



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

August 10, 2022 – 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 July 27, 2022

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolution PZ2022-21** – Application for a Conditional Use Permit for an Elementary through High School in the Suburban Residential zone, on Tract A, Kenai Fellowship Church, located at 8333 Kenai Spur Highway, Kenai, Alaska 99611. The application was submitted by Kenai Fellowship, a Church of Christ, P.O. Box 538, Kenai, AK 99611

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. **Action/Approval** – Recommending the Kenai City Council Enact Ordinance No. 3298-2022 Kenai Municipal Code Chapter 14.30 - Floodplain Management, within Title 14 - Planning and Zoning, to Regulate Land Use within the Flood Plain and Authorizing the City to Participate in the National Flood Insurance Program.

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

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting Date: August 10, 2022

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/84127759575> **OR Call:** (253) 215-8782 or (301) 715-8592

Meeting ID: 841 2775 9575 **Passcode:** 184871

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
JULY 27, 2022 – 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 27, 2022, 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:

Commissioners present: J. Twait, G. Woodard, A. Douthit, V. Askin, G. Greenberg, J. Halstead

Commissioners absent: D. Fikes

Staff/Council Liaison present: Interim Planning Director M. Best, Vice Mayor J. Glendening, Deputy Clerk M. Thibodeau

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as written. Commissioner Askin **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

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

5. *Excused Absences – None.

B. APPROVAL OF MINUTES

1. *Regular Meeting of June 22, 2022

Approved by the consent agenda.

C. **SCHEDULED PUBLIC COMMENTS** – None.

D. **UNSCHEDULED PUBLIC COMMENTS** – None.

E. **CONSIDERATION OF PLATS**

1. **Resolution PZ2022-16** – Preliminary Subdivision Plat of Kings Cove, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Caryn Lee Giliam, 5014 E. 145 Ave., Anchorage, AK 99516.

MOTION:

Vice Chair Douthit **MOVED** to adopt Resolution No. PZ2022-16. Commissioner Halstead **SECONDED** the motion.

Interim Planning Director Best introduced himself, provided a staff report as provided in the packet and noted that the proposed King Cove Subdivision will create eight lots. He explained that there are indications of wetlands with variable water table, and development precautions should be taken. He noted that the applicant is requesting two exceptions to the minimum improvement required in the subdivision regulations: building a portion of the subdivision roads, and installing sanitary sewer. He noted that this plat will require City Council approval.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Pursuant to KMC 14.080., the City will require an installation agreement for development of the unnamed Court and that portion of Highbush Lane from the Kenai Spur Highway and the unnamed Court.
3. Staff recommends the Planning and Zoning Commission recommend the Council waive the construction requirements of Highbush Lane and Pearson Avenue per the above conditions.
4. Staff recommends the Planning and Zoning Commission recommend the Council waive the construction requirements for sanitary sewer per the above conditions.
5. Conformance with KPB preliminary and final plat recommendation and adherence to Kenai Municipal Code.
6. Include a note on the recorded plat that when an improvement district is formed, the real property involved will be a part of the Improvement district without further action by the then owner of the property in question.

Clarification was provided that the access road to this plot is not City-maintained; that City water has a built-in exception in code for subdivisions with ten lots or less, but sewer does not; and that the owners will need a soil analysis performed to decide what kind of on-site wastewater system will meet DEC regulations. The exception for upgrading and constructing some roads in the subdivision were clarified

VOTE:

YEA: Woodard, Douthit, Greenberg, Halstead, Twait, Askin

NAY: None.

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Resolution PZ2022-19** – Application for Transfer of Conditional Use Permit PZ12-22, for Assisted Living Facility in a Suburban Residential Zone, from J. A. C. Enterprises, Inc., to

Aspen Creek Kenai LLC, located at 701 N. Forest Drive, and described as a Tract 36A, Killen Estates 2014 Replat.

MOTION:

Commissioner Askin **MOVED** to adopt Resolution PZ2022-19. Vice Chair Douthit **SECONDED** the motion.

Planning Director Best presented his staff report with information provided in the packet explaining that this staff report will cover both PZ2022-19 and 2022-20; a Conditional Use Permit (CUP) was issued in 2012, and a second CUP was issued in 2015 to same applicant for the second building in their facility; in 2016 the properties were unsubdivided and put into one lot; a recent change in ownership has prompted the transfer of the CUPs to the new owners. It was noted that City staff recommends approval of the transfer request subject to the original conditions as set forth on the original permit and additional conditions, as follows:

- A. Facility be licensed by the State of Alaska and managed in compliance with State licensing requirements.
- B. Applicant must comply with all Federal, State and local regulations.
- C. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.150(f).
- D. If there is a change of use for the above described property, a new Conditional Use Permit must be obtained, pursuant to KMC 14.20.150(i)(5).

The Commission considered whether new conditions could be applied during the transfer of CUP ownership and the question was raised of farm animal ownership. Director Best clarified that they cannot operate out of compliance with the zoning or their CUP, and if they are doing so it requires that the Planning Department perform a site investigation; if they are found to be operating outside their zoning or conditions it would stop the transfer of the CUP and they would need to reapply. The conditions in original CUP were reviewed.

Postponement was discussed to provide time to perform a site investigation, and it was noted that the owners have applied for a building permit to modify the facility. It was confirmed that an investigation could be performed after the transfer is approved.

VOTE:

YEA: Halstead, Twait, Askin, Woodard, Douthit, Greenberg

NAY: None.

MOTION PASSED UNANIMOUSLY.

- 2. **Resolution PZ2022-20** – Application for Transfer of Conditional Use Permit PZ15-24, for Assisted Living Facility in a Suburban Residential Zone, from J. A. C. Enterprises, Inc., to Aspen Creek Kenai LLC, located at 701 N. Forest Drive, and described as a Tract 36A, Killen Estates 2014 Replat.

MOTION:

Vice Chair Douthit **MOVED** to adopt Resolution PZ2022-20. Commissioner Woodard **SECONDED** the motion.

It was clarified that providing separate CUPs for the two buildings in this facility allows the applicants some flexibility, in case they wanted to change the use and modify the CUP for one building and not the other.

VOTE:

YEA: Greenberg, Halstead, Twait, Askin, Woodard, Douthit

NAY:

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Vice Mayor Glendening reported on the actions of the July 27, 2022 City Council Special Meeting and the July 6, 2022 City Council Regular Meeting.
2. Kenai Peninsula Borough Planning – No report.
3. City Administration – Planning Director Best reported on the following:
 - The Commission had previously requested information about ownership of the Bowling Alley; noted that the transfer of ownership is not yet public record.
 - The Board of Adjustment met on June 20, 2022 to hear appeals for a daycare facility and a livestock permit; provided clarification on the conditions added to the permits per the BOA decisions.
 - Issued Hilcorp a one-year permit to drill on Cannery Loop.

K. **ADDITIONAL PUBLIC COMMENTS** – None.

L. **INFORMATION ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. August 10, 2022

N. **COMMISSION COMMENTS & QUESTIONS**

Commissioner Askin noted that in 2021 Council had passed a resolution to provide comment to the National Oceanic and Atmospheric Administration opposing regulations on set netters, and that it had recently been thrown out.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:45 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-21**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR AN ELEMENTARY THROUGH HIGH SCHOOL

APPLICANT: Kenai Fellowship, a Church of Christ

PROPERTY ADDRESS: 8333 Kenai Spur Highway

LEGAL DESCRIPTION: Tract A, Kenai Fellowship Church

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04520025

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on July 14, 2022; and,

WHEREAS, the Applicant has demonstrated with plans and other documents that the prerequisites of a Conditional Use Permit have been met pursuant to Kenai Municipal Code 14.20.150; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on August 10 2022, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

A elementary through high school is consistent with the intent of the Suburban Residential (RS) zoning district by providing both public/institutional uses in a location that will not disturb neighboring residential or commercial uses.

The Land Use Table provides that an elementary through high school is a conditional use; therefore, a conditional use permit must be granted for the operation of elementary through high school. The applicant has provided a site plan that provides the layout of the premises.

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

The Kenai Spur Highway lies to the North of the subject parcel. The property to the South is owned by the applicant and is used as a buffer between properties. There are single

family residences located to the East and West of the property. The addition of the school in the basement of the church will not affect the value of the adjoining property and the neighborhood will not significantly be impaired.

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

The Land Use Plan, from the 2016 Comprehensive Plan, proposes a Suburban Residential land use for this neighborhood. The Suburban Residential Land Use Classification is defined in the Comprehensive Plan:

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

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

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

Vision: Kenai is a healthy community that provides for the emotional, physical, economic and spiritual wellbeing of all of its citizens; promotes the health and wellbeing for all age groups; provides opportunities for lifelong learning; and, encourages arts and cultural activities.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses. The elementary through high school operations would be in harmony with the site design and layout of the Suburban Residential Zoning District.
- Q-7 Provide a variety of formal and informal educational programs.

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

Vision: Kenai has a secure economic vitality by being a community that has a wide variety of job opportunities and workforce support and development; by providing a quality of life and financial climate that encourages businesses to start up, expand or relocate to Kenai; and, by providing a built environment based on standards that sustain long-term economic viability and growth and that promotes affordable residential and commercial development. Kenai Classical, Inc was formerly located in the Soldotna area. The relocating of the elementary and high school from Soldotna to Kenai will promote economic development within the Kenai city limits.

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

The subject property is currently accessed via the Kenai Spur Highway, a paved, State maintained road. The building is connected to the City of water main on Aliak Drive. The building official for the City of Kenai has determined that a water meter must be installed on the premises.

The property has access to electricity, gas, and telephone services. There are recommended conditions with requirements related to public services and facilities:

Applicant indicates that the existing septic system is relatively new and was approved to accommodate parishioners attending church services. In the event that the Department of Environmental Conservation (DEC) requires upgrades to the existing septic system, the applicant will upgrade the septic system.

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

The use of a elementary through high school will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this use.

An inspection must be completed by the Fire Marshal for the City of Kenai to confirm that the premises meets current fire code. A fire inspection must be completed annually.

The Fire Marshal has determined that the maximum occupancy for the elementary through high school shall be 49 occupants, **including staff and students**.

Applicant must comply with the parking requirement for the premises as set forth KMC 14.20.250.

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

See Conditions of Approval as set forth below.

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

Section 1. That a conditional use permit is granted to Kenai Fellowship, a Church of Christ for a elementary through high school on property described as Tract A, Kenai Fellowship Church, and located at 8333 Kenai Spur Highway.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. A fire inspection must be performed annually by the City of Kenai Fire Marshal. The applicant must comply with any recommendations made by the Fire Marshal.

3. The Permittee must adhere to the maximum occupancy of the 49 occupants, **including staff and students**, in the elementary through high school area (basement).
4. The permittee must comply with the parking requirement for the premises as set forth KMC 14.20.250.
5. In the event that the Department of Environmental Conservation (DEC) requires upgrades to the exiting septic system, the applicant will upgrade the septic system.
6. **Prior to issuance of the Conditional Use Permit**, Permittee must install a water meter on the premises.
7. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
8. The applicant will meet with City staff for on-site inspections when requested.
9. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
10. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 10th day of August, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

MEGHAN THIBODEAU, DEPUTY CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Max Best, Interim Planning Director
DATE: August 3, 2022
SUBJECT: PZ2022-21 – Conditional Use Permit – Elementary Through High School

Applicant: Kenai Fellowship, a Church of Christ
P. O. Box 538
Kenai, AK 99611

Legal Description: Tract A, Kenai Fellowship Church

Property Address: 8333 Kenai Spur Highway

KPB Parcel No: 04520025

Lot Size: Approximately 3.95 acres (172,062 square feet)

Existing Zoning: Suburban Residential

Current Land Use: Church

Land Use Plan: Neighborhood Residential

GENERAL INFORMATION

The Applicant, Kenai Fellowship, a Church of Christ, has submitted a Conditional Use Permit application for an elementary through high school use located at 8333 Kenai Spur Highway. The Applicant is a Christian church that has met in the same location in Kenai for over 50 years. The building located on the property is used for religious worship, a permitted use under the Suburban Residential (RS) zoning district. Most of the use occurs on Sundays although historically the building has also been used for religious worship on Wednesday evenings, and occasionally during the week for various gatherings. Prior to the most recent school year the Applicant was approached by Kenai Classical, Inc., a private, non-profit school, seeking a replacement facility for the one they were having to vacate near Soldotna. The Applicant provided them with the opportunity to use a portion of the building for the last year. Kenai Classical has indicated an

interest in using the building again for the coming year and the Applicant is willing to grant the use if certain issues can be resolved, primarily insuring that the use is consistent with the municipal fire code, and with the City of Kenai zoning code.

Elementary and high schools are listed as conditional uses within the Suburban Residential zone in Kenai Municipal Code 14.22.010, Land Use Table. KMC 14.20.320 Definitions, defines elementary school as, “any school usually consisting of grades pre-kindergarten through grade six (6) or any combination of grades within this range.” High school is defined as “a secondary school usually consisting of grades nine (9) through twelve (12) or any appropriate combination of grades within this range.”

Application, Public Notice, Public Comment

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

ANALYSIS

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

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. KMC 14.20.150(e)-Conditional Use Permits Review Criteria states six conditions that the Planning and Zoning Commission must deem to exist when establishing findings prior to issuing a conditional use permit:

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

Applicant Response: The use is consistent with the purpose of Kenai Zoning Code and the purposes and intent of the zoning district;

The proposed use is allowed by conditional use permit under the Suburban Residential (RS) zoning designation. The intent of the RS zoning designation as expressed in the City Code is

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

A school is little different than a church except for the days of the week in which it is used. An elementary school, Swires Elementary, zoned ED is located immediately adjacent to the subject zoning district, and within 1600 feet of the Applicant's Building.



The building is well separated from residential structures and will continue to be so separated. Only two residential structures are within such proximity to the building that they can even be seen, the residence to the east being some 125 feet and the residence to the west being 200 feet from the building. In 2014 the Applicant acquired the lot adjacent to the building to the east and razed the structure, providing a buffer lot between the Applicant's building and the residence to the east. The building is screened from view of the residence to the west by trees.

Staff Response: A elementary through high school is consistent with the intent of the Suburban Residential (RS) zoning district by providing both public/institutional uses in a location that will not disturb neighboring residential or commercial uses.

The Land Use Table provides that an elementary through high school is a conditional use; therefore, a Conditional Use Permit must be granted for the operation of elementary through high school. The applicant has provided a site plan that provides the layout of the premises.

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

Applicant Response: There will be no essential change in the use of the building insofar as its impact on adjoining property values. The building itself will be unchanged and the effect of the use on adjoining property and the neighborhood will be nil.

Staff Response: The Kenai Spur Highway lies to the North of the subject parcel. The property to the South is owned by the applicant and is used as a buffer between properties. There are single family residences located to the East and West of the property. The addition of the school in the basement of the church will not affect the value of the adjoining property and the neighborhood will not be significantly impaired.

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

Applicant Response: The twin goals of promoting and encouraging quality of life and providing economic development elements to support the fiscal health of the community will be advanced by allowing the permitted use. The quality of life of a community is improved by adding additional educational opportunities to the cultural mix of the community. Kenai Classical provides an alternate curriculum to the typical school curriculum, expanding the diversity of the educational opportunities available to local elementary and high school students. The economic health of the city is promoted by providing additional use of a currently underutilized facility. The income from the new opportunity has allowed the Applicant to perform maintenance make improvements to the building that otherwise could not have been undertaken.

Staff Response: The Land Use Plan, from the 2016 Comprehensive Plan, proposes a Suburban Residential land use for this neighborhood. The Suburban Residential Land Use Classification is defined in the Comprehensive Plan:



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

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

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

Vision: Kenai is a healthy community that provides for the emotional, physical, economic and spiritual wellbeing of all of its citizens; promotes the health and wellbeing for all age groups; provides opportunities for lifelong learning; and, encourages arts and cultural activities.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses. The elementary through high school operations would be in harmony with the site design and layout of the Suburban Residential Zoning District.
- Q-7 Provide a variety of formal and informal educational programs.

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

Vision: Kenai has a secure economic vitality by being a community that has a wide variety of job opportunities and workforce support and development; by providing a quality of life and financial climate that encourages businesses to start up, expand or relocate to Kenai; and, by providing a built environment based on standards that sustain long-term economic viability and growth and that promotes affordable residential and commercial development. Kenai Classical, Inc was formerly located in the Soldotna area. The relocating of the elementary and high school from Soldotna to Kenai will promote economic development within the Kenai city limits.

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

Applicant Response: The building is served by a DEC approved septic system, and the building is connected by a private water line to the City of water main on Aliak Drive.

All vehicles using the Applicant's property for the proposed use will access the property directly from the Kenai Spur Highway. With the exception of two residences which share a common access to the Kenai Spur Highway with the Applicant, the residential area around the Applicant's building will not experience any additional traffic as a result of the increased use. Additional traffic will consist of parents bringing their children to school and picking them up, a negligible increase in traffic.



Staff Response: The subject property is currently accessed via the Kenai Spur Highway, a paved, State maintained road. The building is connected to the City to water main on Aliak Drive. The building official for the City of Kenai has determined that a water meter must be installed on the premises.

The property has access to electricity, gas, and telephone services. There are recommended conditions with requirements related to public services and facilities:

Applicant indicates that the existing septic system is relatively new and was approved to accommodate parishioners attending church services. In the event that the Department of Environmental Conservation (DEC) requires upgrades to the exiting septic system, the applicant will upgrade the septic system.

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

Applicant Response: No argument has been made (nor can be made) that allowing a school to be conducted in the building would in any way be a harmful use

Staff Response: The use of a elementary through high school will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this use.

An inspection must be completed by the Fire Marshal for the City of Kenai to confirm that the premises meets current fire code. A fire inspection must be completed annually.

The Fire Marshal has determined that the maximum occupancy for the elementary through high school shall be 49 occupants, **including staff and students.**

Applicant must comply with the parking requirement for the premises as set forth KMC 14.20.250.

Criteria # 6: Specific conditions deemed necessary.

Applicant Response: The applicant is unaware of any such necessary conditions, but would be willing to abide by any reasonable conditions that might be required in order to engage in the proposed use.

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

RECOMMENDATIONS

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.



2. A fire inspection must be performed annually by the City of Kenai Fire Marshal. The applicant must comply with any recommendations made by the Fire Marshal.
3. The Permittee must adhere to the maximum occupancy of 49 occupants, **including staff and students**, in the elementary through high school area (basement).
4. The Permittee must comply with the parking requirement for the premises as set forth KMC 14.20.250.
5. In the event that the Department of Environmental Conservation (DEC) requires upgrades to the exiting septic system, the applicant will upgrade the septic system.
6. **Prior to issuance of the Conditional Use Permit**, Permittee must install a water meter on the premises.
7. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
8. The Permittee will meet with City staff for on-site inspections when requested.
9. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
10. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.

ATTACHMENTS

- A. Application
- B. Site Plan
- C. Aerial Map
- D. Parking Map





Conditional Use Permit Application

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

PROPERTY OWNER

Name:	Kenai Fellowship, a church of Christ			
Mailing Address:	P.O. Box 538			
City:	Kenai	State:	AK	Zip Code: 99611
Phone Number(s):				
Email:	kenaifellowshipchurch@gmail.com			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Rick Baldwin			
Mailing Address:	3080 Kim-n-Ang Ct.			
City:	Kenai	State:	AK	Zip Code: 99611
Phone Number(s):	907 398 1663			
Email:	rick@baldwinandbutler.com			

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04520025
Physical Address:	8333 Kenai Spur Hwy.
Legal Description:	Tract A, Kenai Fellowship Church, Plat KN 2008-108, Kenai Recording District, State of Alaska
Zoning:	RS
Acres:	3.95

CONDITIONAL USE DESCRIPTION

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

How is this property currently being used? Religious services and associated activities

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

Elementary and high school in addition to the current use for religious gatherings

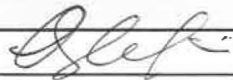
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:

See Attached

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

There will be no essential change in the use of the building insofar as its impact on adjoining property values. The building itself will be unchanged and the effect of the use on adjoining property and the neighborhood will be nil.

RECEIVED
CITY OF KENAI
DATE 7/14/2022
PLANNING DEPARTMENT

Use of surrounding property - north:	Kenai Spur Highway		
Use of surrounding property - south:	Vacant buffer owned by applicant		
Use of surrounding property - east:	Single family residence		
Use of surrounding property - west:	Single family residence		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
See Attached			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
The building is served by a DEC approved septic system, and the building is connected by a private water line to the City of Kenai water main on Aliak Drive.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
No argument has been made (nor can be made) that allowing a school to be conducted in the building would in any way be a harmful use.			
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?			
The Applicant is unaware of any such necessary conditions, but would be willing to abide by any reasonable conditions that might be required in order to engage in the proposed use.			
<p>AUTHORITY TO APPLY FOR CONDITIONAL USE: I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.</p>			
Signature:			Date: 7/14/2022
Print Name:	Rick Baldwin	Title/Business:	Baldwin & Butler, LLC
For City Use Only		Date Application Fee Received:	7-14-2022
		PZ Resolution Number:	2022-21

Attachment to Application for Conditional Use

Background. The Applicant is a Christian church that has met in the same location in Kenai for over 50 years. The building located on the property is used for religious worship, a permitted use under the RS zoning designation. Most of the use occurs on Sundays although historically the building has also been used for religious worship on Wednesday evenings, and occasionally during the week for various gatherings. Prior to the most recent school year the Applicant was approached by Kenai Classical, Inc., a private, non-profit school, seeking a replacement facility for the one they were having to vacate near Soldotna. The Applicant provided them with the opportunity to use a portion of the building for the last year. Kenai Classical has indicated an interest in using the building again for the coming year and the Applicant is willing to grant the use if certain issues can be resolved, primarily insuring that the use is consistent with the municipal fire code, and with the City of Kenai zoning code.

The Applicant seeks by this application a conditional use permit to allow the use of the Applicant's building as an elementary/high school.

The use is consistent with the purpose of Kenai Zoning Code and the purposes and intent of the zoning district;

The proposed use is allowed by conditional use permit under the RS zoning designation. The intent of the RS zoning designation as expressed in the City Code is

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

The building is well separated from residential structures and will continue to be so separated. Only two residential structures are within such proximity to the building that they can even be seen, the residence to the east being some 125 feet and the residence to the west being 200 feet from the building. In 2014 the Applicant acquired the lot adjacent to the building to the east and razed the structure, providing a buffer lot between the Applicant's building and the residence to the east. The building is screened from view of the residence to the west by trees.

A school is little different than a church except for the days of the week in which it is used. An elementary school, Swires Elementary, zoned ED is located immediately adjacent to the subject zoning district, and within 1600 feet of the Applicant's Building.

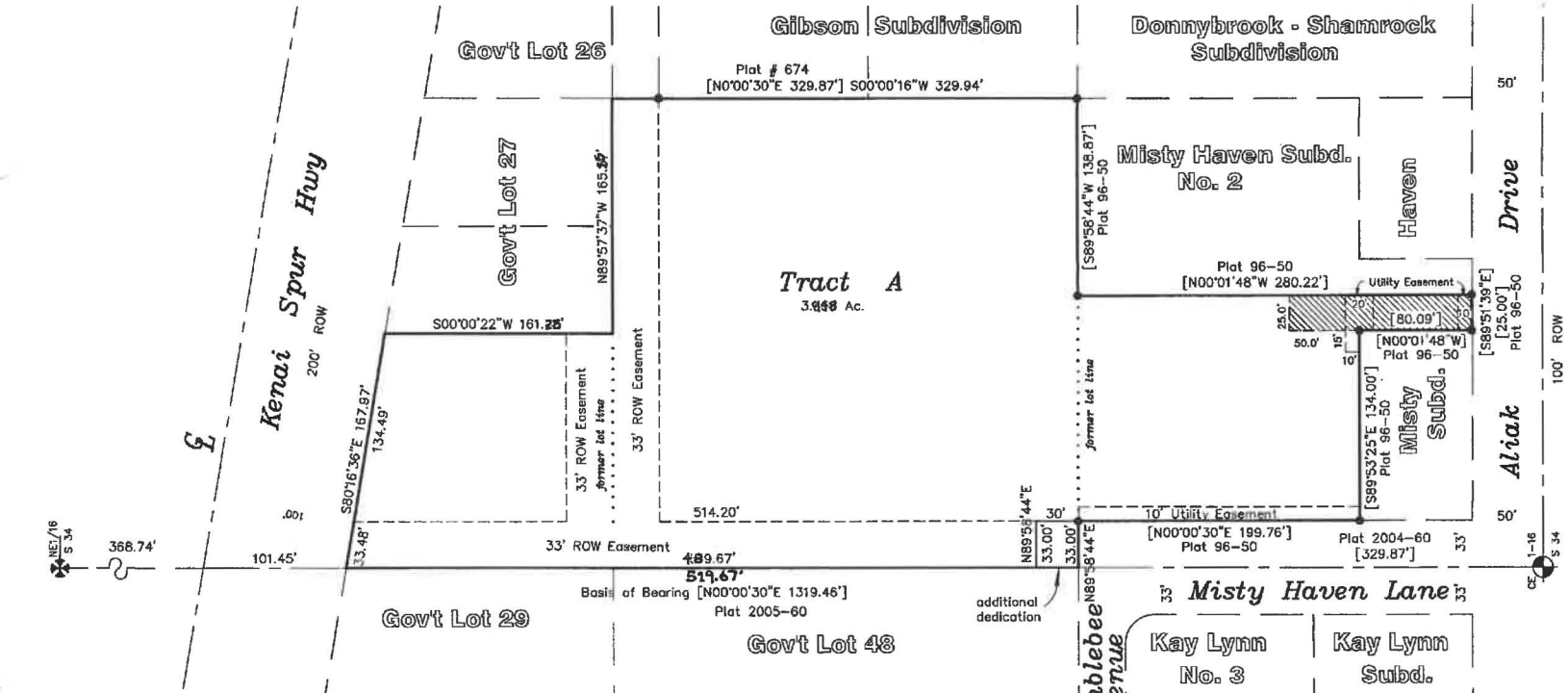
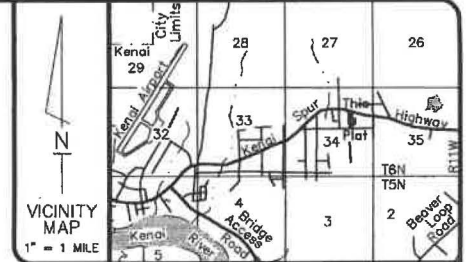
All vehicles using the Applicant's property for the proposed use will access the property directly from the Kenai Spur Highway. With the exception of two residences which share a common access to the Kenai Spur Highway with the Applicant, the residential area around the Applicant's building will not experience any additional traffic as a result of the increased use. Additional traffic will consist of parents bringing their children to school and picking them up, a negligible increase in traffic.

The proposed use is in harmony with the Comprehensive Plan;

The twin goals of promoting and encouraging quality of life and providing economic development elements to support the fiscal health of the community will be advanced by allowing the permitted use. The quality of life of a community is improved by adding additional educational opportunities to the cultural mix of the community. Kenai Classical provides an alternate curriculum to the typical school curriculum, expanding the diversity of the educational opportunities available to local elementary and high school students. The economic health of the city is promoted by providing additional use of a currently underutilized facility. The income from the new opportunity has allowed the Applicant to perform maintenance make improvements to the building that otherwise could not have been undertaken.

NOTES:

- 1) Development of this lot is subject to the City of Kenai's zoning regulations.
- 2) No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 3) Front 10 ft. adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a Utility to use the easement.
- 4) **WASTEWATER DISPOSAL:** Plans for wastewater disposal, that meet regulatory requirements are on file at the Alaska Department of Environmental Conservation.
- 5) This is a paper plat, NO FIELD SURVEY WAS PERFORMED. Dimension and bearings shown are record as indicated or computed from same.
- 6) No permanent structures shall be constructed or placed within the panhandle portion of Tract A.
- 7) An exception was granted by the Plat Committee to KPB 20.20.030 on July 21, 2008.



LEGEND:

- ⊗ 3-1/4" BLM Brass Cap Monument of Record
- ⊕ 2" Alum. Cap (Illegible) Monument of Record
- 5/8" Rebar of Record
- 5/8" Rebar of Record
- [] Record Datum
- ▨ Indicates a common driveway shown on Plat #96-50 KRD

2008-108
 RECORDED 20-
 KENAI REC. DIST.
 DATE: 10-23-2008
 TIME: 3:42 P.M.
 REQUESTED BY:
 INTEGRITY SURVEYS
 8195 KENAI SPUR HWY
 KENAI, ALASKA 99611

CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBMISSION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Dave King
 Dave King for
 Kenai Fellowship A Church of Christ
 P. O. Box 538
 Kenai, AK 99611

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 10th DAY OF October 2008 FOR Dave King

Jalynne Elliott
 JALYNNE ELLIOTT
 NOTARY PUBLIC
 My Comm. Exp. 3/1/11

SURVEYOR'S CERTIFICATE

I hereby certify that; I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 21, 2008

KENAI PENINSULA BOROUGH

Max J. Best
 AUTHORIZED OFFICIAL



KPB FILE No 2008-166

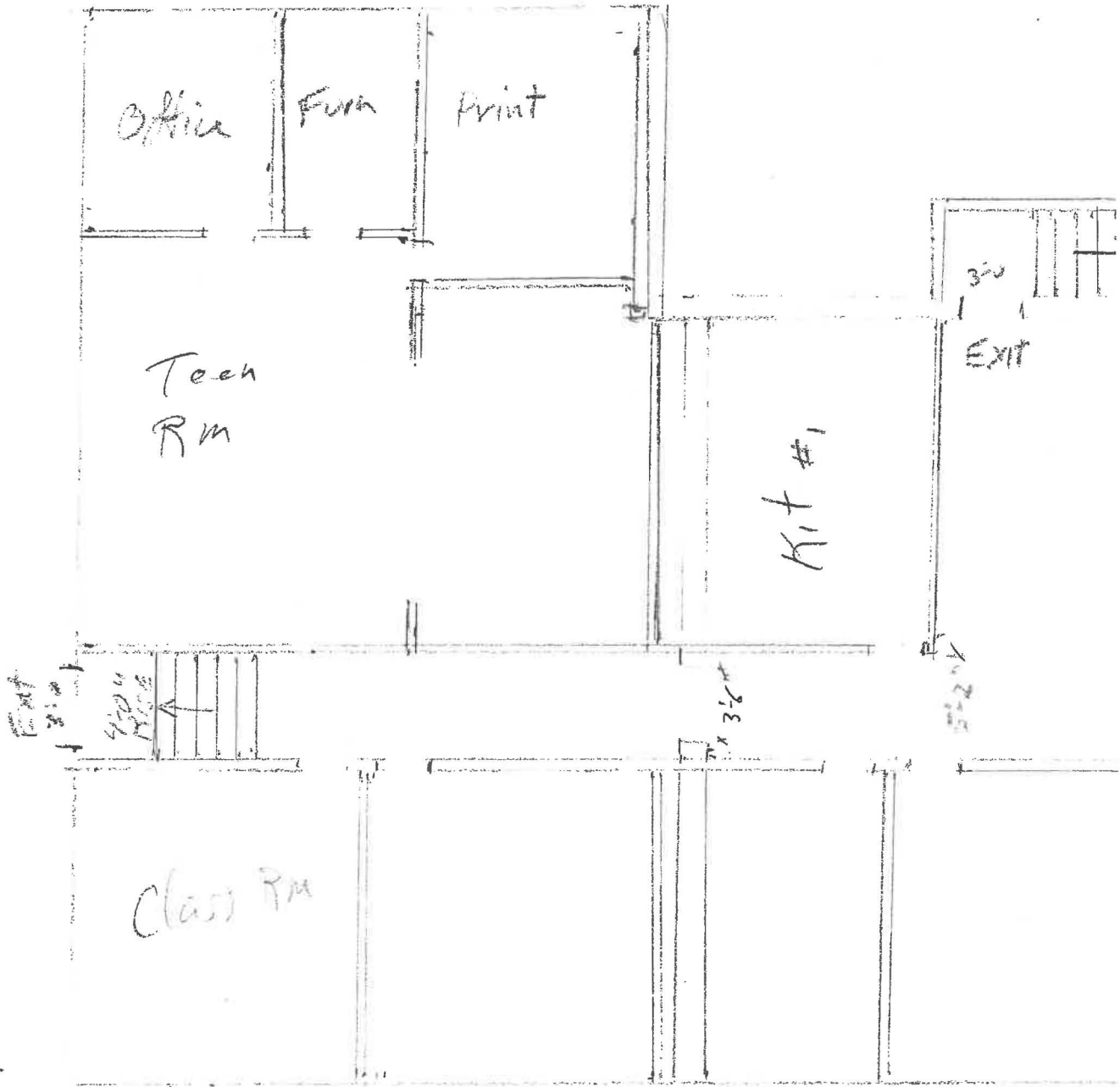
Kenai Fellowship Church

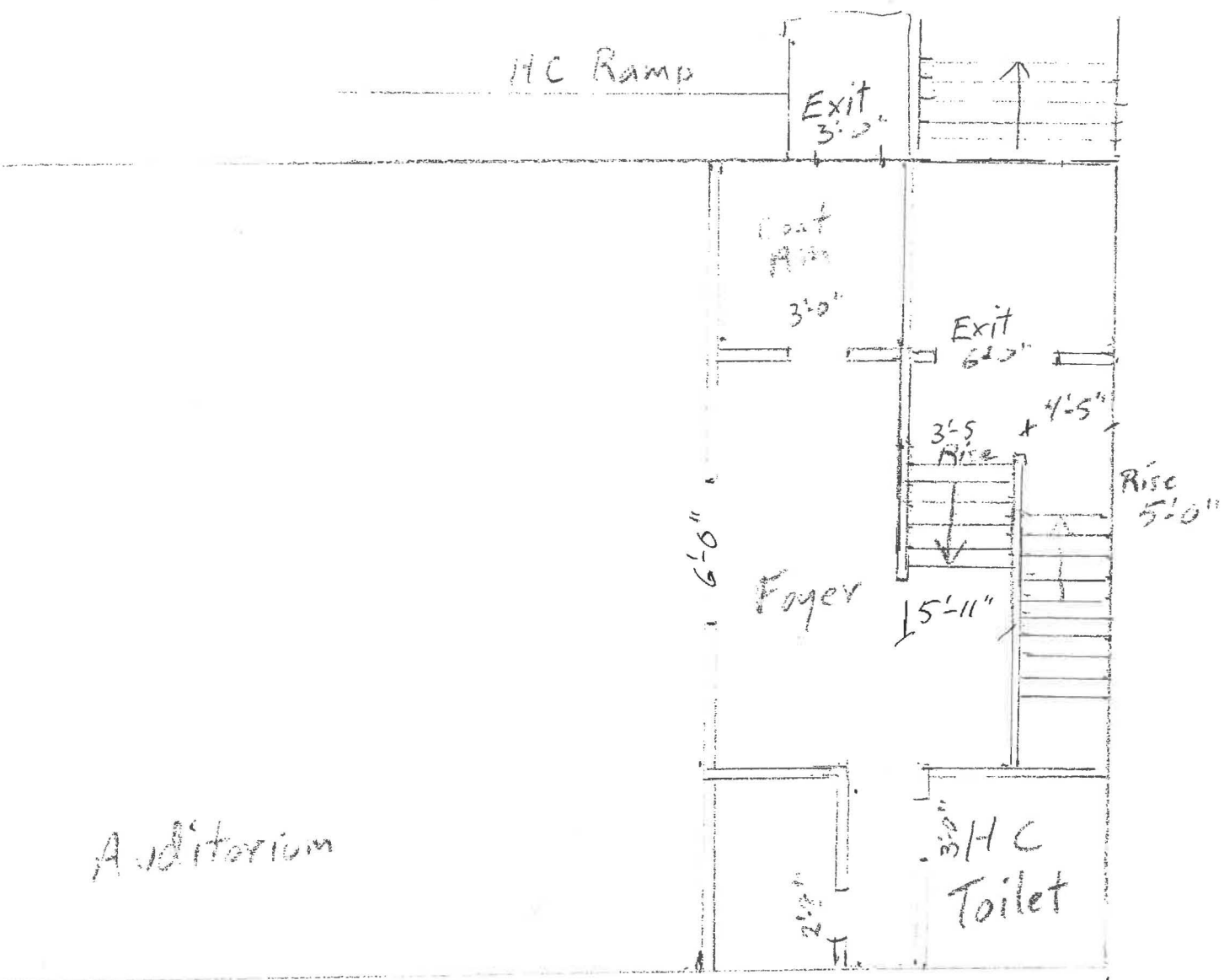
A replat of Government Lots 28 (south of the highway), 47 and Lot 4 Misty Haven Subdivision #2, Plat No. 96-50 KRD. Located within the SE1/4 NE1/4 Section 34, T8N, R11W, S.M., City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.
 Containing 3.948 Acres

Integrity Surveys, Inc.

8195 Kenai Spur Hwy Kenai, Alaska 99611-8902
 SURVEYORS PHONE - (907) 283-8047
 FAX --- (907) 283-9071 PLANNERS

JOB NO:	28085	DRAWN:	15 October, 2008 CB
SURVEYED:	N/A	SCALE:	1" = 60'
FIELD BK:	N/A	DISK:	Kenai Fellowship





ⓔ

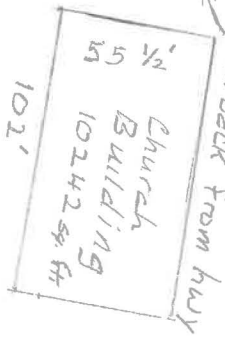
Kenai Spur Hwy
200' ROW

101.45'

.001

S80°16'36"E 167.97'

134.49'



Buffer Lot
owned by
Church

Gov't Lot 27

S00°00'22"W 161.23'

N89°57'37"W 165.15'

33' ROW Easement
former lot line

33' ROW Easement

33' ROW Easement

Basis of Bearing [N00°00'30"E 1319.46']

519.67'

489.67'

514.20'

Tract A
3.948 Ac.

N89°58'44"E

33.00

33.00

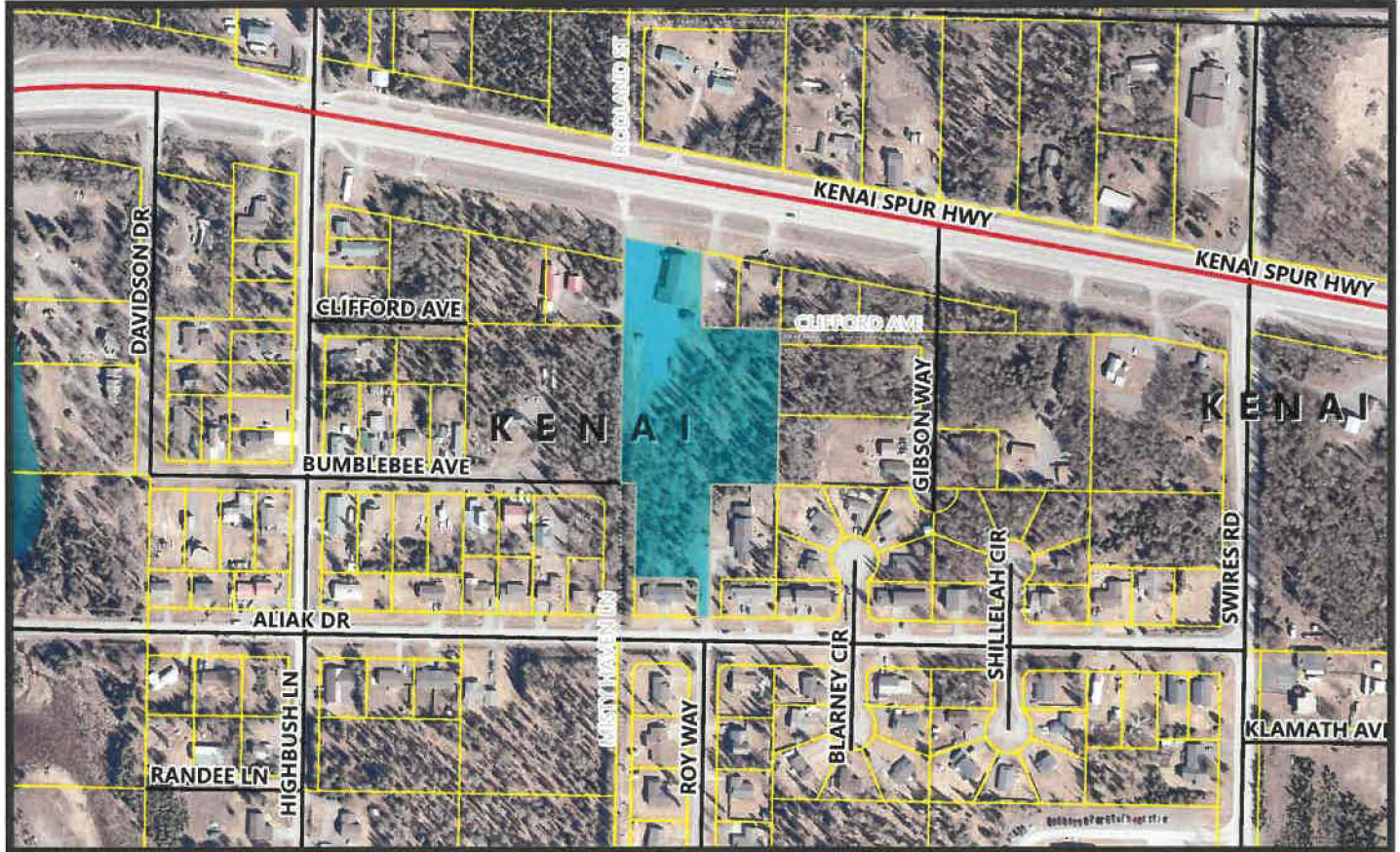
additional



PARCEL REPORT

PARCEL ID: 04520025

Total Acreage: 3.95



LEGAL DESCRIPTION:

T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2008108 KENAI FELLOWSHIP CHURCH TRACT A

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

8333 KENAI SPUR HWY

LAND VALUE: \$49,700

ASSESSED VALUE: \$350,800

IMPROVEMENT VALUE: \$301,100

TAXABLE VALUE: \$27,800

BUILDINGS ON THIS PARCEL:

Building Type	Square Footage	Year Built
SUNDSCHL	6,860	1974

OWNERS:

Name:
KENAI FELLOWSHIP A CHURCH OF CHRIST

Address:
PO BOX 538
KENAI, AK 99611

The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.



8399 KENAI SPUR HWY

8333 KENAI SPUR HWY

8303 KENAI

-151.178 60.570 Degrees

40ft

Page 26



KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Max Best, Interim Planning Director
DATE: August 10, 2022
SUBJECT: **Ordinance 3298 – 2022 Enacting Floodplain Management**

The Kenai City Council expressed its intent to participate in the National Flood Insurance Program (NFIP) via Resolution 2022-13. Participation in the NFIP is a requirement for the City to work with the US Army Corps of Engineers to complete the City's bluff erosion project. The City has the authority to enact and enforce regulations regarding the NFIP as a home rule municipality within the State of Alaska. Participation in the NFIP will benefit affected property owners through the availability of more affordable flood insurance. This Ordinance will be add a new chapter of code within Tile 14 and be administered by the City Planning Department. The new proposed chapter was modeled after the Kenai Peninsula Borough's existing NFIP ordinances, updated to meet newer federal requirements and customized to work within the City's existing code.

Enactment of this ordinance will ensure the Federal Insurance Administrator that the City will maintain and keep in force adequate land use and control measures in those areas having flood, mudslide, or flood-related erosion hazards.

Does the Commission recommend Council approve and adopt Ordinance 3928-2022 Enacting Floodplain Management?

Attachments

Ordinance 3928-2022
Resolution 2022-13
NFIP fact sheet



**CITY OF KENAI
ORDINANCE NO. 3298-2022 (SUBSTITUTE)**

AN ORDINANCE ENACTING KENAI MUNICIPAL CODE CHAPTER 14.30-FLOODPLAIN MANAGEMENT, WITHIN TITLE 14-PLANNING AND ZONING, TO REGULATE LAND USE WITHIN THE FLOOD PLAIN AND AUTHORIZING THE CITY TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM.

WHEREAS, the Council expressed its intent to participate in the National Flood Insurance Program (NFIP) via Resolution 2022-13; and,

WHEREAS, participation in the NFIP is a requirement for the City to work with the US Army Corps of Engineers to complete the City's bluff erosion project; and,

WHEREAS, the City has the authority to enact and enforce regulations regarding the NFIP as a home rule municipality within the State of Alaska; and,

WHEREAS, participating in the NFIP will benefit affected property owners through the availability of more affordable flood insurance; and,

WHEREAS, the purpose of this ordinance is to promote public health, safety and general welfare, and to minimize public and private losses due to flooding in flood hazard areas; and,

WHEREAS, it is in the best interest of the City and its residents to join the NFIP.

WHEREAS, at its meeting on ____ (date) the Planning and Zoning Commission recommended _____.

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

Section 1. Enactment of Chapter 14.30 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 14.30 Flood Plain Management, is hereby enacted as follows:

CHAPTER 14.30. FLOODPLAIN MANAGEMENT

14.30.010. Findings of Fact and Statement of Purpose.

- A. Findings. The flood hazard areas of the City of Kenai are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Flood losses may be caused by the cumulative effect of obstructions in flood hazard areas which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage, also contribute to flood loss.
- B. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
9. Participate in and maintain eligibility for flood insurance and disaster relief.

14.30.015. Methods of Reducing Flood Loss.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

14.30.030. General Provisions.

- A. *Lands to Which this Chapter Applies.* This chapter shall apply to all flood hazard areas within the City of Kenai.
- B. *Basis for Establishing Flood Hazard Areas.* Flood hazard areas are identified as follows:

The areas of special flood hazard identified by the federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study" applicable to the City of Kenai in its most recent adopted version (October 20,2016 titled "Flood Insurance Study for the Kenai Peninsula Borough, Alaska and Incorporated Areas") and any subsequent revisions thereto, with accompanying Flood Insurance Maps and revisions thereto. The Flood Insurance Study is on file at the City of Kenai administrative offices. The best available information for flood hazard area identification provided in this Chapter will be the basis for regulation until a new FIRM is issued.
- C. *Warning and Disclaimer of Liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood

damages. This chapter shall not create liability on the part of the City of Kenai, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

- D. *Noncompliance—Enforcement.* Structures and activities which are not permitted or allowed by this chapter are prohibited. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements shall be enforced by the remedies set forth in KMC 14.20 including any injunctive remedies allowed by law. Each day a violation continues is a separate violation.
- E. *Abrogation and greater Restrictions.* This Ordinance is not intended to repeal, abrogate, or impair any existing easements or deed restrictions. However, where this ordinance is more stringent, it must be complied with.
- F. *Interpretation.* In the interpretation and application of this ordinance, all provisions are considered minimum requirements, liberally construed in favor of the City and do not limit or repeal and other powers granted under state statutes.

14.30.040. Administration.

A. *Development Permit Required.* A development permit shall be obtained before construction or development begins within flood hazard areas established or incorporated into this Chapter. Whether or not a project or activity meets the definition for "development" under this Chapter is subject to a final written determination made by the planning department after consultation with the applicant. The permit shall be for all structures (including manufactured homes) and for all other development including fill and other activities. Application for a development permit shall be made on forms furnished by the City and shall include but not be limited to the following: plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; logging, placement of storage tanks (fuel or other), existing or proposed structures, substantial improvements of existing structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- 1. For A Zones (A, A1-30, AE, AH, AO):
 - a. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent grade and proposed elevation of lowest floor of all structures;
 - b. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria for non-residential construction; and
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- 2. For V Zones (VE, V1-30 and V):
 - a. Proposed elevation in relation to mean sea level of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement;
 - b. Base Flood Elevation data for subdivision proposals or other development, including manufactured home parks or subdivisions, greater than 50 lots or 5 acres, whichever is the lesser; and

- c. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. *Designation of the Floodplain Administrator.* The Planning Director or his / her designee is appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.
- C. *Duties and Responsibilities of the Planning Department.* Duties of the planning department shall include but not be limited to the following:
- 1. *Permit Application Review.*
 - a. Review all development permit applications to determine that the permit requirements have been met;
 - b. Review all development permit applications to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;
 - c. Review all development permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that all provisions of this Chapter are met.
 - 2. *Issue Permit.*
 - a. Upon determination that the submitted and recorded information connected with the permit application meets the terms of this chapter, the planning department shall issue a floodplain development permit to the original applicant. If the project involves the construction of a residential structure in a special flood hazard area, the planning department floodplain management office will issue an initial permit based on the building plans in the application. A final permit will be issued after the applicant submits an elevation certificate and floodplain management staff determines that the building is in compliance with all floodplain regulations.
 - b. The floodplain development permit shall be valid until the expiration date provided that the start of construction occurs within 180 days of the permit issue date. If construction does not begin within this time period, the permit will expire 180 days from the issue date. The planning department floodplain management office shall be notified at least three days prior to start of construction for possible site inspection and notice-to-proceed.
 - c. The floodplain development permit is not assignable without permission from the planning department.
 - 3. *Use of Other Base Flood Data.* When base flood elevation data has not been provided in accordance with the provisions of this Chapter, the planning department shall obtain, review, and reasonably utilize any base flood and floodway elevation data available from a federal, state or other source, in order to administer the requirements of this Chapter.
 - 4. *Information to be Obtained and Maintained.*
 - a. Where base flood elevation data is provided through the Flood Insurance Study or is otherwise required, actual elevation as submitted (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement must be recorded;
 - b. For all new or substantially improved floodproofed structures:
 - i. Record the actual elevation as submitted (in relation to mean sea level), and
 - ii. Maintain the flood proofing certifications required by this Chapter;

- c. Maintain for public inspection all records pertaining to the provisions of this chapter in perpetuity.

5. *Notification to Other Entities*

- a. Whenever a watercourse is to be altered or relocated, notify adjacent communities and the State Coordinating Office prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- b. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- c. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

6. *Remedial Actions.* Take actions on violations of this ordinance as required in Chapter.

7. *Alteration of Watercourses.*

- a. Notify adjacent communities and the Department of Community and Regional Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that the flood carrying capacity within altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that flood carrying capacity is not diminished. Require compliance with all other sections of this Chapter.

8. *Fee Required.* The planning department shall charge fees for permits and exceptions. Fees shall be the amount listed in the most current Schedule of Rates, Charges and Fees to be paid by the applicant at the time that the floodplain development permit application is submitted.

14.30.050. Standards.

A. *General Standards.* In all flood hazard areas, the following standards are required:

1. *Anchoring.*

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. *Construction Materials and Methods.*

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

- c. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. Within Zones AH or AO, adequate drainage paths shall be constructed around structures or slopes to guide floodwaters around and away from proposed structures.
3. *Utilities.*
- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and,
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. *Subdivision Proposals.*
- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. All proposed improvements such as water, sewer, natural gas, telephone and electrical facilities shall be located and constructed in a manner which will minimize damage in the event of a flood.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals which contain 50 lots or 5 acres, whichever is less. The floodplain requirements for subdivision plats, detailed in this Chapter, apply to all subdivision proposals.
 - e. It is the responsibility of the subdivider to provide all necessary information regarding flood protection measures at the time the preliminary plat is presented for consideration by the planning commission.
5. *Review of Development Permits.* Where elevation data is not available, applications for development permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding and will minimize adverse impacts to neighboring properties. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
6. *Alteration of Watercourses.* The flood carrying capacity within the altered or relocated portion of said watercourse shall be maintained. Maintenance shall be provided within the altered or relocated portion of said watercourse to ensure that flood carrying capacity is not diminished.
- B. *Specific Standards.* In Zone A, AE, A1-30, Ah and AO, as set forth by this Chapter, the following provisions are required:
- 1. *Residential Construction.*
 - a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the Flood Protection Elevation.
 - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i. A minimum of two openings located on separate walls and having a total net area of not less than 1 square inch for every square foot of enclosed space subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than 1 foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - iv. Enclosed areas below the Flood Protection Elevation must be unfinished and usable only for parking, access or storage of materials easily moved during a flood event.
 - v. Before a final floodplain development permit is issued by the planning department for a residential structure with enclosed areas below the base flood elevation, the owners shall sign a non-conversion agreement stating that the enclosed space shall remain in compliance with this Chapter. The non-conversion agreement shall be recorded by the City of Kenai placing future buyers of properties on notice of the hazards of enclosed spaces below the Flood Protection Elevation and the requirements to keep the permitted structure compliant with City of Kenai floodplain regulations.
- c. For zones AH, AO, drainage paths are required around structures on slopes to drain floodwaters away from proposed structures.
- d. A garage attached to a residential structure, constructed with the garage floor slab below the Flood Protection Elevation, must be designed to allow for the automatic entry and exit of flood waters.
- e. For A Zones (A, AE, A1-30, AH, AO):

Residential construction, new or substantial improvement, shall have the lowest floor, including basement, elevated to or above the Base Flood Elevation.

- i. In a Zone AO, the Base Flood Elevation is determined from the FIRM panel as the depth number specified. If no depth is specified, the required elevation is at minimum two (2) feet above highest adjacent grade.
- ii. In a Zone A where the Base Flood Elevation has not been determined, the Base Flood Elevation is determined locally by the criteria set out in this Chapter. A minimum of 2 feet above highest adjacent grade may result in a lower insurance premium.
- iii. In Zones AE, A1-30, and AH, the Base Flood Elevation is determined from the FIS and/or FIRM.
- iv. A garage attached to a residential structure, constructed with the garage floor slab below the Base Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

- f. For V Zones (VE, V1-30 and V):

Residential construction, new or substantial improvement, shall:

- i. Be located landward of the reach of mean high tide;
- ii. Have the bottom of the lowest structural member of the lowest floor (excluding pilings and columns), elevated to or above the Base Flood Elevation;
- iii. Have the pile or column foundation and structure attached thereto be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used

shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards;

- iv. Have the space below the lowest floor, usable solely for parking of vehicles, building access, or storage, either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot;
- v. Prohibit the use of fill for structural support of buildings; and
- vi. Prohibit man-made alteration of sand dunes and mangrove stands.

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this Section.

Upon completion of construction, certification by a registered professional engineer or architect that these design standards have been satisfied, and certification by a registered professional engineer or surveyor that the elevation requirements of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

2. *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official planning department.
- d. Have the space below the lowest floor, usable solely for parking of vehicles, building access, or storage, either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot;
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are 1 foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as 1 foot below that level).
- f. For zones AH, AO, and areas of the SMFDA, drainage paths are required around structures on slopes to drain floodwaters away from proposed structures.
- g. For A Zones (A, AE, A1-30, AH, AO):

Non-residential construction, new or substantial improvement, shall have the lowest floor elevated to conform with the standards in Section (B)(1)(b) and (B)(1)(e).

h. For V Zones (VE, V1-30, V):

Floodproofing of non-residential structures is prohibited. All structures must be elevated and constructed according to the requirements set forth in (B)(1)(f).

3. *Manufactured Homes.* All manufactured homes to be placed or substantially improved within Zones A1-30, AH, AE, and AO shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (A)(1) of this section and meet residential requirements for Zones AO as applicable
4. *Recreational vehicles.* Recreational vehicles that are placed on sites within a Special Flood Hazard Area as identified by the current effective FIRM or DFIRM panel are required to either:
 - a. Be on the site for fewer than 180 consecutive days, or
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, and attached to the site only by a quick disconnect type utilities and security devices.
 - c. Meet the permit requirements of Section 14.30.040 of this Ordinance and the applicable elevation and anchoring requirements for manufactured homes in this Ordinance.
5. Appurtenant Structures (Detached garages and Storage Structures.
 - a. For A Zones (A, AE, A1-30, AH, AO):

Appurtenant structures used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:

- i. Use of the appurtenant structure must be limited to parking of vehicles or storage;
- ii. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- iii. The appurtenant structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- iv. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the Base Flood Elevation;
- v. The appurtenant structure must comply with floodway encroachment provisions; and
- vi. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters.

Detached garages, storage structures and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards as required for A zones.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

b. For V Zones (VE, V1-30 and V):

Floodproofing of non-residential structures is prohibited. All structures must be elevated and constructed according to the requirements set forth for residential construction.

- c. *Before regulatory floodway.* In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Special Flood Hazard Area zones AE, A1-A30 as identified in the current effective FIRM or DFIRM panel at that location unless the applicant demonstrates in the application that the cumulative effect of the proposed

development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- d. *Fuel storage tanks.* Any fuel storage tanks shall be elevated above the base flood elevation or made watertight and anchored to resist flotation, collapse, and lateral movement. The tank must also be installed within an impervious containment basin of a size sufficient to contain 110 percent of storage capacity plus 12 inches of freeboard.
 - e. *Logging or clearing.* Within any special flood hazard area of the current effective FIRM or DFIRM, logging or clearing may not increase runoff and/or erosion to such levels that it may significantly damage the floodplain function, riparian habitat or wetlands.
 - f. *Floodways.* Located within flood hazard areas established in this Chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to erosion potential and the velocity of floodwaters which carry debris, the following provisions apply:
 - 1. All encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during occurrence of base flood discharge.
 - 2. If subdivision (1) of this subsection is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
 - 3. Encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations may be permitted, provided that the City first applies for and fulfills the requirements for a Conditional Letter of Map Revision (CLOMR), and receives approval from the Federal Insurance Administrator to revise the FIRM and FIS in accordance with Notification to Other Entities.
- D. Coastal High Hazard Areas. Where FEMA has identified coastal high hazard areas (Zones V, VE, and V1-V30) on the FIRM or DFIRM, construction shall meet the following requirements in addition to all other provisions in this chapter:
- 1. All new construction shall be located landward of the reach of mean high tide and shall be anchored to prevent lateral movement, flotation or collapse.
 - a. Proposed elevation in relation to mean sea level of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement;
 - b. Base Flood Elevation data for subdivision proposals or other development, including manufactured home parks or subdivisions, greater than 50 lots or 5 acres, whichever is the lesser; and
 - c. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - 2. All new construction, manufactured homes, and substantial improvements within coastal high hazard areas shall be elevated on adequately anchored pilings or columns such that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation; and

- b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a 1 percent chance of being equaled or exceeded in any given year (100-year or 1-percent annual exceedance probability mean recurrence interval); and
 - c. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall provide a certification that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subdivisions (2)(a) and (2)(b) of this subsection. The certification and related records will be maintained in the planning department permit files in perpetuity.
3. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions. Such enclosed space shall not be used for human habitation (only used for parking of vehicles, storage or building access) and must be in compliance with the residential construction standards required in this Chapter.
- a. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a 1 percent chance of being equaled or exceeded in any given year (100-year or 1-percent annual exceedance probability mean recurrence interval).
4. The use of fill for structural support of buildings within coastal high hazard areas on the FIRM or DFIRM is prohibited.
5. **Manufactured Homes.** All manufactured homes to be placed or substantially improved within coastal high hazard areas shall meet the requirements for new and substantial improvement construction.

E. Standards for Storage of Materials and Equipment

- a. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

14.30.060. Variance procedure.

A. *Appeal Board.*

- 1. The Kenai Planning and Zoning Commission shall hear and decide appeals and requests for variances from the requirements of this chapter.
- 2. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the planning department in the enforcement or administration of this chapter.
- 3. Those aggrieved by the decision of the planning commission may appeal such decision in accordance with KMC 14.20.290 and 14.20.300.
- 4. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other section of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;

- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the factors of subsection (A)(4) of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter,
 6. The planning department shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. *Conditions for Variances.*

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subparagraphs (a) through (k) of subsection (A)(4) of this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in

nature and do not pertain to the structure, its inhabitants, or to economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, exceptions from the flood elevations should be quite rare.

7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-flood proofing where it can be determined that such action will have low damage potential, complies with all other exception criteria except subsection (B)(1) of this section, and otherwise complies with this Chapter.
8. Any applicant to whom a variances is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

14.30.070. Definitions.

For the purposes of this chapter, the following words and phrases shall be defined as follows:

"100-year or 1-percent annual exceedance probability flood" (also called "regulatory flood," "base flood", "base flood depth", or "special flood hazard area") means a flood with a 1 percent chance of being equaled or exceeded in any year. Statistical analysis of available streamflow or storm records, or analysis of rainfall and runoff characteristics of the watershed, or topography and storm characteristics are used to determine the extent and depth of the 100-year or 1-percent annual exceedance probability flood.

"Area of shallow flooding" A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

"Base flood" The flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" The elevation to which floodwater is anticipated to rise during the base flood.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Clearing" means the act of removing trees or vegetation on a cumulative 20 percent or more of a given parcel of land.

"Coastal high hazard area" means the area subject to high velocity waters due to wind, tidal action, storm, tsunami or any similar force, acting singly or in any combination resulting in a wave or series of waves of sufficient magnitude, velocity or frequency to endanger property and lives. The Area designated on the FIRM as zone V1-30, VE or V.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Variance" means a grant of relief from the requirements of this chapter, which permits construction in a manner that would otherwise be prohibited by this chapter.

"Federal Emergency Management Agency" is the agency responsible for administration of the National Flood Insurance Program.

"Flood hazard area" means the land area covered by the flood, having a 1 percent chance of occurring in any given year. See also "100-year or 1-percent annual exceedance probability flood." The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

"Flood Insurance Rate Map (FIRM) and Digital Flood Insurance Rate Map (DFIRM)" means the official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and risk premium zones applicable to the community. A FIRM that been made available digitally is called a Digital Flood Insurance Rate Map.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

"Functionally dependent use" A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Logging" means the process, work, or business of cutting down trees, storage of logs and transporting the logs to sawmill(s), or for sale or export.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than the basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured home" means a structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"New construction" For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"Planning department" means the planning department of the City of Kenai.

"Primary structure" means a dwelling, a building suitable for commercial use, or any structure which will be served by water or wastewater disposal systems or a fuel storage tank. This definition is applicable only in the SMFDA.

"Special Flood Hazard Area (SFHA)" see "Flood Hazard Area".

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building including liquid or gas storage tank, as well as a manufactured home that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed 50 percent of the assessed value of the structure before damage occurred.

"Substantial evidence" means evidence a reasonable mind might accept to support a conclusion.

"Substantial improvement" means any remodeling, repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed value of the structure before the improvement or repair is started or, if the property has been damaged and is being restored, before the damage occurred. This term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified or cited by the local code enforcement official, and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or State Register of Historic Places.

Section 2. That the City Manager, or his designee, is authorized to apply for entry into the NFIP on behalf of the City.

Section 3. 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 4. 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 3RD DAY OF AUGUST, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: July 6, 2022
Enacted: August 3, 2022
Effective: September 2, 2022



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2022-13

A RESOLUTION OF THE CITY OF KENAI, ALASKA EXPRESSING INTENT TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM.

WHEREAS, certain areas of the City of Kenai could be subject to periodic flooding, mudslides, or flood-related erosion, causing serious damages to properties within these areas; and,

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood insurance Act of 1968; and,

WHEREAS, it is the intent of the City Council to require the recognition and evaluation of flood, mudslide, or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and,

WHEREAS, as a home-rule municipality, the City Council has the legal authority to adopt land use and control measures to reduce future flood losses.

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

Section 1. That the Kenai City Council assures the Federal Insurance Administrator that it will enact as necessary, and maintain in force in those areas having flood, mudslide (i.e. mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth for the National Flood Insurance Program in Part 60 Title 44 of the Code of Federal Regulations.

Section 2. That the City Manager or designee has the responsibility, authority and means to:

1. Assist the Administrator, by request, in the delineation of the limits of the area having special flood, mudslide (i.e. mud-flow), or flood-related erosion hazards.
2. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide (i.e. mud flow) or flood-related erosion areas.
3. Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e. mudflow), or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e. mudflow) and/or flood related erosion areas in order to prevent aggravation of existing hazards.
4. Submit on the anniversary date of the community's initial eligibility an Annual Report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.
5. Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps and/or Flood Insurance

Rate Maps accurately represent the community ' s boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority .


- 6. Appoints the City of Kenai Planning Department to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood- proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest habitable floor (including basement if habitable) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed the elevation (in relation to mean sea level) to which the structure was floodproofed.
- 7. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Section 3. That this Resolution takes effect immediately upon adoption.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of March, 2022.



 BRIAN GABRIEL, SR., MAYOR

ATTEST:


 Michelle M. Saner, MMC, City Clerk

Joining the National Flood Insurance Program

The National Flood Insurance Program (NFIP) was established with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Over 20,000 communities participate in the Program.

The decision on whether to join the NFIP is very important for a community. There is no Federal law that requires a community to join the Program and community participation is voluntary. A benefit of participation is that your citizens are provided the opportunity to purchase flood insurance to protect themselves from flood losses. Another consideration is that a community that has been identified by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) as being flood-prone and has not joined the NFIP within one year of being notified of being mapped as flood-prone will be sanctioned. This means that Federal agencies cannot provide financial assistance for buildings in flood hazards areas.

FEMA is required by law to identify and map the Nation's flood-prone areas. The identification of flood hazards serves many important purposes. Identifying flood hazards creates an awareness of the hazard, especially for those who live and work in flood-prone areas. Maps provide States and communities with the information needed for land use planning and to reduce flood risk to floodplain development and implement other health and safety requirements through codes and regulations. States and communities can also use the information for emergency management.

To participate in the NFIP, a community must adopt and enforce floodplain management regulations that meet or exceed the minimum requirements of the Program. These requirements are intended to prevent loss of life and property and reduce taxpayer costs for disaster relief, as well as minimize economic and social hardships that result from flooding.

When FEMA provides a community with a flood hazard map, the community should carefully review these maps and determine whether flood insurance and floodplain management would benefit the community and its citizens.

In making the decision whether to join the NFIP, communities need to keep in mind that homeowners' insurance policies generally do not cover flood losses, and many homeowners and other property owners are often unaware that their property is flood-prone. Even if your community has not been identified as flood-prone by FEMA, your community can still join the NFIP. By participating in the NFIP, property owners throughout the community will be able to purchase flood insurance.

Communities that have been identified as flood-prone by FEMA need to keep in mind that property owners in a non-participating community are ineligible for most forms of disaster assistance within the identified flood hazard areas. This does not affect communities that have not had flood hazards identified by FEMA.

What must a community do to join the NFIP?

To join the Program, the community must submit an application package that includes the following information:

- **Application For Participation in the National Flood Insurance Program (FEMA Form 81-64):**
This one-page form asks for the following information:
 - Community name
 - Chief Executive Officer
 - Person responsible for administering the community's floodplain management program
 - Community repository for public inspection of flood maps
 - Estimates of land area, population, and number of structures in and outside the floodplain
- **Resolution of Intent:** The community must adopt a resolution of intent, which indicates an explicit desire to participate in the NFIP and commitment to recognize flood hazards and carry out the objectives of the Program.

IMPORTANT FACTS YOU SHOULD KNOW

Floods are the most common and most costly natural disaster in the United States.

Before most forms of Federal disaster assistance can be offered, the President must declare a major disaster.

Flood insurance claims are paid whether or not a disaster has been Presidentially declared.

The most common form of Federal disaster assistance is a loan, which must be paid back with interest.

There are about 4.7 million flood insurance policies in force in more than 20,000 communities across the U.S.

Over the life of a 30-year mortgage, there is a 26-percent (or 1 in 4) chance that a building in a floodplain will experience a flood that will equal or exceed the 1-percent-chance flood (100-year flood).

Since 1969, the NFIP has paid over \$14 billion in flood insurance claims that have helped hundreds of thousands of families recover from flood disasters.

Approximately 25% of all claims paid by the NFIP are for policies outside of the mapped floodplain.

CAN YOUR COMMUNITY AFFORD NOT TO PARTICIPATE?

- **Floodplain Management Regulations:** The community must adopt and submit floodplain management regulations that meet or exceed the minimum flood plain management requirements of the NFIP.

Please contact your FEMA Regional Office or the NFIP State Coordinating Agency for information about joining the Program. These offices will provide an application, sample resolution, and a model floodplain management ordinance. (See "For Assistance" on the back page for contact information)

What are the requirements that a community must adopt?

The NFIP requirements are designed to ensure that new buildings and substantially improved existing buildings in flood-prone areas are protected from flood damages. The minimum NFIP floodplain management requirements that a community must adopt are located in **Title 44 of the Code of Federal Regulations (44 CFR) section 60.3**. The specific requirements that a community must adopt depend on the type of flood hazard data that is provided to the community by FEMA.

In addition to meeting the requirements of the NFIP, a community's floodplain management regulations must be legally enforceable. This means that the regulations must meet applicable provisions of State enabling laws, which authorize communities to enact and enforce floodplain management regulations and be adopted through a process that meets applicable State and local due process procedures.

State authority for floodplain management varies from State to State. Some States require that communities regulate floodplains to a higher standard than the minimum NFIP requirements for certain aspects of floodplain management. Some States have a requirement that communities must submit their floodplain management regulations to the State for approval. Communities should contact the State NFIP Coordinating Agency for assistance on specific State requirements that must also be met.

As indicated above, the FEMA Regional Office or the NFIP State Coordinating Agency can provide the community with a model floodplain management ordinance and guidance on the specific requirements the community will need to adopt.

What type of regulations can a community adopt?

Community floodplain management regulations are usually found in the following types of regulations: zoning ordinances, building codes, subdivision ordinance, sanitary regulations, and "stand alone" floodplain management ordinances. How your community approaches floodplain management depends on State laws and regulations and also how your community chooses to manage its flood hazards.

What happens if a community is identified as flood-prone, but does not join the NFIP?

The following sanctions apply if a community does not qualify for participation in the NFIP within one year of being identified as flood-prone by FEMA. Non-participating communities that have not been identified as flood-prone by FEMA are not subject to these sanctions.

- Property owners will not be able to purchase NFIP flood insurance policies and existing policies will not be renewed.
- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as the Department of Housing and Urban Development, Environmental Protection Agency, and Small Business Administration.
- Federal disaster assistance for flood damage will not be provided to repair insurable buildings located in identified flood hazard areas.
- Federal mortgage insurance or loan guarantees, such as those written by the Federal Housing Administration and the Department of Veteran Affairs, will not be provided in identified flood hazard areas.
- Federally insured or regulated lending institutions, such as banks and credit unions, are allowed to make conventional loans for insurable buildings in flood hazard areas of nonparticipating communities. However, the lender must notify applicants that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance. Some lenders may voluntarily choose not to make these loans.



Kenai City Council - Regular Meeting

August 03, 2022 – 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*)

1. "Responsibility for Americans with Disabilities Act Standards", Garret Dominick

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

D. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3296-2022** – Accepting and Appropriating Donations to the Kenai Community Library for the Purchase of Library Materials. (Administration)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3297-2022** – Amending Kenai Municipal Code 7.15.090 - Disposal of Surplus or Obsolete Materials and Equipment, to Allow for the Police Department to Dispose of Certain Surplus and Obsolete Materials without Advertisement, Public Opportunity, or Procedures to Obtain the Highest Price. (Administration)
3. **POSTPONED UNTIL 8/17/2022. Ordinance No. 3298-2022** – Enacting Kenai Municipal Code Chapter 14.30 - Floodplain Management, within Title 14 - Planning and Zoning, to Regulate Land Use within the Flood Plain and Authorizing the City to Participate in the National Flood Insurance Program. (Administration)
4. **ENACTED WITHOUT OBJECTION. Ordinance No. 3299-2022** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements

Capital Project Funds and Authorizing a Non-Federal Reimbursable Agreement to Provide Project Support for a Medium Intensity Approach Light System with Runway Alignment Indicator Lights (MALSR) and any Other Impacts from the Kenai Municipal Airport Runway Rehabilitation Project. (Administration)

5. **ADOPTED WITHOUT OBJECTION. Resolution No. 2022-58** – Adopting the Updated City of Kenai Emergency Operations Plan. (Administration)
6. **ADOPTED. Resolution No. 2022-59** – Granting Sewer System and Street Improvement Exceptions to KMC 14.10.080, Minimum Improvements, for King Cove Subdivision Pursuant to KMC 14.10.090, Variations and Exceptions. (Administration)
7. **ADOPTED WITHOUT OBJECTION. Resolution No. 2022-60** – Awarding a Contract for the Purchase of Dell Computer Equipment. (Administration)

E. MINUTES

1. *Regular Meeting of July 6, 2022. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Ordinance No. 3300-2022** - Increasing Estimated Revenues and Appropriations in the General Fund FY22 Budget– Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association (AMLJIA) for the Purchase of Ballistic Vests. (Administration)
3. ***Ordinance No. 3301-2022** - Increasing Estimated Revenues and Appropriations in the General Fund FY22 Budget – Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area (AK HIDTA) for Drug Investigation Overtime Expenditures. (Administration)
4. ***Ordinance No. 3302-2022** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Wastewater Treatment Plant Improvements Capital Project Fund and Authorizing a Construction Agreement and Purchase Order for the Sludge Press Replacement Project. (Administration)
5. ***Ordinance No. 3303-2022** - Increasing Estimated Revenues and Appropriations in the Water Sewer Special Revenue Fund for Operational Chemical Costs in Excess of Budgeted Amounts. (Administration)
6. **APPROVED WITHOUT OBJECTION. Action/Approval** – Authorizing the Issuance of a Letter to the U.S. Department of Energy, National Energy Technology Laboratory Regarding the Alaska LNG 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 comments 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/85821019089>

Meeting ID: 858 2101 9089 **Passcode:** 715087

OR

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

Meeting ID: 858 2101 9089 **Passcode:** 715087



**Meeting Agenda
Planning Commission**

Monday, August 8, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

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 AGENDA

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

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval

[KPB-4477](#) J Booth Recreational Sub 2019 Blauvelt Addition; KPB File 2021-069
Sterling Heights Subdivision 2022 Addition; KPB File 2022-037
Toyon Subdivision 2021 Replat; KPB File 2022-011
Kees Tern Subdivision Phase 2; KPB File 2022-051
Tower Hills Park Subdivision 2022 Replat; KPB File 2022-067

Attachments: [C3. Admin-Final Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4478](#) July 18, 2022 Planning Commission Meeting Minutes

Attachments: [C7. 071822 Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4479](#) Ordinance 2022-XX: Authorizing the release of a commercial deed restriction on a parcel of land located in Cooper Landing originally conveyed by the Kenai Peninsula Borough.

Attachments: [E1. ORD Deed Restriction](#)

2. [KPB-4480](#) Ordinance 2022-XX: Authorizing the acquisition of real property located in Anchor Point, Alaska on behalf of Western Emergency Services for future expansion of emergency service facilities with funding through an inter-fund loan from the Land Trust Invest Fund.
Attachments: [E2. ORD WESA Acquisition](#)
3. [KPB-4481](#) Street Naming Resolution 2022-02; Moose Pass Area
Attachments: [E3. SN RES 2022-02](#)
4. [KPB-4482](#) Conditional Use Permit; PC Resolution 2022-36
Installing rip rap on a parcel within the 50-foot Habitat Protection District of Quartz Creek
Attachments: [E4. CUP Chugach Electric Association](#)
5. [KPB-4483](#) Conditional Use Permit; PC Resolution 2022-35
Installing a fence within the 50-foot Habitat Protection District of the Kenai River
Attachments: [E5. CUP LaFond](#)
6. [KPB-4484](#) Building Setback Permit; KPB File 2022-098
Lot 1A, Block 1, Clearwater Sub Harpring Replat, Plat KN 2005-126
Attachments: [E6. BSP Clearwater Sub](#)
7. [KPB-4485](#) Building Setback Permit; KPB File 2022-099
Lot 11-B, Block 3, Ferwood Subdivision Unit 3; PLat HM 77-17
Attachments: [E7. BSP Fernwood Sub](#)
8. [KPB-4486](#) Building Setback Permit; KPB File 2022-100
Lot 1, Block 2, Centennial Shores Subdivision No. 1, Plat KN 85-157
Attachments: [E8. BSP Centennial Shores Sub](#)
9. [KPB-4487](#) Utility Easement Vacation; KPB File 2022-101V
Lot 1, Block2, Centennial Shores Sub No. 1, Plat KN 85-157
Attachments: [E9. UEV Centennial Shores Sub](#)
10. [KPB-4488](#) Right-Of-Way Vacation; KPB File 2022-095V
Realignment of Mushroom Street a 60-foot Right-Of-Way
Attachments: [E10. ROWV Mushroom Street](#)

11. [KPB-4489](#) Utility Easement Vacation; KPB File 2022-104V
Lot 1, Block, 2, Moose Range Meadows Subdivision Phase II
Amended
Plat KN 96-3
Attachments: [E11. UEV Moose Range Meadows Subdivision](#)
12. [KPB-4490](#) Review of Plat Committee Decision
Scenic Ridge Lee Addition; KPB File 2022-075
Attachments: [E12. Scenic Ridge Lee Addn](#)
[Scenic Ridge Packet 062722](#)
13. [KPB-4491](#) Review of Plat Committee Decision
East Oyster Cove subdivision; KPB File 2022-047R1
Attachments: [E13. East Oyster Cove Sub](#)
[June 13, 2022 Packet](#)

F. PLAT COMMITTEE REPORT

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 NO ACTION REQUIRED

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, August 22, 2022 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.



**Meeting Agenda
Plat Committee**

Monday, August 8, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

The hearing procedure for the Plat Committee 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 AGENDA, EXCUSED ABSENCES, AND MINUTES

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and noncontroversial 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

[KPB-4434](#) July 18, 2022 Plat Committee Meeting Minutes

Attachments: [C3. 071822 Plat Committee Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4468](#) Fisherwood Place 2022 Replat; KPB File 2022-107
Attachments: [E1. Fisherwood Place 2022 Replat](#)
2. [KPB-4469](#) Fritz Creek Acres 2022 Replat; KPB File 2022-095
Attachments: [E2. Fritz Creek Acres 2022 Replat](#)
3. [KPB-4470](#) Moose Range Meadows Frawner Addition; KPB File 2022-104
Attachments: [E3. Moose Range Meadows Frawner Addn](#)
4. [KPB-4471](#) McReed Subdivision 2022 Replat; KPB File 2022-097
Attachments: [E4. McReed Sub 2022 Replat](#)
5. [KPB-4472](#) Canyon View 2022; KPB File 2022-034
Attachments: [E5. Canyon View 2022 Replat](#)
6. [KPB-4473](#) Whiskey Gulch Lot 4 Replat; KPB File 2022-106
Attachments: [E6. Whisky Gulch Lot 4 Replat](#)
7. [KPB-4474](#) Crane-France Subdivision; KPB File 2022-096
Attachments: [E7. Crane-France Sub](#)
8. [KPB-4475](#) McCollum Tract 2022 Addition; KPB File 2022-108
Attachments: [E8. McCollum Tract 2022 Addn](#)
9. [KPB-4476](#) The Great Alaska Fish Camp No. 2; KPB File 2022-109
Attachments: [E9. The Great Alaskan Fish Camp No. 2](#)

F. PUBLIC COMMENT

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

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

The next regularly scheduled Plat Committee meeting will be held Monday, August 22, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 6:00 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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e-mail address: planning@kpb.us

website: <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 KP.B. 2.40.080.