



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

August 23, 2023 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of July 26, 2023

C. SCHEDULED PUBLIC COMMENT *Public comment limited to ten (10) minutes per speaker*

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

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-16** – Recommending Approval for Preliminary Plat – Strawberry Hill Estates 2023 Addition for a Subdivision of a Parcel Located at 801 Devray Street (KPB Parcel No. 04951027) into 13 Lots and Deny the Requested Exceptions to the Subdivision Design Standards in the Rural Residential (RR) Zoning District.

F. PUBLIC HEARINGS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. **Discussion/Action** - Alcohol and Marijuana Control Office (AMCO) Adopted Marijuana Regulation Changes

I. REPORTS

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

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

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: September 13, 2023

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

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

Join Zoom Meeting

<https://us02web.zoom.us/j/83232519219>

Meeting ID: 832 3251 9219 **Passcode:** 907554

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

Meeting ID: 832 3251 9219 **Passcode:** 907554

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JULY 26, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on July 26, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gary Greenberg
John Coston
Gwen Woodard

Joe Halstead, Vice Chair
Jim Glendening
Diane Fikes

A quorum was present.

Absent:

None

Also in attendance were:

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

3. Approval of Agenda and Consent Agenda

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda and consent agenda. Commissioner Woodard **SECONDED** the motion.

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

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

UNANIMOUS CONSENT was requested.

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of July 26, 2023

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS**

1. **Resolution PZ2023-13** – Recommending Approval for Preliminary Plat – City Park 2023 Replat for a Parcel Merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision and the Right-of-Way Vacations of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156) in the Suburban Residential (RS) and Urban Residential (RU) Zoning Districts.

MOTION:

Commissioner Greenberg **MOVED** to approve Resolution PZ2023-13. Vice Chair Halstead **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet. Zoning and uses of surrounding lots were reviewed; staff recommended approval subject to the following condition:

1. Kenai City Council must consent to the right-of-way (ROW) vacations of Char Circle and a portion of S. Spruce Street are not needed for a public purpose and approve the ROW vacations as shown on the proposed preliminary plat.

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

MOTION TO AMEND:

Commissioner Greenberg **MOVED** to amend the recommendation so that S. Spruce Street not be vacated. Commissioner Fikes **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Fikes, Woodard, Glendening, Greenberg, Halstead, Twait, Coston
NAY: None

MOTION PASSED UNANIMOUSLY.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Coston, Greenberg, Halstead, Fikes, Woodard, Glendening, Twait
NAY: None

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2023-14** – Recommending Approval for Preliminary Plat – Shoreline Heights 2023 Addition to Subdivide Tracts A, B, and C of Shoreline Heights 2014 Addition Phase 1 Subdivision into 17 Lots Located at 1540, 1541, and 1610 Pey Drive (Parcel IDs: 03914131, -32, and -33) in the Rural Residential (RR) Zoning District.

MOTION:

Commissioner Greenberg **MOVED** to approve Resolution PZ2023-14. Vice Chair Halstead. **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet. Zoning and uses of surrounding lots were reviewed; staff recommended approval.

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

Applicant Bryan Lowe responded to questions asked by the Commission.

VOTE:

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

NAY: None

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-16** – Granting an Encroachment Permit for a Single-Family Residence to Encroach into the Required (North) Side Yard Setback on the Property Located at 1436 Pey Drive (Parcel ID: 03914146) in the Rural Residential (RR) Zoning District.

MOTION:

Commissioner Greenberg **MOVED** to approve Resolution PZ2023-16. Commissioner Coston **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting an encroachment permit to allow the home to encroach approximately 16.8 inches into the required side yard setback along the north parcel line. Existing uses, land use designation, surrounding uses, and criteria for encroachment permits were reviewed; it was noted the application met the criteria and City staff recommends approval.

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

It was noted that this is a common occurrence in town. Clarification was provided that an encroachment up to 12 inches can be approved administratively, but because it exceeds that by 4.8 inches it needed to be brought to the commission for approval.

In response to questions from the Commission, applicant Bryson Lowe clarified that the driveway on Lot 22 was put in for that lot but has since been moved; this is his fourth development since 2016; and that the as-built has not been updated to reflect the driveway adjustment. Director Mitchell clarified that driveway changes will not be an issue for him to obtain building permits.

VOTE:

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

NAY: None

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the July 12, 2023 Regular Meeting – Glendening.

Approved by the consent agenda.

2. ***Action/Approval** - Transfer of Conditional Use Permit PZ2021-15 for Cabin Rentals on a property described as Lot 3, James H. Cowan Estates, located at 1050 Angler Drive within the Rural Residential (RR) zoning district.

Approved by the consent agenda.

I. REPORTS

1. City Council – Vice Mayor Baisden reported that there had been no City Council meeting since the previous Planning & Zoning Commission meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the July 17, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Will be reviewing applicants for open Planning & Zoning administrative assistant positions.
 - The first meeting in August is cancelled.
 - Went on code enforcement site visits with a police officer, will provide the commission with updates on some of these sites at future meetings.

J. ADDITIONAL PUBLIC COMMENT – None.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: August 23, 2023

L. COMMISSION COMMENTS AND QUESTIONS

Commissioner Fikes noted she will be absent at the August 23, 2023 meeting.

Chair Twait noted the plat discussion provided good ideas for Council to consider.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Commission, the meeting was adjourned at 8:03 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of July 26, 2023.

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-16**

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

PROPERTY ADDRESS: 801 Devray Street

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

KPB PARCEL NUMBER: 04951027

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

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

WHEREAS, the street names are referenced correctly; and,

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

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

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

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

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

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

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

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

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

Jeff Twait, Chairperson

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: August 18, 2023
SUBJECT: Resolution No. PZ2023-16 – Preliminary Plat – Strawberry Hill Estates 2023 Addition

Request

The applicant is proposing a preliminary plat to subdivide one (1) parcel into 13 lots with two (2) requested exceptions to the adjoining street system and block length standards.

Staff Recommendation

Adopt Resolution No. PZ2023-16 recommending approval of Preliminary Plat – Strawberry Hill Estates 2023 Addition for the subdivision of a parcel described by metes and bounds into 13 lots, deny the requested exceptions, and approve the exceptions to connecting to City water and sewer systems.

Applicant: McLane Consulting, Inc.
Attn: James Hall
P.O. Box 468
Soldotna, AK 99669

Property Owners: David Bunts and Tracey Bunts

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

Property Address: 801 Devray Street

KPB Parcel No.: 04951027

Lot Size Range: 1.022 – 1.255 acres

No. of Lots: 13

Zoning District: Rural Residential (RR)
Current Use: Vacant
Proposed Use: Residential
Surrounding Uses: North – Vacant Lots; South – Single-Family Residences; West – Vacant Lots; East – Vacant Lot and Single-Family Residences

BACKGROUND

The proposed preliminary plat would subdivide one (1) parcel located at 801 Devray Street (KPB Parcel No. 04951027) into 13 lots. The lot size ranges between 1.022 and 1.255 acres.

The applicant has requested for two (2) exceptions to the Kenai Municipal Code (KMC) Subsections 14.10.070(a) *relationship to Adjoining Street System* and 14.10.070(d)(1) *Blocks [Length]*.

KMC Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and provide recommendation to the Kenai Peninsula Borough Planning Commission. Furthermore, KMC Section 14.10.090 *Variations and exceptions* states that City Council may vary or modify such requirements in KMC Chapter 14.10 *Subdivision Regulations* so that the subdivider may develop their property in a reasonable manner, but at the same time, the public welfare and interests of the City and surrounding areas are protected and the general intent and spirit of these regulations preserved.

ANALYSIS

The proposed subdivision meets the development requirements (i.e., lot size and lot width) for the Rural Residential (RR) zoning district. The proposed preliminary plat generally meets the subdivision design standards with the exceptions to the requested waivers. The proposed access is through the 60-foot right-of-way dedication to connect and continue Wortham Avenue from the west and intersect Strawberry Road to the south. Wortham Avenue is not a city-maintained road. The applicant is requesting to waive the 60-foot right-of-way dedication of Devray Street, which is not a City-maintained road. City water and sewer services are not available to the proposed lots. The proposed subdivision will be subject to the requirements of the Alaska Department of Environmental Conservation (ADEC) for water supply and on-site wastewater systems. The Public Works Director reviewed the proposed preliminary plat and had no comments. An installation agreement is not required.

Lot Size

The subdivision is located in the Rural Residential zoning district, which requires a minimum of lot size of 20,000 square feet. Each lot is in excess of one (1) acre; therefore, all 13 lots meet the minimum lot size for the subject zoning district.

Lot Width

The minimum lot width for the subject zoning district is 90 feet, which all 13 lots exceeds the minimum lot width.

Adjoining Street System and Block Length

KMC Subsection 14.10.070(a) states the arrangement of streets in the new subdivision shall make provisions for the continuation of the principal existing streets in adjoining areas. In the aforementioned subsection, it also states the street arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. The subject parcel abuts Devray Street (to the north and south), Wortham Avenue, and Strawberry Road. The applicant states that the extension of Wortham Avenue through the subdivision gives adequate access to all properties created and adjoining removing pressure to access adjoining lots from Kenai Spur Highway as the reason for the request to waive the 60-foot rights-of-way dedication for the continuation of Devray Street. In addition, the applicant states that not connecting Devray Street removes congestion potential of traffic backup on Strawberry Road onto Kenai Spur Highway. The waiver of the right-of-way dedication of Devray Street would require the waiver of exceeding the maximum block length of 1,400 linear feet by approximately ± 300 linear feet. KMC Subsection 14.10.080(d)(1) states that no block shall be longer than 1,400 feet and where blocks are longer than 1,000 feet, a crosswalk at least 10 feet in width may be required near the center of the block.

When requesting for variations and exceptions to the KMC Chapter 14.10 *Subdivision Regulations*, the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the regulations would result in real difficulties, substantial hardship or injustice. Staff finds that the requirement of the 60-foot right-of-way dedication of Devray Street would not impose a substantial hardship or injustice. The right-of-way dedication would allow more convenient access from Kenai Spur Highway to the subject subdivision as well as several subdivisions to the north such as Three W's Subdivision Addition No. 1, Hornaday Property Survey, Strawberry Fields Forever Addition No. 2, and Strawberry Fields Forever Addition No. 3.

With the requested exception, it would leave the existing dedicated Devray Street to have dead ends that do not meet the current standards, which shall terminate into an open space (preferable circular) having a minimum radius of 50 feet.

Public Water and Sewer

KMC Subsections 14.10.080(e) and (f), states that in subdivisions of 10 or more lots, an approved public water supply and sewer lines shall be provided/installed to serve each lot. This is not feasible as there are no City water and sewer connections in the surrounding area. Therefore, these standards require exceptions to the provisions. It would meet the intent for exceptions as it would cause a substantial hardship or burden on the development of this subdivision.

Summary

Staff finds that the proposed preliminary plat meets the following Title 14 of Kenai Municipal Code (KMC) sections.

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, and on-site water system and wastewater treatment/disposal system will be subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed parcel meet City standards for minimum lot sizes in the subject zoning district.

3. Pursuant to KMC 14.24.020 *General Requirements*, the proposed parcel meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

Staff does not find that the proposed preliminary plat meets the following Title 14 of Kenai Municipal Code (KMC) section.

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat does not meet the dedicated right-of-way for the continuation of the existing streets in adjoining areas and maximum block length of 1,400 linear feet. The request for the exception could potentially remove traffic congestion in exchange for convenient and additional access to surrounding subdivisions. The requested exception does not demonstrate a substantial hardship or injustice.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for Strawberry Hill Estates 2023 Addition generally meets the general standards of Kenai Municipal Code, Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-16 to Kenai Peninsula Borough, subject to the following conditions.

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

ATTACHMENTS

Aerial Map
Application with Certificate of Plat
Preliminary Plat, Strawberry Hill Estates 2023 Addition



PRELIMINARY PLAT
Resolution No. PZ2023-16
801 Devray Street
KPB Parcel ID: 04951027



N



Map for Reference Only
NOT A LEGAL DOCUMENT

0 165 330 660 Feet



Preliminary Plat Submittal Form

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

APPLICANT (SURVEYOR)

Name:	McLane Consulting						
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-283-4218						
Email:	JHALL@MCLANECG.COM						

PROPERTY OWNER

Name:	David & Tracey Bunts						
Mailing Address:	PO BOX 226	City:	Sterling	State:	AK	Zip Code:	99672
Phone Number(s):							
Email:							

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04951027					
Current City Zoning:	Rural Residential					
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial			
	<input type="checkbox"/> Other:					
Water:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community			
Sewer:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community			

PLAT INFORMATION

Preliminary Plat Name:	Strawberry Hill Estates 2023 Addition					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No			
Street Name (if vacating ROW):						

Exceptions Required and Requested:

KPB 20.30.170 Block Length
KPB 20.30.030(A) Street Layout

Comments:

Extension of Wortham Ave through the subdivision gives adequate access to all properties created and adjoining removing pressure to access adjoining lots from Kenai Spur Hwy. Not connecting Devray Street removes congestion potential of traffic backup on Strawberry Rd onto Kenai Spur Hwy.

REQUIRED ATTACHMENTS

Certificate to Plat (1) 24" x 36" Plat (2) 11" x 17" Plats

SIGNATURE

Signature:		Date:	5-4-2023
Print Name:	DAVID BUNTS	Title/Business:	



Planning Department

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

PRELIMINARY PLAT SUBMITTAL FORM

- PRELIMINARY PLAT REVISED PRELIMINARY PLAT (no fee required) PHASED PRELIMINARY PLAT
- PRELIMINARY PLAT FOR PRIVATE STREETS/GATED SUBDIVISION – all requirements of chapter 20, excluding 20.30.210 and 20.50 apply and must be met.

SUBDIVISION PLAT NAME: must be a unique name, contact staff for assistance if needed.

Strawberry Hill Estates 2023 Addition

PROPERTY INFORMATION:

Legal description: SUBDIVISION OF (S1/2 SE1/4) EAST OF THE K-SPUR HWY, S6, T5N, R10W, SM, AK EXCEPTING PLAT No. 73-6, 83-284, 75-24, 78-87, 72-63, 89-9, 84-111, WD B79, PG 314, KR D

Section: 6 Township: 5N Range: 10W

General area description Strawberry Rd and Kenai Spur Hwy

City (if applicable): Kenai Total Acreage: 16.466

SURVEYOR

Company: McLane Consulting, Inc.	Contact Person: James Hall
Mailing Address: PO BOX 468	City, State, Zip Soldotna, AK 99669
Phone: 907-283-4218	e-mail: jhall@mcclanecg.com

PROPOSED WASTEWATER AND WATER SUPPLY

WASTEWATER: on site City community WATER: on site City community

SUBMITTAL REQUIREMENTS

A preliminary plat application will be scheduled for the next available plat committee meeting after a complete application has been received.

- 1 – full size paper copy
- 3 – reduced sized drawing (11 x 17)
- Preliminary plat **NON-REFUNDABLE** submittal fee \$400
- City Planning Commission minutes when located within city limits or Bridge Creek Watershed District
- Certificate to plat for **ALL** parcels included in the subdivision
- Documentation showing proof of signatory authority (partnerships, corporations, estates, trusts, etc.)
- ALL** requirements of KPB 20.25.070 (see page 2 for checklist) and KPB 20.25.080

EXCEPTIONS REQUESTED TO PLATTING CODE: Complete the EXCEPTION REQUEST APPLICATION and attach to the preliminary plat submittal.

APPLICANT: SIGNATURES OF ALL LEGAL PROPERTY OWNERS ARE REQUIRED. Additional signature sheets can be attached. When signing on behalf of another individual, estate, corporation, LLC, partnership, etc., documentation is required to show authority of the individual(s) signing. Contact KPB staff for clarification if needed.

OWNER(s)

Name (printed): <i>DAVID BUNTS</i>	Signature: <i>David Bunts</i>
Phone: <i>907-398-4781</i>	e-mail: <i>dauid@sterlingcustomhomes.net</i>

Name (printed): <i>Tracy Bunts</i>	Signature: <i>Tracy Bunts</i>
Phone: <i>907-398-4736</i>	e-mail: <i>tbunts@alaska.net</i>

Name (printed):	Signature:
Phone:	e-mail:

Name (printed):	Signature:
Phone:	e-mail:

FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____

Stewart Title of the Kenai Peninsula, Inc.

35681 Kenai Spur Hwy., Unit B
Soldotna, AK 99669
Tel: (907) 260-8031 Fax: (907) 260-8036

Amendment No. 1: Change effective date

CERTIFICATE TO PLAT

McLane Consulting, Inc.
PO Box 468
Soldotna, AK 99669
Attention: James Hall

File Number: 21301
Premium: \$250.00
Tax:

Gentlemen:

This is a certificate as of July 06, 2023 at 8:00 A.M. for a plat out of the following property:

That certain parcel of land located in the South one-half of the Southeast one-quarter (S1/2SE1/4) lying East of the Kenai Spur Highway, in Section 6, Township 5 North, Range 10 West, Seward Meridian, in the records of the Kenai Recording District, Third Judicial District, State of Alaska.

EXCEPTING THEREFROM:

Hornaday Property Survey, according to Plat No. 73-6, Kenai Recording District, Third Judicial District, State of Alaska;

Strawberry Hill Estates, according to Plat No. 83-284, Kenai Recording District, Third Judicial District, State of Alaska;

Tracts E and C Davidson Homestead, according to Plat No. 75-24, Kenai Recording District, Third Judicial District, State of Alaska;

Tracts B-1 and F Davidson Homestead, according to Plat No. 78-87, Kenai Recording District, Third Judicial District, State of Alaska;

Tract A Davidson Homestead, according to Plat No. 72-63, Kenai Recording District, Third Judicial District, State of Alaska;

Strawberry Hill Estates Johnisee Addition, according to Plat No. 89-9, Kenai Recording District, Third Judicial District, State of Alaska;

Myers/Strawberry Road Right of Way Map, according to Plat No. 84-111, Kenai Recording District, Third Judicial District, State of Alaska;

That portion conveyed by Corrected Warranty Deed recorded August 23, 1974 in Book 79 at Page 314;

FURTHER EXCEPTING THEREFROM, any portion lying within the rights-of-way of any and all public or private roads and highways.

The Company certifies that record title is vested in

David Bunts and Tracey Bunts

an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **RESERVATIONS AND EXCEPTIONS** as contained in Mineral Patent from the United States of America to the State of Alaska
Recorded: September 27, 1982
Volume/Page: 194/781

FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.

3. **TAXES AND ASSESSMENTS**, if any due the taxing authority indicated:
Taxing Authority: City of Kenai
4. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
5. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: June 5, 1968
Volume/Page: Misc. 31/124
Granted To: Homer Electric Association, Inc.
Affects: General Easement, no definite location disclosed

Stewart Title of the Kenai Peninsula, Inc.

By



AUTHORITY: 1-1-01

Terri Cotterell
Authorized Signator

NOTE: We will update this certificate to comply with Kenai Peninsula Borough Ordinance 90-38 upon notification from surveyor.

CERTIFICATE OF ACCEPTANCE

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

BY: _____ DATE _____
CITY MANAGER, CITY OF KENAI

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOP THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAVID BUNTS
PO BOX 226, STERLING, AK 99672

TRACEY BUNTS
PO BOX 226, STERLING, AK 99672

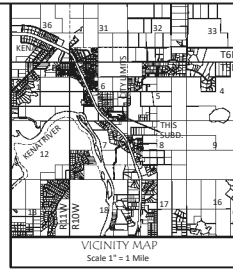
NOTARY'S ACKNOWLEDGEMENT

FOR: DAVID & TRACEY BUNTS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023
MY COMMISSION EXPIRES _____
NOTARY PUBLIC FOR THE STATE OF ALASKA

WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CODY R. McLANE C.E. 11510 AK DATE _____



- LEGEND**
- FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 1/2" REBAR
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP #5032-S
 - - - CONTOUR INTERVAL = 4'

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. THE FRONT 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT HEREBY GRANTED.
 3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 4. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
 5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
 6. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
 7. THIS PARCEL MAY BE AFFECTED BY AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON LINE S, 1968 IN MISC. BOOK 31, PAGE 124, KR0, LOCATION NOT DEFINED.

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	9°58'11"	330.00	55.50	N 85° 07' 08" W	55.44
C2	43°28'46"	330.00	250.42	N 68° 14' 50" W	244.46
C3	10°39'20"	270.00	50.21	S 51° 50' 07" E	50.14
C4	32°04'52"	370.00	78.02	N 06° 01' 38" W	77.87
C5	32°49'26"	270.00	54.68	N 73° 34' 30" W	53.57
C6	19°54'54"	330.00	111.00	N 82° 29' 48" W	103.59
C7	57°27'27"	330.00	30.47	N 68° 09' 35" W	30.40
C8	8°35'55"	230.00	34.52	N 63° 06' 54" W	34.48
C9	28°39'44"	230.00	113.95	N 42° 37' 20" W	113.79
C10	1°01'07"	430.00	7.65	N 27° 55' 08" W	7.65
C11	27°25'20"	430.00	205.80	N 13° 41' 53" W	203.84
C12	16°21'37"	370.00	105.65	S 20° 14' 54" E	105.29
C13	36°59'09"	170.00	109.74	S 46° 55' 17" E	107.84
C14	24°34'22"	270.00	115.80	S 77° 42' 02" E	114.91

Plat #

Noted _____
Date _____
Time _____

STRAWBERRY HILL ESTATES 2023 ADDITION
SUBDIVISION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2, SE1/4) LYING EAST OF THE KENAI SPRING HIGHWAY, SECTION 6, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA EXCEPTING PLAT NO. 73-6, 83-284, 75-214, 74-818, 72-63, 89-5, 84-111, WARRANTY DEED BOOK 79, PAGE 314 KENAI RECORDING DISTRICT, AND ANY PORTION LYING WITHIN THE RIGHTS-OF-WAY OF ANY AND ALL PUBLIC OR PRIVATE ROADS AND HIGHWAYS.

DAVID BUNTS
PO BOX 226
STERLING, AK 99672

TRACEY BUNTS
PO BOX 226
STERLING, AK 99672

16.666 AC ± SITUATED IN THE SE1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, AK, THE CITY OF KENAI, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

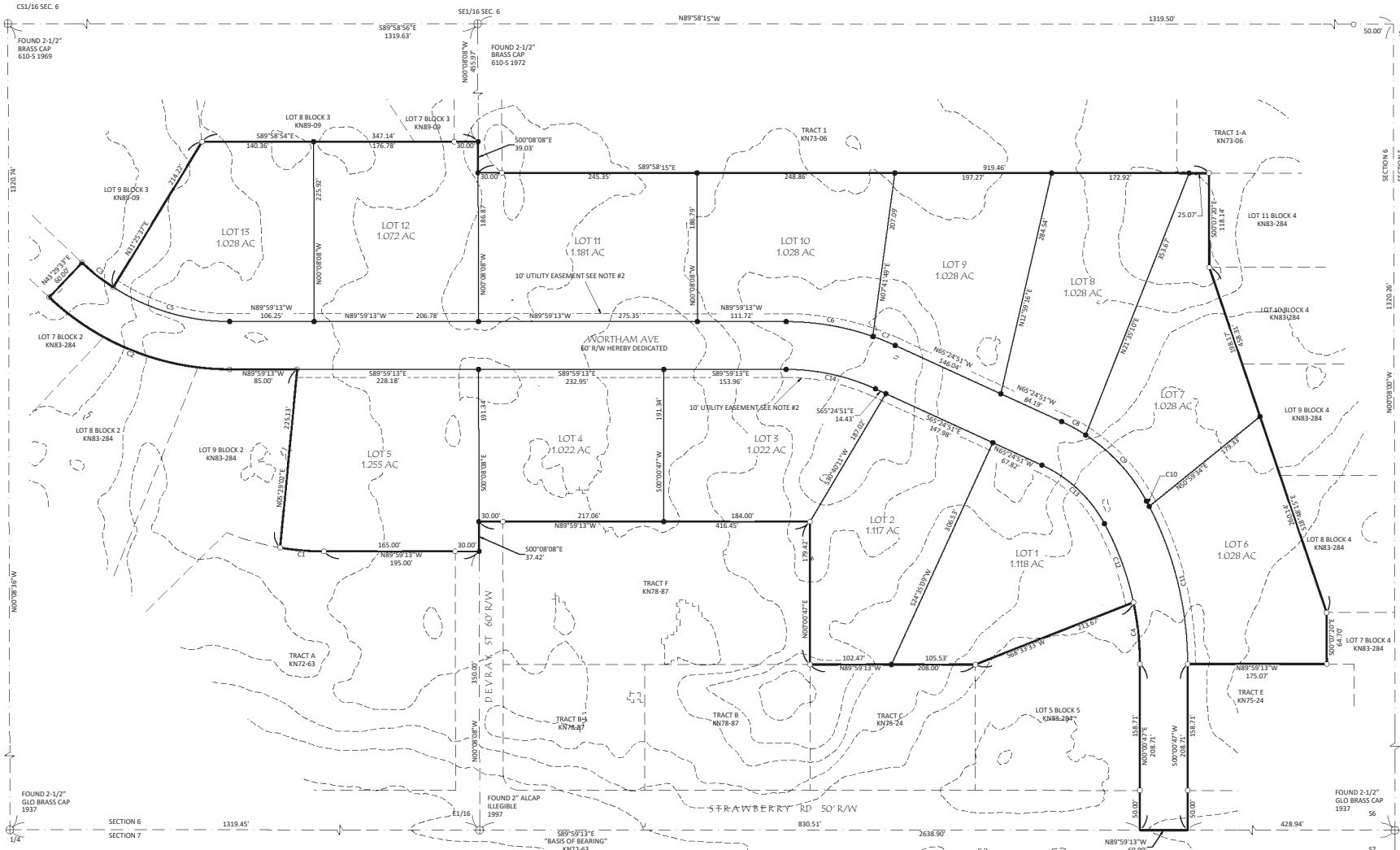
PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2023.

AUTHORIZED OFFICIAL _____

ENGINEERING - TESTING SURVEYING - MAPPING
W.L.M.C. CONSULTING, INC.
P.O. BOX 488
SOLDOTNA, AK 99669
VOICE: (907) 283-4215
FAX: (907) 283-0261
WWW.MCLANECC.COM

KPB File No. 2023-xxxx
Project No. 22.0002

Scale: 1" = 60'
Date: JAN 2023
Book No.: 22-04
Drawn by: JAH



Shellie Saner

From: AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>
Sent: Thursday, August 10, 2023 12:19 PM
Cc: Sawyer, Jane Preston (CED); Craig, Carrie D (CED); CED AMCO Enforcement (CED sponsored)
Subject: Marijuana retail walk-up/drive through exterior window pick-up
Attachments: ExteriorWindowPickup.pdf

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

The Lt. Governor's office has filed the regulations of the Alcohol and Marijuana Control Office (AMCO) that allows for exterior walk-up and drive through window pick-up at marijuana retail establishments. The changes to regulations are found in 3 AAC 306.005; 306.300 - .310; 306.350; 306.380; and 306.995 (attached).

3 AAC 306.380(a) states that *"Unless prohibited by local law, a licensed retail marijuana store may serve a consumer through a walk-up or drive-through exterior window in compliance with the requirements of this section."*

This is your notice that local governments may pass an ordinance to prohibit or restrict this activity. If your Council or Assembly do pass such an ordinance, please forward it to us at AMCO.

- Existing licensed retailers who apply for an exterior pick-up window will need to fill out a new form with AMCO (MJ-31) and must have it approved by the local governing body.
- New retail applicants who apply for a license and want to include an exterior pick-up window will include it in their premises diagram as well as their security and operating plan on the updated MJ-02 and MJ-03 form respectively.

Please contact our office if you have any questions.

Gabriel Gonzales
Local Government Specialist
DCCED - Alcohol and Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501
(907) 334-2195
gabriel.gonzales@alaska.gov

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 14, 2023

RE: Filed Permanent Regulations: Alcohol and Marijuana Control Office

Department of Commerce, Community, and Economic Development, Alcohol and Marijuana Control Office regulations re: Exterior Window Pickup (3 AAC 306.005; 306.300-.310; 306.350; 306.380; 306.995)

Attorney General File:	2022200505
Regulation Filed:	7/14/2023
Effective Date:	8/13/2023
Print:	247, October 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jane P. Sawyer, Regulations Specialist
Kristina Serezhenkov, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

July 13, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: 2022200505 – Department of Commerce,
Community, and Economic Development,
Alcohol and Marijuana Control Office – 3 AAC
306.005; 306.300-.310; 306.350; 306.380;
306.995: Non-APA Personnel Board - Exterior
Window Pickup.

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Alcohol and Marijuana Control Office against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The regulations implement permanent changes to authorize the use of exterior service windows for the purchase and pick of marijuana and marijuana products. The regulations also repeal expired emergency regulations authorizing the same activities.

The regulations were adopted by the Department on January 5, 2023, after the close of the public comment period. Supplemental public notice was issued on January 19, 2023, to account for changes made to the regulations after the close of the public notice period. The board certified the adoption of the amended regulations on June 13, 2023.

To: The Honorable Nancy Dahlstrom
Our file: 2022200505

July 13, 2023
Page 2 of 2

The October 25, 2022, public notice, January 19, 2023, supplemental public notice, and the June 13, 2023, certification order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections in accordance with AS 44.62.060. The corrections are shown on the attached copy of the regulations.

Sincerely,

TREG R. TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Digitally signed by
Rebecca C. Polizzotto
Date: 2023.07.13
13:44:18 -08'00'
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP:kmd

CC w/enclosure: Joan Wilson, Executive Director AMCO
Department of Commerce, Community, and Economic
Development

Kevin Higgins, Sr. Assistant Attorney General
Department of Law

Kevin Dilg, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF MARIJUANA CONTROL BOARD

The attached ^{five} ~~six~~ pages of regulations, dealing with exterior window pick-up, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its June 1, 2023 meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date:

June 13, 2023

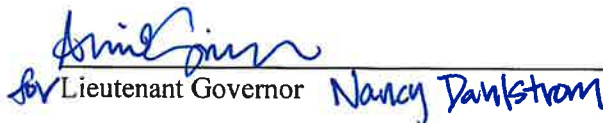

Joan M. Wilson, Director

FILING CERTIFICATION

April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

July 14, 2023 at 1:02 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dahlstrom

Effective:

August 13, 2023

Register:

247, October 2023.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

3 AAC 306.005(1) is amended to read:

(1) a retail marijuana store license, granting authority for activities allowed under AS 17.38.070(a), and subject to the provisions of 3 AAC 306.300 - 3 AAC 306.380 [3 AAC 306.300 - 3 AAC 306.370] and 3 AAC 306.700 - 3 AAC 306.770;

(Eff. 2/21/2016, Register 217; am 10/17/2018, Register 228; am 9/1/2021, Register 239; am

8 / 13 / 2023, Register 247)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.305(a)(1) is amended to read:

(1) sell marijuana purchased from a licensed marijuana cultivation facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.470, and 3 AAC 306.475 in an amount not exceeding the limit set out in 3 AAC 306.355, to an individual on the licensed premises or as permitted under 3 AAC 306.380 [3 AAC 306.995] for consumption off the licensed premises;

3 AAC 306.305(a)(2) is amended to read:

(2) sell a marijuana product purchased from a licensed marijuana product manufacturing facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.565, and 3 AAC 306.570, in a quantity not exceeding the limit set out in 3 AAC 306.355, to an

individual on the licensed premises or as permitted under 3 AAC 306.380 [3 AAC 306.995] for consumption off the licensed premises;

(Eff. 2/21/2016, Register 217; em am 4/17/2020 - 8/14/2020, Register 234; am 11/24/2020,

Register 236; am 8 / 13 / 2023, Register 247)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.310(a)(5) is repealed:

(5) repealed 8 / 13 / 2023 ;

(Eff. 2/21/2016, Register 217; am 4/11/2019, Register 230; em am 4/17/2020 - 8/14/2020,

Register 234; am 11/24/2020, Register 236; am 8 / 13 / 2023, Register 247)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.315(a)(2)(A) is amended to read:

(A) each applicable provision of 3 AAC 306.300 - 3 AAC 306.380 [3 AAC 306.300 - 3 AAC 306.370] and 3 AAC 306.700 - 3 AAC 306.770;

(Eff. 2/21/2016, Register 217; am 7/27/2017, Register 223; am 1/22/2023, Register 245; am

8 / 13 / 2023, Register 247)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200

AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.350(a) is amended to read:

3 AAC 306.350. Identification requirement to prevent sale to person under 21. (a) A retail marijuana store shall refuse to sell marijuana or a marijuana product or complete a walk-up or drive-through exterior window order of marijuana or marijuana product to a person who does not produce a form of valid photographic identification showing that person is 21 years of age or older.

(Eff. 2/21/2016, Register 217; am 9/24/2021, Register 239; am 8 / 13 / 2023, Register 247)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.380. Walk-up or drive-through exterior window pick-up for retail marijuana stores. (a) Unless prohibited by local law, a licensed retail marijuana store may serve a consumer through a walk-up or drive-through exterior window in compliance with the requirements of this section.

(b) Before accepting orders for sales of marijuana or marijuana products through a walk-up or drive-through exterior window, a licensed retail marijuana store shall submit an operating

plan or modification of an operating plan of the licensed premises to the board for approval. The operating plan or modified operating plan must depict the walk-up or drive-through exterior window area and the video surveillance of the walk-up or drive-through exterior window area.

(c) The area immediately outside a walk-up or drive-through exterior window must be under the licensee's sole possession and control and may not include any public property including public streets, public sidewalks, or public parking lots.

(d) The licensed retail marijuana store may accept Internet or telephone orders or may accept orders from the consumer at the walk-up or drive-through exterior window. Internet or telephone orders must be paid for and picked up in person by the consumer placing the order. All orders received through the walk-up or drive-through exterior window must be placed by the consumer from a menu. The retail marijuana store may not display marijuana or marijuana products at the walk-up or drive-through exterior window.

(e) Before completing a sale at a walk-up or drive-through exterior window, the licensee or the employee shall physically view and inspect the consumer's photographic identification. Each person in a vehicle at the drive-through exterior window must be 21 years of age or older, unless the person is the consumer's own child, grandchild, or ward who is not older than seven years of age seated or otherwise required by local or state law to be seated in a car seat or booster seat.

(f) All sales must occur within the licensed premises. This requirement is satisfied if payment is made through the following means:

- (1) by an electronic Internet-based payment platform;
- (2) by a mobile payment point-of-sale system;

(3) by payment transferred through the walk-up or drive-through exterior window into the interior of the retail marijuana store.

(g) A walk-up or drive-through exterior window area must be located so as to minimize compromises to security. For every transfer of marijuana or marijuana product through a walk-up or drive-through exterior window, the licensed retail marijuana store’s video surveillance must enable the recording of the licensee or the employee verifying the consumer’s photographic identification and the completion of the transaction.

(h) The licensee shall ensure that sales and all interactions at the walk-up or drive-through exterior window are video recorded and the records are stored in compliance with 3 AAC 306.720.

(i) Sales of marijuana or marijuana products via a walk-up or drive-through exterior window are subject to requirements and restrictions imposed by the relevant local government.

(Eff. 8 / 13 / 2023, Register 247)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.995 is repealed:

3 AAC 306.995. Internet and phone orders. Repealed. (Eff. 4/17/2020, Register 234; am 8/23/2020, Register 235; am 11/24/2020, Register 236; repealed 8 / 13 / 2023, Register 247)



Kenai City Council - Regular Meeting

August 02, 2023 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

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

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

E. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3364-2023** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Capital Project Fund for Replacement of an Existing Cemetery Creek Culvert with a Fish Passage Culvert. (Administration) [*KMC 1.15.070(d)*]
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Enactment (Requires Five Affirmative Votes)
2. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-48** - Approving Development Incentives for a Lease of the Airport Reserve Lands Between the City of Kenai and Schilling Rentals, LLC on Lot 3, Block 1, General Aviation Apron No. 1 Amended. (Administration)
3. **POSTPONED TO 9/6/2023. Resolution No. 2023-49** - Declaring the Rights-of-Way of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KK 79-156) are No Longer Needed for a Public Purpose and Consenting to Vacation of the Rights-of-Way. (Administration)

F. MINUTES

1. *Regular Meeting of July 5, 2023. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Assignment and Assumption of Lease Agreement of Lot 5, Block 1, Gusty Subdivision Addition No. 1 Amended to Braden Ellis. (Administration)
3. ***Action/Approval** - Amending an Employment Agreement between the City of Kenai and City Manager, Terry Eubank. (Gabriel)
4. ***Ordinance No. 3365-2023** - Increasing Estimated FY2023 Revenues and Appropriations in the General Fund - Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
5. ***Ordinance No. 3366-2023** - Increasing Estimated Revenues and Appropriations in the General Fund - Planning Department to Complete Rezoning of the Kenai Waterfront Area as Identified in the 2022 Kenai Waterfront Revitalization Assessment. (Knackstedt)
6. ***Ordinance No. 3367-2023** - Increasing Estimated Revenues and Appropriations in the General Fund - Street Department for Award of a Contract to Replace Public Sidewalk at 815 Frontage Road. (Administration)
7. **UNANIMOUSLY APPROVED DIRECTION TO ADMINISTRATION. Discussion/Action** - Commission, Committee and Council on Aging Direction. (Gabriel)
8. **Discussion/Action** - Radio Advertising. (Douthit)

I. COMMISSION / COMMITTEE REPORTS

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

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

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

Join Zoom Meeting

<https://us02web.zoom.us/j/83085079211>

Meeting ID: 830 8507 9211 **Passcode:** 428997

OR

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

Meeting ID: 830 8507 9211 **Passcode:** 428997



Kenai City Council - Regular Meeting

August 16, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
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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*)

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

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

E. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3365-2023** - Increasing Estimated FY2023 Revenues and Appropriations in the General Fund - Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3366-2023** - Increasing Estimated Revenues and Appropriations in the General Fund - Planning Department to Complete Rezoning of the Kenai Waterfront Area as Identified in the 2022 Kenai Waterfront Revitalization Assessment. (Knackstedt)
3. **ENACTED WITHOUT OBJECTION. Ordinance No. 3367-2023** - Increasing Estimated Revenues and Appropriations in the General Fund - Street Department for Award of a Contract to Replace Public Sidewalk at 815 Frontage Road. (Administration)
4. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-51** - Approving an Amendment to the Lease for a Portion of Lot 3, Block 17, Original Townsite of Kenai Between the City of Kenai and Peninsula Art Guild, Inc. to Accommodate an Existing and Proposed New Shed. (Administration)
5. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-52** - Authorizing a Contract Award and Corresponding Purchase Order for the Cemetery Phase 2 Fencing Project. (Administration)

F. MINUTES

1. *Regular Meeting of August 2, 2023. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Recommending the Kenai Peninsula Borough Assembly Appoint Kenai City Clerk, Shellie Saner to the Kenai Peninsula Borough Voter Turnout Working Group. (Gabriel)
3. ***Ordinance No. 3368-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Operations Facility Capital Funds to Provide Supplemental Funding for the Kenai Municipal Airport Operations Facility Boiler and HVAC Controls Replacement Project. (Administration)
4. **APPROVED WITHOUT OBJECTION. Action/Approval** - Approving Official Bond Amounts for City Manager, City Clerk and Finance Director. (Administration)

I. COMMISSION / COMMITTEE REPORTS

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

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

1. **Resolution No. 2023-49** - Declaring the Rights-of-Way of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156) are No Longer Needed for a Public Purpose and Consenting to Vacation of the Rights-of-Way. (Administration) [*At the 08/02/23 meeting, this item was postponed to 09/06/23.*]

O. ADJOURNMENT

P. INFORMATION ITEMS

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

Join Zoom Meeting

<https://us02web.zoom.us/j/87126614375>

Meeting ID: 871 2661 4375 **Passcode:** 146181

OR

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

Meeting ID: 871 2661 4375 **Passcode:** 146181



Planning Commission Agenda

ACTION

August 14, 2023– 7:30 PM

Regular Meeting

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

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

Vacant, Vice Chair

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

Diane Fikes
City of Kenai
Term Expires 2025

Charlene Tauffest
City of Soldotna
Term Expires 2024

Franco Venuti
City of Homer
Term Expires 2025

Vacant
City of Seward
Term Expires 2026

Pamela Gillham
Kalifornsky / Kasilof District
Term Expires 2026

Jeffrey Epperheimer
Nikiski District
Term Expires 2026

Dawson Slaughter
South Peninsula District
Term Expires 2025

ZOOM MEETING DETAILS

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

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A. CALL TO ORDER

- Appointment/Reappointment of Commissioners
- a. Pamela Gillham, Kalifornsky / Kasilof District
 - b. Jeffrey Epperheimer, Nikiski District

B. ROLL CALL

- Election of Officers
- Chair
 - Vice Chair

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

- *1. **Time Extension Request – None**
- *2. **Planning Commission Resolutions – None**
- *3. **Plats Granted Administrative Approval**
 - a. Jeanwood Estates Adcock Addition; KPB File 2020-055
 - b. Leisure Time Estates Ivy Replat; KPB File 2022-130
 - c. Madson Subdivision Trust Land Survey 2020-01; KPB File 2021-164
 - d. McCall Subdivision 2022 Replat; KPB File 2022-166
 - e. Niniichik Townsite Vanek 2023 Replat; KPB File 2022-182
 - f. Roan Walden Chalets at Johnstone Bay; KPB File 2020-060
 - g. Steven Oberts Subdivision No. 1; KPB File 2021-141

- *4. **Plats Granted Final Approval**
 - a. Moose Range Meadows South Thiede Replat; KPB File 2023-006
- *5. **Plat Amendment Request – None**
- *6. **Commissioner Excused Absences**
 - a. City of Seward, Vacant
- *7. **Minutes**
 - a. July 17, 2023 PC Meeting Minutes

Motion to approve the consent agenda and the regular agenda passed by unanimous vote. (8-Yes, 1-Vacant)

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. Conditional Use Permit; PC Resolution 2023-27
 Petitioner: Alaska Rail Road Corporation
 Request: Place rip rap on the Alaska Rail Road right-of-way within the 50-foot Habitat Protection District of the Snow River
 Location: T03N R01E SEC01 S.M. SW That Portion of Chugach National Forest Lying within T03NR01E Excluding Kenai Lake & All US Surveys
 Moose Pass Area

Motion to adopt PC Resolution 2023-27 granting a conditional use permit for the placement of rip rap within the 50-foot Habitat Protection District of the Snow River passed by unanimous vote. (8-Yes, 1-Vacant)

2. Building Setback Encroachment Permit; KPB File 2023-068
 Petitioners/Landowners: Henry & Susan Novak
 Surveyor: None
 Request: Permits a high tunnel to remain the 20' setback
 Location: Block 3, Tract B-5A, Tolum Subdivision No. 5, Plat KN 2002-17
 Cohoe Area

Motion to adopt PC Resolution 2023-20, granting a building setback encroachment permit to Lot B-5A of Tolum Subdivision No. 5, Plat KN 2002-17 passed by unanimous vote (8-Yes, 1-Vacant).

3. Building Setback Encroachment Permit; KPB File 2023-071
 Petitioner/Landowner: Ryan K. Hall
 Surveyor: Ability Surveys
 Request: Permits an approximately 13.6' encroachment to remain in the 20' setback
 Location: Block 2, Lot 3, Puffin Acres Subdivision, Plat HM 85-122
 Kachemak Area

Motion to adopt PC Resolution 2023-21, granting a building setback encroachment permit to Lot 3, Puffin Acres Subdivision, Plat HM 85-122, passed by unanimous vote (8-Yes, 1-Vacant).

4. Building Setback Encroachment Permit; KPB File 2023-072
Petitioners/Landowners: Alexander & Sherry Kime
Surveyor: Peninsula Surveying
Request: Permits a house to remain in the 20' building setback
Location: Tract E, Quartz Creek Subdivision, Plat SW 94-11
Cooper Landing Area / Cooper Landing APC

Motion to grant a building setback encroachment permit to Tract E, Quartz Creek Subdivision, Plat SW 94-11 passed by unanimous vote (8-Yes, 1-Vacant).

5. Building Setback Encroachment Permit; KPB File 2023-075
Petitioner/Landowner: James Zwack
Surveyor: Johnson Surveying
Request: Permits a house to remain in the 20' building setback
Location: Block 2, Lot 1, Foster Lake Subdivision Amended, Plat KN 85-63
Sterling Area

Motion to adopt PC Resolution 2023-24, granting a building setback encroachment permit to Block 2, Lot 1, Foster Lake Subdivision Amended, Plat KN 85-63, passed by unanimous vote (8-Yes, 1-Vacant)

6. Building Setback Encroachment Permit; KPB File 2023-076
Petitioners/Landowners: Michael Wykis & Karen Hummel
Surveyor: None
Request: Permits a garage to be constructed in the 20' building setback
Location: Block 3, Lot 2, Big Eddy Subdivision, Plat KN 72-14
Ridgeway Area

Motion to grant a building setback encroachment permit to Block 3, Lot 2, Big Eddy Subdivision, Plat KN 72-14, passed by unanimous vote (8-Yes, 1-Vacant).

7. Building Setback Encroachment Permit; KPB File 2023-083
Petitioner/Landowner: Fraternal Order of the Eagles Aerie #431
Surveyor: Segesser Surveys
Request: Permits construction of an addition to an existing structure in the
20' building setback
Location: Lot 22, Cohoe Corners, Plat KN 85-118
Cohoe Area

Motion to grant a building setback encroachment permit to Lot 22, Cohoe Corners, Plat KN 85-118, failed by majority vote (7-No, 1-Yes, 1-Vacant).

Motion to attach findings 1-5, 7 & 8 from the staff report in support of the denial passed by majority vote (7-No, 1-Yes, 1-Vacant).

8. Right-Of-Way Vacation; KPB File 2023-069V
Petitioners: Brittany Sanmartin & Olen Moyer
Surveyor: None
Request: Vacate an approximate 60' X 343' portion of Kayeway Road
Kalifornsky Area

***No Action Required – petition was withdrawn**

Public Hearing: Legislative Matters

- 9. Ordinance 2022-19-80: Appropriating funds for the Land Trust Fund to account for the transfer of real property assets to the Land Trust Fund that were originally acquired with Central Emergency Service FY23 capital project funds.

Motion to forward to the Assembly a recommendation to adopt Ordinance 2022-19-80 passed by unanimous vote (8-Yes, 1-Vacant).

- 10. Ordinance 2023-19-12: Appropriating \$175,000 from the General Fund balance for a professional study concerning high water issues in the K-Beach area.

Motion to forward to the Assembly a recommendation to adopt Ordinance 2023-19-12 Appropriating \$175,000 from the General Fund balance for a professional study concerning high water issues in the K-Beach area and to use \$25,000 of this amount to purchase water monitoring equipment, passed by unanimous vote (8-Yes, 1-Vacant).

F. PLAT COMMITTEE REPORT - Plat Committee will review 9 preliminary plats

G. OTHER (No Public Hearing)

- a. Plat Committee for Aug-Sept-Nov-Dec

H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, August 28, 2023** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **7:30 p.m.**

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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



Plat Committee Agenda

ACTION

August 14, 2023– 5:30 PM

Regular Meeting

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

Jeremy Brantley, Chair
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Funny River District
Term Expires 2024

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Cooper Land / Hope
Eastern Peninsula District
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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

***1. Agenda**

***2. Member Excused Absences**

***3. Minutes**

- a. July 17, 2023 Plat Committee

***4. Grouped Plats**

- 3. Cooper Subdivision 2023 Replat; KPB File 2023-082
- 5. Tustumena Terraces 2023 Replat; KPB File 2023-080
- 7. Folz Subdivision 2023 Replat; KPB File 2023-085
- 9. Diamond Willow Kenai Wellness Estates Addition; KPB File 2023-079

Motion to approve the agenda and the minutes from the July 17, 2023 Plat Committee meeting passed by unanimous vote (4-Yes).

D. UNFINISHED BUSINESS - None

E. NEW BUSINESS

1. **Annette's Subdivision; KPB File 2023-086**

Seabright Surveying / Bellamy
Location: Halibut Cove TRL REM SW
Halibut Cove Area

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

Motion to grant the exception request to KPB 20.30.210 – Lots, Access to Streets passed by unanimous vote (4-Yes).

2. **Barefoot Acres; KPB File 2023-073**

Ability Surveys / Jackson, Anna Marie Jackson Revocable Living Trust
Location: East End Road
Kachemak City

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

Motion to grant the exception request to KPB 20.30.190(A) Lot Dimensions 3:1 depth to width for lots two & three passed by unanimous vote (4-Yes).

Motion to grant the exception request to KPB 20.30.120 - Street Width Requirements, passed by unanimous vote (4-Yes).

3. **Cooper Subdivision 2023 Replat; KPB File 2023-082 (Grouped Plats)**

Geovera, LLC / Trieweiler, Ryan
Location: On Alder Lane Off East End Road
City of Homer

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

4. **Shipleigh Subdivision; KPB File 2023-070**

Segesser Surveys / Shipleigh
Location: Denise Lake Drive
Ridgeway Area

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

Motion to grant the exception request to KPB 20.30.030(A) Proposed Street Layout Requirements passed by unanimous vote (4-Yes).

5. **Tustumena Terraces 2023 Replat; KPB File 2023-080 (Grouped Plats)**

Johnson Surveying / Ducker
Location: Terrace Drive & Burton Drive
Cohoe Area

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

6. **ASLS No. 2023-16 Anchors Aweigh North Subdivision; KPB File 2023-084**

McLane Consulting Group / State of Alaska
Location: Tall Tree Avenue & Sterling Highway
Happy Valley Area

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

Motion to grant the exception request to KPB 20.30.030 Proposed Street Layout Requirements & KPB 20.30.170 Block Length Requirements passed by unanimous vote (4-Yes).

Motion to grant the exception request to KPB 20.30.150(B) Street Intersection Requirements passed by unanimous vote (4-Yes).

7. Folz Subdivision 2023 Replat; KPB File 2023-085 (Grouped Plats)

McLane Consulting Group / ZPA, LLC
Location: MP 3 Seward Highway
Bear Creek Area

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

8. Oberts Silver Salmon Subdivision; KPB File 2023-081

McLane Consulting Group / Oberts
Location: Silver Salmon Drive
City of Kenai

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

Motion to grant the exception request to KPB 20.30.170 Block Length Requirements passed by unanimous vote (4-Yes).

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

9. Diamond Willow Kenai Wellness Estates Addition; KPB File 2023-079 (Grouped Plats)

McLane Consulting Group / Consolidated Development & Management, LLC
Location: Ciechanski Road & Virginia Drive
Kalifornsky Area

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

F. OTHER (No Public Hearing)

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

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CONTACT INFORMATION

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