting ID:** 879 6854 4334 **Passcode:** 274988

OR

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

**Meeting ID:** 879 6854 4334 **Passcode:** 274988



January 4, 2022

Foster Landing, Inc.  
40462 Foster Avenue  
Soldotna, AK 99669

RE: 1005 Angler Drive – (Lot 1, Angler Acres Subdivision Part 4) PZ02-29 (PZ88-27)  
Conditional Use Permit

Dear Mr. Foster:

On August 16, 2021, the City of Kenai provided you a notice of code violation for the Conditional Use Permit PZ02-29 (PZ88-27) located at 1005 Angler Drive. On October 13, 2021, via email, you requested a 60 day extension to resolve both of the cited code violations. Upon review, staff approved the request for extension for 60 days for both violations to provide additional time for you to resolve the violations for the following reasons:

- For the ADEC violation, the extension will allow ADEC to complete their review of your application.
- For the violation involving the commercial activity of bringing paying guests from surrounding properties to entertain and feed them on 1005 Angler Drive, you stated you are not currently conducting this activity and won't be for the remainder of the 2021 season. An extension of 60 days in this case, allows additional time to work with the City to resolve this violation.

On December 15, 2021 via email, you provided a written resolution to both of the code violations:

- Regarding violation one (that the site lacks a DEC approved septic system) I have already forwarded you correspondence from David Wilfong, DEC's head of Plan Review for its local office, showing that Foster Landing has recently installed a DEC-approved engineered septic system. Your response indicated that DEC's approval was sufficient to remedy violation one, so I trust that concern is resolved.
- Regarding violation two (that Foster Landing is operating in violation of its CUP to rent five cabins) Foster Landing agrees that it will not engage in any food sales or similar commercial activity with persons who are not guests staying in one of their five cabins. Foster Landing understands that commercial activity with persons who are not cabin guests would require a separate CUP and will limit its commercial activity to functions related to its existing CUP.

These actions have effectively remedied the code violation(s).

If you would like to discuss this notice or have questions concerning this letter you may contact me at 907-283-8235 or [rfoster@kenai.city](mailto:rfoster@kenai.city).



CITY OF KENAI



Ryan Foster  
Planning Director



## Chapter 12.10

### NUISANCES IN GENERAL

Sections:

- 12.10.005 Purpose and Intent.**
- 12.10.008 Public Nuisance Unlawful.**
- 12.10.010 Public Nuisances.**
- 12.10.020 Enforcement and Abatement of Public Nuisances.**
- 12.10.030 Penalties.**
- 12.10.040 Definitions.**

**Prior legislation:** KC §§ 12-2—12-4; Ord. 2499-2010.

#### **12.10.005 Purpose and Intent.**

The Purpose and intent of this Chapter is to promote the peace, health, safety and welfare of the public through the regulation of nuisances. (Ord. 2916-2016)

#### **12.10.008 Public Nuisance Unlawful.**

It is unlawful for any person (owner, lessee, or other) to create or maintain a public nuisance within the City, or to permit a public nuisance to remain on premises under his or her control within the City. (Ord. 2916-2016)

#### **12.10.010 Public Nuisances.**

In addition to other public nuisances declared by other sections of this Code, the following are hereby declared to be public nuisances:

- (a) The sale or offering for sale of unwholesome food or drink or a place where such sales or offerings are made;
- (b) The sale, offering for sale, or furnishing of intoxicating liquor in violation of the State law or ordinances of the City, or a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the State law or ordinances of the City;
- (c) The exposure, display, sale, or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects, or a place where such are exposed, displayed, sold, or distributed;
- (d) A place where persons gamble, whether by cards, slot machines, punch boards, or otherwise;

- (e) A place where prostitution, illicit sexual intercourse, or other immoral acts are practiced;
- (f) A place where activities in violation of State law or ordinance are carried on;
- (g) The public exposure of a person having a contagious disease;
- (h) The continued making of loud or unusual noises which annoy persons of ordinary sensibilities, or the keeping of an animal which makes such noises;
- (i) The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others;
- (j) Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
- (k) All ditches, drains, wells, pools, cisterns, bodies, or containers of water in which mosquitoes other insects, vermin, or other pests breed or are likely to breed in a manner that endangers the public health or safety or are not properly constructed, fenced or barricaded and endangers public health or safety;
- (l) Carcasses, accumulations of manure or sewage, refuse, or other things which are or are likely to be breeding places for flies, mosquitoes, vermin, or disease germs;
- (m) Any building or structure which is dangerous to the public health or safety because of damage, decay, or other condition;
- (n) Any pit, hole, or other thing which is so constructed, formed, conditioned, and/or situated as to endanger the public safety;
- (o) Any fire or explosion hazard which endangers the public peace, health, safety, or welfare, including but not limited to unprotected or improperly stored concentrated quantities of gasoline, oil, or other flammable or explosive materials;
- (p) Any occupation or activity which endangers the public peace, health, safety, morals or welfare; and
- (q) Any building or structure that is partially or wholly burned or otherwise partially destroyed by other means and that is hazardous to the safety of any person, a continuing fire hazard, or is structurally unsound to the extent that there is a likelihood of injury to any person entering the structure.
- (r) Any abandoned residential or commercial structure that has not been connected to water or electrical utilities or an alternative adequate source of the same for a period in excess of 180 days or is otherwise documented by City personnel to be unoccupied for a period in excess of 180 days, and is determined to be a nuisance because it is wrecked, scrapped, disassembled, unusable, burnt, inoperable or unrepairable.

(Ord. 2916-2016)

## 12.10.020 Enforcement and Abatement of Public Nuisances.

- (a) *Public nuisances constituting a grave and immediate danger.* Some public nuisances are of such nature as to constitute a grave and immediate danger to the public peace, health, safety, morals, or welfare. It is recognized that circumstances may be such as to justify, and even to require, the City Administrator or other appropriate officer or agency of the City government to take immediate and proper action to abate such nuisances, or to reduce or suspend said danger until more deliberate action can be taken toward such abatement.
- (b) *Other Public Nuisances.* The City Planner, Building Official, Chief of Police, Chief of the Fire Department or their designees may issue a Notice of Violation or Enforcement Order to the property owner, lessee, occupant, or person(s) causing or responsible for the nuisance(s).
- (c) The Notice or Order must be provided by personal service, service of process, or certified mail, return receipt requested. If after due diligence, the appropriate persons or location of said persons cannot be discovered, the Notice or Order must be conspicuously posted on the subject property.
- (d) The Notice or Order must:
- (1) identify the property and describe the nuisance thereon to be removed, abated or remedied,
  - (2) direct that the nuisance be removed, abated, or remedied,
  - (3) provide a reasonable time period in which to comply, not to exceed 90 days, except structures, which have 180 days.
  - (4) state that the continued violation of the provisions of this chapter is subject to a penalty of up to \$50.00 a day,
  - (5) state that the City may seek a court order to remove, abate or remedy the nuisance if appropriate action is not taken during the allowable time period,
  - (6) state that costs incurred by the City to remove, abate or remedy the nuisance, if not paid by the violator(s) may become a lien on the real or personal property upon which the nuisance is located, notify the violator(s) of a right to appeal the notice or order to the Board of Adjustment as provided in KMC [14.20.290](#) Appeals-Board of Adjustment, and
  - (7) inform the owner of the real property on which the nuisance is located, that the City may remove the nuisance at its costs or partial costs if the owner can show that the cost of removal or repair would result in undue financial hardship. The City however is not obligated to remove any abandoned nuisance.
- (e) *Abatement.* After appropriate notice, and if applicable, a hearing and appeal, the City may seek an Order, in Superior Court, to remove any nuisance from private property and recovery of associated costs, fees, penalties and interest.

(Ord. 2916-2016)

**12.10.030 Penalties.**

- (a) The City may assess a civil penalty of \$50.00 for a violation of this Chapter. Each day in which the violation occurs or continues constitutes a separate offense. The City also may apply additional penalties and interest to any unpaid penalty amounts consistent with KMC 1.75.010-Computation.
- (b) Nothing in this Chapter may be construed to limit the legal authority or powers of the City to enforce other laws or otherwise carry out duties regarding nuisances.

(Ord. 2916-2016)

**12.10.040 Definitions.**

- (a) "Property Owner" means the owner shown on the latest tax assessment roll.
- (b) "Structure" means that which is built or constructed, an edifice, or a building of any kind, composed of parts joined together in some definite manner.
- (c) "Undue Financial Hardship" is determined based on the following:

Annual income as a Percent of current Health & Human Services (HHS) Poverty Guidelines for Alaska	Percent of Cost reduced
1 – 100%	100% Waiver
101 – 149%	75% Waiver
150 – 174%	50% Waiver
175 – 199%	25% Waiver
200% plus	No Waiver

(Ord. 2916-2016)



**The Kenai Municipal Code is current through Ordinance 3243-2021, passed September 15, 2021.**

Disclaimer: The City Clerk has the official version of the Kenai Municipal Code. Users should contact the City Clerk for ordinances passed subsequent to the ordinance cited above.

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