



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

October 14, 2026 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of September 23, 2026

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 No. PZ2026-32** - Granting a Conditional Use Permit For a Cabin Rental of a Single-Family Dwelling on Parcel 04326047 Located at 502 Ash Avenue.
2. **Resolution No. PZ2026-33** - Granting a Conditional Use Permit For a Cabin Rental of a Single-Family Dwelling On Parcel 04328011 Located at 1123 Walnut Avenue.
3. **Resolution No. PZ2026-34** - Granting a Conditional Use Permit for the Extraction of Natural Resources on Parcel 04901068.
4. **Resolution No. PZ2026-35** – Granting the Application for a Variance Permit to Build Into the Setbacks for Expanded Extraction of Natural Resources on Parcel 04901068.
5. **Resolution No. PZ2026-36** - Approving the Withdrawal of the Application for a Variance Permit at 2817 Beaver Loop Road, on Parcel No. 04911029, Previously Approved by Resolution No. PZ2026-26.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. **Action/Approval** - Amending Noticing Requirements for Planning & Zoning and Land Administration to Modernize Procedures.

I. REPORTS

1. Planning Director
2. Commission Chair
3. Kenai Peninsula Borough Planning
4. City Council Liaison

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

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: October 28, 2026

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

COMMISSIONERS, PLEASE CONTACT US IF YOU WILL NOT BE ABLE TO ATTEND THE MEETING

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Planner at 907-283-8237.

Registration is required to join the meeting remotely through Zoom. Please use the following link to register:

https://us02web.zoom.us/meeting/register/_rYeMflpSTicvT97RuhRIq

**KENAI PLANNING & ZONING COMMISSION – REGULAR MEETING
SEPTEMBER 23, 2026 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
VICE CHAIR DOUTHIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on September 23, 2026, in City Hall Council Chambers, Kenai, AK. Chair Keaton called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Vice Chair Douthit led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Alex Douthit, Vice Chair
Stacie Krause
Marty Askin

Gwen Woodard
Diane Fikes

A quorum was present.

Absent:

Sonja Earsley

Jeanne Keaton, Chair

Also in attendance were:

Kevin Buettner, Planning Director
Phil Daniel, City Council Liaison
Logan Parks, Deputy City Clerk

3. Agenda and Consent Agenda Approval

Vice Chair Douthit noted the following additions to the Packet:

Add to item F.2. **Public Comment**

MOTION:

Commissioner Woodard **MOVED** to approve the agenda and consent agenda with the requested revisions. Commissioner Askin **SECONDED** the motion.

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

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

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

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 Commissioner 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 August 26, 2026.

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

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

E. **CONSIDERATION OF PLATS**

1. **Resolution PZ2026-30** - Recommending that Preliminary Plat Micah Subdivision Parks Replat be Approved.

MOTION:

Commissioner Askin **MOVED** to approve Resolution PZ2026-30. Commissioner Woodard **SECONDED** the motion.

Planning Director Buettner read the staff report as included in the packet and attached to Resolution PZ2026-30.

Vice Chair Douthit opened the floor for public comment.

Zachary Rininger, applicant, spoke in support of the replat request, noting a contractor estimate for required road improvements and maps illustrated potential impacts to existing vegetation, privacy buffers, and access to surrounding lots.

There being no one wishing to be heard, the public comment period was closed.

There was Commission discussion regarding existing and proposed portions of Rainbow Drive and Misty Haven; current City maintenance limits; pioneer road development standards and maintenance; potential drainage and culvert requirements associated with future road development; access to the property; the scope of the proposed vacation and associated road requirements; issuance of the building permit; the previous replat; the timing and applicability of updated road standards; potential hardship associated with requiring construction of portions of Rainbow Drive and Misty Haven and existing and future access to surrounding properties.

Clerk's Note: A five minute at-ease was taken to determine appropriate wording for an amendment.

Vice Chair Douthit **MOVED** to amend Resolution PZ2026-30 as follows:

Section 1, add a new fifth condition that reads, "Add Plat Note: Lot 155A will be subject to assessment for any improvements required by Kenai Municipal Code 14.10.080(g)(1) when installed at a future time by the City for the installation of Rainbow Drive and Misty Haven Lane."

Commissioner Askin **SECONDED** the motion.

There was Commission Discussion regarding making amendments to KMC 14.10.090 to allow for consideration of City actions causing unjust conditions mid application.

Staff noted they would review this issue and return to the Commission at a future meeting with recommendations.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE: There being no objection; **SO ORDERED.**

VOTE ON MAIN MOTION AS AMENDED:

YEA: Askin, Krause, Fikes, Woodard, Douthit

NAY: None

ABSENT: Earsley, Keaton

MAIN MOTION PASSED AS AMENDED.

2. Resolution PZ2026-31 - Recommending that Preliminary Plat Enders Subdivision 2027
Replat be Approved.

MOTION:

Commissioner Askin **MOVED** to approve Resolution PZ2026-31. Commissioner Woodard **SECONDED** the motion.

Planning Director Buettner read the staff report as included in the packet and attached to Resolution PZ2026-31.

Vice Chair Douthit opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

F. PUBLIC HEARINGS

1. Resolution PZ2026-28 - Granting the Application for a Variance Permit to Build into the Ten-Foot (10') Setback Along the North Side of Parcel 04510014 Located at 503 Candlelight Drive.

MOTION:

Commissioner Askin **MOVED** to approve Resolution PZ2026-28. Commissioner Woodard **SECONDED** the motion.

Planning Director Buettner read the staff report as included in the packet and attached to Resolution PZ2026-28.

Vice Chair Douthit opened the floor for public comment.

Jesse Updike, applicant, made himself available to answer questions from the Commission.

There being no one wishing to be heard, the public comment period was closed.

There was Commission discussion regarding the proposed building design; roof height and slope; setbacks; potential impacts to the adjacent commercial property and utilities; neighboring property owner notification; and site plan requirements.

VOTE:

YEA: Krause, Fikes, Woodard, Douthit, Askin

NAY: None

ABSENT: Keaton, Earsley

MOTION PASSED.

Vice Chair Douthit noted the 15-day appeal period.

2. Resolution PZ2026-29 - Granting a Conditional Use Permit for the Operation of a Non-Commercial Recreational Vehicle Park and Campground at 1518 Tundra Rose Lane.

MOTION:

Commissioner Askin **MOVED** to approve Resolution PZ2026-29. Commissioner Woodard **SECONDED** the motion.

Planning Director Buettner read the staff report as included in the packet and attached to Resolution PZ2026-29.

Vice Chair Douthit opened the floor for public comment.

Nicole and David Smith, applicants, spoke in support of their application, addressing traffic; seasonal use; compatibility with surrounding properties; consistency with the Comprehensive Plan; future development of the property; and the recommended conditions of the approval.

There was Commission discussion regarding RV occupancy and length-of-stay requirements; requirements for RV parks and campgrounds; plans for installation of electric, well, and septic utilities; seasonal use and storage of the RVs; and applicable building permit and site development requirements.

Ron and Ginger Pitts, neighbors, spoke in opposition of the Conditional Use Permit, noting concerns regarding compatibility with the residential character of the neighborhood; increased traffic; noise; lighting; trash; activity; impacts to Tundra Rose Lane; consistency with the Comprehensive Plan; and the proposed site layout and intensity of use.

Ken Corbett, neighbor, spoke in opposition to the Conditional Use Permit, citing concerns regarding compatibility with the residential neighborhood; increased occupancy and traffic; consistency with the Comprehensive Plan; water, sanitation, and utility needs associated with the proposed use.

Chris Garcia spoke in support of the Conditional Use Permit, noting the proposed seasonal use, planned site improvements and utilities, and similar RV use on nearby properties.

Barbara Lichner-Brew spoke in opposition to the Conditional Use Permit, noting concerns regarding the compatibility of an RV park and campground with the residential character of the neighborhood and potential long-term impacts to surrounding properties.

There being no one wishing to be heard, the public comment period was closed.

Staff clarified that a change from the proposed non-commercial use to a commercial use permit would require additional Commission review; while construction of a single-family residence would not require modification of the conditional use permit.

VOTE:

YEA: Krause

NAY: Fikes, Woodard, Douthit, Askin

ABSENT: Keaton, Earsley

MOTION FAILED.

Vice Chair Douthit noted the 15-day appeal period.

G. UNFINISHED BUSINESS - None.

H. NEW BUSINESS

1. ***Action/Approval** - Home Occupation Permit for a Home-Based Food Business Specializing in Baked Goods and Confections that will be Prepared, Packaged, and Stored Inside the Family Residence at 207 Linwood Lane.

Approved by the consent agenda.

2. **Discussion** - Federal Energy Regulatory Commission Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Application.

Planning Director Buettner summarized the memo as included in the packet.

There was discussion regarding the proposed location and design; potential impacts to the regional power grid; the regulatory process; and the City's potential in future proceedings.

3. **Action/Approval** - Request for Inclusion of Comprehensive Plan Project into FY2028-2032 of Kenai Capital Improvement Plan

MOTION:

Commissioner Askin **MOVED** to request inclusion of the Comprehensive Plan Project into the Kenai Capital Improvement Plan. Commissioner Woodard **SECONDED** the motion.

Planning Director Buettner read the staff report as included in the packet

UNANIMOUS CONSENT was requested on the motion.

VOTE: There being no objection; **SO ORDERED**.

4. Action/Approval - Rescheduling End of Year Meeting

MOTION:

Commissioner Woodard **MOVED** to reschedule the end of year meeting to December 15, 2026. Commissioner Askin **SECONDED** the motion.

Planning Director Buettner read the staff report as included in the packet.

UNANIMOUS CONSENT was requested on the motion.

VOTE: There being no objection; **SO ORDERED**.

I. REPORTS

1. Planning Director

Planning Director Buettner reported on the following:

- The quarterly code enforcement report.

2. Commission Chair - No report.

3. Kenai Peninsula Borough Planning

Commissioner Fikes reported on recent actions of the Kenai Peninsula Borough Planning Commission.

4. City Council Liaison

Council Member Daniel reported on recent actions of the City Council.

J. ADDITIONAL PUBLIC COMMENTS - None.

K. NEXT MEETING ATTENDANCE NOTIFICATION

- 1. Next Meeting: October 14, 2026**

L. COMMISSION COMMENTS AND QUESTIONS

Commissioner Askin noted the cooler temperatures.

Vice Chair Douthit noted Jersey Subs moved into the airport café and expanded their menu.

M. PENDING ITEMS - None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS - None.

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 9:03 p.m.

I certify the above represents accurate minutes of the Kenai Planning & Zoning Commission meeting of September 23, 2026.

DRAFT



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2026-32**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR A CABIN RENTAL OF A SINGLE-FAMILY DWELLING ON PARCEL 04326047 LOCATED AT 502 ASH AVENUE.

APPLICANT: Stephanie Lenzini-LeBaron & Bryce LeBaron

PROPERTY ADDRESS: 502 Ash Avenue

LEGAL DESCRIPTION: Lot 1, Block G, Woodland Subdivision, Pt 1

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04326047

WHEREAS a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on September 21, 2026; and,

WHEREAS, the applicant has demonstrated 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 October 14, 2026, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Findings: *The RS Zone is intended 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.*

The proposed use would not violate the residential character of the neighborhood. As stated by the applicant, it will continue to function as a single-family dwelling used for habitation, just on a short-term basis. Traffic flow is not anticipated to be affected negatively as the rented household is expected to generate the same average daily traffic counts as an established tenant.

Staff finds that the proposed use meets the intent of the RS zoning district as there is sufficient off-street parking, and conditions outlined in this Conditional Use Permit would place restrictions on noise levels during established “quiet hours”. This property has also

been previously used as a daycare under a previous Conditional Use Permit that has since expired. Staff finds that the use as a cabin rental/short term rental would be less impactful in regards to traffic generation.

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

Findings: As stated by the applicant, operation of the home as a short-term rental allows a greater oversight than with long-term tenants. Clients will typically be staying for one week or less with the property being cleaned and inspected between stays, allowing the applicant to quickly address maintenance, noise, parking, or other concerns that may arise. Guests will be required to follow house rules regarding occupancy and respect for the peace of the neighborhood. The property will remain well-maintained and compatible with the residential neighborhood.

Staff concurs with the applicant that short-term rentals will allow the owners, or their designee, increased opportunities to address any issues that may arise during the tenure of any tenant and to keep the property in compliance with all city ordinances. Staff finds it unlikely that the proposed use will have any negative impact on the economic or noneconomic value of the adjoining property or neighborhood. *KMC 14.20.150(d)(3) The proposed use is in harmony with the Comprehensive Plan;*

Findings: The Land Use Plan in the City of Kenai Comprehensive Plan, identifies the subject property with the Suburban Residential Land Use Classification. The Suburban Residential Classification is intended for:

Single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.

The surrounding lots are developed single-family lots and there are other short-term rentals in the subdivision, making the proposed use in harmony with the current use of the neighborhood.

As stated by the applicant, the proposed use of a Cabin Rental is consistent with the City's Comprehensive Plan by supporting tourism and economic activity while maintaining the residential character and quality of the neighborhood. Short-term lodging provides accommodations for visitors to Kenai while responsible management, occupancy limits, and established house rules help protect the livability and character of the surrounding neighborhood.

Staff finds the proposed use is consistent and in harmony with several goals in the Comprehensive Plan, specifically Goals 1, 2 and 3 listed below.

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-1 - Ensure that Kenai is a community where people and property are safe.

Objective Q-2 – Protect and rejuvenate the livability of existing neighborhoods.

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

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

Objective ED-9 - Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

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

Findings: The property is connected to City water and sewer and has established natural gas and electric services that are in good standing. The property is accessible from Ash Avenue, a City-maintained road, providing adequate access for guests and emergency services.

Staff finds the public services and facilities adequate to serve the proposed use.

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

Findings: The applicant has stated they will limit the occupancy of the house as well as require guests to adhere to established rules regarding noise, parking, and guest conduct. The home will be regularly cleaned, inspected and maintained between guests, and any concerns will be addressed promptly.

With these protocols in place, staff finds that the proposed use will not be harmful to public safety, health, or welfare.

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

Findings: Staff finds that allowing short-term rentals from the existing single-family dwelling would not cause any adverse impact on the surrounding properties and that additional specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

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 operate a cabin rental in the existing single-family dwelling on a property described as Lot 1, Block G, Woodland Subdivision, located at 502 Ash Avenue.

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

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Pursuant to Kenai Municipal Code 14.20.150(f) the applicant shall submit an annual report, including a summary of the on-site activity, to the City of Kenai, due no later than December 31 of each year.

3. The applicant will meet with City Staff for on-site inspections when requested.
4. If there is an expansion or change of use for the above described property, a new Conditional Use Permit must be obtained, as stated in KMC 14.20.150(l)(5).
5. The applicant will have a routine fire inspection performed every two (2) years.
6. The applicant will ensure that the property will be adequately maintained and kept free of trash or junk.
7. The number of guests is limited to six (6), or two per bedroom.
8. Quiet hours to be observed from 10pm-7am.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 14TH DAY OF OCTOBER, 2026

Jeanne Keaton, Chair

ATTEST:

Logan Parks, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Kevin Buettner, Planning Director
DATE: October 8, 2026
SUBJECT: Resolution PZ2026-32 – Conditional Use Permit – Cabin Rental

Request	The applicant is requesting to operate a cabin rental (i.e., short-term rental) at the existing single-family dwelling.
Staff Recommendation	Adopt Resolution PZ2026-32 approving a Conditional Use Permit for a cabin rental of a single-family dwelling.

Applicant:	Stephanie Lenzini-LeBaron & Bryce LeBaron
Legal Description:	Lot 1, Block G, Woodland Subdivision, Pt 1
Property Address:	502 Ash Avenue
KPB Parcel No.:	04326047
Lot Size:	14,810 square feet (.34-acre)
Zoning:	Suburban Residential (RS)
Current Use:	Single Family Dwelling
Land Use Plan:	Suburban Residential (SR)

SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to operate a cabin rental at the existing single-family dwelling. A CUP is required to operate a cabin rental in the Suburban Residential Zoning District.

ANALYSIS

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. Prior to granting a conditional use permit, the Commission shall determine

that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

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

FINDINGS: *The RS Zone is intended 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.*

The proposed use would not violate the residential character of the neighborhood. As stated by the applicant, it will continue to function as a single-family dwelling used for habitation, just on a short-term basis. Traffic flow is not anticipated to be affected negatively as the rented household is expected to generate the same average daily traffic counts as an established tenant.

Staff finds that the proposed use meets the intent of the RS zoning district as there is sufficient off-street parking, and conditions outlined in this Conditional Use Permit would place restrictions on noise levels during established “quiet hours”. This property has also been previously used as a daycare under a previous Conditional Use Permit that has since expired. Staff finds that the use as a cabin rental/short term rental would be less impactful in regards to traffic generation.

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

FINDINGS: As stated by the applicant, operation of the home as a short-term rental allows a greater oversight than with long-term tenants. Clients will typically be staying for one week or less with the property being cleaned and inspected between stays, allowing the applicant to quickly address maintenance, noise, parking, or other concerns that may arise. Guests will be required to follow house rules regarding occupancy and respect for the peace of the neighborhood. The property will remain well-maintained and compatible with the residential neighborhood.

Staff concurs with the applicant that short-term rentals will allow the owners, or their designee, increased opportunities to address any issues that may arise during the tenure of any tenant and to keep the property in compliance with all city ordinances. Staff finds it unlikely that the proposed use will have any negative impact on the economic or noneconomic value of the adjoining property or neighborhood.

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

FINDINGS: The Land Use Plan in the City of Kenai Comprehensive Plan identifies the subject property with the Suburban Residential Land Use Classification. The Suburban Residential Classification is intended for:

Single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or planned. Some developments may be required to

construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.

The surrounding lots are developed single-family lots and there are other short-term rentals in the subdivision, making the proposed use in harmony with the current use of the neighborhood.

As stated by the applicant, the proposed use of a Cabin Rental is consistent with the City's Comprehensive Plan by supporting tourism and economic activity while maintaining the residential character and quality of the neighborhood. Short-term lodging provides accommodations for visitors to Kenai while responsible management, occupancy limits, and established house rules help protect the livability and character of the surrounding neighborhood.

Staff finds the proposed use is consistent and in harmony with goals in the Comprehensive Plan, specifically Goals 1 and 2, listed below:

RELEVANT GOALS

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-1 - *Ensure that Kenai is a community where people and property are safe.*

Objective Q-2 – *Protect and rejuvenate the livability of existing neighborhoods.*

Objective Q-4 – *Promote the siting and design of land uses that are in harmony and scale with surrounding areas.*

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

Objective ED-9 - *Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.*

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

FINDINGS: The property is connected to City water and sewer and has established natural gas and electric services that are in good standing. The property is accessible from Ash Avenue, a City-maintained road, providing adequate access for guests and emergency services.

Staff finds the public services and facilities adequate to serve the proposed use.

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

FINDINGS: The applicant has stated they will limit the occupancy of the house as well as require guests to adhere to established rules regarding noise, parking, and guest conduct. The home will be regularly cleaned, inspected and maintained between guests, and any concerns will be addressed promptly.

With these protocols in place, staff finds that the proposed use will not be harmful to public safety, health, or welfare.

Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. 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.

FINDINGS: Staff finds that allowing short-term rentals from the existing single-family dwelling would not have any adverse impacts on the surrounding properties and that an additional specific condition to limit the number of guests allowed on-site at any one time is needed to fulfill the above-mentioned conditions.

PUBLIC NOTICE

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*. City staff submitted an Affidavit of Posting verifying a sign that was placed on the parcel with information on the public hearing for the conditional use permit request.

Three public comments were received at the time of this report, and are included in this packet.

STAFF RECOMMENDATION

Staff finds that the proposed Conditional Use Permit for a cabin rental in the existing single-family dwelling on the property described as Lot 1, Block G, Woodland Subdivision Pt 1, 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 adopt Resolution PZ2026-32 approving the Conditional Use Permit, subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Pursuant to Kenai Municipal Code 14.20.150(f) the applicant shall submit an annual report, including a summary of the on-site activity, to the City of Kenai, due no later than December 31 of each year.
3. The applicant will meet with City Staff for on-site inspections when requested.
4. If there is an expansion or change of use for the above described property, a new Conditional Use Permit must be obtained, as stated in KMC 14.20.150(l)(5).
5. The applicant will have a fire inspection performed every two (2) years.
6. The applicant will ensure that the property will be adequately maintained and kept free of trash or junk.
7. The number of guests is limited to six (6), or two per bedroom.
8. Quiet hours to be observed from 10pm-7am.

ATTACHMENTS

Aerial Map
Application
Alaska Business License
Site plan



Hemlock Ave

Fifth Ave

04326047

Fifth Ave

Fifth C

Pinecliff



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:	Stephanie Lenzini-LeBaron & Bryce LeBaron				
Mailing Address:	65299 Corabin road				
City:	Anchor Point	State:	AK	Zip Code:	99556
Phone Number(s):	[REDACTED]				
Email:	[REDACTED]				

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):	04326047
Physical Address:	502 Ash ave, Kenai AK 99611
Legal Description:	T 6N R 11W SEC 31 Seward Meridian KN 0001522 WOODLAND SUB PT I LOT 1 BLK G
Zoning:	30 - Kenai City
Acres:	0.3400

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?	Converted from long term rental to short term rental
--	--

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

operating a short term rental

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

The proposed short-term rental is consistent with the purpose and intent of the Suburban Residential zoning district because the property will continue to be used as a single-family residence and will retain its existing residential character. No expansion, commercial structure, or significant alteration to the property is proposed. Guests will use the home in the same manner as a typical residence, with existing parking, utilities, and access. Clear occupancy limits and property rules will be maintained to minimize noise, traffic, and other potential impacts on neighboring properties. The conditional use allows the property to provide temporary residential lodging while remaining compatible with the established residential nature and character of the surrounding neighborhood.

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

The conditional use will not significantly impair adjoining property or neighborhood values. Operating the home as a short-term rental allows us greater oversight than we experienced with long-term tenants. Guest stays are typically one week or less, and the property is cleaned and inspected between stays, allowing us to quickly address maintenance, noise, parking, or other concerns. Guests must follow clear house rules regarding occupancy and respect for neighbors. This increased oversight helps us keep the property well-maintained, attractive, and compatible with the residential neighborhood.

Use of surrounding property - north:	Residential - no use other than people playing lawn games in the summer		
Use of surrounding property - south:	Residential - no use other than people playing lawn games in the summer		
Use of surrounding property - east:	Residential - no use other than people playing lawn games in the summer		
Use of surrounding property - west:	Residential - no use other than people playing lawn games in the summer		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
The conditional use is consistent with the City's Comprehensive Plan by supporting tourism and economic activity while maintaining the residential character and quality of the neighborhood. The property will remain a well-maintained residence with no significant exterior changes. Short-term lodging provides accommodations for visitors to Kenai while responsible management, occupancy limits, and established house rules help protect the livability and character of the surrounding neighborhood.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Yes. The property is connected to City water and sewer and has established natural gas and electrical service. The property is accessible from Ash Avenue, a paved, City-maintained road, providing adequate access for guests and emergency services. The existing services and facilities are more than adequate to support the limited occupancy of the short-term rental.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
The conditional use will not be harmful to public safety, health, or welfare. The property will continue to function as a residence with limited occupancy and established rules regarding noise, parking, and guest conduct. The home is regularly cleaned, inspected, and maintained between stays, and any safety, maintenance, or guest concerns can be addressed promptly. The short-term rental will not create any use or activity that presents an increased risk to the surrounding neighborhood.			
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?			
Yes. The property has adequate off-street parking and established residential access. Guest occupancy is limited, stays are generally one week or less, and clear house rules address noise, parking, property care, and respect for neighbors. The property is cleaned and inspected between each stay, allowing us to quickly identify and address any concerns. These operational measures help ensure the property remains quiet, well-maintained, and compatible with the surrounding neighborhood.			
AUTHORITY TO APPLY FOR CONDITIONAL USE: I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:	<i>Stephanie Lenzini-LeBaron</i>		Date: 09/01/2026
Print Name:	Stephanie Lenzini-LeBaron	Title/Business:	Owner
For City Use Only		Date Application Fee Received: PZ Resolution Number:	



Conditional Use Permit Application

CHECKLIST

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

- ☐ Evaluate uses allowed in your zoning district.
Information on zoning is available at kenai.city/planning/page/zoning.
- ☐ Submit completed application form. The application form must include an attached site plan/floor plan with square footages of all structures on the property and parking areas. If applicable, include a State Business License and a KPB Tax Compliance Form with the application. Intents of zoning districts are at kenai.municipal.codes/KMC/14.20.010. Information about the Comprehensive Plan is at kenai.city/planning/page/comprehensive-plan.
- ☐ Pay the \$265 fee as outlined in the Fee Schedule (\$250 + 6% tax).
- ☐ City staff will evaluate your application following
Kenai Municipal Code 14.20.230 (kenai.municipal.codes/KMC/14.20.150).
Please answer questions from City staff about your application.
- ☐ Meet with Fire Marshall for inspection of premises (if necessary).
The Fire Marshal will contact you to arrange an inspection for compliance with the Fire Code if it is required prior to approval of your application.
- ☐ Post sign on your property and confirm the posting with the City.
Planning staff will contact you and provide a sign stating a conditional use permit application has been submitted. The sign must be posted at least 10 days before the Planning & Zoning Commission meeting.
- ☐ Attend Planning & Zoning Commission meeting. Attendance is necessary so you are able to answer questions of the Commission.
- ☐ 15-day appeal period of the Planning & Zoning Commission's decision.

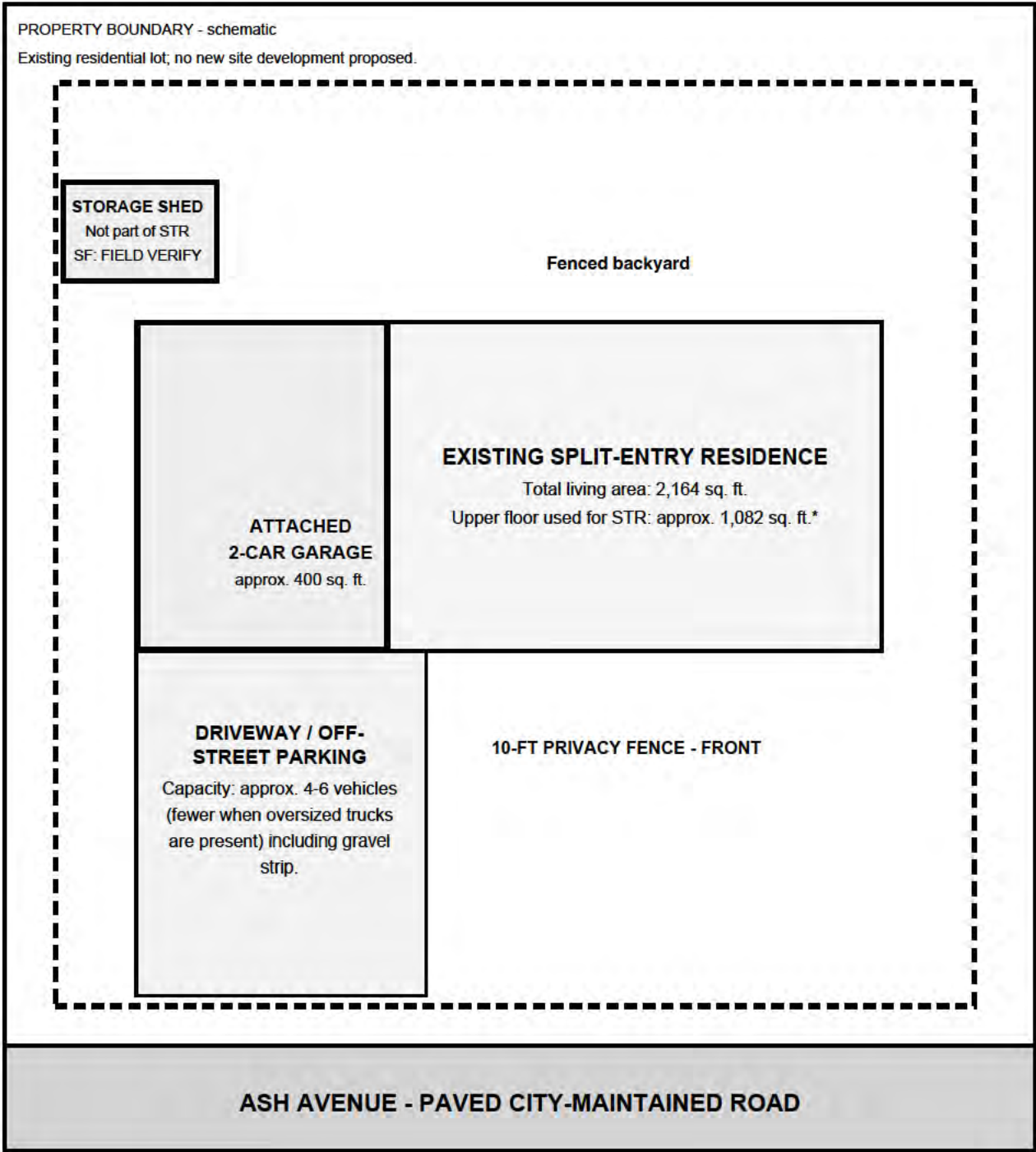
Thank you for choosing the City of Kenai!
Please contact the Planning & Zoning Department with application questions.

CUP EXHIBIT - SITE PLAN

502 Ash Avenue, Kenai, Alaska 99611

Parcel 04326047 | RS - Suburban Residential | Lot: 0.34 acres / 14,810 sq. ft.

Schematic exhibit based on public property records and owner-provided operational information. Not a survey.



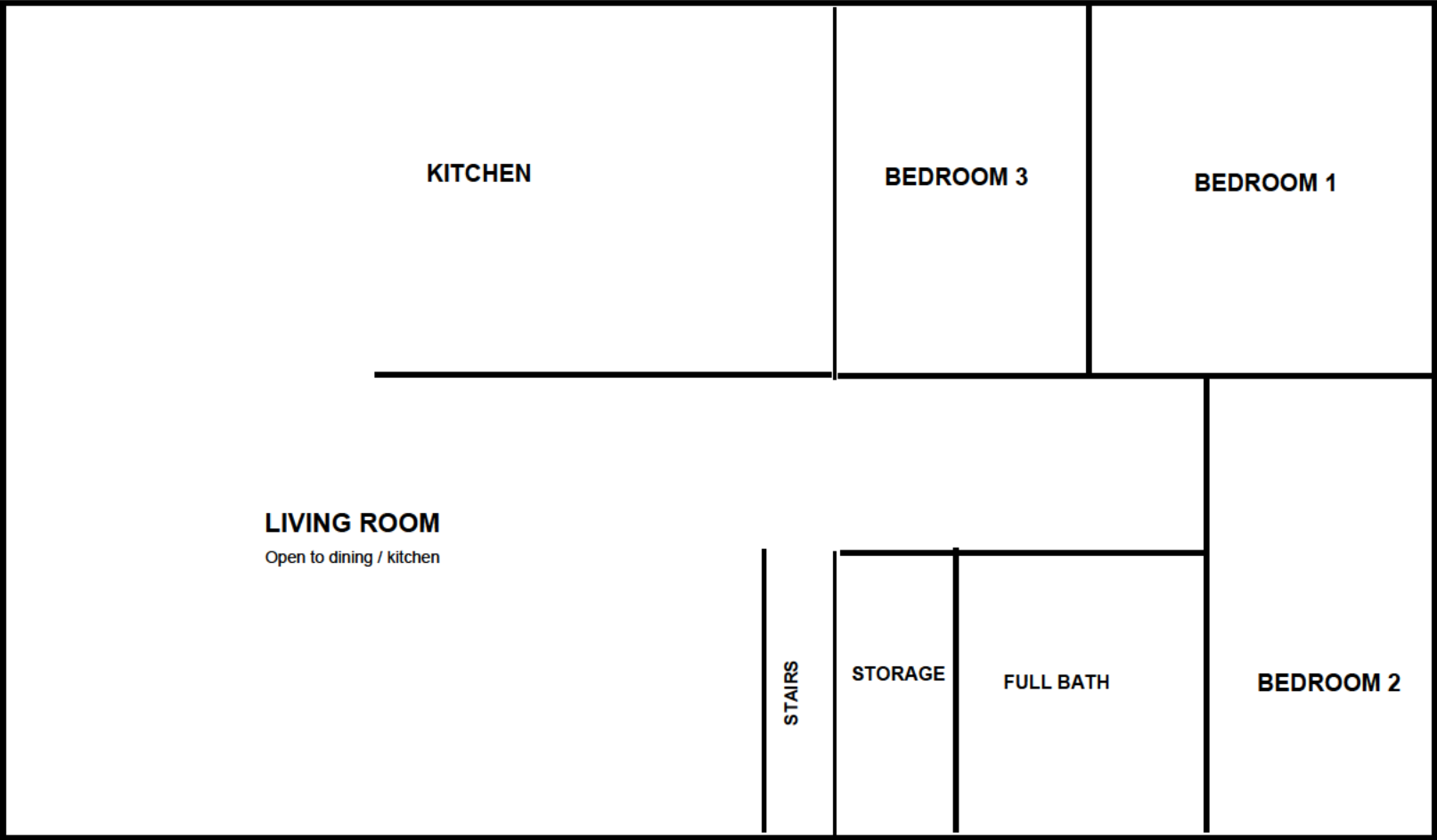
SITE / OPERATIONS NOTES

1. Short-term rental occupancy is limited to the upper residential floor; listing maximum is 8 guests.
2. Existing attached garage and driveway provide off-street parking; total capacity of approximately 6-7 vehicles.
3. Existing storage shed is not included in or accessible as part of the short-term rental.
4. Existing 10-foot privacy fence screens the front yard from adjacent properties.
5. No new building, driveway, or commercial exterior alterations.

CUP EXHIBIT - UPPER FLOOR PLAN

502 Ash Avenue, Kenai, Alaska 99611

Upper residential level - schematic floor plan.



PLAN NOTES

- 1. Upper floor includes three bedrooms, one full bathroom, kitchen, dining area, living room, stairs, storage, and fireplace.
- 2. Existing structure only; no new construction or change to the building footprint is proposed.

To whom it may concern,

I just want to voice my concerns regarding an Airbnb in a residential neighborhood. First off, it's a neighborhood not a business area. I've lived at 510 Ash for 38 years and have seen many families come and go but it's always been a nice quiet place to raise a family. My grandchildren are now enjoying the neighborhood, and many kids play in and around my home such as basketball, bikes and many other activities. Having transient traffic, parking on the street is more than what a neighborhood is meant to be. I have a burnt-out home across the street along with a vacant home right next door being worked on and if the home in question is allowed to become an Airbnb what's to stop others from doing the same which means I will be surrounded by Airbnb and the neighborhood is no longer a family setting and we're left with transient traffic and problems that go along with that entity. I'm asking you to please not let this happen. Subdivisions are not made for commercial dwellings but for folks to raise families and let the kids play and look out for one another. I beg you not to allow this to happen.

Thank you for letting the neighborhood residents have a voice on this matter.

Sincerely,

Mary LeFebvre

ROBERT J. MOLLOY
513 ASH AVENUE
KENAI, AK 99611

October 9, 2026

To: PLANNING & ZONING COMMISSION
City of Kenai, Alaska

RE: PZ2026-32, Objections to CUP for “Cabin Rentals”
Site: 502 Ash Avenue, Kenai AK
Applicants: Stephanie Lenzini-LeBaron, Bryce LeBaron

Kristine Schmidt and I object to the applicants’ proposed CUP for a business operating short term “Cabin Rentals” in the single family dwelling at 502 Ash Avenue in our neighborhood of Woodland Subdivision Part I, which is within the Suburban Residential (RS) Zone. We ask that the Commission deny this application, and engage in a public process to define “short term rentals” and determine which neighborhoods in which zones are suitable for siting short term rentals (that are AirBnb, VRBO etc.).

We object to the CUP for 502 Ash Avenue, Kenai, Alaska for the following reasons, among others:

• The application does not satisfy the criteria of KMC 14.20.150(c)(1):

The intent of the RS Zone is to provide for medium density residential development while prohibiting land uses which would violate the residential character of the environment. Therefore, the RS Zone prohibits new land uses that will violate the existing residential character of the environment in the neighborhood of Woodland Subdivision Part I (Part I neighborhood). The historical land use, and current land use on Ash Avenue, has been, and is, residential by homeowners, with single-family dwellings occupied by families (with and without children) and by families of retirees. The business of operating short term “Cabin Rentals” in a single family dwelling is a new land use of the single family dwellings on Ash Avenue and, to my knowledge, a new land use within our Part I neighborhood.

The applicants state that “the property will continue to be used as a single-family residence and will retain its existing residential character.” This statement is false. A “residence” is “the place where one actually lives as distinguished from a domicile” (*Black’s Law Dictionary, 9th Edition*); or “as distinguished from ... a place where one is staying temporarily,” (*Merriam Webster Dictionary*). The application shows that the applicants’ mailing address is in Anchor Point, Alaska. The applicants, the owners-operators, do not live or “reside” in this house. To my knowledge, no one resides in this house, as distinguished from temporary occupancy. The applicants’ AirBnb page shows that they offer the “Entire home in Kenai, Alaska” for rent, with

up to “8 guests - 3 bedrooms - 5 beds - 1 bath.” Transients have occupied this house, apparently in June through October.

The historical land use, and current use, by homeowners who are neighbors in our Part I neighborhood, allows neighbors to become acquainted with each other and with the children in our Part I neighborhood. This new land use of short term “Cabin Rentals” means that neighbors never know who the transient renters are or anything about them or their backgrounds. While the applicants rely upon their property rules for regulating transients’ conduct, those property rules are not enforceable by neighbors or by the City.

The applicants state that the residential use of the property to the north and west is “no use other than people playing lawn games in the summer.” This statement is misleading. There is no park in our Part I neighborhood, so there is much more activity than “lawn games in the summer,” especially for children. The children who live in the neighborhood ride bikes, scooters, etc., in the streets and driveways; when there is no snow, children play hopscotch and other games in the street; footballs and baseballs are thrown and caught in the street; and basketball is played with several basketball hoops in the street.

This new land use of “Cabin Rentals” is a new business use, not a residential use, and violates the purposes and intent of the RS zoning district.

• **The application does not satisfy the criteria of KMC 14.20.150(e)(3):**

The applicants’ new land use of “Cabin Rentals” at 502 Ash Avenue is not in harmony with the Comprehensive Plan 2016.

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai. The applicants’ opinion is that this new land use of “Cabin Rentals” in our Part I neighborhood is consistent with the Comprehensive Plan “by supporting tourism and economic activity while maintaining the residential character and quality of the neighborhood.” The applicants submitted no proof on **Goal 2**, no data to support their opinion that, aside from private revenue they receive, there is any significant revenue to or economic activity in other businesses and the City as a result of their transient renters during three to four months of the year. And the residential environment of Ash Avenue will be changed by this new land use of applicants’ business operation of AirBnbs - VRBOs as “Cabin Rentals,” by transient renters’ temporary use of a single family dwelling as a “Cabin Rental,” instead of residential use, as a home, by actual homeowners and their family on a more permanent basis.

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in the City, including an objective to protect and rejuvenate the livability of existing neighborhoods, and to promote the siting and design of land uses that are in harmony and scale with surrounding uses. Our Part I neighborhood needs rejuvenation, but this CUP -- which sites an Airbnb - VRBO business in a single family home on Ash Avenue -- does not protect and rejuvenate livability of our Part I neighborhood, but may do the opposite. Approval of this CUP will be a precedent. Upon information and belief, there may be a sale of the burned out house at 509 Ash, finally, after several years; and there is another vacant house at 510 Ash (see photographs). If this CUP

is approved, then there may be a “Cabin Rentals” creep on Ash Avenue, a domino effect, similar to what happened with guide businesses on Angler Drive. If this CUP for “Cabin Rentals” is approved, then investor buyers-developers may want to buy and use the burned out and vacant properties as investment for “Cabin Rentals,” and families will lose the opportunity to buy these properties for use as home residences.

- **The application does not satisfy the criteria of KMC 14.20.150(e)(5):**

The applicants have not shown that that this new land use will not be harmful to the public safety, health or welfare.

The applicants state that “the property will continue to function as a residence.” This statement is false. This single-family dwelling will be operated like a hotel, not a residence. The applicants do not live there as their home; no one does. The renters are transient.

The applicants state that there will be “limited occupancy and established rules regarding noise, parking, and guest conduct.” The applicants’ AirBnb offer is to accommodate up to eight guests per night. Applicants state that “guest concerns can be addressed promptly,” but say nothing about neighbors’ concerns. Whatever applicants’ rules may be, their rules are not enforceable either by neighbors or by the City. And the applicants presumably live in Anchor Point, where their mailing address is.

The Comprehensive Plan states in part that: “*Kenai residents place a high value on residential neighborhoods that are safe for all ages . . .*” Comprehensive Plan 2016, p. 73. Applicants haven’t shown that they have any system of background checks or screening of potential transient renters, and there are many children living in our Part I neighborhood.

- **The Commission should develop a plan with proposed code and revised Land Use Table for “Short-Term Rentals.” A CUP for “Cabin Rental” should not be granted for a single-family dwelling in our Part I neighborhood:**

KPB 14.20.320 defines “Cabin rentals” to mean “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.” As to dwelling units or buildings, *Merriam Webster Dictionary* defines “cabin” as “a small simple dwelling usually having only one story.”

When “Cabin rentals” was defined in code, short-term rental operations like AirBnbs and VRBOs did not exist. “Cabin” as used in “Cabin rentals” was understood to be as defined in the *Merriam Webster Dictionary*: “a small simple dwelling usually having only one story.” The application and the three photos of the residential dwelling unit that is located at 502 Ash Avenue (attached) clearly show that this building is a two story structure that is a house, not a “cabin.”

Goal 3 of the Comprehensive Plan discusses land use strategy to implement a forward-looking approach to community growth and development. The Commission is the keeper of the Plan with the initial responsibility for implementing the Plan. The City Council should support the

Commission in engaging in a public process to define “short term rentals,” covering AirBnb, VRBO etc.; and to determine which neighborhoods in which zones are suitable for siting such short term rentals in a revised Land Use Table.

Conclusion

The applicants have the burden of proof, but have not done so. The application for a conditional use permit for an AirBnb “Cabin Rental” at 502 Ash Avenue does not satisfy all of the review criteria for a conditional use permit stated in KMC 14.20.150(e). Therefore, we request that the Commission deny the CUP for the new land use of an AirBnb “Cabin Rental” at 502 Ash Avenue.

Date:

10/9/26



Robert J. Molloy

Date:

10/9/26



Kristine A. Schmidt



502 Ash is a House
- Single Family Dwelling
-- Not a Cabin



502 Ash is a House
- Single Family Dwelling
-- Not a Cabin

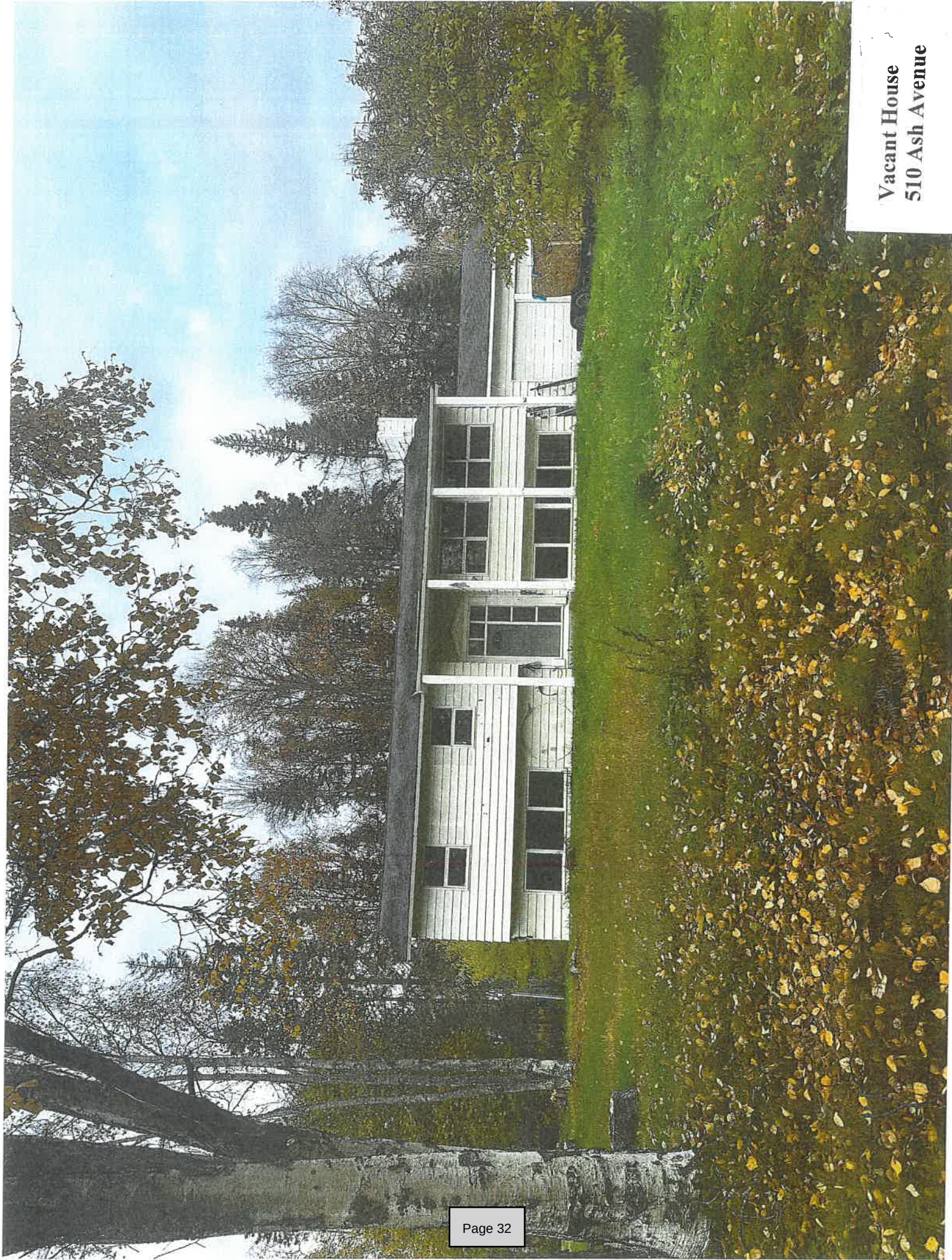


502 Ash is a House
- Single Family Dwelling
-- Not a Cabin



Burnt Out House
509 Ash Avenue

**Vacant House
510 Ash Avenue**





cabin

noun **2** [Synonyms](#) [Example Sentences](#) [Word History](#) [Phrases Containing](#) [Rh](#)

cabin 1 of 2 noun

cab·in 'ka-bən

Synonyms of *cabin*

Simple Definition

- 1 a (1)** : a private room on a ship or boat
 - (2)** : a compartment below deck on a boat used for living accommodations
- b** : the passenger or cargo compartment of a vehicle (such as an airplane or automobile)
- c** : the crew compartment of an exploratory vehicle (such as a spacecraft)

Take our 3 question quiz on *cabin*

2 : a small one-story dwelling usually of simple construction

3 chiefly British : **CAB sense 3**

Quiz: Which of these places is most likely a *cabin*?

cabin 2 of 2 verb

residence

are in effect, the use of *res gestae* is now out of place. See Fed. R. Evid. 803(1), (2). — Also termed *res gesta*. [Cases: Criminal Law ↷ 363–368; Evidence ↷ 118–128.]

"The Latin expression 'res gestae' or 'res gesta,' literally 'things done' or 'thing transacted,' has long served as a catchword . . . [T]he phrase has frequently served both to let in utterances which in strictness were not admissible and to exclude utterances which might well have been admitted. And frequently also its indefiniteness has served as a basis for rulings where it was easier for the judge to invoke this imposing catchword than to think through the real question involved. The phrase is antiquated. By modern judges it is being gradually discarded. It is superfluous, and serves only to obscure the logic of the rules. It should be left to oblivion." John H. Wigmore, *A Students' Textbook of the Law of Evidence* 279 (1935).

"The *res gestae* embraces not only the actual facts of the transaction and the circumstances surrounding it, but the matters immediately antecedent to and having a direct causal connection with it, as well as acts immediately following it and so closely connected with it as to form in reality a part of the occurrence." *State v. Fouquette*, 221 P.2d 404, 416–17 (Nev. 1950).

res gestae witness. See WITNESS.

res habiles (rays hab-ə-leez), *n. pl.* [Latin] *Civil law.* Things that may be acquired by prescription.

resiance (rez-ee-ənts), *Archaic.* Residence; abode.

resiant (rez-ee-ənt), *adj. Archaic.* Continually dwelling or abiding in a place; resident.

resiant, *n. Archaic.* A resident.

residence. (14c) 1. The act or fact of living in a given place for some time <a year's residence in New Jersey>. — Also termed *residency*. 2. The place where one actually lives, as distinguished from a domicile <she made her residence in Oregon>. • *Residence* usu. just means bodily presence as an inhabitant in a given place; *domicile* usu. requires bodily presence plus an intention to make the place one's home. A person thus may have more than one residence at a time but only one domicile. Sometimes, though, the two terms are used synonymously. Cf. DOMICILE (2). [Cases: Domicile ↷ 2.] 3. A house or other fixed abode; a dwelling <a three-story residence>. 4. The place where a corporation or other enterprise does business or is registered to do business <Pantheon Inc.'s principal residence is in Delaware>. [Cases: Corporations ↷ 1], 666.]

habitual residence. 1. *Family law.* A person's custom-

Kristine A. Schmidt
513 Ash Avenue • Kenai, Alaska 99611

Dear Planning Commissioners:

I object to the application for a conditional use permit (CUP) for a “short term rental” (transient lodging) business, continuously operating at 502 Ash Avenue, dated 9/1/26. This business has been operating illegally at 502 Ash Avenue for some months without a permit, and, according to the airbnb and VRBO websites for this business, it appears that the owners/hosts do not charge Borough or City sales taxes on their rentals.¹

Even though I reside at 513 Ash Avenue, merely 5 houses away, I did not get any kind of written notice of the application.² I did notice a yellow sign on the property last weekend (October 3-4), which said the CUP application was for a “cabin rental” – however that is not a correct category of use for this business.

I was not able to obtain a copy of the actual CUP application until Wednesday 10/7, as the City of Kenai now requires filing a public records request to get this information.³ This leaves very little time to submit a comment.

The Commission should deny the CUP application for the following reasons.

1. Not A Cabin Rental. The applicants’ short term rental business is not a “cabin rental” as defined in the Kenai code – even the application does not call it that -- and there is no other part of the Kenai code that allows for a short term rental business, with or without a CUP, in the RS zone, where the subject parcel is located.

2. Does Not Satisfy Review Criteria for CUP. The use – short term rental business -- does not meet the following review criteria in the Kenai Zoning Code, at KMC 14.20.150(e) for a conditional use permit:

a. KMC 14.20.150(e)(1). The use is not consistent with the purpose of AS 14.20 and the purposes and intent of the RS zoning district.

The intent of KMC 14.20 is to have consistent development and use standards for the various areas of town, including establishing residential zoning districts that *historically did not allow commercial uses at all*, not even by CUP.

Woodland Subdivision was developed in the late 1960s to provide housing for employees of Collier’s (Unocal) plant, when commercial uses were not allowed in the RS zone. The developers of Woodland Subdivision, like in other larger and older subdivisions in Kenai, put restrictive covenants in place to prohibit commercial uses.

¹We have provided snapshots dated 6/23/26 and 10/6/26 showing operation and failure to charge sales taxes.

²This lack of notice to nearby affected residents is one of many problems with the City’s CUP process.

³This failure to allow the public to view a copy of the application until AFTER the Commission’s packet is published, the requirement to file a public records request to get a copy of the application, and the short time frame for public comment are other major problems with the City’s CUP process.

The specific intent of the RS zoning district has been, since the beginning, to prohibit uses which (1) violate the residential character of the environment or (2) generate heavy traffic in predominantly residential areas.

The applicants' use would ***violate the residential character of the Woodland Subdivision neighborhood*** in which the rental is located, just by virtue of being a business use in a neighborhood of permanent resident use – ***a business which operates 24/7/365***. The business use involves a daily influx of a large number (up to 8) of strangers and unlimited unknown vehicles.⁴ The neighborhood would never get a rest from this continuously operating business. By contrast, our neighborhood, which includes Ash Avenue as well as the larger Woodland Subdivision Part I, has always had permanent residents, who live on site -- their "use" is a home for one family. Our neighbors on our Ash Avenue block live in their homes, while the applicants do not. We know our neighbors and their vehicles. We don't know airbnb/VRBO guests or their vehicles.

A daily influx of an unknown number of vehicles on this corner lot ***could generate heavy traffic for our block***. The main access, 5th Avenue, is a half street (30 feet right of way) that is already negatively impacted by existing Woodland Subdivision traffic — the asphalt edges are worn down and have holes and cracks that get little City maintenance. Adding "Ash House" cars, trucks, trailers, boats etc. to the daily traffic will just increase the negative impact to 5th Avenue and Ash Avenue.

Ash Avenue is also very narrow, and on-street parking makes it difficult for cars, school buses and City equipment to navigate and pass. On the applicant's airbnb/VRBO web site there is no limit on the number of vehicles or requirement that the vehicles park off-street.

Our block of Ash Avenue has only had one business try to locate there since we moved there 41 years ago in 1985, and that involved the same applicants.⁵ We objected to that business as well, for the same reason: we don't want to open the door to business uses instead of permanent residential uses. We don't want our neighborhood to suffer the "domino effect" of creeping commercialism, like Angler Drive

Because once the Commission allows one business to locate in a residential neighborhood, that opens the door to additional businesses – with each old business being the justification for allowing the new business. Until the residential character of the neighborhood is completely gone, as on Angler Drive.

Our neighborhood has already deteriorated enough in the last few years, thanks to lax City of Kenai code enforcement. Including a burned down house that has sat abandoned and derelict for years, and an abandoned house that has sat empty for over a year.⁶ Letting a transient lodging business operate at 502 Ash Avenue, instead of permanent residents, will continue this downward trend.

⁴We provide photos showing 5 different vehicles on site and on-street, just one day in July 2026 – more than usual on our street.

⁵The applicants ceased operating their business at that location.

⁶We provide photos of these homes.

b. KMC 14.20.150(e)(2). The short term rental use significantly impairs the economic and noneconomic value of adjoining property and neighborhood.

We value our neighborhood's single family residence character, and we don't want a continuously operating short term lodging business that has and will impair that. That is why we moved to Kenai, to Woodland Subdivision in 1985: because there were rules in place – through Kenai code and our subdivision covenants -- to protect the single family home we were buying from commercial uses. Contrary to the applicants' statements, there is a great difference between stable, single family homeowners using a property and constantly changing transient lodging guests and vehicles moving in and out every day. For example, we provide photos of just one day in July 2026 where 5 cars were parked at the property, one in the street. We value our comfort and security away from continuously operating business uses like the "Ash House."

While the application claims the use is "residential" because the transient guests are supposedly "residing" there, this is incorrect. While the building is "residential" ***the use is not: it is a business providing transient lodging.*** The applicant's use is ***NOT*** a single family permanently residing there, which is the exclusive legal use of the adjoining developed properties and neighborhood.

The applicants' point to their "house rules" to try to convince the Commission that their business is different, but there are several problems with their arguments. First, the very nature of their transient lodging business is to have different customers and vehicles, moving in and out, daily – no rules will prevent that. Second, their house rules are minimal -- we have provided a copy – and do not include conditions that might better protect the neighborhood, such as requiring more than a one night stay, or on-site parking, or shutting off bright lights at night, or banning large/barking dogs, or providing warnings about children playing in the streets, for example. Third, their house rules are not enforceable by the neighbors or the City of Kenai.

The owners live way out of town, and their application includes no realistic way for the neighbors to be secure from problems with guests. Complaints to the City don't work outside of City business hours, especially with this 24/7/365 operation.

c. AS 14.20.150(e)(3). The proposed use is not in harmony with the Comprehensive Plan.

Goal 1 of the Comprehensive Plan is to promote and encourage **quality of life** in the City, including Objective Q-2, to "***Protect and rejuvenate the livability of existing neighborhoods.***" Allowing this business does not protect the livability of the Ash Avenue neighborhood. Since the business involves strangers and strange vehicles moving in and out of, and staying in, the neighborhood 24/7/365, the neighbors always have to be on guard for potential problems caused by transient guests, and protecting the safety and security of the neighborhood from the activities of such guests, with no on site supervision or control. The neighbors don't get to live peacefully but must become security guards.

In addition, Kenai has a shortage of affordable single family homes, and allowing this business to continue operating takes yet another single family residence out of the housing market. Which does not rejuvenate the existing neighborhood, since it replaces a single family home with a business that is not compatible.

Goal 1, Objective Q-4 is to **“Promote the siting and design of land uses that are in harmony and scale with surrounding uses.”** Approving the application would do the opposite: it would discourage a single family residential use, and not be in harmony (business v. single family home) or scale (strangers and vehicles moving in and out and staying daily 24/7/365 v. permanent single family residents) with the surrounding single family residential land use.

I must wrap up now in order to meet the packet deadline. I intend to provide further evidence and comment before and at the P&Z hearing 10/14/26.



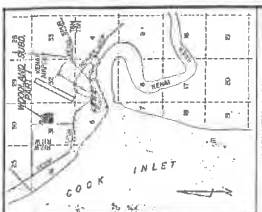
KRISTINE A. SCHMIDT

Date: 10/9/26



ROBERT J. MOLLOY

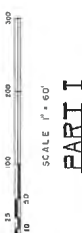
Date: 10/9/26



WOODLAND SUBDIVISION

PART OF THE WEST 1/4 OF THE N.E. 1/4 SEC. 31, T4N, R10W, S.M.

CITY OF KENAI, KENAI PENINSULA BOROUGH, ALASKA.



SCALE 1" = 60'

PART I

COLLIER CARBON & CHEMICAL CORP.

UNSUBDIVIDED

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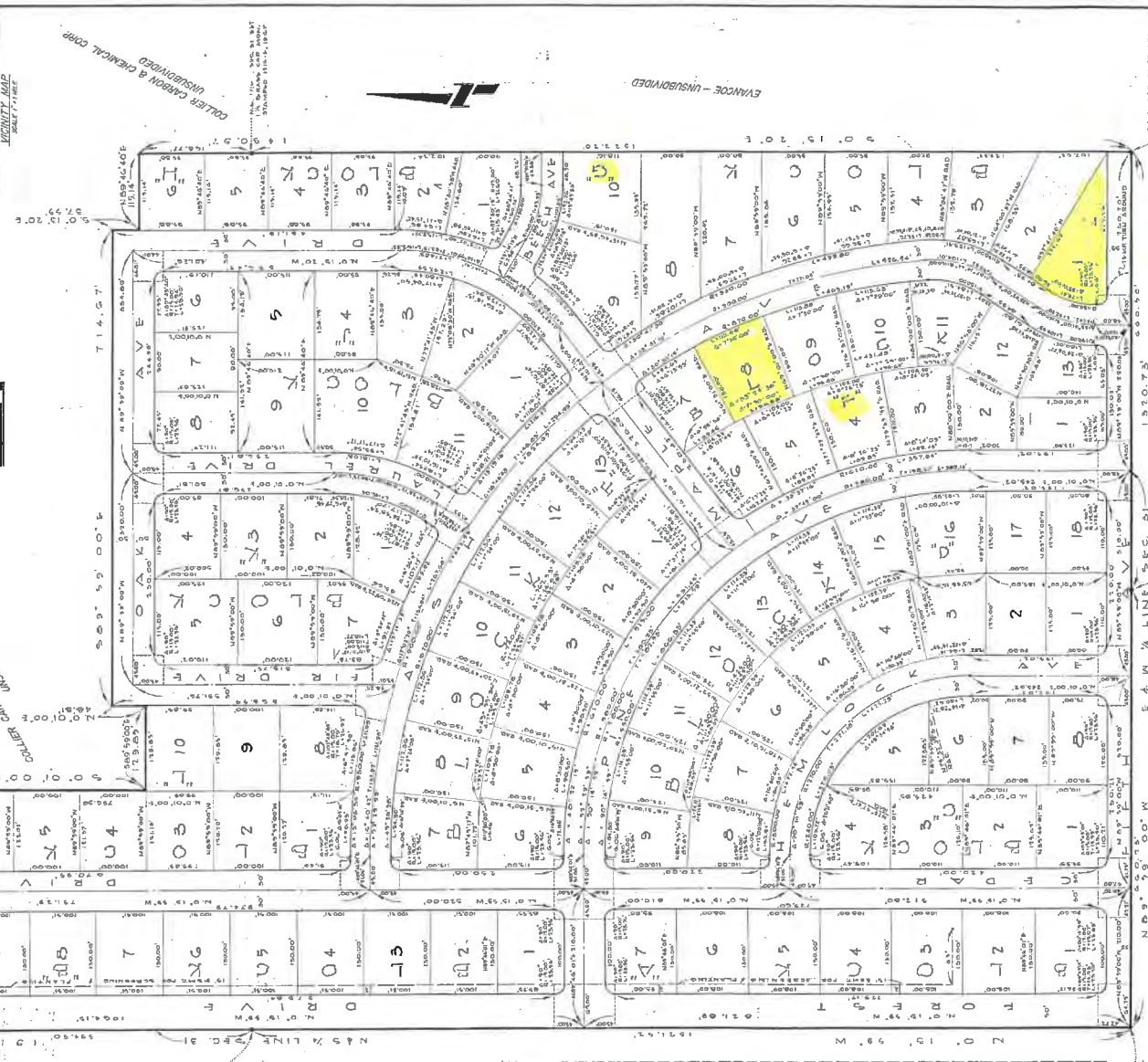
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STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

LEGAL DESCRIPTION

LEGAL DESCRIPTION

CERTIFICATE OF OWNERSHIP

CERTIFICATE OF OWNERSHIP

OWNER: COLLIER CARBON & CHEMICAL CORP.

OWNER: COLLIER CARBON & CHEMICAL CORP.

SUBSCRIBED AND SWORN BEFORE ME THIS 11th DAY OF MAY 1987

SUBSCRIBED AND SWORN BEFORE ME THIS 11th DAY OF MAY 1987

KENAI CITY PLANNING COMMISSION

KENAI CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT WAS DULY SUBMITTED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENAI, ALASKA, BY COUNCIL RESOLUTION NUMBER 1228.

THIS IS TO CERTIFY THAT THIS PLAT WAS DULY SUBMITTED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENAI, ALASKA, BY COUNCIL RESOLUTION NUMBER 1228.

ENGINEER'S CERTIFICATE

ENGINEER'S CERTIFICATE

DATE 05/11/87

DATE 05/11/87

Table with 2 columns: LOT NO. and AC. (Acreage)

Table with 2 columns: LOT NO. and AC. (Acreage)

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Table with 2 columns: LOT NO. and AC. (Acreage)



General Information

Property Owner(s): Lebaron Bryce J, Lenzini-Lebaron Stephanie N, Mailing Address: 65299 Corabln Rd ANCHOR POINT AK 99556-9251	Property ID: 04326047 Property Address: 502 Ash Ave Tax Authority Group: 30 - Kenai City	Acreage: 0.3400 Legal Description: T 6N R 11W SEC 31 Seward Meridian KN 0001522 WOODLAND SUB PT I LOT 1 BLK G
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Improvements

Property Record	Improvement ID	Use Code	Description	Year Built	Length (ft.)	Width (ft.)	Area	Area Units
R01	D	DWELL	Dwelling	1968	0	0.00	2,164	Fin Sf
R01	01	DRIVE	Gravel Driveway	n/a	0	0.00	1	It
R01	02	PAV	Residential Paving	n/a	45	17.00	765	Sf
R01	03	SHEDGP	Shed - Gen Purpose Frame, up to 10'eave	2005	12	10.00	120	Sf
R01	G01	ATTGAR	Attached Garage	0	23	22.00	506	Sf

Exterior Features

Code	Description	Area sq. ft.	Construction
ATTGAR	Attached Garage	506	Wood frame
CONCP	Concrete patio	45	
OMP	Open masonry porch	91	
WDDK-R		133	

Residential Dwelling Attributes

Floor	Attribute	Detail
	Type	BI-L FRAME
	Occupancy	Single family
	Roof Structure	Gable
	Roof Cover	Comp sh to 235#
	Heating	Hot water
	A/C	None
	Stories	0
	Bedrooms	3
	Bathrooms	2
	Feature	Fireplace

Residential Floor Area

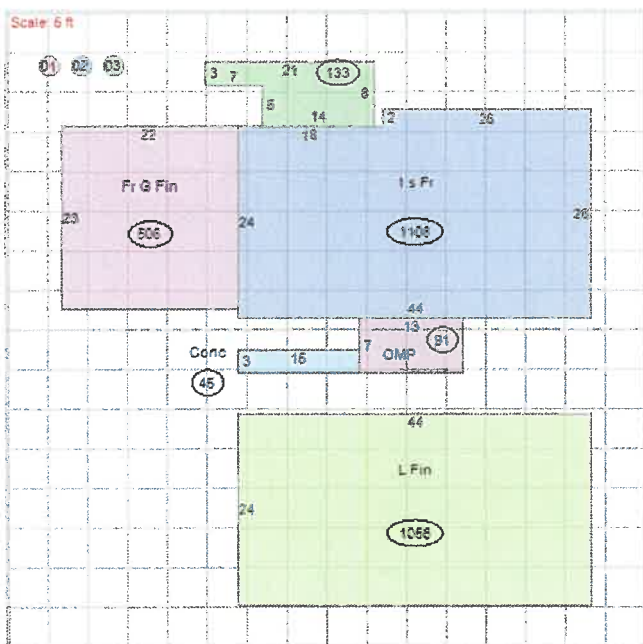
Extension	Construction	Description	Code	Gross sq. ft.	Finished sq. ft.
R01	Concrete block	Floor Level	L	1,056	1,056
R01	Wood frame	Floor Level	1.0	1,108	1,108
				2164	2164

Commercial Features

Extension	Code	Description	Area (sq. ft.)
R01	ATTGAR	Attached Garage	506.00
R01	CONCP	Concrete patio	45.00
R01	OMP	Open masonry porch	91.00
R01	WDDK-R		133.00

Commercial Attributes

Floor	Use	Attribute	Detail
		Class	Wood frame
		Class	Wood frame



Building image (1 of 1)

The Ash House

 Share

 Save



Entire home in Kenai, Alaska

8 guests · 3 bedrooms · 5 beds · 1 bath

★ 5.0 · 2 reviews

 Add a night for \$190

Extend to Jul 8 with this special offer.

[Add 1 night](#)

 Hosted by Stephanie

3 months hosting

\$1,208 for 5 nights

 Self check-in

Check yourself in with the keypad.

 Outdoor entertainment

The alfresco dining and bbq area are great for summer trips.

CHECK-IN	CHECKOUT
7/9/2026	7/14/2026
GUESTS	
1 guest	

\$0 today · Free cancellation before July 4

Reserve

You won't be charged yet

 [Report this listing](#)

Cozy 3-bedroom sleeping up to 8, just minutes from beaches, parks, and dining. Enjoy wildlife views overlooking the a creek, plus a queen room and bunk room for families. Relax in the living room, cook in the semi- stocked kitchen, and gather around the outdoor fire pit, or take a walk down the trail that is adjacent to the house to spot some wildlife. Located minutes away from the mouth of the Kenai River, Kenai Airport, and only 20 minutes to Soldotna's world-class fishing and restaurants....

Confirm and pay

1. Choose when to pay

Pay \$804.40 now

Pay in 4 payments with Klarna

4 payments of \$201.10 every 2 weeks for 6 weeks.
Interest-free. [More info](#)

Pay monthly with Klarna

From \$72 per month for 12 months. Interest may apply.
[More info](#)



The Ash House

★ 5.0 (12) [Guest favorite](#)

Free cancellation

Cancel before October 11 for a full refund.

[Full policy](#)

Dates

Change

Change

\$838.00

-\$33.60

\$804.40

Price breakdown

X

3 nights · Oct 16 – 19

Last-minute discount

Total USD

\$838.00

-\$33.60

\$804.40

Total USD

Price breakdown

3. Review your reservation

\$33.60 discount applied

Internet Download/airbnb
10/6/26 1:42 pm

X

House rules

You'll be staying in someone's home, so please treat it with care and respect.

Checking in and out

 Check-in after 3:00 PM

 Checkout before 11:00 AM

 Self check-in with keypad

During your stay

 8 guests maximum

 No pets

 Quiet hours
11:00 PM - 7:00 AM

 No parties or events

 Commercial photography allowed

 No smoking

 Additional rules
No cleaning or processing any fish in the house

Internet Download/airbnb
10/9/26

9:22 a.m.
July 20, 2026
502 Ash Ave





9:13 a.m.
July 21, 2026
502 Ash Ave



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2026-33**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR A CABIN RENTAL OF A SINGLE-FAMILY DWELLING ON PARCEL 04328011 LOCATED AT 1123 WALNUT AVENUE.

APPLICANT: Derek Fowler

PROPERTY ADDRESS: 1123 Walnut Avenue

LEGAL DESCRIPTION: Lot 11, Block R, Woodland Subdivision, Pt 2

KENAI PENINSULA BOROUGH PARCEL NUMBER: 043280117

WHEREAS a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on September 21, 2026; and,

WHEREAS, the applicant has demonstrated 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 October 14, 2026, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Findings: *The RS Zone is intended 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.*

The proposed use would not violate the residential character of the neighborhood. As stated by the applicant, it will continue to function as a single-family dwelling used for inhabitation, just on a short-term basis. Traffic flow is not anticipated to be affected negatively as the rented household is expected to generate the same average daily traffic counts as an established tenant.

Staff finds that the proposed use meets the intent of the RS zoning district as there is sufficient off-street parking, and conditions outlined in this Conditional Use Permit would place restrictions on noise levels during established “quiet hours”.

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

Findings: As stated by the applicant, the operation of the home as a short-term rental would be limited to approximately seventy-five (75) days during the summer. Guests will be required to follow house rules regarding occupancy and respect for the peace of the neighborhood. The property will remain well-maintained, attractive, and compatible with the residential neighborhood.

Due to the short duration of use as a cabin rental, staff finds it unlikely that the proposed use will have any negative impact on the economic or noneconomic value of the adjoining property or neighborhood.

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

Findings: The Land Use Plan in the City of Kenai Comprehensive Plan, identifies the subject property with the Suburban Residential Land Use Classification. The Suburban Residential Classification is intended for:

Single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.

The surrounding lots are developed single-family lots and there are other short-term rentals in the subdivision, making the proposed use in harmony with the current use of the neighborhood.

As stated by the applicant, the proposed use of a Cabin Rental is consistent with the City's Comprehensive Plan by supporting tourism and economic activity while maintaining the residential character and quality of the neighborhood. Short-term lodging provides accommodations for visitors to Kenai while responsible management, occupancy limits, and established house rules help protect the livability and character of the surrounding neighborhood.

Staff finds the proposed use is consistent and in harmony with goals in the Comprehensive Plan, specifically Goals 1 and 2, listed below:

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-1 - Ensure that Kenai is a community where people and property are safe.

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

Objective ED-9 - Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

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

Findings: The property is connected to City water and sewer and has established natural gas and electric services that are in good standing. The property is accessible from Walnut Avenue, a City-maintained road, providing adequate access for guests and emergency services.

Staff finds the public services and facilities adequate to serve the proposed use.

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

Findings: The applicant has stated they will limit the occupancy of the house as well as require guests to adhere to established rules regarding noise, parking, and guest conduct. The home will be regularly cleaned, inspected and maintained between guests, and any concerns will be addressed promptly.

With these protocols in place, staff finds that the proposed use will not be harmful to public safety, health, or welfare.

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

Findings: Staff finds that allowing short-term rentals from the existing single-family dwelling would not cause any adverse impact on the surrounding properties and that additional specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

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 operate a cabin rental in the existing single-family dwelling on a property described Lot 11, Block R, Woodland Subdivision, Pt 2, located at 1123 Walnut Avenue.

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

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Pursuant to Kenai Municipal Code 14.20.150(f) the applicant shall submit an annual report, including a summary of the on-site activity, to the City of Kenai, due no later than December 31 of each year.
3. The applicant will meet with City Staff for on-site inspections when requested.
4. If there is an expansion or change of use for the above described property, a new Conditional Use Permit must be obtained, as stated in KMC 14.20.150(l)(5).
5. The applicant will have a fire inspection performed every two (2) years.
6. The applicant will ensure that the property will be adequately maintained and kept free of trash or junk.
7. The number of guests is limited to six (6), or two per bedroom.

8. Quiet hours to be observed from 10pm-7am.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 14TH DAY OF OCTOBER, 2026

Jeanne Keaton, Chair

ATTEST:

Logan Parks, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Kevin Buettner, Planning Director
DATE: October 7, 2026
SUBJECT: Resolution PZ2026-33 – Conditional Use Permit – Cabin Rental

Request The applicant is requesting to operate a cabin rental (i.e., short-term rental) at the existing single-family dwelling.

Staff Recommendation Adopt Resolution PZ2026-33 approving a Conditional Use Permit for a cabin rental of a single-family dwelling.

Applicant: Derek Fowler
Legal Description: Lot 11, Block R, Woodland Subdivision, Pt 2
Property Address: 1123 Walnut Avenue
KPB Parcel No.: 04328011
Lot Size: 10,019 square feet (0.23-acre)
Zoning: Suburban Residential (RS)
Current Use: Single Family Dwelling
Land Use Plan: Suburban Residential (SR)

SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to operate a cabin rental at the existing single-family dwelling. A CUP is required to operate a cabin rental in the Suburban Residential Zoning District.

ANALYSIS

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. Prior to granting a conditional use permit, the Commission shall determine

that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

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

FINDINGS: *The RS Zone is intended 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.*

The proposed use would not violate the residential character of the neighborhood. As stated by the applicant, it will continue to function as a single-family dwelling used for inhabitation, just on a short-term basis. Traffic flow is not anticipated to be affected negatively as the rented household is expected to generate the same average daily traffic counts as an established tenant.

Staff finds that the proposed use meets the intent of the RS zoning district as there is sufficient off-street parking, and conditions outlined in this Conditional Use Permit would place restrictions on noise levels during established “quiet hours”.

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

FINDINGS: As stated by the applicant, the operation of the home as a short-term rental would be limited to approximately seventy-five (75) days during the summer. Guests will be required to follow house rules regarding occupancy and respect for the peace of the neighborhood. The property will remain well-maintained and compatible with the residential neighborhood.

Due to the short duration of use as a cabin rental, staff finds it unlikely that the proposed use will have any negative impact on the economic or noneconomic value of the adjoining property or neighborhood.

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

FINDINGS: The Land Use Plan in the City of Kenai Comprehensive Plan, identifies the subject property with the Suburban Residential Land Use Classification. The Suburban Residential Classification is intended for:

Single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.

The surrounding lots are developed single-family lots and there are other short-term rentals in the subdivision, making the proposed use in harmony with the current use of the neighborhood.

As stated by the applicant, the proposed use of a Cabin Rental is consistent with the City's Comprehensive Plan by supporting tourism and economic activity while maintaining the residential character and quality of the neighborhood. Short-term lodging provides accommodations for visitors to Kenai while responsible management, occupancy limits, and established house rules help protect the livability and character of the surrounding neighborhood.

Staff finds the proposed use is consistent and in harmony with goals in the Comprehensive Plan, specifically Goals 1 and 2, listed below:

RELEVANT GOALS

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-1 - *Ensure that Kenai is a community where people and property are safe.*

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

Objective ED-9 - *Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.*

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

FINDINGS: The property is connected to City water and sewer and has established natural gas and electric services that are in good standing. The property is accessible from Walnut Avenue, a City-maintained road, providing adequate access for guests and emergency services.

Staff finds the public services and facilities adequate to serve the proposed use.

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

FINDINGS: The applicant has stated they will limit the occupancy of the house as well as require guests to adhere to established rules regarding noise, parking, and guest conduct. The home will be regularly cleaned, inspected and maintained between guests, and any concerns will be addressed promptly.

With these protocols in place, staff finds that the proposed use will not be harmful to public safety, health, or welfare.

Criteria 6: *Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. 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.*

FINDINGS: Staff finds that allowing short-term rentals from the existing single-family dwelling would not cause any adverse impacts on the surrounding properties and that additional specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

PUBLIC NOTICE

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*. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit request.

No public comments have been received at the time of this report.

STAFF RECOMMENDATION

Staff finds that the proposed Conditional Use Permit for a cabin rental in the existing single-family dwelling on the property described as Lot 11, Block R, Woodland Subdivision, Pt 2, 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 adopt Resolution PZ2026-33 approving the Conditional Use Permit, subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Pursuant to Kenai Municipal Code 14.20.150(f) the applicant shall submit an annual report, including a summary of the on-site activity, to the City of Kenai, due no later than December 31 of each year.
3. The applicant will meet with City Staff for on-site inspections when requested.
4. If there is an expansion or change of use for the above described property, a new Conditional Use Permit must be obtained, as stated in KMC 14.20.150(l)(5).
5. The applicant will have a fire inspection performed every two (2) years.
6. The applicant will ensure that the property will be adequately maintained and kept free of trash or junk.
7. The number of guests is limited to six (6), or two per bedroom
8. Quiet hours to be observed from 10pm-7am.

ATTACHMENTS

Aerial Map
Application
Alaska Business License
Site plan

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: Derek Fowler

Mailing Address: 1123 Walnut Ave

City: Kenai

State: AK

Zip
Code:

99611

Phone Number(s):

Email:

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):

04328011

Physical Address: 1123 Walnut Ave Kenai AK 99611

Legal Description: T 6N 11W SEC 31 Seward Meridian KN 0001543 WOODLAND SUB PART 2 LOT 11 BLK R

Zoning:

Suburban Residential

Acres:

0.23 acres

How is this property currently being used?

It is our families primary residence, we offer short term rental during the summer months.

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

We are requesting approval to continue the limited seasonal use of our primary residence as a short-term vacation rental for approximately 75 days per year during the summer. No structural changes or expansion of the property are proposed. The property will continue to function primarily as our family residence for the remainder of the year.

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

The property will remain primarily residential in character and use. Short-term rental activity is limited to approximately 75 days during the summer season, with the property serving as our family's primary residence during the remainder of the year. The requested use does not require expansion of the residence or materially change the residential character of the property. Guests use the existing home, driveway, parking areas, and residential amenities in substantially the same manner as a family occupying the residence.

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

The limited seasonal rental use does not alter the appearance or residential character of the property. There are no proposed exterior modifications, additional structures, commercial signage, or increased development associated with the rental. Off-street parking is available on the property, and guests are expected to comply with rules regarding noise, parking, occupancy, and respect for neighboring properties. Because short-term rental use is limited to approximately 75 days per year, the property functions as a typical owner-occupied residence for the large majority of the year.

Use of surrounding property - north:

Residential single family home

Use of surrounding property - south:

Public street / single-family residential across street

Use of surrounding property - east:

Public street / single-family residential across street

Use of surrounding property - west:

Residential single family home

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

The property will continue to be used primarily as our family residence. The short-term rental use is limited to approximately 75 days per year during the summer and utilizes the existing residence without additional development or changes to the residential character of the property. The limited seasonal use allows visitors to stay within the community while maintaining the property's primary residential purpose.

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

Yes. The property is an existing single-family residence with adequate utilities, driveway access, off-street parking, waste service, and other facilities necessary for residential occupancy. The seasonal short-term rental does not require additional public services or infrastructure beyond those already serving the residence.

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

The property will continue to function as a residential home and the short-term rental does not introduce activities that would create a significant public safety, health, or welfare concern. Guests are required to follow occupancy, parking, noise, and property rules. Adequate off-street parking is provided, and the home is maintained for safe residential occupancy. Short-term rental use is limited to approximately 75 days per year.

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?

Yes. The property maintains its existing residential appearance with no commercial signage or exterior modifications associated with the rental. Guest parking is contained on the property, and house rules address noise, parking, occupancy, and respect for neighboring properties. The short-term rental operates only during a limited summer season of approximately 75 days per year. For the remaining approximately 290 days of the year, the property is used as our family's primary residence.

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:

9-21-26

Print Name:

Derek Fowler

Title/Business:

N/A

Date Application Fee Received:

PZ Resolution Number: For City Use Only

**Conditional Use Permit
Application**

CHECKLIST

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

Extension	Construction	Description	Code	Gross sq. ft.	Finished sq. ft.
R01	Concrete block	Floor Level	L	570	570
R01	Wood frame	Floor Level	1.0	978	978
				1548	1548

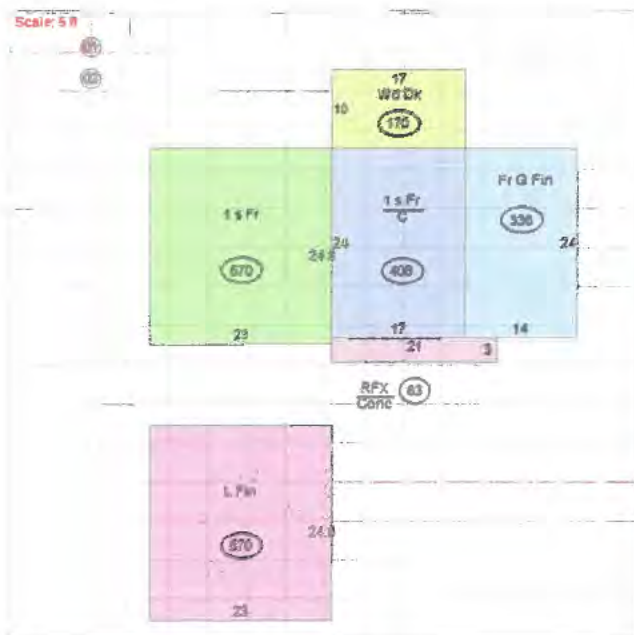
Commercial Features

Extension	Code	Description	Area (sq. ft.)
R01	ATTGAR	Attached Garage	336.00
R01	CONCP	Concrete patio	63.00
R01	RFX/	Roof extension	63.00
R01	WDDK	Wood deck	170.00

Commercial Attributes

Floor	Use	Attribute
		Class

Detail
Wood frame



Return

Print

General Information

Property Owner(s):
Fowler Derek,
Mailing Address:
1123 Walnut Ave
KENAI AK 99611-7509

Property ID: 04328011
Property Address:
1123 Walnut Ave
Tax Authority Group:
30 - Kenai City

Acreage: 0.2300
Legal Description:
T 6N R 11W SEC 31 Seward Meridian KN
0001543 WOODLAND SUB PART 2 LOT 11
BLK R

Improvements

Property Record	Improvement ID	Use Code	Description	Year Built	Length (ft.)	Width (ft.)	Area	Area Units
R01	D	DWELL	Dwelling	1988	0	0.00	1,548	Fin SF
R01	01	DRIVE	Gravel Driveway	n/a	0	0.00	1	IT
R01	02	PAV	Residential Paving	n/a	14	10.00	140	SF
R01	G01	ATTGAR	Attached Garage	0	24	14.00	336	SF

Exterior Features

Code	Description	Area sq. ft.	Construction
ATTGAR	Attached Garage	336	Wood frame
CONCP	Concrete patio	63	
RFX/	Roof extension	63	
WDDK	Wood deck	170	

Residential Dwelling Attributes

Floor	Attribute	Detail
	Type	SPLIT/TRI-L FRAME
	Occupancy	Single family
	Roof Structure	Gable
	Roof Cover	Comp sh to 235#
	Heating	Hot water
	A/C	None
	Stories	
	Bedrooms	3
	Bathrooms	2
	Feature	Fireplace

1 2 10 items per page

1 - 10 of 15 items

Residential Floor Area

Extension	Construction	Description	Code	Gross sq. ft.	Finished sq. ft.
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Legend

Physical Addresses



Transportation

Mileposts



Roads

- Private Road
- Proposed
- State Highway
- Town Low/Seasonal
- Town Major
- Collector
- Town Medium
- Volume-Maintained
- Town Medium
- Volume-Unmaintained
- Trail

Parcels and PLSS

Tax Parcels



0 100 200
ft

NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or

Borough assumes no liability of any kind arising from the use of this data. The ration or modification of the data. In using these data, you further agree to data, or use of the data.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2026-34**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR THE EXTRACTION OF NATURAL RESOURCES ON PARCEL 04901068.

APPLICANT: River Resources LLC

PROPERTY OWNER: City of Kenai

PROPERTY ADDRESS: No Physical Address

LEGAL DESCRIPTION: Lot 1, Beaver Loop Acres Addition No. 3 Subdivision

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04901068

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 and KMC 14.20.151 was submitted to the City on September 22, 2026; and,

WHEREAS, the applicant has demonstrated that the criterion of a Conditional Use Permit have been met pursuant to Kenai Municipal Code (KMC) 14.20.150; and,

WHEREAS, the applicant has demonstrated that the criterion of a Conditional Use Permit have been met pursuant to KMC 14.20.151 through KMC 14.20.158; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on October 14, 2026, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

1. *KMC 14.20.154(a)(1) The application is in substantial compliance with the requirements of this chapter.*
 - a. Findings: This application is in substantial compliance with the requirements of this chapter. The applicant has demonstrated the proposed use meets the requirements for boundaries, assuming the variance permit is granted, back slopes, public safety, and the need for gravel within the City and surrounding region.
2. *KMC 14.20.154(a)(2) The boundaries of the proposed excavation at its greatest dimensions, including backslopes, are at least two hundred feet (200') from any road or public right-of-way and at least one hundred fifty feet (150') from other surrounding property lines, except that adjoining permitted surface extraction of natural resources sites is not required to maintain the above one hundred fifty feet (150') excavation between sites.*
 - a. Findings: The applicant has provided two versions of the boundaries for staff to review. The initial set delineates the 200-foot setback from all roads and public rights-of-way and a minimum of 150 feet from other surrounding property lines.

The applicant also shows alternatives, based on a variance for a full project at this location. Those boundaries depend upon the variance permit application submitted in conjunction with the conditional use permit being granted. If granted, there will be a fifty-foot (50') setback to public rights-of-way, fifty-foot (50') setback to adjacent property lines, and excavation in the water table. The excavation slopes will be one (1) vertical to one (1) horizontal, as shown on page C5 of the submitted site plan.

3. *KMC 14.20.154(a)(3) The buffer strips between the excavation site and roadways and property lines contain sufficient natural screening to obscure the entire excavation from sight of roadways and inhabited areas. If there is not sufficient natural screening, the site plan must provide for artificial screening;*
 - a. Findings: The proposed extraction site is north of an adjacent gravel pit and is not visible from Beaver Loop Road, additionally, there is a tree line creating a natural barrier to the south of both pits. The site plan, provided by the applicant shows an existing tree line remaining along the periphery of the property during excavation. This tree line will provide sufficient natural screening of the property.
4. *KMC 14.20.154(a)(4) The surface extraction is outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain, and high-hazard coastal areas;*
 - a. Findings: City staff has confirmed the subject parcel is outside of the regulatory flood plain and is outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high hazard coastal areas. The current classification for the project location, as designated by FEMA's latest floodplain maps dated February 28, 2025, is X-U, which is "Undefined". The City of Kenai's Floodplain Administrator has reviewed the application and has no comments.
5. *KMC 14.20.155(a)(5) The site plan provides that back slopes be a minimum of a 2:1 slope, except for the contiguous working face;*
 - a. Findings: Site plans submitted by the applicant show that reclamation will be a continuous process including sloping the sides of the excavation 2:1 or flatter along buffer zones and inactive work areas, a four-inch (4") minimum of topsoil mix, organic clearing debris, and seeding as necessary to contain erosion.
6. *KMC 14.20.154(a)(6) The site plan does not provide for excavation below the water table except where a reasonable method of drainage is available at the particular site or where the proposed future development plan provides for a lake on the site of the excavation;*
 - a. Findings: Applicant states that it is anticipated that much of the gravel extraction will occur below the water table. The final configuration of the site will be similar to most gravel pits in the area with ponds forming in areas worked below the water table and haul routes adapting as the site is further developed. The final development plan envisions a lake on site and the reclamation of shorelines. This will include grass or other vegetation and constructing locations for houses or RV parking spots around the ponded area.
7. *KMC 14.20.154(a)(7) If the excavation is to be below the water table and the site is likely to endanger the public safety, the site plan shall provide for fencing of the work area;*

- a. Findings: Applicant states that casual access is not anticipated as the proposed site is rural and surrounded by large tracts of wetlands to the north, and other material sites to the east, west, and south. The applicant plans to construct berms as ponds are created during operations to prevent vehicles, equipment, people, or animals from going into the water. Staff does not anticipate that the site will present any danger to public safety.
8. *KMC 14.20.154(a)(8) The proposed use of land after extraction is completed is feasible and realistic and is a use permitted in the zone in which the property is located;*
 - a. Findings: The proposed extraction site will be operated on an as-needed basis until the site is exhausted; Applicant estimates this time frame to be twenty (20) years in total. With the majority of the gravel being located below the water table, the final development would be to reclaim the shorelines of the ponds, establish grass or other vegetation, and construct locations for houses or RV parking sites around the ponded areas. Site reclamation will include grading and re-contouring backslopes using overburden and topsoil to a condition that allows for re-establishment of natural vegetation and seeding. The parcel does not currently have any existing structures and there are no plans for any permanent structures to be added. Anything that is stored will be temporary and moveable. Staff finds this adequately addresses a feasible and realistic use of the land once extractions of natural resources on the site cease.
9. *KMC 14.20.154(a)(9) The extraction does not destroy the land for the purpose for which it is zoned;*
 - a. Findings: City staff have discussed the importance of ensuring a clean water supply in the City and the applicant will take measures to monitor water levels and be mindful of what is allowed near water and sensitive areas of the landscape. Applicant notes equipment and construction debris will not be disposed of in surface water. The applicant also plans to seed slopes with plants suitable for Alaska conditions and will limit erosion and dust that could affect the landscape. As stated in the previous criteria, no permanent structures are planned to be erected which will leave the parcel vacant and ready for future development. An example of successful reclamation can be found in the Lake at Kenai subdivision east of this project along Beaver Loop Road.
10. *KMC 14.20.154(a)(10) The need for the particular natural resource within the City of Kenai outweighs any detrimental effects the operation may have on surrounding property owners;*
 - a. Findings: The majority of the parcels surrounding the subject lot are also utilized as material extraction sites and there are no residential properties in the immediate area. The City, and residents of, will benefit from an additional local gravel source from this location.
11. *KMC 14.20.154(a)(11) The applicant is the owner of the subject property.*
 - a. Findings: The proposed parcel was recently conditionally sold by the City of Kenai in the 2026 Land Sale Auction to River Resources LLC. The applicant is petitioning on behalf of the owner of the subject property to satisfy a condition of sale.
12. *KMC 14.20.154(a)(12) Clearing limits shall be delineated on the site plan as well as clearly visible on site and shall be inspected by the City Planner or designee prior to the application being deemed complete.*

- a. Findings: The submitted site plan adequately and clearly shows the proposed clearing limits. Prior to application being deemed complete City Staff will meet with the applicant at the site to ensure that proposed clearing will align with those submitted on the site plan.

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

- a. Findings: The Rural Residential (RR) Zone land use classification is defined in KMC 14.20.080 as:

Low density residential development in an attractive residential environment, to prohibit uses which would violate the residential character of the environment or generate heavy traffic in a predominately residential area, and to separate residential structures in order to prevent health hazards and preserve the rural, open quality of the environment.

Surface extraction is a conditionally permitted use and can be consistent with the intent of the residential zone, especially when the reclaimed property is developed to allow for future residential uses. The proposed extraction is adjacent to existing permitted gravel pits and vacant lots. It would not change the character of the neighborhood. This use is consistent with the current development and once reclaimed, will meet the purpose and intent of the RR Zone.

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

- a. Findings: Adjacent property to the north is undeveloped wetlands owned by the City of Kenai and Alaska DNR. Adjoining properties to the east and south are all material sites. Staff does not find that the value of adjoining properties or neighborhood will be significantly impaired as it aligns with the current uses of the immediate area, and existing haul routes off South Baker Street and Tract 6, Horseshoe End At River Bend Subdivision will meet up and follow existing routes.

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

- a. Findings: The 2016 Imagine Kenai 2030 Comprehensive Plan classifies the subject property as “Parks, Recreation, & Open Space” defined as intended for:

Public recreational facilities, as well as undeveloped lands that provide for the conservation of natural or scenic resources. These areas can be used for a variety of passive and active outdoor and indoor sports and recreational activities. Areas that may be suitable for future natural resource development may be included in this category.

The location of the pit minimizes the potential for conflict with neighbors as it fits with the pattern of land use along the north side of Beaver Loop Road. Therefore, staff finds the proposed use would be consistent with the intended purpose of the Comprehensive Plan.

In Imagine Kenai 2030 Comprehensive Plan, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

Objective ED-1

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

Goal 3 – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-1

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

Objective LU-11

Where feasible, consolidate access to and between land uses via frontage roads or by shared driveways onto main streets/highways.

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

- a. Findings River Resources LLC members own and operate the 36.14-acre material site immediately south of the subject lot. This parcel will be utilized to access the proposed material site from Beaver Loop Road, as well as from South Baker Street. This does not increase the amount of potential conflict points along Beaver Loop Road and effectively consolidates the additional traffic flow to one shared access point. Additionally, the applicant will have sufficient sanitation facilities located on site. City Staff finds that the proposed services and facilities are adequate to serve the proposed use.

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

- a. Findings: Casual access to the property is not anticipated as it is surrounded by large parcels of similar use and is not situated near any amenities such as fishing, parks, or recreation. The applicant notes that adequate adjacent existing barriers and screening will be utilized. The extraction site will not be a safety concern or visual impairment. The applicant has shown plans for reclamation and will be mindful about materials stored near any water sources.

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

- a. Findings: Conditions are listed in Section 2 of this Resolution.

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

Section 1. That the request for a conditional use permit for the surface extraction of natural resources on the property described as Lot 1, Beaver Loop Acres Addition No. 3 Subdivision, be approved.

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

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. The applicant will properly store fuel oil and hazardous materials away from wetlands or other sensitive areas of the landscape.
3. The applicant will not store fill materials, such as concrete and construction waste, in or near areas with an exposed water table.
4. The applicant will limit noise disturbance and not use compression release engine brakes (Jake brakes). The applicant will adhere to proposed hours of operation, 7AM to 7PM, with the allowance of outside hours being utilized on an as-needed, project specific basis and not ongoing.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is an expansion or change of use for the subject property, a new Conditional Use Permit must be obtained, as stated in KMC 14.20.150(l)(5).
7. Permit holder will submit a yearly report between October 1st and December 31st to the Planning & Zoning Department that includes a summary of the on-site activity.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 14TH DAY OF OCTOBER, 2026

Jeanne Keaton, Chair

ATTEST:

Logan Parks, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
THROUGH: Kevin Buettner, Planning Director
FROM: Brandon McElrea, Land Management Analyst
DATE: September 28, 2026

SUBJECT: Resolution PZ2026-34 – Conditional Use Permit – Extraction of Natural Resources

Request The Applicant is Requesting a Conditional Use Permit for the Extraction of Natural Resources

Staff Recommendation Adopt Resolution PZ2026-34 Granting a Conditional Use Permit for the Extraction of Natural Resources

Property Owner: City of Kenai
Applicant: River Resources LLC
Legal Description: Lot 1, Beaver Loop Acres Addition No. 3 Subdivision
Property Address: No Physical Address
KPB Parcel No.: 04901068
Lot Size: 28.63
Zoning: Rural Residential
Current Use: Vacant/Undeveloped
Land Use Plan: Parks, Recreation, and Open Space

SUMMARY

The applicant has applied for a conditional use permit, and a variance permit for the construction and operation of a gravel pit, and extraction within the setback, for the proposed Surface Extraction of Natural Resources pursuant to KMC 14.20.151 – KMC 14.20.157.

The applicant is requesting that the CUP allow for excavation below the water table, stating it is a common practice in the area and there is active excavation below groundwater at adjacent material sites.

In conjunction with the conditional use permit, the applicant is requesting a variance to KMC 14.20.154(a)(2) regarding buffers to the public rights-of-way and property lines due to the use of adjacent properties as material sites. The variance requested is a 50-foot buffer to the north, east, west, and south. This variance will be heard later in this meeting as a separate resolution.

ANALYSIS

Criteria for the issuance of a conditional use permit for surface extraction of natural resources are outlined in KMC 14.20.154 – *Issuance of a Permit for Surface Extraction of Natural Resources*.

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

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

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

Criteria Met: The applicant has provided two versions of the boundaries for staff to review. The initial set delineates the 200-foot setback from all roads and public rights-of-way and a minimum of 150 feet from other surrounding property lines. The applicant also shows alternatives, based on a variance for a full project at this location. Those boundaries depend upon the variance permit application submitted in conjunction with the conditional use permit being granted. If granted, there will be a fifty-foot (50') setback to public rights-of-way, fifty-foot (50') setback to adjacent property lines, and excavation in the water table. The excavation slopes will be one (1) vertical to one (1) horizontal, as shown on page C5 of the submitted site plan.

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

Criteria Met: The proposed extraction site is north of an adjacent gravel pit and is not visible from Beaver Loop Road, additionally, there is a tree line creating a natural barrier to the south of both pits. The site plan, provided by the applicant shows an existing tree line remaining along the periphery of the property during excavation. This tree line will provide sufficient natural screening of the property.

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

Criteria Met: City staff has confirmed the subject parcel is outside of the regulatory flood plain and is outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high hazard coastal areas. The current classification for the project location, as designated by FEMA's latest floodplain maps dated February 28, 2025, is X-U, which is "Undefined". The City of Kenai's Floodplain Administrator has reviewed the application and has no comments.

KMC 14.20.155(a)(5) *The site plan provides that back slopes be a minimum of a 2:1 slope, except for the contiguous working face;*

Criteria Met: Site plans submitted by the applicant show that reclamation will be a continuous process including sloping the sides of the excavation 2:1 or flatter along buffer zones and inactive work areas, a four-inch (4") minimum of topsoil mix, organic clearing debris, and seeding as necessary to contain erosion.

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

Criteria Met: Applicant states that it is anticipated that much of the gravel extraction will occur below the water table. The final configuration of the site will be similar to most material sites in the area, with ponds forming in areas worked below the water table and haul routes adapting as the site is further developed. The final development plan envisions a lake on site and the reclamation of shorelines. This will include grass or other vegetation and constructing locations for houses or RV parking spots around the ponded area.

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

Criteria Met: Applicant states that casual access is not anticipated as the proposed site is rural and surrounded by large tracts of wetlands to the north, and other material sites to the east and south. The applicant plans to construct berms as ponds are created during operations to prevent vehicles, equipment, people, or animals from going into the water. Staff does not anticipate that the site will present any danger to public safety.

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

Criteria Met: The proposed extraction site will be operated on a continuing as-needed basis until the site is exhausted; Applicant estimates this time frame to be approximately twenty (20) years in total. With the majority of the gravel being located below the water table, the final development would be to reclaim the shorelines of the ponds, establish grass or other vegetation, and construct locations for houses or RV parking sites around the ponded areas. Site reclamation will include grading and re-contouring backslopes using overburden and topsoil to a condition that allows for re-establishment of natural vegetation and seeding. The parcel does not currently have any existing structures and there are no plans for any permanent structures to be added. Anything that is stored will be temporary and moveable. Staff finds this adequately addresses a feasible and realistic use of the land once extractions of natural resources on the site cease.

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

Criteria Met: City staff have discussed the importance of ensuring a clean water supply in the City, and the applicant will take measures to monitor water levels and be mindful of what is allowed near water and sensitive areas of the landscape. Applicant notes equipment and construction debris will not be disposed of in surface water. The applicant also plans to seed slopes with plants suitable for Alaska conditions and will limit erosion and dust that could affect the landscape. As stated in the previous criteria, no permanent structures are planned to be erected which will leave the parcel vacant and ready for future development. An example of successful reclamation can be found in the Lake at Kenai subdivision east of this project along Beaver Loop Road.

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

Criteria Met: The majority of the parcels surrounding the subject lot are also utilized as material extraction sites and there are no residential properties in the immediate area. The City, and its residents, will benefit from the additional local gravel resources from this location.

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

Criteria Met: The proposed parcel was recently conditionally sold by the City of Kenai in the 2026 Land Sale Auction to River Resources LLC. The applicant is petitioning on behalf of the owner of the subject property to satisfy a condition of sale.

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

Criteria Met: The submitted site plan adequately and clearly shows the proposed clearing limits. Prior to application being deemed complete City Staff will meet with the applicant at the site to ensure that proposed clearing will align with those submitted on the site plan.

REVIEW CRITERIA FOR CONDITIONAL USE PERMIT

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. Prior to granting a conditional use permit, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits* are met.

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

Findings: The property is within the Rural Residential (RR) Zone. Pursuant to KMC 14.20.080, the intent of the zone is intended for:

Low density residential development in an attractive residential environment, to prohibit uses which would violate the residential character of the environment or generate heavy traffic in a predominately residential area, and to separate residential structures in order to prevent health hazards and preserve the rural, open quality of the environment.

Surface extraction is a conditionally permitted use and can be consistent with the intent of the residential zone, especially when the reclaimed property is developed to allow for future residential uses. The proposed extraction is adjacent to existing permitted gravel pits and vacant lots. It would not change the character of the neighborhood. This use is consistent with the current development and once reclaimed, will meet the purpose and intent of the RR Zone.

Criteria 2: *The value of the adjoining property and neighborhood will not be significantly impaired;*

Findings: Adjacent property to the north is undeveloped wetlands owned by the City of Kenai and Alaska DNR. Adjoining properties to the east and south are all material sites. Staff does not find that the value of adjoining properties or neighborhood will be significantly impaired as it aligns with the current uses of the immediate area, and existing haul routes off South Baker Street and Tract 6, Horseshoe End at River Bend Subdivision will meet up and follow existing routes.

Criteria 3: The proposed use is in harmony with the Comprehensive plan;

Findings: The 2016 Imagine Kenai 2030 Comprehensive Plan classifies the subject property as “Parks, Recreation, & Open Space” defined as intended for:

Public recreational facilities, as well as undeveloped lands that provide for the conservation of natural or scenic resources. These areas can be used for a variety of passive and active outdoor and indoor sports and recreational activities. Areas that may be suitable for future natural resource development may be included in this category.

The location of the site minimizes the potential for conflict with neighbors as it fits with the pattern of land use along the north side of Beaver Loop Road. Therefore, staff finds the proposed use would be consistent with the intended purpose of the Comprehensive Plan.

RELEVANT GOALS

In Imagine Kenai 2030 Comprehensive Plan, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

Objective ED-1

Promote projects that create workforce development opportunities

Goal 3 – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-1

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

Objective LU-11

Where feasible, consolidate access to and between land uses via frontage roads or by shared driveways onto main streets/highways.

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

Findings: River Resources LLC members own and operate the 36.14-acre material site immediately south of the subject lot. This parcel will be utilized to access the proposed material site from Beaver Loop Road, as well as from South Baker Street. This does not increase the

amount of potential conflict points along Beaver Loop Road. Additionally, the applicant will have sufficient sanitation facilities located on site. City Staff finds that the proposed 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.*

Findings: Casual access to the property is not anticipated as it is surrounded by large parcels of similar use and is not situated near any amenities such as fishing, parks, or recreation. The applicant notes that adequate adjacent existing barriers and screening will be utilized. The extraction site will not be a safety concern or visual impairment. The applicant has shown plans for reclamation and will be mindful about materials stored near any water sources.

Criteria 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.*

Findings: Recommended conditions are stated at the end of the report.

PUBLIC NOTICE

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*. Pursuant to KMC 14.20.280(d) *Public Posting*, no sign was posted on the subject property as there are no improved streets adjacent to the subject property.

No public comment was received at the time of this report.

STAFF RECOMMENDATION

Staff finds that the proposed conditional use permit for the surface extraction of natural resources on the property described as Lot 1, Beaver Loop Acres Addition No. 3 Subdivision, 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 subsections (a)(1) through (a)(12) of KMC 14.20.154, and hereby recommends that the Planning and Zoning Commission adopt Resolution PZ2026-34 approving the Conditional Use Permit, subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. The applicant will properly store fuel, oil, and hazardous materials away from wetlands or other sensitive areas of the landscape.
3. The applicant will not store fill materials, such as concrete and construction waste, in or near areas with an exposed water table.
4. The applicant will limit noise disturbance and not use compression release engine brakes (Jake brakes). Applicant will adhere to proposed hours of operation, 7AM to 7PM, with the allowance of outside hours being utilized on an as-needed, project specific basis and not ongoing.
5. The applicant will meet with City staff for on-site inspections when requested.

6. If there is an expansion or change of use for the subject property, a new Conditional Use Permit must be obtained, as stated in KMC 14.20.150(l)(5).
7. Permit holder will submit a yearly report between October 1st and December 31st to the Planning & Zoning Department that includes a summary of the on-site activity.

ATTACHMENTS

Aerial Map
Application & Business License
Site Plan



**CONDITIONAL USE PERMIT APPLICATION
FOR EXTRACTION OF NATURAL RESOURCE**
KMC 14.20.150; KMC 14.20.151; & KMC 14.20-154-158

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

DOCUMENTATION REQUIRED

- ☐ Conditional Use Permit Application for Extraction of Natural Resource
- ☐ Site Plan pursuant to KMC 14.20.151(a) (*Refer to page 3 of application*)
- ☐ \$425 nonrefundable application fee (plus applicable sales tax)
- ☐ Tax Compliance form completed by Kenai Peninsula Borough (if applicable)
- ☐ Alaska State Business License (if applicable)

APPLICANT

Name:	River Resources LLC				
Mailing Address:	PO Box 303				
City:	Soldotna	State:	Alaska	Zip:	99669
Phone Number:	907-262-1609				

PETITIONER REPRESENTATIVE (IF APPLICABLE)

Name:	Kyle Foster				
Mailing Address:	PO Box 303				
City:	Soldotna	State:	Alaska	Zip:	99669
Phone Number:	907-262-1609				

PROPERTY INFORMATION

Property Tax ID:	04901068
Street Address:	none
Legal Description:	T5N R11W Section 3 S.M. Beaver Loop Acres Addn No. 3 Subd Lot 1

LAND USE

Describe current use of property covered by this application: Undeveloped & undisturbed

Use of Surrounding Properties

North:	Undeveloped
South:	Material site
East:	Undeveloped. Recent CUP for Extraction of Natural Resource.
West:	Undeveloped

CONDITIONAL USE REQUEST

Please describe the project in detail, using additional sheets if necessary. Narratives **MUST** include items required in KMC 14.20.151(b) (refer to page 3 of application)

Kindly see attached.

AUTHORITY TO APPLY FOR A CONDITIONAL USE PERMIT:

I hereby certify that I am, or am authorized to act for, the owner of the property described above, and that I petition for a Natural Resources Conditional Use Permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable, is used to cover the costs associated with processing this application, and that dates are tentative and may have to be postponed by City Staff or Commission Members. I understand that a site visit may be required and City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application, and if a Conditional Use Permit is approved, to ensure the operation is maintaining compliance.

Printed Name: Kyle Foster	Signature: <i>Kyle Foster</i>	Date: 9/22/26
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CONDITIONAL USE PERMIT APPLICATION FOR EXTRACTION OF NATURAL RESOURCE PERMIT

**Subject: T5N R11W Section 3 Seward Meridian
Beaver Loop Acres Addition No. 3 Subdivision Lot 1**

The proposed material site application is for KPB Parcel 04901068; legal description T5N R11W Section 3 Seward Meridian Beaver Loop Acres Addition No. 3 Subdivision Lot 1. The permit area totals 28.56.96 acres, as both parcel sizes are 28.63 acres. The proposed parcel was recently sold by the City of Kenai in the 2026 Land Sale Auction. They were marketed as “gravel parcels” with sale being finalized if a Conditional Use permit is gained.

Material site exhibits of the existing conditions and the proposed development area attached.

The proposed extraction site will be owned and operated by River Resources, LLC. It will utilize South Baker Street right-of-way to access Beaver Loop Road. It will also utilize the existing Beaver Loop Road access through the material site south of the proposed which is owned by Twin River Resources, LLC.

River Resources is requesting that the CUP allows for excavation below the water table. It is a common practice in the area and there is active excavation below groundwater at adjacent material sites.

Below is the requested narrative for the permit application.

1. The City of Kenai provided test hole data for the property during their public sale. Six test holes were excavated within the proposed extraction area to determine material type and groundwater elevation. Groundwater was encountered at 10-11’ below existing ground at approximate elevation 40.0.
2. Estimated material quantities were calculated with buffers per KMC 14.20.154; 200’ setback to public right of way, 150’ setback to adjacent property lines, 0’ setback to other material site property lines, and excavation in the water table. It is assumed that excavation slopes will be 1 vertical to 1 horizontal.

Parcel	Parcel Size (acres)	Peat/Overburden (CY)	Sand/gravel above groundwater (CY)	Sand/gravel to 20’ (CY)
Lot 1	28.63	156,170	153,225	433,160

3. The proposed extraction site will be operated on a continuing as-needed basis until the site is exhausted; approximately 20 years total. These operations would increase in activity seasonally and when projects requiring materials were being constructed in the area. Specifically, processing operations for gravel and asphalt would not be continuous and the plants would be mobilized in and out as needed.
4. Proposed hours of operation are 7 am to 7 pm, typical of normal construction shifts. The site may be utilized for some projects that require work be performed at night, and this could require operations like asphalt production and gravel export be done outside of

dayshift hours. Work outside 7am to 7pm would be on as-need, project specific basis and not ongoing.

5. Casual access is not anticipated as the proposed CUP is rural and is surrounded by large tracts to the north and west and other material sites to the east and south. A variance permit for the buffer setbacks is being applied for. The proposed buffers meet the KPB 21.29 for Material Site Permits.

River Resources plans to construct berms as ponds are created during operations to prevent vehicles, equipment, people, animals, from going into the water.

6. There is minimal to no natural screening on the property.
7. No artificial screening is proposed. The adjoining property to the north and west is a large tract of mostly wetlands owned by City of Kenai. The adjoining properties to the east and south are material sites.
8. Site operations will include excavating gravel materials for export as pit run fill, processing gravel to make base course, bedding, asphalt course, etc. Site would be utilized as equipment and material staging, stockpiling, and mobile processing plants. Material will be both excavated out of the bank and hauled off site, as well as extracted and stockpiled for later use or processing.

Excavation will occur from the access point at the southeast corner of the properties moving westerly across the southern half and then east to west across the northern half, excavating gravel that is above the water table first. The next phase would be to extract the gravel below the water table.

9. Slopes will be laid back to buffers as required and final slopes stabilized and seeded. It is anticipated that much of the gravel extraction will occur below the water table. The final configuration of the site will be similar to most gravel pits in the area with ponds forming in areas worked below the water table and haul routes adapting as the site is further developed. Areas disturbed but not excavated below water will be graded and vegetated.

Side slopes of the pond will be left at a maximum grade of 2 vertical to 1 horizontal. Stockpiled overburden may be utilized to reclaim and draw the slopes above groundwater and landscape the buffer areas.

10. Since the majority of the gravel is below the water table, the final development would be to reclaim the shorelines of the ponds, establish grass or other vegetation, and construct locations for houses or RV parking sites around the ponded areas. Site reclamation will include grading and re-contouring backslopes using overburden and topsoil to a condition that allows for re-establishment of natural vegetation and seeding.
11. The parcels have no existing structures. There are no plans for any permanent structures on the new parcels. Anything that is stored will be temporary and moveable.
12. Principal access point for trucks and equipment proposed CUP is the southeast corner of Lot 1 utilizing South Baker Street to Beaver Loop Road, as shown on the exhibits. An additional access will be to the Twin River Resources material site, immediately south.

Alaska Department of Commerce, Community, and Economic Development

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

This is to certify that the owner

River Resources LLC

is licensed by the department to do business as

River Resources

PO BOX 303, SOLDOTNA, AK 99669

for the period

November 24, 2025 to December 31, 2027
for the following line(s) of business:

21 - Mining, Quarrying, and Oil and Gas Extraction



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 Sande
Commissioner

INSTRUCTIONS

Section 14.20.151 of the Kenai Municipal Code outlines regulations to engage in the surface extraction of natural resources. To qualify for a Conditional Use Permit for Extraction of Natural Resources, you **must** complete the following criteria:

➤ **Submit a site plan, drawn to scale, containing:**

- Graphic, and legal, description of the proposed area, including dimensions in feet and number of acres or square feet;
- Existing topographical contours with not less than ten-foot (10') contour intervals;
- Proposed finished topographical contours, when extraction is completed, with not less than ten-foot contour intervals;
- Existing and proposed buildings and structures on the site;
- Principal access points which will be used by trucks and equipment, including ingress and egress points and internal circulation, especially the haul road from the public road to the proposed site of the pit;
- Indication of the existing landscape features, including cleared areas, wooded areas, streams, lakes, marsh areas, and so forth;
- Location and nature of other operations, if any, which are proposed to take place on-site.

➤ **A narrative statement containing the following:**

- Soil surveys with reference to the average year-round water table throughout the entire acreage. Piezometers may be used to determine an average water depth;
- Estimated amount of material to be removed from the site over the entire period of operation;
- Estimated length of time to complete the operation, or, if the pit is to be operated on continuing basis, a statement to that effect;
- Proposed hours of operation;
- Method of fencing or barricading the petition area to prevent casual access;
- Amount and location of natural screening provided by trees and vegetation, if any, between the property lines and proposed site of the pit;
- Plans, if any, to construct artificial screening;
- Description of operations or processing which will take place on the site during and after the time material is extracted;
- Plan or program for regarding and shaping the land for future use;
- Method of backfilling and/or replacing topsoil;
- Proposed future use of the land after resources are extracted, including a proposed development plan showing location of houses, parks, lakes, etc.;
- Other information which may pertain to the particular site.

➤ **Proof that the applicant has obtained, or is eligible to obtain, the necessary licenses required by state or federal agencies.**

➤ **Proof that the applicant is the owner of the subject property.**



CONDITIONAL USE PERMIT PROCESS

- O Submit application with required accompanying documentation to the Planning & Zoning Department. Submissions can be done electronically, by mail, or in person.
- O City Staff will review the submitted documents, send out public notice of the request, and prepare a report of findings for the Planning & Zoning Commission. The review will verify the following:
- The application is compliant with the requirements of KMC 14.20.151;
 - The boundaries of the proposed excavation at its greatest dimensions, including back slopes, are at least two hundred feet (200') from any road or public right-of-way and at least one hundred fifty feet (150') from other surrounding property lines, with the exception of those permitted for surface extraction of natural resources;
 - The buffer strips between the excavation site, roadways, and property lines contain sufficient natural screening to obscure the entire excavation from site of the roadways and inhabited areas. If there is not sufficient natural screening, the site plan must provide for artificial screening;
 - The site plan provides that back slopes will be a minimum of a 2:1 slope, except for the contiguous face;
 - The site plan does not provide for excavation below the water table except where a reasonable method of drainage is available at the particular site or where the proposed future development plan provides for a lake on the site of excavation;
 - If the excavation is to be below the water table and the site is likely to endanger the public safety, the site plan will provide for fencing of the work area;
 - The proposed use of land after extraction is completed is feasible, realistic, and a use permitted in the zone in which the property is located;
 - The extraction does not destroy the land for the purpose for which it is zoned;
 - The need for the particular natural resource within the City outweighs any detrimental effects the operation may have on surrounding property owners;
 - The applicant is the owner of the subject property.
- O A public hearing will be held as required by KMC 14.20.280. To meet notice requirements, the Planning Department must receive your application **21 days prior** to the meeting when the public hearing is scheduled. Please be advised you will be required to attend the hearing. In-person attendance is preferred, but online attendance can be accommodated if requested.
- O If the Commission determines that all requirements have been met, the Conditional Use Permit will be approved and the resolution signed putting it into effect.
- O All decisions made by the Commission are subject to a 15-day appeal period. Appeals must be filed in writing with the City Clerk. For more information, please contact the City Clerk's office at (907)283-8231 or cityclerk@kenai.city.

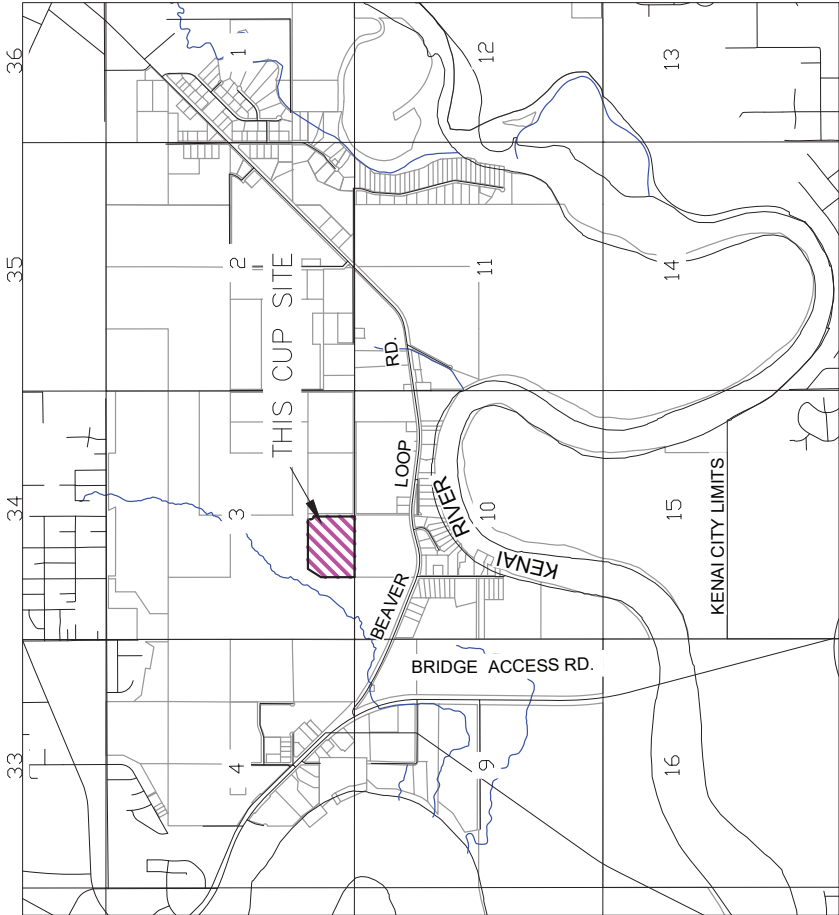


BEAVER LOOP ACRES ADDITION NO. 3 SUBDIVISION

LOT 1

CONDITIONAL USE PERMIT

OWNER:
RIVER RESOURCES LLC
PO BOX 303
SOLDOTNA, ALASKA 99669



PROJECT INFO



REV	DATE	DESCRIPTION	BY
1	10/6/2026	REVISED SETBACK FROM SLE	GMD
2	9/21/2026	CUP APPLICATION ISSUE	GMD

RIVER RESOURCES LLC
LOT 1 BEAVER LOOP ACRES ADDN NO. 3 SUBD.
CONDITIONAL USE PERMIT
JOB NO. 264014
FIELD BOOK NO. 26401
MAY/APRIL 2026



McLane Consulting Inc.
ENGINEERING - TESTING
SURVEYING - MAPPING
1000 W. 10TH AVE.
SOLDOTNA, AK 99669
VOICE: (907) 284-4218
FAX: (907) 284-4219
WWW.MCLANECI.COM

DRAWN BY: GMD
CHECKED BY: GMD
HORIZ. SCALE: 1" = 2640'
VERT. SCALE: N/A

SHEET: C1

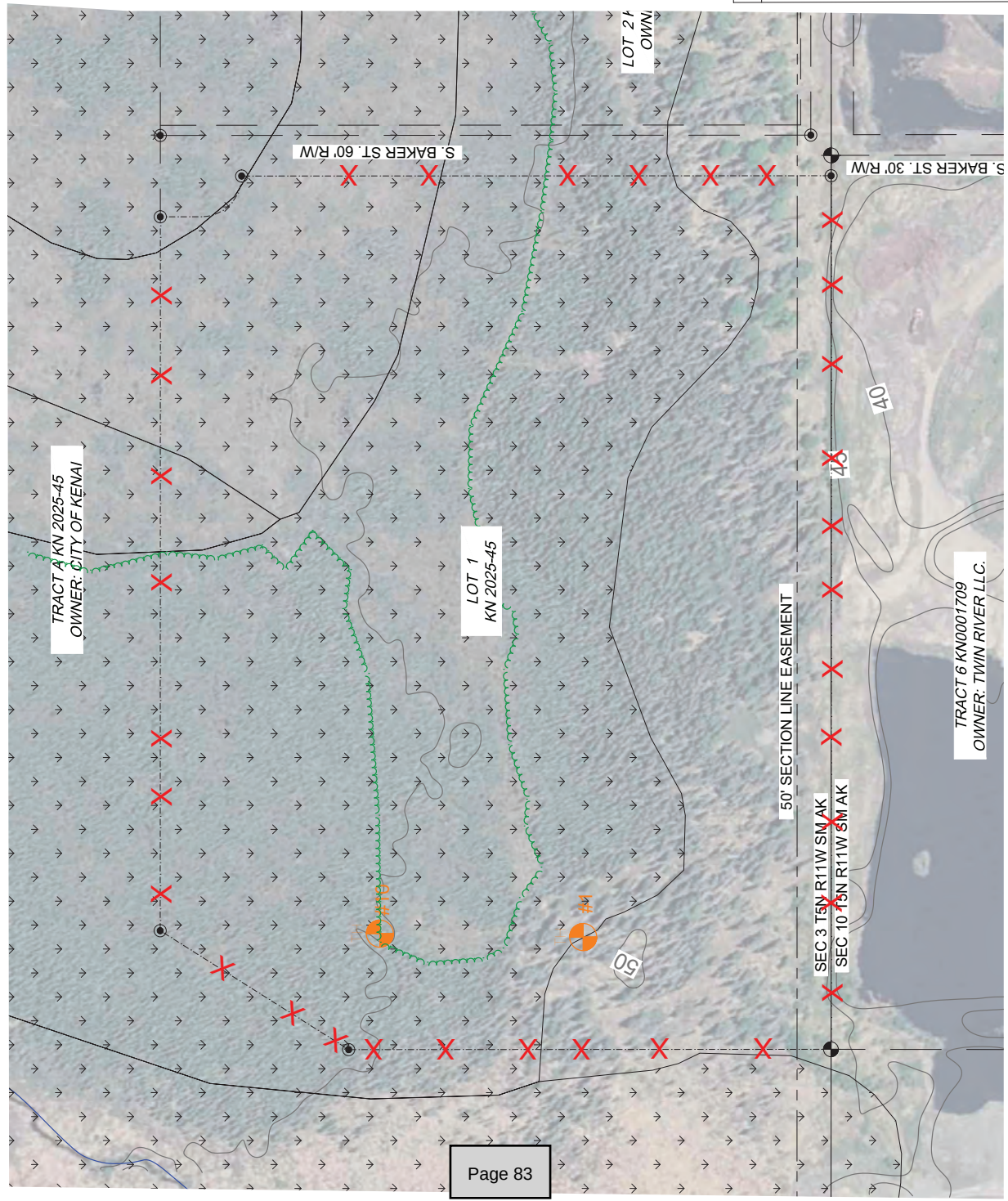
NOTES

1. THIS APPLICATION IS FOR T5N R11W SECTION 3 SEWARD MERIDIAN KN 2025045 BEAVER LOOP ACRES ADDITION NO. 3 SUBDIVISION LOT 1 (KPB PARCEL 04901068).
2. THE PROPOSED SITE IS WITHIN THE CITY OF KENAI AND WAS RECENTLY MARKETED AND SOLD BY THE CITY OF KENAI AS MATERIAL RESOURCE SITES.
3. THE SITE IS UNDEVELOPED, WITH TREED VEGETATION ALONG THE SOUTH BOUNDARY AND WETLANDS PROCEEDING NORTH.
4. THE KENAI WATERSHED WETLAND MAPPING IS SHOWN ON SHEETS C2 AND C3. THERE ARE NO OPEN WATERBODIES, RIPARIAN WETLANDS OR SURFACE WATERS WITHIN THE PROPOSED EXTRACTION AREA.
5. TEST HOLE WAS PROVIDED BY THE CITY OF KENAI. GROUNDWATER WAS FOUND AT APPROXIMATE ELEVATION 40.0'; 100' BELOW THE NATIVE GRADE.

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
C1	VICINITY MAP & LEGEND
C2	EXISTING CONDITIONS
C3	SITE DEVELOPMENT PLAN
C4	DETAILS & TYPICAL SECTIONS

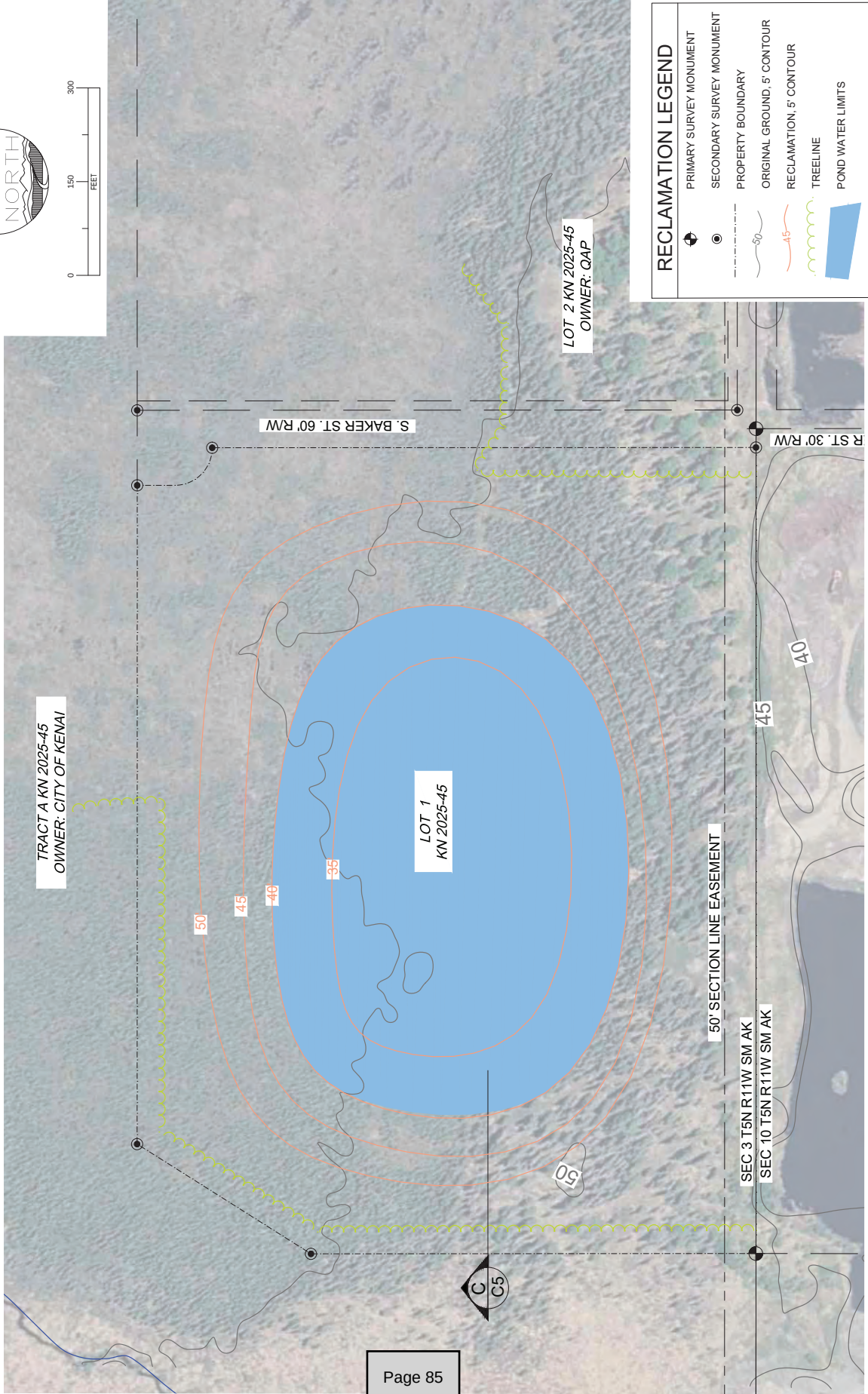
EXISTING SITE



EXISTING SITE LEGEND

- PRIMARY SURVEY MONUMENT
- SECONDARY SURVEY MONUMENT
- EXISTING GRAVEL SURFACE
- PROPERTY BOUNDARY
- 5' CONTOUR
- MAPPED WETLAND BOUNDARY
- WETLAND
- INTERVISIBLE FLAG / STAKE
- TREELINE

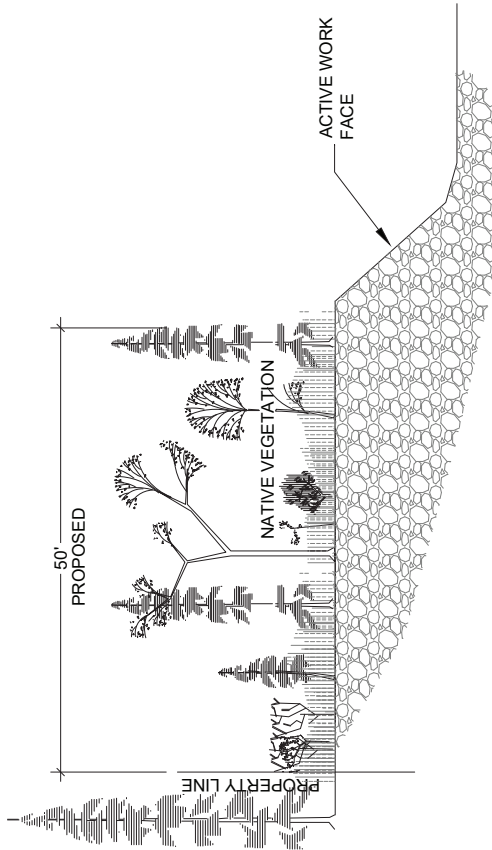
RECLAMATION



RECLAMATION LEGEND

- PRIMARY SURVEY MONUMENT
- SECONDARY SURVEY MONUMENT
- PROPERTY BOUNDARY
- ORIGINAL GROUND, 5' CONTOUR
- RECLAMATION, 5' CONTOUR
- TREELINE
- POND WATER LIMITS

RECLAMATION



A VEGETATION BUFFER

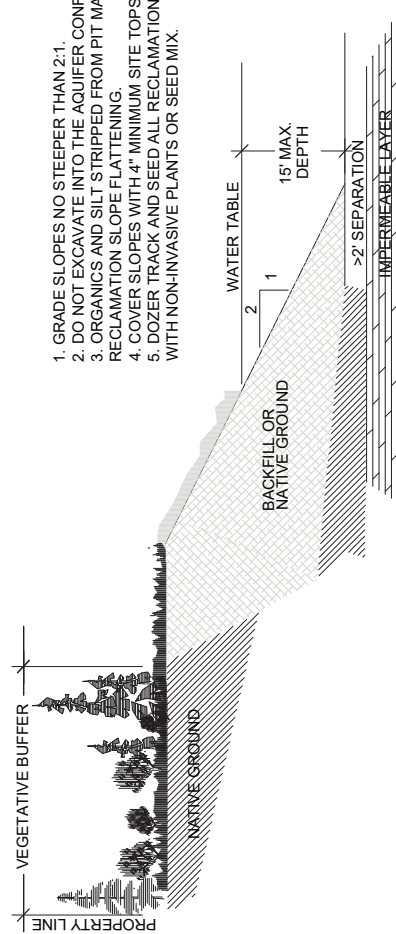
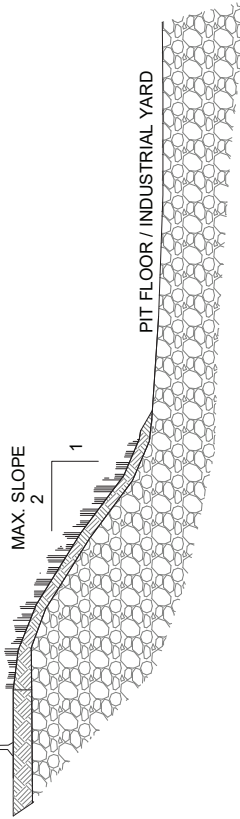
NOT TO SCALE

B C5

RECLAMATION SLOPE - ABOVE GROUNDWATER

NOT TO SCALE

1. GRADE SLOPES NO STEEPER THAN 2:1.
2. COVER SLOPES WITH 4" MINIMUM SITE TOPSOIL MIX AND ORGANIC CLEARING DEBRIS.
3. DOZER TRACK AND SEED RECLAMATION SLOPES WITH NON-INVASIVE PLANTS OR SEED MIX.



C VEGETATION BUFFER

NOT TO SCALE

C5



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2026-35**

A RESOLUTION **GRANTING** THE APPLICATION FOR A VARIANCE PERMIT TO BUILD INTO THE SETBACKS FOR EXPANDED SURFACE EXTRACTION OF NATURAL RESOURCES ON PARCEL 04901068.

APPLICANT: River Resources LLC

PROPERTY OWNER: City of Kenai

PROPERTY ADDRESSES: No Physical Address

LEGAL DESCRIPTIONS: Lot 1, Beaver Loop Acres Addition Number 3

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04901068

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.180(c) was submitted to the City on September 22, 2026; and,

WHEREAS, the applicant has demonstrated that the prerequisites of a Variance Permit have been met pursuant to Kenai Municipal Code 14.20.180(b); and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on October 2, 2026, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds the criteria are met as set forth in KMC 14.20.180(c):

1. *Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same land use or zoning district.*

Findings: The variance permit is being requested to best utilize the resources of the current area. The properties adjacent to the east and south are currently permitted material sites and the property to the north and west are undeveloped wetlands owned by the City of Kenai and Alaska DNR.

2. *The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.*

Findings: The proposed request is consistent with that of adjoining properties. There are no special conditions or circumstances caused by actions of the applicant and the request does not merely constitute a pecuniary hardship or inconvenience.

3. *The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.*

Findings: The proposed use is conditionally allowed within the current zoning district subject to obtaining a CUP. The applicant is in the application process of obtaining the CUP in conjunction with the variance request and the use is appropriate given the surrounding existing material extraction sites adjacent to the subject lot. The variance request does not alter the principal use of the area.

4. *The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.*

Findings: The proposed buffer of fifty feet (50') along the north, east, and west boundaries and one hundred-foot (100') buffer along the southern boundary would still allow for an adequate divide between sites while allowing for a better utilization of land space. As stated by the applicant, the granting of the variance request is anticipated to expand the usable material site area from 14.65 acres to 22.43 acres, an increase of 53%.

5. *The granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district.*

Findings: The requested variance is not based on other non-conforming land uses or structures within the same land use or zoning district and will not alter the principal use of the property that is approved with the granting of the CUP.

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

Section 1. That the request for a variance permit to build into the setbacks for the expanded surface extraction of natural resources of the property known as Lot 1, Beaver Loop Acres Addition Number 3, be approved.

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

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. Applicant must obtain all applicable permits and file all required Landscaping & Site Plans prior to beginning construction.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 14TH DAY OF OCTOBER, 2026.

Jeanne Keaton, Chair

ATTEST:

Logan Parks, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
THROUGH: Kevin Buettner, Planning Director
FROM: Brandon McElrea, Land Management Analyst
DATE: September 28, 2026
SUBJECT: Resolution No. PZ2026-35 - Variance Permit – Setback

Request The applicant is requesting a variance permit for setback requirements for the surface extraction of natural resources

Staff Recommendation Adopt Resolution No. PZ2026-35 Granting a Variance Permit for the Surface Extraction of Natural Resources

Property Owner: City of Kenai
Applicant: River Resources LLC
Legal Description: Lot 1 Beaver Loop Acres Addition Number 3
Property Address: No Physical Address
KPB Parcel No.: 04901068
Lot Sizes: 28.63 Acres
Zoning: Rural Residential
Current Land Use: Vacant / Undeveloped
Land Use Plan: Parks, Recreation, & Open Space

SUMMARY

The applicant is proposing a one hundred-foot (100') excavation into the one hundred fifty-foot (150') setback to the north and west, and one hundred fifty feet (150') into the two-hundred-foot setback to the east and south property lines, adjacent to rights-of-way. This would leave a fifty-foot (50') setback on the north, east, and west boundaries, and a one hundred-foot (100') setback along the southern boundary.

ANALYSIS

Pursuant to KMC 14.20.180(a), the intent of a variance permit is to provide relief to the development requirements of KMC Chapter 14.20 when the literal enforcement would deprive a property owner of the reasonable use of his/her real property.

Prior to granting a variance permit, the Commission shall find that all the conditions have been met as set forth in KMC 14.20.180(c) [Variance Permit] *Review Criteria*.

Criteria 1: Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same land use or zoning district.

Findings: The variance permit is being requested to best utilize the resources of the current area. The properties adjacent to the east and south are currently permitted material sites and the property to the north and west are undeveloped wetlands owned by the City of Kenai and Alaska DNR.

Criteria 2: The special conditions or circumstances have not been caused by actions of the applicant, and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.

Findings: The proposed request is consistent with that of adjoining properties. There are no special conditions or circumstances caused by actions of the applicant and the request does not merely constitute a pecuniary hardship or inconvenience.

Criteria 3: The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.

Findings: The proposed use is conditionally allowed within the current zoning district subject to obtaining a CUP. The applicant is in the application process of obtaining the CUP in conjunction with the variance request and the use is appropriate given the surrounding existing material extraction sites adjacent to the subject lot. The variance request does not alter the principal use of the area.

Criteria 4: The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.

Findings: The proposed buffer of fifty feet (50') along the north, east, and west boundaries and one hundred-foot (100') buffer along the southern boundary would still allow for an adequate divide between sites while allowing for a better utilization of land space. As stated by the applicant, the granting of the variance request is anticipated to expand the usable material site area from 14.65 acres to 22.43 acres, an increase of 53%.

Criteria 5: The granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district.

Findings: The requested variance is not based on other non-conforming land uses or structures within the same land use or zoning district and will not alter the principal use of the property that is approved with the granting of the CUP.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280(c) notices of the public hearing for the variance permit were mailed to property owners within a three hundred-foot (300') periphery of the subject property. City staff published notice of the public hearing in the *Peninsula Clarion* on October 2, 2026. Pursuant to KMC 14.20.280(d), no sign was posted on the subject property as there are no improved streets adjacent to the subject property.

No public comment has been received at the time of this report and there are no stated objections

STAFF RECOMMENDATION

Staff finds that the proposed variance request meets the criteria for issuance of a Variance Permit as set forth in Kenai Municipal Code Section 14.20.180(c), and hereby recommends that the Planning and Zoning Commission approve the variance permit, subject to the following conditions:

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. Applicant must obtain applicable permits and file all required Landscaping & Site Plans prior to beginning construction.

ATTACHMENTS

Aerial Map
Application
Site Plan



Variance 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:	River Resources LLC				
Mailing Address:	PO Box 303				
City:	Soldotna	State:	Alaska	Zip Code:	99669
Phone Number(s):	[REDACTED]				
Email:	[REDACTED]				

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Kyle Foster				
Mailing Address:	PO Box 303				
City:	Soldotna	State:	Alaska	Zip Code:	
Phone Number(s):	[REDACTED]				
Email:	[REDACTED]				

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04901068
Physical Address:	none
Legal Description:	T5N R11W S3 S.M. Beaver Loop Acres Addn No 3 Subd Lot 1
Zoning:	Rural residential
Acres:	28.63

VARIANCE DESCRIPTION

(include site plan with square footages and elevations of all existing/proposed buildings)
(use additional pages if necessary to answer questions)

A variance permit is the relaxation of the development requirements to provide relief when the literal enforcement would deprive a property owner of the reasonable use of their real property. The requirements for a variance permit in City Code must be met for a variance to be granted.

How is this property currently being used?	Undeveloped. Applied for CUP material extraction
Use of surrounding property - north:	Undeveloped, COK owned
Use of surrounding property - south:	Material site, owned by Twin River Resources LLC
Use of surrounding property - east:	Material site, owned by Colaska
Use of surrounding property - west:	Undeveloped. COK owned

Variance Requested for (attach additional sheets if necessary):

Propose 50' excavation setback to East North and West property lines and a 0' setback to South property line. No artificial screening.

Explain the special conditions or circumstances present which are peculiar to the land or structure involved which are not applicable to other land or structures in the same land use or zoning district:			
South and east adjacent properties are permitted material sites. The north property and east is undeveloped and owned by COK. The Baker Street ROW is not constructed and only access properties that are proposed for material sites.			
Explain the special conditions or circumstances present that have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary (monetary) hardship or inconvenience:			
Consistent use of adjoining properties support reduced buffers.			
Explain how this variance will not authorize a use that is not a permitted principal use in the zoning district in which the property is located:			
Variance request does not alter principal use of property.			
Explain how the variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure:			
The proposed buffers still allow for buffer space from property lines owned by others and from right-of-ways.			
Explain how the granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district:			
Variance request does not alter principal use of property.			
AUTHORITY TO APPLY FOR A VARIANCE: 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 variance 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 variance. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:		<i>Kyle Foster</i>	
Date:		9/22/26	
Print Name:		Kyle Foster	Title/Business: River Resources LLC
For City Use Only		Date Application Fee Received: PZ Resolution Number:	



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2026-36**

A RESOLUTION **APPROVING** THE WITHDRAWAL OF THE APPLICATION FOR A VARIANCE PERMIT AT 2817 BEAVER LOOP ROAD, ON PARCEL NO. 04911029, PREVIOUSLY APPROVED BY RESOLUTION NO. PZ2026-26.

WHEREAS a complete application meeting the requirements of Kenai Municipal Code 14.20.180(c) was submitted to the City on May 5, 2026; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on August 26, 2026, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications; and,

WHEREAS, the City of Kenai Planning & Zoning Commission passed Resolution No. PZ2026-26, granting a Variance Permit for expanded surface extraction of natural resources on parcel 04911029; and,

WHEREAS, the decision was appealed to the Board of Adjustment by an aggrieved party in accordance with KMC 14.20.290 – Appeals-Board of Adjustment; and,

WHEREAS, the applicant requested to withdraw their application for a Variance Permit on September 22, 2026; and,

WHEREAS, a resolution is required to provide a complete legislative history.

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

Section 1. That Resolution No. PZ2026-36 is hereby adopted.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 14TH DAY OF OCTOBER, 2026

Jeanne Keaton, Chair

ATTEST:

Logan Parks, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
THROUGH: Kevin Buettner, Planning Director
FROM: Brandon McElrea, Land Management Analyst
DATE: September 28, 2026
SUBJECT: Resolution No. PZ2026-36 – Withdrawal of Application for Variance

Request The applicant is requesting to withdraw a variance permit for setback requirements for the surface extraction of natural resources previously approved by Resolution No. PZ2026-26.

Staff Recommendation Adopt Resolution No. PZ2026-36 Approving the Withdrawal of the Application for a Variance Permit for the Surface Extraction of Natural Resources

SUMMARY

The applicant is seeking to formally withdraw the application for a Variance Permit on Parcel No. 04911029, located at 2817 Beaver Loop Road.

ANALYSIS

The applicant initially submitted a complete application that met the requirements of Kenai Municipal Code (KMC) 14.20.180(c). The City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on August 26, 2026, following requirements outlined in KMC 14.20.280 for public hearings and notifications.

At this meeting, the Planning and Zoning Commission passed Resolution No. PZ2026-26, granting a Variance Permit for expanded surface extraction of natural resources on Parcel 04911029. This decision was appealed by an aggrieved party to the Board of Adjustment in accordance with KMC 14.20.290.

The applicant, upon notification of the appeal, chose to withdraw the application on September 22, 2026.

In order to make a complete legislative history, it was recommended by Administration to ask the Planning & Zoning Commission to pass a subsequent resolution to document this withdrawal.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280(c) notices of the public hearing for the variance permit were mailed to property owners within a three hundred-foot (300') periphery of the subject property. City staff published notice of the public hearing in the *Peninsula Clarion* on October 2, 2026.

No public comment has been received at the time of this report and there are no stated objections

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve Resolution No. PZ2026-36, approving the withdrawal of the application for a variance permit at 2817 Beaver Loop Road on Parcel 04911029, previously approved by Resolution No. PZ2026-26.

From: [STALLER, Nick \(ANOAP\)](#)
To: [Kevin Buettner](#)
Cc: [ROSSELLEY, Jeff \(ANOAP\)](#); [ROBISON, Christopher \(Colas USA\)](#)
Subject: Withdrawal of Variance Permit Application - Resolution No. PZ2026-26
Date: Tuesday, September 22, 2026 1:42:14 PM

Caution: This is an external email and has a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Kevin,

Colaska Inc., dba QAP, would like to formally withdraw its application for a Variance Permit to Build into the Setback for Expanded Surface Extraction of Natural Resources on Parcel 04911029 (existing gravel pit CUP), associated with Resolution No. PZ2026-26.

Thank you for your time and consideration of this application. Please consider this as our official request to withdraw the application from further review and action.

If you require any additional information or documentation to process this withdrawal, please let us know.

Best Regards,

Nick Staller
Area Manager
6411 A. Street
Anchorage, Alaska 99518
(907) 230-8412 Cell



C2 - COLAS GROUP INTERNAL: Employees and partners who need to know.

MEMORANDUM

TO: Chair Keaton and Planning & Zoning Commissioners

FROM: Kevin Buettner, Planning Director

DATE: September 25, 2026

SUBJECT: **Action/Approval – Amending Noticing Requirements for Planning & Zoning and Land Administration to Modernize Procedures**

The City's public noticing requirements are intended to ensure that members of the public receive timely and meaningful information regarding public hearings, land use matters, and other matters requiring public notice. As methods of accessing information have evolved, there is an opportunity to modernize the City's public noticing process while maintaining transparency and promoting meaningful public participation.

The proposed ordinance would update existing public-noticing requirements to place greater emphasis on accessible, commonly used, and efficient methods of communicating information to the public. A key component of the proposed changes is the development and implementation of a dedicated public-noticing webpage on the City's existing website. A centralized online notice location would provide several benefits, including:

- **Improved Accessibility:** Public notices would be available to the public at no cost and without requiring paid access to a particular publication.
- **Increased Public Awareness:** Notices from different City departments could be published on a dedicated webpage that would provide a consistent location for residents, property owners, businesses, and other parties to find City notices.
- **Greater Efficiency:** The City would have greater flexibility in publishing notices without being constrained by the publication schedule of an outside newspaper.
- **Reduced Costs:** Public funds could be directed toward methods of notification that provide broad and convenient public access while reducing reliance on increasingly costly publication requirements, which have nearly doubled in the past two years.

The proposed changes are intended to provide a more efficient, flexible, accessible, and cost-effective public-noticing process while continuing to promote transparency and meaningful opportunities for public awareness and participation.

Does the Commission recommend Kenai City Council enact this Ordinance?

Thank you for your consideration.



**CITY OF KENAI
ORDINANCE NO. 3546-2026**

AN ORDINANCE AMENDING PUBLIC NOTICING REQUIREMENTS WITHIN KENAI MUNICIPAL CODE CHAPTERS 14.05 – PLANNING AND ZONING COMMISSION, 14.10 – SUBDIVISION REGULATIONS, 14.20 – KENAI ZONING CODE, 21.10 – LEASING AND ACQUISITION OF AIRPORT RESERVE LANDS, AND 22.05 – DISPOSITION OF CITY LANDS, TO MODERNIZE PUBLIC NOTIFICATION PROCEDURES.

WHEREAS, providing public notice through accessible and commonly used sources of information promotes effective public awareness and participation; and,

WHEREAS, accommodating the newspaper's publishing schedule can significantly extend the advance notice period, reducing efficiency and flexibility in the public noticing process; and,

WHEREAS, the reduced publication and distribution of local newspaper's has significantly reduced their effectiveness in the public noticing process; and,

WHEREAS, the City maintains a public website and can develop and implement a dedicated public noticing webpage that consolidates public notices in a prominent, centralized location that is easily and freely accessible to the public; and,

WHEREAS, the Planning & Zoning Commission held a public hearing on October 14, 2026, and recommended the City Council _____ this Ordinance; and,

WHEREAS, it is in the best interest of the City to ensure that public funds and methods are used in a manner that maximizes public notice, accessibility, and community awareness.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. Amendment of Section 14.05.015(a)(2) of Kenai Municipal Code: That Kenai Municipal Code, Section 14.05.015(a)(2) – *Public Notice-Application* is hereby amended as follows:

The Clerk will advertise the notice placed in a consolidated location on the City's official website [AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION OF THE CITY, IF ONE IS PUBLISHED IN THE CITY; AND BY POSTING ON THE CITY'S WEBSITE], and in at least three (3) other public places in the City, one (1) of which will be the official bulletin board of the City at City Hall. The [NEWSPAPER] publication will occur not less than seven (7) days before the application deadline.

Section 2. Amendment of Section 14.20.280(b) of Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.280(b) – *Public Hearings and Notifications* is hereby amended as follows:

Public Hearing Notice. Notice of the public hearing shall be placed in a consolidated location on the City's official website [PUBLISHED IN A PAPER OF GENERAL CIRCULATION WITHIN THE CITY] and in at least three (3) other public places in the City, one (1) of which will be the official bulletin board of the City at City Hall not less than seven (7) days prior to the date of hearing. The notice shall contain at least the following information:

- (1) A brief description of the proposal on which the public body is to act;

- (2) A legal and common description of the property involved;
- (3) Date, time, and place of the public hearing;
- (4) Person and place to contact for more detailed information.

Section 3. Amendment of Section 14.10.110 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.10.110 – *Changes and Amendments* is hereby amended as follows:

Any regulations or provisions of this chapter may be changed and amended from time to time by the City Council; provided, however, that such changes or amendments will not become effective until after study and report by the Planning Commission and until after a public hearing has been held, public notice of which will have been placed in a consolidated location on the City's official website and in at least three (3) other public places in the City, one (1) of which will be the official bulletin board of the City at City Hall [GIVEN IN A NEWSPAPER OF GENERAL CIRCULATION] at least fifteen (15) days prior to such hearing and posted in the City Hall.

Section 4. Amendment of Section 14.20.230(e)(4) of Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.230(e)(4) – *Permit Application* is hereby amended as follows:

Notice of the consideration by the Commission of a home occupation permit application shall be placed in a consolidated location on the City's official website and in at least three (3) other public places in the City, one (1) of which will be the official bulletin board of the City at City Hall published [ONCE] at least two (2) days prior to the meeting [IN A PAPER OF GENERAL CIRCULATION IN THE CITY OF KENAI].

Section 5. Amendment of Section 21.10.060(c) of Kenai Municipal Code: That Kenai Municipal Code, Section 21.10.060(c) – *Lease Application Review* is hereby amended as follows:

Notice of applications for new leases, renewals or extensions must be placed in a consolidated location on the City's official website and in at least three (3) other public places in the City, one (1) of which will be the official bulletin board of the City at City Hall [PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY]. The notice must contain the name of the applicant, a brief description of the land and the date upon which any competing applications must be submitted (thirty (30) days from the date of publication).

Section 6. Amendment of Section 22.05.040(c) of Kenai Municipal Code: That Kenai Municipal Code, Section 22.05.040(c) – *Lease Application Review* is hereby amended as follows:

Notice of complete applications for new leases, renewals or extensions shall be placed in a consolidated location on the City's official website and in at least three (3) other public places in the City, one (1) of which will be the official bulletin board of the City at City Hall [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)].

Section 7. Amendment of Section 22.05.100(i) of Kenai Municipal Code: That Kenai Municipal Code, Section 22.05.100(i) – *Sale Procedure* is hereby amended as follows:

If the land is to be sold through a competitive process, notice of sale and the manner in which the land is to be sold must be posted to the extent possible to be visible from each improved street adjacent to the property, placed in a consolidated location on the City's official website, and in at least three (3) other public places in the City, one (1) of which will be the official bulletin board of the City at City Hall [PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY]. The published notice must contain:

- (1) The legal description of the land;
- (2) A brief physical description of the land;
- (3) The area and general location of the land;
- (4) The minimum acceptable offer for the land (which shall be the fair market value);
- (5) The terms under which the land will be sold;
- (6) Any limitations on the sale of the land;
- (7) The time and place set for the auction or bid opening;
- (8) The amount of deposit to be submitted with each bid in order to cover the City's expenses such as survey, appraisal, and reviews;
- (9) Any other matters concerning the sale of which the City Manager believes the public should be informed.

Section 8. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 9. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 21ST DAY OF OCTOBER, 2026.

Henry H. Knackstedt, Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	October 7, 2026
Enacted:	October 21, 2026
Effective:	November 20, 2026



September 28, 2026 – 7:30 PM

Action Agenda

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

Jeremy Brantley, Chair
Sterling/Funny River
Term Expires 2027

Pamela Gillham, Vice Chair
Kalifornsky / Kaslof District
Term Expires 2029

Virginia Morgan
Cooper Landing / Hope
Eastern Peninsula District
Term Expires 2028

Diane Fikes
City of Kenai
Term Expires 2028

Paul Whitney
City of Soldotna
Term Expires 2027

Franco Venuti
City of Homer
Term Expires 2027

Vacant
City of Seward
Term Expires 2029

Jeffrey Epperheimer
Nikiski District
Term Expires 2029

Dawson Slaughter
South Peninsula District
Term Expires 2028

Remote participation will be available through Zoom, or other audio or video means, wherever technically feasible

ZOOM MEETING DETAILS

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>

Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247

Zoom Meeting ID: 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the meeting ID, and your participant number. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

The hearing procedure for Planning Commission public hearings is as follows:

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

All those wishing to testify must wait for recognition by the Chair. Each person must begin by stating his or her name and mailing address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect. If participating via Zoom the testifier will need to use the Zoom "raise hand" feature or press *9 by phone to speak.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

ACTION ITEMS CURRENTLY ON CONSENT AGENDA

*1. Time Extension Request

- a. Sleepy Hollow Subdivision 2024 Addition; KPB File 2024-085

*3. Administrative Approvals

- a. Great Land Estates No. 2 2026 Addition; KPB File 2026-012
- b. Paradise South Subdivision Scenic View Addition 2025 Replat; KPB File 2025-074

*6. Excused Absences

- a. Jeffrey Epperheimer, Nikiski District
- b. Vacant, City of Seward

*7. Minutes

- a. September 14, 2026 Planning Commission Meeting Minutes

Motion to approve the consent & regular agendas passed by unanimous vote (7-Yes).

D. UNFINISHED BUSINESS

E. NEW BUSINESS

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

1. Preliminary Plat; KPB 2026-089

Casa La Montana 2026 Replat
McLane Consulting Group / Huston
Location: Rabbit Run Road, Ashley Avenue & Funny River Road
Funny River Area

Motion to grant preliminary approval to Casa La Montana 2026 Replat passed by unanimous vote (7-Yes)

Public Hearing: Legislative Matters

2. Right-of-way Vacation; KPB File 2026-101V

AK Lands / Walker, Davis
Request: Vacates the alley ROW between Lots 1 & 12-14 of Block 9; the alley ROW between Lots 6 & 12 of Block 6; and the First Avenue ROW north of Mill Street between Lots 12-14 of Block 9 and Lots 2-6 of Block 6
City of Seward

Motion to grant the vacation as recommended by staff passed by unanimous vote (7-Yes)

F. PLAT COMMITTEE REPORT – The plat committee will review 2 plats.

G. OTHER

H. PRESENTATIONS/PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 MINUTES PER SPEAKER)

I. DIRECTOR’S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, October 12, 2026** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **7:30 p.m.**

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / Toll free within the Borough 1-800-478-4441, extension 2215

e-mail address: planning@kpb.us

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

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

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

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.



September 28, 2026 – 7:00 PM

Action Agenda

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

Jeremy Brantley, Chair
Sterling/Funny River
Term Expires 2027

Pamela Gillham, Vice Chair
Kalifornsky / Kasilof District
Term Expires 2029

Virginia Morgan
Cooper Landing / Hope
Eastern Peninsula District
Term Expires 2028

Diane Fikes
City of Kenai
Term Expires 2028

Paul Whitney
City of Soldotna
Term Expires 2027

Franco Venuti
City of Homer
Term Expires 2027

Vacant
City of Seward
Term Expires 2026

Jeffrey Epperheimer
Nikiski District
Term Expires 2029

Dawson Slaughter
South Peninsula District
Term Expires 2028

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The hearing procedure for Plat Committee public hearings is as follows:

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

All those wishing to testify must wait for recognition by the Chair. Each person must begin by stating his or her name and mailing address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect. If participating via Zoom the testifier will need to use the Zoom "raise hand" feature or press *9 by phone to speak.

A. CALL TO ORDER

B. ROLL CALL

PLAT COMMITTEE MEMBERS:

- o Pamela Gillham, Kalifornsky/Kasilof District
- o Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
- o Franco Venuti, City of Homer
- o Paul Whitney, City of Soldotna

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

- *1. Agenda**
- *2. Excused Absences - None**
- *3. Minutes**
 - a. September 14, 2026 Plat Committee Meeting Minutes
- *4. Grouped Plats - None**

Motion to approve the consent & regular agendas passed by unanimous vote (4-Yes).

D. UNFINISHED BUSINESS – None

E. NEW BUSINESS

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

1. Garnet Subdivision 2026 Addition; KPB File 2026-070

Johnson Surveying / Hawker

Location: Diamond Street, Gemstone Street & Dempsey Woods Way

Nikiski Area

Motion to grant the exception request to KPB 20.40 – Wastewater Disposal for proposed Lot 1, passed by unanimous vote (4-Yes)

2. Stapel Subdivision; KPB File 2026-076

Peninsula Surveying / Stapel

Location: Stikine Street, Thunder Road & Tlingit Avenue

Anchor Point Area

Motion to grant the exception request to KPB 20.30.240 – Building Setbacks on proposed Lot 2, passed by unanimous vote (4-Yes)

F. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 MINUTES PER SPEAKER)

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday October 12, 2026** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **6:30 p.m.**

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / Toll free within the Borough 1-800-478-4441, extension 2215

e-mail address: planning@kpb.us

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

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



Kenai City Council - Regular Meeting

October 07, 2026 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker; twenty (20) minutes aggregated*)

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

E. PUBLIC HEARINGS

1. **ADOPTED WITHOUT OBJECTION. Resolution No. 2026-64** - Authorizing the City Manager to Submit an Application to the U.S. Department of the Interior, National Park Service, Via the State of Alaska Department of Natural Resources, for the Land and Water Conservation Fund Grant Program for Facility Improvements at Old Town Park and Committing Upon Grant Award and Acceptance to Provide a Cash Match Equal to the Grant Award, up to a Maximum of \$250,000, to Meet Grant Matching Requirements. (Administration)
2. **ADOPTED WITHOUT OBJECTION. Resolution No. 2026-65** - Granting Street Improvement Exceptions to Kenai Municipal Code 14.10.080, Minimum Improvements, for Micah Subdivision Parks Replat Pursuant to Kenai Municipal Code 14.10.090, Variations and Exceptions. (Administration)
3. **ADOPTED WITHOUT OBJECTION. Resolution No. 2026-66** - Authorizing a Contract Award for the Citywide Paving Design Project. (Administration)

F. MINUTES

1. *Regular Meeting of September 16, 2026. (City Clerk)
2. *Special Meeting of September 30, 2026. (City Clerk)

G. UNFINISHED BUSINESS - Postponed Item

1. **ADOPTED BY SUBSTITUTION WITHOUT OBJECTION. Resolution No. 2026-63**
- Authorizing a Contract Award for the Kenai Bluff Erosion and Stabilization - Mission Avenue Erosion Control Project. (Administration) *[Clerk's Note: At the September 30, 2026 Special Meeting this item was postponed to October 7, 2026.]*

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Acceptance and Appropriation of an US Department of Transportation Passed through the State of Alaska Department of Transportation and Public Facilities - Alaska Highway Safety Office (AHSO) Grant in the amount of \$2,065.17, in accordance with KMC 7.25.030. (Administration)
3. ***Action/Approval** - Consent for Alaska Rent-A-Car Inc., to Assume Copper River Rentals LLC. Concession Agreement with the City of Kenai. (Administration)
4. ***Action/Approval** - Confirming the Appointment of the Election Precinct Boards for the November 3, 2026 Regular City Election. (City Clerk)
5. ***Ordinance No. 3546-2026** - Amending Public Noticing Requirements within Kenai Municipal Code Chapters 14.05 - Planning and Zoning Commission, 14.10 - Subdivision Regulations, 14.20 - Kenai Zoning Code, 21.10 - Leasing and Acquisition Of Airport Reserve Lands, And 22.05 - Disposition of City Lands, to Modernize Public Notification Procedures. (Administration)
6. ***Ordinance No. 3547-2026** - Accepting and Appropriating the Award of a US Department of Health and Human Services - Centers for Medicare and Medicaid Services Rural Health Transformation Program Grant Passed through the State of Alaska Department of Health in the Amount of \$435,770 for the Purchase of Emergency Medical Equipment. (Administration)
7. **APPROVED WITHOUT OBJECTION. Action/Approval** - Authorization to File Motion to Intervene – FERC Project No. P-15423-000, DeepGreen Cook Inlet SPV, LLC. (Administration)

I. COMMISSION REPORTS

1. Council on Aging Commission
2. Airport Commission
3. Parks and Recreation Commission
4. Planning and Zoning Commission
5. Beautification Commission

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

1. Competing Applications for Gas Storage Space. *[Pursuant to AS 44.62.310(c)(1) a Matter of which the Immediate Knowledge may have an Adverse Effect upon the Finance of the City and AS 44.62.310(c)(3) a Matter of which by Law, Municipal Charter, or Ordinance are required to be Confidential.]* (Administration)

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

1. Cook Inlet Regional Citizens Advisory Council Update

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

Registration is required to join the meeting remotely through Zoom. Please use the following link to register:

https://us02web.zoom.us/meeting/register/0DeCGz_rR_uMjPSOwVX-vg