



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

October 13, 2021 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda
5. *Excused Absences

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of September 8, 2021

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

*(Public comment limited to three (3) minutes per speaker;
thirty (30) minutes aggregated)*

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. **Action/Approval** - Approving the Execution of a Lease to Schilling Rentals for General Aviation Apron Sub No. 1 Amended Lot 2, Block 3.
2. **Action/Approval** - Approving Amendment to Kenai Municipal Code Section 14.05.025 to Provide for Remote Electronic Participation.

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS

- [1.](#) CUP Code Violation Letter - 1005 Angler Dr.
- [2.](#) CUP Code Violation Letter - 1025 Angler Dr.
- [3.](#) CUP Code Violation Letter - 701 N. Forest Dr.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. October 27, 2021

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

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/89716333995>

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

Meeting ID: 897 1633 3995 **Passcode:** 539935

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

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

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

Commissioners absent: D. Fikes

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

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as written and Commissioner Douthit **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Douthit **SECONDED** the motion. There were no objections; **SO ORDERED**.

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

5. *Excused absences – None

B. APPROVAL OF MINUTES

1. *Regular Meeting of August 25, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS

1. **Resolution No. PZ2021-34** – Recommending the Kenai City Council Amend Kenai Municipal Code 14.20.150-Conditional Use Permits, to Clarify Roles and Responsibilities of Applicants, the Planning Director, and the Planning Commission in the Conditional Use Process and Make Housekeeping Changes.

MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2021-34 and Commissioner Woodard **SECONDED** the motion.

Planning Director Foster explained that Ordinance No. 3243-2021 had been introduced by Council on September 1, 2021 and has a public hearing set for the September 15, 2021 Council meeting, and had been referred to the Planning & Zoning Commission for a public hearing and recommendation through Resolution No. PZ2021-34. He provided a staff report which reviewed the changes to the Conditional Use Permit (CUP) process being proposed, which are outlined in the memo.

Chair Twait opened for public hearing.

Vice Mayor Bob Molloy noted that as the Council sponsor of the ordinance, he wanted to listen to the Commission's discussion and hear any amendments they might make to it.

Rick Baldwin thanked the Commission, Vice Mayor Molloy and Planning Director Foster, and expressed support. He made an observation from previous meetings that CUP applicants may represent their business in one way and then pull a bait-and-switch by pushing the conditions to the limit. He recommended that the permit should reflect in writing all special restrictions or conditions under which the applicant proposes to operate, and also that the Planning Director should be responsible for smoking out people who may not abide by these limits at the beginning of the CUP process.

Rusty Huf expressed support for the ordinance, and noted that his problem with the CUP process is that the conditions of the permit aren't written in stone, and the applicant will surpass the conditions and there is little recourse for neighbors. He stated that he would like to see more teeth in the ordinance, which would specify that if an applicant is not following the conditions they

can be shut down. He noted that the CUP process is 35-40 years old and is glad that it is being updated.

Frances and Mark Eurick stated their support for the ordinance and recommendations shared by others during public comment, noting that the amendments will make the process more transparent and equitable.

Mary Jean Loveland expressed support for the ordinance and noted that they would like to see more checks and balances, such as an annual review to ensure the CUP owner is not surpassing the CUP conditions and requirements that they re-apply if they want to go beyond them.

Jim Richardson stated that he has been a property owner on Angler Drive for over 30 years, and that it has seen a significant increase in the number of CUPs issued. He noted that the Commission's actions have a big effect over time, and he supports these changes because previous conversations with City administration have not gone far enough to solve the problems he is concerned with.

Kristine Schmidt expressed support for the ordinance, noting that she had observed gaps in the CUP process that she is glad to see being addressed. She reiterated previous comments regarding a need for more defined parameters and that expanding their business activities should require re-application. She noted she would like to see more detail in the criteria such as defining what is consistent with the Comprehensive Plan, and also addressing the issue of subdivision covenants.

Greg Davis expressed support for the ordinance but stated that it needs teeth. He shared his experience living in the area and seeing an increase in the number of boats, and also noted that economic value will be difficult to determine because of seasonal changes.

Rick Baldwin noted that he would like to see some of the procedures clarified for Board of Adjustment hearings, and suggested a procedure manual that would explain how long people can talk.

Rusty Huf discussed the concept of a property's value. He stated that he resents the idea of the Planning Department deciding whether or not a CUP would impact economic value, as it is not for them to determine the value of his neighborhood. He also said he would like to see greater enforcement of CUP conditions, and that he does not approve of businesses starting in residential neighborhoods.

Barbara Baldwin addressed previous comments regarding Board of Adjustment procedures, noting that she would also like to see a representative from the Planning & Zoning Commission explain their decision during the hearing.

Jim Richardson encouraged the commission to leave economic impact in the resolution. He shared his personal experience living in an area with neighboring CUP properties and how this has affected his living situation.

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

Clarification was provided that if a notice of violation had been sent the CUP owner, they would have an opportunity to rectify the issue and the Commission would be notified that compliance

had been met. Discussion involved how the Commission could be notified when the original notice of violation was issued, and what could be done to clarify penalties for violations. It was noted that informing the Commission when violations are issued could prepare them in instances where the public responds to the notice at a public meeting or via phone calls to commissioners.

It was clarified that the purpose of the pre-application meeting was to ensure completion of the CUP application packet and help familiarize the applicant with the CUP process, and it was suggested that the Planning Director also provide guidance about the Comprehensive Plan.

Support was expressed for the clarification in the second criteria that value is both economic and non-economic, as it will allow the Commission more leeway in how they review it. Clarification was provided that the business activities of CUPs are limited by the conditions which are set by the Commission, but that if their uses exceed their CUP the City can take action.

The possibility of retroactively imposing additional conditions on a previously-approved CUP was considered, and it was noted that the City does not have a formal process in place for amending the permits. However, the City can work out agreements with CUP holders in response to complaints, and the Commission can start an investigation if they become aware of violations.

Discussion included the possibility of an applicant not showing up for their required presentation to the Commission, and it was noted that if a CUP application is denied they cannot reapply for nine months. It was suggested that if the applicant provides prior notice that they will not make the hearing, their application could be dismissed rather than denied which would allow them to reapply at any time.

MOTION TO AMEND:

Commissioner Douthit **MOVED** to amend Resolution No. PZ2021-34 by adding that the Planning & Zoning Commission will receive notification of any CUP violation letters sent out, and that applications will be dismissed if the applicant fails to show up for their hearing or provide notice of their absence. Commissioner Woodard **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

VOTE ON AMENDMENT: There were no objections; **SO ORDERED.**

Discussion on the pre-application meeting continued, and it was noted that this step in the process could be helpful in ensuring the applications that move forward to Commission meet code and can be recommended for approval.

Earlier public comments about having Planning & Zoning Commission representation at Board of Adjustment hearings were addressed, and clarification was provided that when the Commission makes a decision they are acting in an adjudicatory capacity and therefore their decision stands on its own based on their findings. It was further clarified that Kenai's Board of Adjustment gives no deference to the Commission's decision and the hearings are de novo.

The possibility of notifying neighboring property owners about public hearings past the 300 foot requirement was considered. It was clarified that 300 feet is standard throughout the country, and while those within those boundaries are mailed postcards, those outside the boundary can still be informed through posted signage and newspaper advertisements and are able to participate in the public hearing.

Discussion returned to the Commission's ability to amend approved CUPs to impose new conditions, and it was noted that this can be done when a CUP is transferred to a new owner or if they re-apply for their CUP after it has lapsed from disuse. It was reiterated that CUPs can only be revoked for violations of the conditions in the permit or other Planning & Zoning code violations.

VOTE ON MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Winger reported on the actions from the September 1, 2021 City Council meeting.
2. **Borough Planning** – No report.
3. **City Administration** – Planning Director Foster reported on the following:
 - There are no items for the Commission meeting scheduled for September 22, 2021;
 - This is Planning Assistant Willie Anderson's last meeting, and he noted that it has been great working with her.

K. ADDITIONAL PUBLIC COMMENT

Kristine Schmidt followed up on the Commission's earlier discussion regarding mailed notification to neighbors, and stated that the switch from certified mail to postcards has led to confusion, but the applicant should pay the mailing cost instead of the City. She also noted that the Borough has a half-mile radius requirement for CUP notification, and Kenai should consider increasing that boundary. She also stated that the posted signs are too small and are not visible enough.

Vice Mayor Bob Molloy thanked Willie Anderson for her service to the City, the members of public who came to speak at the meeting, and the Commission for the good discussion. He stated that the Council will consider the changes that the Commission suggested.

L. INFORMATIONAL ITEMS

1. Board of Adjustment Decision - Barnard (BA-21-01)
2. Board of Adjustment Decision - Schlehofer (BA-21-02)

3. Board of Adjustment Decision - Jones (BA-21-03)

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. September 22, 2021

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Greenberg thanked Vice Mayor Molloy for his work on the ordinance.

Commissioner Woodard congratulated Willie and said she hopes she enjoys retirement.

Commissioner Halstead noted that Willie will be missed and thanked her for her work on the Commission. He also thanked Director Foster and stated that he has seen big improvements since he joined the City.

Council Liaison Winger encouraged everyone to look through the Board of Adjustment decisions included in the packet, especially the included comments about imposing parameters on CUPs.

Commissioner Springer thanked Willie for the work she has done for the City.

Chair Twait thanked Vice Mayor Molloy and Willie, noted that they both leave big shoes to fill.

O. ADJOURNMENT

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

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: October 6, 2021
SUBJECT: **Resolution No. 2021-XX – APPROVING THE EXECUTION OF A LEASE TO SCHILLING RENTALS FOR GENERAL AVIATION APRON SUB NO. 1 AMENDED LOT 2, BLOCK 3.**

On September 20, 2019, Schilling Rentals, LLC entered into an assignment of lease for General Aviation Apron Sub No. 1 Amended Lot 2, Blk 3 with Soar International Ministries, Inc. This lease terminates on June 30, 2022.

Schillings, LLC proposes to remodel and expand the existing hangar, upgrade parking apron/pad with an estimated \$1,500,000 value of improvements to be completed within two (2) years of signing the lease. Activities noted on the application is a medevac service location. The requested lease term is 45 years.

Pursuant to Kenai Municipal Code 21.10.060 Lease application review, notice of the lease application was posted in the Peninsula Clarion and stated competing applications may be submitted for the parcel within 30 -days to the City. The 30 -day window from publication ends on October 16, 2021, and to-date, no competing applications have been submitted to the City.

The parcel is within the Airport Light Industrial (ALI) Zone. Pursuant to KMC 14.20.065, the purpose of the ALI Zone is to protect the viability of the Kenai Municipal Airport as a significant resource to the community by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. The proposed aeronautical use is a permitted and compatible use in the ALI Zone.

The Imagine Kenai 2030 Comprehensive Plan outlines goals, objectives, and action items for the City, including this one pertaining to the Kenai Municipal Airport:

Objective T- 1: Support future development near or adjacent to the airport when such development is in alignment with the Kenai Municipal Airport's primary mission, "To be the commercial air transportation gateway to the Kenai Peninsula Borough and Cook Inlet."

The proposed use by Schilling Rentals, LLC complies with the Imagine Kenai 2030 Comprehensive Plan by supporting development on lease lots with development that is in alignment with the Kenai Municipal Airport's marketing strategy.

The Airport Land Use Plan was developed to identify the highest and best uses of Kenai Municipal Airport land. The Airport Land Use Plan discusses leasing land and enhancing opportunities for local economic development. The proposed use by Schillings, LLC complies with the Airport Land Use Plan and would enhance local economic development.

The Airport Commission will be reviewing the lease application and providing a recommendation during their meeting on October 14, 2021.

Please review the attached materials.

Does the Commission recommend Council approve the execution of a lease to Schilling Rentals, LLC?

Attachments:

City of Kenai Land Lease Application from Schilling Rentals, LLC.

Aerial Map of 110 FBO Road.

Draft Resolution 2021-XX.





City of Kenai Land Lease Application

Application for:	<input checked="" type="checkbox"/> New Lease
<input type="checkbox"/> Amendment	<input type="checkbox"/> Extension
<input type="checkbox"/> Assignment	<input type="checkbox"/> Renewal
Application Date:	5/11/21

Applicant Information

Name of Applicant:	Schilling Rentals LLC						
Mailing Address:	PO Box 3426	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone:		Work/ Message Phone: 907 283 7556				
E-mail: (Optional)	duane@uptownmotel.com						
Name to Appear on Lease:	Schilling Rentals LLC						
Mailing Address:	PO Box 3426	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone:		Work/ Message Phone: 907 283 7556				
E-mail: (Optional)	duane@uptownmotel.com						
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age)		<input type="checkbox"/> Partnership		<input type="checkbox"/> Corporation		<input type="checkbox"/> Government
	<input checked="" type="checkbox"/> Limited Liability Company (LLC)		<input type="checkbox"/> Other _____				

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property):
GENERAL AVIATION APRON SUB NO 1 AMENDED LOT 2 BLK 3
110 FBO Road

Does the property require subdivision? (if Yes, answer next two questions) YES NO
Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes:

1. Do you believe the proposed subdivision would serve other City purposes? YES NO
2. Are you prepared to be responsible for all costs associated with subdivision? YES NO

If an appraisal is required to determine the minimum price on the land, are you prepared to be responsible for the deposit to cover costs associated with appraisal? (The cost of the appraisal will be either refunded or credited toward the purchaser at closing) YES

Are you prepared to be responsible for recording costs associated with lease execution? YES

Do you have or have you ever had a Lease with the City? (if Yes, answer next question) YES NO
1. Legal or brief description of property leased:
125 FBO/130,135,145 &155 Granite Point/433 N Willow/441 Geebee

Request a Lease with an Option to Purchase once development requirements are met? Does not apply to Airport Reserve properties YES NO

Requested term for Initial Lease or Renewal (based on Term Table, not to exceed 45 years): Max available

Requested term for Lease Extension (based on Term Table, not to exceed a total of 45 Years):

Requested Starting Date: Subject to development credits

RECEIVED
CITY OF KENAI
DATE 7-1-21
PLANNING DEPARTMENT

Proposed Use and Improvements

Proposed Use (check one): Aeronautical Non-Aeronautical

Do you plan to construct new or additional improvements? (if Yes, answer next five questions) YES NO

1. Will the improvement change or alter the use under an existing lease? YES NO

2. What is the proposed use of the improvement? Upgrade hanger and parking apron/pad

3. What is the estimated value of the improvement? \$1.5m

4. What is the nature and type of improvement?
Remodel/expansion of existing hanger to accomodate FBO

5. What are the dates construction is estimated to commence and be completed?
(generally, construction must be completed within two years)
Estimated Start Date: ASAP Estimated Completion Date: January 1, 2022

Describe the proposed business or activity intended:
Medivac service location

How does the proposed lease support a thriving business, residential, recreational, or cultural community?
Medivac provider will station flight and support crew locally as well as provide additional medical emergency oportunities

Lease Assignment Only: What is the name of the individual or legal entity the lease is to be assigned?


Lease Renewal Only

Renewal of an Existing Lease (at least one year of term remaining): Requires new development.
Lease Term based on: Estimated cost of new improvements and Purchase Price (optional)

Renewal of an Expiring Lease (less than one year of term remaining): Does not require new development.
Lease Term based on: Purchase Price Professional Estimate of Remaining Useful Life
 Fair Market Value appraisal and/or Estimated cost of new improvements (optional)

Requested Term for Renewal Based on Term Table, not to exceed 45 Years:

Submitting an application for a lease does not give the applicant a right to lease or use the land requested in the application. The application shall expire twelve (12) months after the date the application has been made if the City and the applicant have not, by that time, entered into a lease, unless the City Council for good cause grants an extension for a period not to exceed six (6) months. The City has no obligation to amend, renew or extend a lease and may decline to do so upon making specific findings as to why a lease renewal, extension, or amendment is not in the best interest of the City

Signature:		Date:	5/11/2021
Print Name:	Michael Schilling	Title:	Managing Member


For City Use Only:	Date Application Fee Received:	_____
<input type="checkbox"/> General Fund <input type="checkbox"/> Airport Reserve Land	Date Application Determined Complete:	_____
<input type="checkbox"/> Airport Fund <input type="checkbox"/> Outside Airport Reserve	30-Day Notice Publication Date:	_____
Account Number:	City Council Action/Resolution:	_____



110 FBO Road
General Aviation Apron Sub No. 1 Amended Lot 2, Block 3
Parcel 04324024



LEGEND

 Subject Parcel

0 25 50 Feet

Date: 8/6/2021





CITY OF KENAI

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA APPROVING THE EXECUTION OF A LEASE OF AIRPORT RESERVE LANDS USING THE STANDARD LEASE FORM BETWEEN THE CITY OF KENAI AND SCHILLING RENTALS, LLC ON GENERAL AVIATION APRON SUB NO. 1 AMENDED LOT 2, BLOCK 3.

WHEREAS, the lease to Schilling Rentals LLC, for General Aviation Apron Sub No. 1 Amended Lot 2, Block 3 expires on June 30, 2022; and,

WHEREAS, on July 1, 2021, Schilling Rentals, LLC submitted an application to renew a lease of City owned properties within the Airport Reserve, described as General Aviation Apron Sub No. 1 Amended Lot 2, Block 3; and,

WHEREAS, the Schilling Rentals, LLC lease application states plans to remodel/expand the existing hangar, upgrade parking apron/pad, to accommodate an FBO and act as a medevac service location; an investment that gives a lease term of 45 years according to the term table in Kenai Municipal Code 21.10.080; and,

WHEREAS, the proposed development would be mutually beneficial and would conform with the Kenai Municipal Code for zoning, Kenai's Comprehensive Plan, the Airport Land Use Plan, Airport Layout Plan, Federal Aviation Administration regulations, Airport Master Plan, Airport Improvement Program grant assurances, and Airport operations; and,

WHEREAS, the City of Kenai did not receive a competing lease application within thirty (30) days of publishing a public notice of the lease application from Schilling Rentals, LLC; and,

WHEREAS, at their regular meeting on October 13, 2021, the Planning and Zoning Commission reviewed the lease application and recommended approval by the City Council; and,

WHEREAS, at their regular meeting on October 14, 2021, the Airport Commission reviewed the lease application and recommended approval by the City Council.

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

Section 1. That a Lease of Airport Reserve Lands is approved and the City Manager is authorized to execute a lease between the City of Kenai, Lessor, and Schilling Rentals, LLC, Lessee, as follows:

Lot improvements as outlined in lease application from Schilling Rentals, LLC, remodel and expand the existing hangar, upgrade parking apron/pad with an estimated \$1,500,000 value of improvements to be completed within two (2) years of signing the lease;

The evidence must be submitted to the City within 60 days of the completion of the development and improvements;

The lease term will be 45 years;

Lot developments will prevent unauthorized access to the airfield;

Structures will be built behind the 100 foot building restriction line;

Paving will be completed up to the existing transient aircraft apron pavement;

Schilling Rentals, Inc. is responsible for all snow removal, and snow may not touch the perimeter security fence or be piled to a height that would allow access to the airport; and

Section 2. That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of November, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: October 6, 2021
SUBJECT: **Ordinance No. XXXX-2021 – Approving amendment to Kenai Municipal Code Section 14.05.025 to provide for remote electronic participation**

Telephonic participation in Planning and Zoning Commission meetings is provided in KMC 14.05.025 to increase participation by allowing members to take part in meetings when work or family matters require their absence from Kenai. During the COVID-19 Public Health Emergency, ordinances were suspended, which allowed for remote electronic participation, virtually, via videoconference. Virtual remote electronic participation has proved to provide a better experience for the Commission member participating remotely and those participating in-person. This ordinance would amend KMC 14.05.025 to allow for remote electronic participation in Planning and Zoning Commission meetings.

Please review the attached draft ordinance.

Does the Commission recommend Council approve the ordinance to amend Section 14.05.025 to allow remote electronic participation at Planning and Zoning Commission meetings?



CITY OF KENAI

ORDINANCE NO. XXXX-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTION 14.05.025 – TELEPHONIC PARTICIPATION AT PLANNING AND ZONING COMMISSION MEETINGS, TO PROVIDE FOR REMOTE ELECTRONIC PARTICIPATION IN PLANNING AND ZONING COMMISSION MEETINGS BY COMMISSION MEMBERS.

WHEREAS, telephonic participation in Planning and Zoning Commission meetings was provided to increase participation by allowing members to take part in meetings when work or family matters require their absence from Kenai; and,

WHEREAS, during the COVID-19 Public Health Emergency ordinances were suspended allowing for remote electronic participation, virtually; and,

WHEREAS, providing virtual remote electronic participation has proved to provide a better experience for the Commission member participating remotely and those participating in-person; and,

WHEREAS, the Council recognizes that it is vital for Planning and Zoning Commission members to have effective participation in meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. Amendment of Section 14.05.025 – Telephonic participation at Planning and Zoning Commission meetings of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.05.025 – Telephonic participation at Planning and Zoning Commission meetings, is hereby amended as follows:

14.05.025 **[TELEPHONIC] Remote electronic participation at Planning and Zoning Commission meetings.**

- (a) Except as otherwise provided in subsection (e), if at least a quorum is physically present at a Commission meeting, other commissioners may participate via [TELEPHONE] electronic means in the Commission meeting, if the commissioner declares that circumstances prevent physical attendance at the meeting. If the chair chooses to participate via [TELEPHONE] electronic means, the vice-chair shall preside.

(b) No more than the first two (2) commissioners to contact the Clerk's office regarding [TELEPHONE] remote electronic participation in a particular meeting may participate via [TELEPHONE] remote electronic means at any one (1) meeting.

(c) The commissioner shall notify the Clerk's office in writing as soon as reasonably practical, but not less than six (6) hours prior to the start of the Commission meeting that the member proposes to attend by [TELEPHONE] remote electronic means. Such notification shall state whether such [TELEPHONIC] remote electronic participation is pursuant to subsection (n) or (o), and, if needed, shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service. Failure to provide the notification within the period of time provided herein shall result in the member's exclusion from attendance of a Commission meeting through [TELEPHONIC] remote electronic participation. The Clerk or designee shall notify all Commission members of the request.

(d) At the meeting, the Clerk or designee shall establish the [TELEPHONE] appropriate connection when the call to order is imminent.

(e) A commissioner participating by [TELEPHONE] remote electronic means shall be counted as present for purposes of discussion and voting except for matters and agenda items appealable to the Board of Adjustment.

(f) The commissioner participating by [TELEPHONE] remote electronic means shall make every effort to participate in the entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection, if necessary.

(g) The commissioner participating by [TELEPHONE] remote electronic means may ask to be recognized by the presiding officer to the same extent as any other member except for matters and agenda items appealable to the Board of Adjustment.

(h) To the extent reasonably practicable, the Clerk or designee shall provide backup materials to commissioners participating by [TELEPHONE] remote electronic means.

(i) If the [TELEPHONE] remote electronic connection cannot be made or is made and then lost, the meeting shall commence or continue as scheduled and the Clerk or designee shall attempt to establish or restore the connection.

(j) Meeting times shall be expressed in Alaska [T]ime regardless of the time at the location of any commissioner participating by [TELEPHONE] remote electronic means.

- (k) Participation by [TELEPHONE] remote electronic means shall be allowed for regular, special and work session meetings of the Commission.
- (l) Remarks by commissioners participating by [TELEPHONE] remote electronic means shall be transmitted so as to be audible by all members and the public in attendance at the meeting, provided that in executive session the remarks shall be audible only to those included in the executive session.
- (m) As used in these rules, “[TELEPHONE] electronic means” means any system for synchronous two (2) or more way voice and/or virtual communication. “Chair” includes the vice-chair or any other commissioner serving as chair pro tempore.
- (n) Each commissioner may attend a maximum of two (2) meetings by [TELECONFERENCE] remote electronic means during the twelve (12) month calendar year.
- (o) A commissioner may attend an additional two (2) meetings by [TELECONFERENCE] remote electronic means during the twelve (12) month calendar year if the member declares that he or she is physically unable to attend the meeting due to the need for extended medical care and treatment of the member or member’s immediate family.
- (p) In this section, “immediate family” means the spouse of the person, another person cohabitating with the person in a conjugal relationship that is not a legal marriage, a child (including a stepchild or foster child) of the person, a parent, sibling, grandparent, aunt or uncle of the person, or a parent or sibling of the person’s spouse.

(Ord. 2734-2014)

Section 2. 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 3. 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 1st day of December, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Introduced: November 3, 2021
Enacted: December 1, 2021
Effective: December 31, 2021

DRAFT



Kenai City Council - Regular Meeting

September 15, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

****Telephonic/Virtual Information on Page 4****

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

1. **Coy West** - City of Kenai Marketing Update.

C. UNSCHEDULED PUBLIC COMMENTS

(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)

D. PUBLIC HEARINGS

1. **ENACTED AS AMENDED BY SUBSTITUTE. Ordinance No. 3224-2021** - Repealing and Reenacting Kenai Municipal Code Title 6 - Elections, to Provide Clarity, Housekeeping, and Process Improvements. (Vice Mayor Molloy and City Clerk)
 - **Substitute Ordinance No. 3224-2021**
[Clerk's Note: At the August 4 Council Meeting, this item was postponed to the September 15 Council Meeting for a second public hearing. A motion to enact is on the floor.]
2. **ENACTED UNANIMOUSLY. Ordinance No. 3238-2021** - Accepting and Appropriating an Interlibrary Cooperation Grant from the Alaska State Library for the Kenai Community Library Storywalk® Project. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3239-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant From the Department of Justice Passed Through the Alaska Internet Crimes Against Children Task Force for the Purchase of Forensic Software. (Administration)

4. **ENACTED UNANIMOUSLY. Ordinance No. 3240-2021** - Amending Kenai Municipal Code Section 23.55.030 – Qualification Pay, to Amend the Salary Ranges to Accurately Reflect Recognition Pay and Entitlements. (Administration)
5. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3241-2021** - Declaring that, T 5N R 11W Sec 6 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 8, Also Known as 604 Inlet Street, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records was Peter F. Mysing, Whose Address is, PO Box 8134, Nikiski, Alaska, 99635-8134 and Estate of Peter F. Mysing CO/ Dale Dolifka, PO Box 498, Soldotna, AK, 99669-0498, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)
6. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3242-2021** - Declaring that, T 5N R 11W Sec 5 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 20, Also Known as 905 Mission Avenue, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records Was Keith K. Knight, General Delivery, Kenai, Alaska, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)
7. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3243-2021** - Amending Kenai Municipal Code 14.20.150-Conditional Use Permits, to Clarify Roles and Responsibilities of Applicants, the Planning Director, and the Planning Commission in the Conditional Use Process and Make Housekeeping Changes. (Vice Mayor Molloy)
8. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3245-2021** - Authorizing a Budget Transfer in and Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for the Purchase and Installation of Equipment to Provide Residents Basic Television and Wireless Internet Service. (Administration)
9. **ADOPTED UNANIMOUSLY. Resolution No. 2021-57** - Declaring a Right-Of-Way for a 60' by 254' Portion of the Frontage Road Along Wildwood Drive as Dedicated on Lot 4-A, Block 8, Black Gold Estates Subdivision No. 2 (Plat KN 84-76), and as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)
10. **ADOPTED UNANIMOUSLY. Resolution No. 2021-58** - Authorizing an Agreement for Professional Engineering Services to Provide Construction Documents for Sewer Lift Station Upgrades. (Administration)

E. **MINUTES**

F. **UNFINISHED BUSINESS**

G. **NEW BUSINESS**

1. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Non-Objection to the Renewal of Marijuana Licenses for Grateful Bud, LLC. (City Clerk)

3. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Appointing Election Precinct Boards for the October 5, 2021 Regular Election. (City Clerk)
4. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Special Use Permit to RAVN for Warm Storage. (Administration)
5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 10/6/2021. *Ordinance No. 3246-2021** - Accepting and Appropriating an Airport Improvement Program Grant from the Federal Aviation Administration in the Airport Equipment Capital Project Fund for the Purchase of Snow Removal Equipment– Multi-Purpose Broom/Blower. (Administration)
6. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 10/6/2021. *Ordinance No. 3247-2021** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Improvements Capital Project Funds, Awarding a Professional Services Agreement and Corresponding Purchase Order for Mission Avenue Water Main Repairs. (Administration)
7. **JOINT WORK SESSION SCHEDULED FOR 10/11/2021 AT 5:00 PM. Discussion** - Request to Schedule a Joint Work Session for the Draft Land Management Plan. (Administration)
8. **SPECIAL MEETING SCHEDULED FOR 9/20/2021 AT 6:00 PM. Discussion** - Set a Special Meeting for City Clerk Candidate Review. (City Clerk)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. **EXECUTIVE SESSION**

M. **PENDING ITEMS**

N. **ADJOURNMENT**

O. **INFORMATION ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000

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/83752673950>

Meeting ID: 837 5267 3950 **Passcode:** 296323

OR

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

Meeting ID: 837 5267 3950 **Passcode:** 296323



Kenai City Council - Regular Meeting

October 06, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3246-2021** - Accepting and Appropriating an Airport Improvement Program Grant from the Federal Aviation Administration in the Airport Equipment Capital Project Fund for the Purchase of Snow Removal Equipment– Multi-Purpose Broom/Blower. (Administration)
2. **ENACTED UNANIMOUSLY AS AMENDED BY SUBSTITUTE. Ordinance No. 3247-2021** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Improvements Capital Project Funds, Awarding a Professional Services Agreement and Corresponding Purchase Order for Mission Avenue Water Main Repairs. (Administration)
 - **Substitute Ordinance No. 3247-2021**
3. **ADOPTED UNANIMOUSLY. Resolution No. 2021-59** - Declaring the Vacation of Portions of Utility Easements Associated with Tract B, Block 5, Townsite of Kenai 2021 Kenaitze Replat (Plat KN 2021- 18) and Lots 4 & 5 Block 5, Original Townsite of Kenai (Plat KN 2970), and as Set Forth on the Attached Exhibit "A" are Not Needed for a Public Purpose and Consenting to Vacation. (Administration)

4. **ADOPTED UNANIMOUSLY. Resolution No. 2021-60** - Awarding an Agreement for the Purchase of Network Equipment. (Administration)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of September 1, 2021. (City Clerk)
2. **APPROVED BY THE CONSENT AGENDA.** *Work Session of September 1, 2021. (City Clerk)
3. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of September 15, 2021. (City Clerk)
4. **APPROVED BY THE CONSENT AGENDA.** *Special Meeting Minutes of September 20, 2021. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Purchase Orders Over \$15,000. (Administration)
3. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Non-Objection to the Renewal of Marijuana Licenses for Majestic Gardens, LLC. (City Clerk)
4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 10/20/2021.** *Ordinance No. 3248-2021 - Accepting and Appropriating a Collection Equity Award from the Network of the National Library of Medicine Region 5 for the Purchase of Health and Wellness Titles for the Kenai Community Library Collection. (Administration)
5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 10/20/2021.** *Ordinance No. 3249-2021 - Accepting and Appropriating Funding from the American Library Association for the Kenai Community Library's Participation in the NASA@ My Library Programming Initiative. (Administration)
6. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 10/20/2021.** *Ordinance No. 3250-2021 - Increasing Estimated Revenues and Appropriations in the Vintage Pointe Enterprise Fund and Awarding a Contract for a Resident Maintenance Manager for the Vintage Pointe, Congregate Housing Facility. (Administration)
7. **REMOVED FROM THE AGENDA. Action/Approval** - Reconsideration of Ordinance No. 3243-2021 - Amending Kenai Municipal Code 14.20.150-Conditional Use Permits, to Clarify Roles and Responsibilities of Applicants, the Planning Director, and the Planning Commission in the Conditional Use Process and Make Housekeeping Changes. (Council Member
Glendening)
[Clerk's Note: If a motion to reconsider passes, it places the question of enacting

Ordinance No. 3243-2021 before the Council in the exact moment before it was voted on originally.]

8. **APPROVED UNANIMOUSLY. Action/Approval** - Authorize Utility Easements within Lots 3A and 4, FBO Subdivision No. 11 to Support the Kenai Municipal Airport's Sand Storage Facility Project. (Administration)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

1. Contract Discussion and Negotiation for a City Clerk. [AS 44.62.310(C)(1)(2) May be a Subject that Tends to Prejudice the Reputation and Character of the Applicant and is a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City.]

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000

2. Kenai Dog Park Letter

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/81578736276>

Meeting ID: 815 7873 6276 **Passcode:** 313952

OR

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

Meeting ID: 815 7873 6276 **Passcode:** 313952



Planning Commission Tentative Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax
Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Melanie Aeschliman, Planning Director • Charlie Pierce, Borough Mayor

*Blair Martin, Chair – Kalifornsky Beach ~ Robert Ruffner, Vice Chair – Kaslof/Clam Gulch
Syverine Abrahamson-Bentz, Parliamentarian – Anchor Point/Ninilchik ~ Jeremy Brantley – Sterling
Cindy Ecklund – City of Seward ~ Pamela Gillham – Ridge Way ~ Davin Chesser – Northwest Borough
Diane Fikes – City of Kenai ~ Virginia Morgan – East Peninsula ~ Franco Venuti – City of Homer*

**October 11, 2021
7:30 p.m.**

**Zoom Meeting Link: <https://zoom.us/j/2084259541>
Zoom Toll Free Phone Numbers: 888 788 0099 or 877 853 5247
Zoom Meeting ID: 208 425 9541**

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 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 that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and 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.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDAS

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.

- *1. Time Extension Request**
 - a. Denali Subdivision Seton Addition No. 2; KPB File 2009-194
Tinker Creek Surveys / Sexton
Location:
Kalifornsky Area
- *2. Planning Commission Resolutions - None**
- *3. Plats Granted Administrative Approval**
- *4. Plats Granted Final Approval (20.10.040) - None**
- *5. Plat Amendment Request - None**

***6. Commissioner Excused Absences - None**

***7. Minutes**

- a. September 27, 2021 Planning Commission Meeting

D. OLD BUSINESS

E. NEW BUSINESS

1. Building Setback Encroachment Permit
PC Resolution 2021-31; KPB File 2021-137
Lot 17, Block 3A, Irons Sub (Plat KN 74-111)
Petitioner: Kenneth Herman Laing
Ridgeway Area
2. Ordinance 2021-__: An ordinance adopting amendments to the “Comprehensive Plan: Moose Pass, February 1993” an element of the Kenai Peninsula Borough Comprehensive Plan regarding municipal entitlement land know as Kenai Area Plan Unit 380G(1).
3. Ordinance 2021-__: An ordinance authorizing the acquisition of real property located at 203 West Pioneer Avenue, Homer Alaska on behalf of South Peninsula Hospital, appropriating \$975,000.00 from the South Peninsula Hospital Plant Replacement & Expansion Fund for the purchase, and authorizing an amendment to the SPH, Inc. Operating Agreement.
4. Ordinance 2021-__: An ordinance authorizing retention or sale of certain real property obtained by the Kenai Peninsula Borough through tax foreclosure proceedings.

F. PLAT COMMITTEE REPORT - Plat Committee will review 6 Plats

G. OTHER

H. PUBLIC COMMENT/PRESENTATION (Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

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 25, 2021** 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

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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 right-of-ways, 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 Tentative Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax
Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Melanie Aeschliman, Planning Director • Charlie Pierce, Borough Mayor
Paulette Bokenko-Carluccio – City of Seldovia ~ Robert Ruffner – Kasilof/Clam Gulch
Pamela Gillham – Ridge Way ~ Cindy Ecklund – City of Seward ~ Franco Venuti, Alternate – City of Homer

October 11, 2021
6:30 p.m.

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- 3) Public testimony on the issue. – 5 minutes per person
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- 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 that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and 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.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.

***1. Agenda**

***2. Member / Alternate Excused Absences**

***3. Minutes**

September 27, 2021 Plat Committee Meeting Minutes

D. OLD BUSINESS - None

E. NEW BUSINESS

1. Alaskan Wildwood Phase 2; KPB File 2021-127
Fixed Height, LLC / Balyeat
Location: Queen Lane, Turku Avenue & Ram Rack Road
Nikolaevsk / Anchor Point APC
2. ASLS No. 2017-23 Tracts A B C D & E; KPB File 2021-133
PND Engineers / State of Alaska, DNR
Location: Seward Highway, Tenderfoot Land & Summit Avenue
Remote / Moose Pass APC
3. Captain Cook Heights 2021 Addition; KPB File 2021-135
Johnson Surveying / Blades
Location: Resolution Road
Clam Gulch Area
4. James Waddell Homestead 2021 Replat; 2021-136
Geovera, LLC / Wertanen, Wertanen Sr.
Location: Nelson & Ronda Street
City of Homer
5. Bunnells Subdivision Haigh 2021 Replat; KPB 2021-134
Seabright Surveying / Tim & Ruby Haigh Living Trust, Haigh
Location: Swatzell Street
City of Homer
6. Mansfield Subdivision Wolter 2021 Replat; KPB File 2021-121
Seabright Surveying / Wolter
Location: Hutler Road
Fritz Creek Area / Kachemak Bay APC

F. PUBLIC COMMENT**G. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS****NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held **Monday, October 25, 2021** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **5:30 p.m.**

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

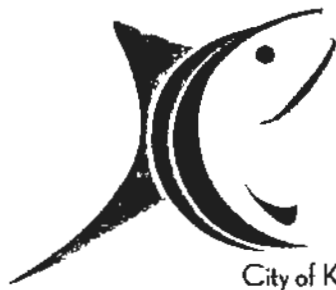
Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

E-mail address: planning@kpb.usWebsite: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KPB 2.40.080.



KENAI

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

August 16, 2021

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

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

To Whom It May Concern:

NOTICE OF KENAI MUNICIPAL CODE VIOLATION

The City of Kenai is providing a notice of code violation for the Conditional Use Permit PZ02-29 (PZ88-27) located at 1005 Angler Drive. City staff determine the property to be in violation of Kenai Municipal Code, as follows:

14.20.150 (g) Revocation for Noncompliance/Compliance Notices. If the Commission determines, based on the yearly review or any other investigation undertaken by the official, that the conduct of the operation(s) is not in compliance with: (1) the terms and conditions of the permit; (2) the provisions of the Kenai Zoning Code; (3) or that the permit holder is not current on any obligations (e.g., sales tax, property tax, utility payments, lease payments) to the City unless the applicant has entered into an approved payment with the City on any obligations owed and the applicant is in compliance with the payment plan, the Commission may revoke the permit. The Commission shall not revoke the permit until the permit holder has been notified and given reasonable opportunity to correct the deficiency(s) or to provide information relating to or rebutting the alleged deficiency(s). Appeals from decisions under this section shall be made in accordance with the provisions of KMC 14.20.290. If the administrative official determines the permit holder is in compliance with the conditions in this subsection, it shall send a notice of compliance to the Commission and the permit holder.

VIOLATION: Alaska Department of Environmental Conservation (ADEC) Documentation: Resolution No. PZ02-29 (PZ88-27) Conditional Use Permit Condition 3. *The septic system must meet ADEC requirements for said use.* This is in reference to the five rental cabins approved via the permit. On May 15, 2019 the City sent a letter regarding the requirement for ADEC documentation, "Foster Landing has submitted documentation from ADEC of Approval to Construct (dated 2003) and Approval to Operate (dated 2005) Phase 1 of the onsite wastewater treatment and disposal system and Approval to Construct Phase 2 (dated 2005). Modifications to Phase 2 (referred to as Phase 3 in conversations with Foster Landing) include a 1,250 gallon septic tank/life station and sewer lines with connections to five cabins (maximum occupancy 22 people). Foster Landing has submitted to the City a copy of their application to ADEC for Approval to Construct. Prior to operating Foster Landing in 2020, Approval

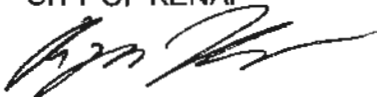
to Operate from the ADEC must be submitted to the City". As of August 16, 2021 the City has not received the Approval to Operate from the ADEC.

VIOLATION: Use of the property exceeds the conditions of the Conditional Use Permit: Resolution No. PZ02-29 (PZ88-27) Conditional Use Permit, Condition 1. Limit the use to five rentals if the development meets the zoning code. City staff have received a complaint that neighboring rental properties are utilizing services such as eating, drinking, and live music provided by Foster Landing, LLC at 1005 Angler Drive. This use is a violation of the Conditional Use Permit which limits the use of the property to five rental cabins.

Please take appropriate action to remedy the violation(s) on or before **October 16, 2021**, after which time the City may commence the Conditional Use Permit revocation process with the City of Kenai Planning and Zoning Commission if the violations are not corrected.

If you would like to discuss this notice or have questions concerning this notice you may contact me at 907-283-8235 or rfoster@kenai.city.

CITY OF KENAI



Ryan Foster
Planning Director

SENT VIA REGULAR MAIL AND CERTIFIED MAIL 7020 0640 0002 2738 1710





KENAI

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

September 13, 2021

Thomas L Hoelsing
1865 Frederiksen St
Fremont, NE 68025

RE: 1025 Angler Drive – (Lot 3, Angler Acres Subdivision Part 4)

Dear Mr. Hoelsing:

NOTICE OF KENAI MUNICIPAL CODE VIOLATION

The City of Kenai is providing a notice of code violation for 1025 Angler Drive, Kenai, AK. City staff determine the property to be in violation of Kenai Municipal Code, as follows:

14.20.150 (a) Intent. It is recognized that there are some uses that may be compatible with designated principal uses in specific zoning districts provided certain conditions are met. The conditional use permit procedure is intended to allow flexibility in the consideration of the impact of the proposed use on surrounding property and the application of controls and safeguards to assure that the proposed use will be compatible with the surroundings. The Commission may permit this type of use if the conditions and requirements listed in this chapter are met. The allowed uses are listed in the Land Use Table. Before a conditional use permit may be granted, the procedures specified in this chapter must be followed.

14.20.320 (b) Specific definitions.

“Cabin rentals” means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.

VIOLATION: Operating Cabin Rentals without a Conditional Use Permit: City staff have been notified, and verified, that the operation of Cabin Rentals has been occurring at 1025 Angler Drive, Kenai, AK, which is in the Rural Residential zoning district. Per 14.22.010 Land use table, Cabin Rentals requires a conditional use permit for the Rural Residential zoning district. There are no records of a conditional use permit for Cabin Rentals for 1025 Angler Drive, and therefore, the operation of Cabin Rentals is a violation of Kenai Municipal Code 14.20.150 Conditional use permit.

Violation(s) to KMC 14.20.260 Administration, Enforcement and Penalties allows the City to assess an administrative fine up to \$250.00 a day. Violation(s) to KMC 13.05.010 Penalties for Violations allows the City to issue a civil penalty up to \$500.00 a day.

Please take appropriate action to remedy the violation(s) on or before **November 15, 2021**, after which time the City may commence enforcement action. If you would like to discuss this notice or have questions concerning this notice you may contact me at 907-283-8235 or rfoster@kenai.city.

CITY OF KENAI



Ryan Foster
Planning Director

SENT VIA REGULAR MAIL AND CERTIFIED MAIL 7020 0640 0002 2738 1963





KENAI

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September 22, 2021

JAC Enterprises
P.O. Box 2829
Kenai, AK 99611

Attn: Clint Hall

RE: Landscape/Site Plan – 701 N. Forest Drive

Dear Clint;

The City of Kenai is providing a notice of code violation for the Conditional Use Permit PZ15-24 located at 701 N. Forest Drive, Kenai, AK. City staff determine the property to be in violation of Kenai Municipal Code, as follows:

14.20.150 (g) Revocation for Noncompliance/Compliance Notices. If the Commission determines, based on the yearly review or any other investigation undertaken by the official, that the conduct of the operation(s) is not in compliance with: (1) the terms and conditions of the permit; (2) the provisions of the Kenai Zoning Code; (3) or that the permit holder is not current on any obligations (e.g., sales tax, property tax, utility payments, lease payments) to the City unless the applicant has entered into an approved payment with the City on any obligations owed and the applicant is in compliance with the payment plan, the Commission may revoke the permit. The Commission shall not revoke the permit until the permit holder has been notified and given reasonable opportunity to correct the deficiency(s) or to provide information relating to or rebutting the alleged deficiency(s). Appeals from decisions under this section shall be made in accordance with the provisions of KMC 14.20.290. If the administrative official determines the permit holder is in compliance with the conditions in this subsection, it shall send a notice of compliance to the Commission and the permit holder.

VIOLATION: Landscape/Site Plan Incomplete: City staff have been notified, and verified, that the approved Landscape/Site Plan PZ15-25 is incomplete. Trees along the North side of the property as set forth on your approved landscape/site plan have not been planted. The site plan provides that Green Spruce trees will be planted 15 feet apart behind building number one. Currently, there are three trees planted. I have enclosed a copy of the Landscape/Site Plan for your reference.

Please take appropriate action to remedy the violation(s) on or before **November 21, 2021**, after which time the City may commence the Conditional Use Permit revocation process with the City of Kenai Planning and Zoning Commission if the violations are not corrected.

If you would like to discuss this notice or have questions concerning this notice you may contact me at 907-283-8235 or rfoster@kenai.city.

I look forward to hearing from you soon.

Sincerely,

CITY OF KENAI



Ryan Foster
Planning Director

SENT REGULAR AND CERTIFIED MAIL 7020 0640 0002 2738 1925

