



**City of Kenai
Planning and Zoning Commission
Meeting**

June 24, 2020 – 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. *June 10, 2020

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. **Action/Approval** - Application for Four-Year Lease Renewal of City-Owned Land Within the Airport Reserve described as Lot 4, Block 1, F.B.O. Subdivision and located at 411 North Willow Street. The application was submitted by CPD Alaska, LLC, 201 Arctic Slope Ave. Anchorage, AK 99518.

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. July 8, 2020 - Regular Meeting

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

The agenda and supporting documents are posted on the City's website at www.kenai.city. For additional information, please contact the Planning and Zoning Department at 907-283-8237.

Virtual Participation (join Zoom meeting): <https://us02web.zoom.us/j/81477294916>

Meeting ID: 814 7729 4916
Password: 976124

OR Telephonic Participation: +1 253 215 8782 or +1 301 715 8592

Meeting ID: 814 7729 4916
Password: 976124

File Attachments for Item:

*June 10, 2020

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JUNE 10, 2020 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
VICE-CHAIR DIANE FIKES, PRESIDING**

MINUTES

A. CALL TO ORDER

Commission Vice-Chair Fikes called the meeting to order at 7:01 p.m.

1. Pledge of Allegiance

Commission Vice-Chair Fikes led those assembled in the Pledge of the Allegiance.

2. Roll Call

Commissioners present: J. Twait, D. Fikes, V. Askin, T. McIntyre, G. Greenberg, R. Springer, J. Halstead

Commissioners absent:

Staff/Council Liaison present: City Planner E. Appleby, City Clerk J. Heinz, Deputy Clerk J. LaPlante, Council Liaison H. Knackstedt

A quorum was present.

3. Agenda Approval

Vice-Chair Fikes noted the following revision to the agenda:

Add Item H. 4. **Action/Approval** - Transitioning to In-Person / Zoom Hybrid Meetings

MOTION:

Commissioner Askin **MOVED** to approve the agenda with the requested addition and Commissioner Twait **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

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

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be

removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

5. *Excused absences – None.

B. APPROVAL OF MINUTES

1. *May 27, 2020

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2020-15** - Preliminary Subdivision Plat of Holland Spur Highway Subdivision 2020 Addition, submitted by Segesser Surveys, 30485 Rosland St., Soldotna, AK 99669, on behalf of Glen Martin, P.O. Box 1389, Soldotna, AK 99669.

MOTION:

Commissioner Twait **MOVED** to approve Resolution PZ2020-15 and Commissioner Askin **SECONDED** the motion.

The staff report was reviewed as provided in the packet and it was noted the applicant was proposing a division of the plat into two smaller parcels and there were no public comments received. It was further noted there was an existing driveway that was not shown on the aerial view in addition to a gravel pad. Approval of the preliminary plat of Holland Spur Highway Subdivision 2020 Addition was recommended, subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations;
- Plat note six (6) will be amended to read as follows:
 - 6) Portions of this subdivision are within the Kenai Peninsula Borough 50-foot Anadromous Stream Habitat Protection Area. See Chapter 21.18 Kenai Peninsula Borough Code of Ordinance, as may be amended, for restrictions that affect development of this subdivision.

COMMISSIONER HALSTEAD ARRIVED AT 7:06 PM.

Vice-Chair Fikes opened the floor for public testimony; there being no one wishing to be heard, public comment was closed.

It was clarified plat note four (4) references a public land order that created the right-of-ways for state highways; they cannot build on the Kenai Spur Highway right-of-way.

VOTE:

YEA: Twait, Springer, Halstead, McIntyre, Fikes, Askin, Greenberg
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2020-16** – Preliminary Subdivision Plat of McLennan Estates Addition No. 1, submitted by Segesser Surveys, 30485 Rosland St., Soldotna, AK 99669, on behalf of Cheney and Maryann McLennan, 701 Davidson Dr., Kenai, AK 99611.

MOTION:

Commissioner Springer **MOVED** to approve Resolution PZ2020-16 and Commissioner Halstead **SECONDED** the motion.

The staff report was reviewed as provided in the packet and it was noted the City did not receive any public comments on this item. It was added that access was a gravel driveway maintained by the City of Kenai and any new driveways would need to be approved by the State of Alaska. In addition, the applicant was aware that they needed to cap the water lines going between the houses.

Vice-Chair Fikes opened the floor for public testimony; there being no one wishing to be heard, public comment was closed.

AN AT EASE WAS ORDERED AT 7:28 p.m.; MEETING RECONVENED AT 7:41 p.m.

A discrepancy was noted in the street names between the plat and the aerial imagery and clarified it should be "Davidson Street."

MOTION:

Commissioner Askin **MOVED** to amend Resolution PZ2020-16 in Section One, adding a 4th condition to remove "Davidson Dr." and change to "Davidson St." and Commissioner Twait **SECONDED** the motion. There being no objections, **SO ORDERED**.

Clarification was provided regarding the driveway and utilities on this parcel.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Halstead, McIntyre, Fikes, Askin, Greenberg, Twait, Springer
NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2020-13** - Application for the Rezoning of two parcels adjacent to the Kenai Spur Highway and described as Tracts 1 and 2, Holland Spur Highway Subdivision, and located at 7344 and 7450 Kenai Spur Highway, from Rural Residential (RR) to General Commercial (CG). The application was submitted by the majority property owner, Glen Martin, P.O. Box 1389, Soldotna, AK 99669.

MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2020-13 and Commissioner Askin **SECONDED** the motion.

The City Planner reviewed the staff report provided in the packet noting the maps provides clarity on the current zoning and the proposed, adding that the CG zone was more consistent with the layout of the parcel and with the City of Kenai Comprehensive Plan.

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

Clarification was provided on the relocation of the well head.

VOTE:

YEA: McIntyre, Fikes, Askin, Twait, Springer, Halstead, Greenberg
NAY:

MOTION PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Resolution PZ2020-17** - Request to Rename Pelchy Drive to Pelch Drive. The request was submitted by the adjacent property owner, Michael J. Pelch, Jr. 3230 Harlow Rd., Eugene, OR 97401.

MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2020-17 and Commissioner Askin **SECONDED** the motion.

The City Planner reviewed the staff report provided in the packet and noted City staff recommended the Commission approve of the name change from Pelchy Drive to Pelch Drive.

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

VOTE:

YEA: Twait, Springer, Halstead, McIntyre, Fikes, Askin, Greenberg
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Action/Approval** - Authorizing the City Planner to Send a Letter to the Kenai Peninsula

Borough Supporting a One-Year Time Extension to Finalize the Plat of Kee's Tern Subdivision

The City Planner noted the reason for the time extension request was that the owner had not finalized the subdivision and several time extensions had been given over the years.

It was clarified that the Kenai Peninsula Borough was working on a code change to include a time limit for extensions. The Commission expressed support in having a time limit in place for extensions.

MOTION:

Commissioner Askin **MOVED** to approve authorizing the City Planner sending a letter to the Kenai Peninsula Borough supporting a one-year time extension as described and Commissioner Greenberg **SECONDED** the motion.

VOTE:

YEA: Twait, Springer, Halstead, Fikes, Askin, Greenberg
NAY: McIntyre

MOTION PASSED.

3. **Action/Approval** - Application for Ten-Year Lease Renewal of City-Owned Land Within the Airport Reserve described as Lot 1A, Block 1, General Aviation Apron Subdivision No. 6 and located at 330 Main Street Loop. The application was submitted by Kenai Aviation Services, Inc. d/b/a Aviation Services, 1755 Lincoln Hill Rd. Martinsville, IN 46151.

MOTION:

Commissioner Askin **MOVED** to recommend approval of the Application for Ten-Year Lease Renewal of City-Owned Land within the Airport Reserve described as Lot 1A, Block 1, General Aviation Apron Subdivision No. 6 and located at 330 Main Street Loop; and Commissioner Halstead **SECONDED** the motion.

The City Planner reviewed the staff report as provided in the memorandum in the packet.

VOTE:

YEA: Twait, Springer, Halstead, McIntyre, Fikes, Askin, Greenberg
NAY:

MOTION PASSED UNANIMOUSLY.

4. **Action/Approval** - Transitioning to In-Person / Zoom Hybrid Meetings

The Commission expressed support of in-person and virtual hybrid meetings.

MOTION:

Commissioner Askin **MOVED** to transition to in-person and Zoom virtual hybrid meetings; and Commissioner McIntyre **SECONDED** the motion.

VOTE:

YEA: Greenberg, Springer, Twait, Halstead, McIntyre, Askin, Fikes
NAY:

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **City Council** – Council Member Knackstedt reported on the actions from the June 3 City Council meeting.
2. **Borough Planning** – Fikes reported on the actions of the June 8 Commission meeting as provided in the packet, noting the plats and marijuana retail application that were approved.
3. **Administration** – City Planner Appleby reported on the information item provided in the packet and the City Attorney provided a historical background regarding the property donated for the six-plex' low income senior housing. It was clarified that the need for a variance on that property was due to a miscommunication between the Housing Initiative and City of Kenai when the property was initially donated.

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS**

1. Information on Variances and Variance Standards

M. **NEXT MEETING ATTENDANCE NOTIFICATION** – June 24, 2020

N. **COMMISSION COMMENTS & QUESTIONS** – None.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:59 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk

File Attachments for Item:

Action/Approval - Application for Four-Year Lease Renewal of City-Owned Land Within the Airport Reserve described as Lot 4, Block 1, F.B.O. Subdivision and located at 411 North Willow Street. The application was submitted by CPD Alaska, LLC, 201 Arctic Slope Ave. Anchorage, AK 99518.

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: June 18, 2020
SUBJECT: Recommendation for Four-Year Lease Renewal for Lot 4, Bl. 1, F.B.O.

CPD Alaska, LLC (Crowley), submitted an application to the City requesting a renewal of their Lease of Airport Reserve Lands for the property described as Lot 4, Block 1, F.B.O. Subdivision. The property is located at 411 North Willow Street, Kenai, AK 99611, and the Kenai Peninsula Borough parcel number is 04336018. Pursuant to Kenai Municipal Code 21.10.075 – Leasing and Acquisition of Airport Reserve Lands, Competing Applications, the City posted notice of the lease application on May 28, 2020 and will accept competing lease applications for the parcel for 30 days (through June 26, 2020).

Pursuant to the term table in Kenai Municipal Code (KMC) 21.10.080(b) and a professional estimate of the remaining useful life of the principal improvements on the property meeting requirements of a lease renewal of an expiring lease in KMC 21.10.070(d)(2), the applicant qualifies for a lease term of four years. The applicant had initially requested a lease term of 45 years to reflect expected investment in 2024. Municipal Code requires improvements be completed within 2 years of the signing of the lease, or up to a maximum time period of 3 years with approval for good cause. Since the expected investment is 4 years away and the remaining useful life of one of the principal improvements on the property is estimated to be 4 years, the lessee agreed to request a lease term of 4 years with plans to request a 45 year extension once timing is such that additional investment can be taken into account in the term table

This renewal will convert the lessee to the City's new standard lease form. The uses allowed on the current lease would remain the same; the uses are the following: fuel storage and aircraft service. The applicant is current on rent payments and obligations to the City.

The parcel is within the Airport Light Industrial (ALI) Zone. The intent of the ALI Zone is to protect the viability of the Kenai Municipal Airport as a significant resource to the community by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. The proposed continued use by the applicant is a permitted use in the ALI Zone and is a compatible land use. The lessee provides necessary fuel supplies to the City.

The proposed use by the applicant complies with the 2016 Imagine Kenai 2030 Comprehensive Plan. It supports Goal 5-Transportation, which has a vision for Kenai Municipal Airport as a

gateway to the Kenai Peninsula and West Cook Inlet. The proposed use also supports Goal 3-Economic Development to support the fiscal health of the City of Kenai.

Does the Planning and Zoning Commission recommend the City approve a 4-year lease renewal application from Kenai Aviation Services, Inc. d/b/a Aviation Services for Lot 4, Block 1, F.B.O. Subdivision for the use of fuel storage and aircraft storage?

The Kenai City Council will be notified of the Planning and Zoning Commission's decision as part of their evaluation of the lease renewal application. The Planning and Zoning Commission makes their decision on lease applications based on the proposed development's compliance with City's Comprehensive Plan and the Zoning Code.

The Airport Commission also reviewed this application at their meeting on June 11, 2020. The Airport Commission makes their decisions on lease applications based on the proposed development's compliance with the Airport Land Use Plan, Airport Layout Plan, Federal Aviation Administration regulations, Airport Master Plan, Airport Improvement Program grant assurances, and Airport operations. The Airport Commission recommended approval of the application and City Council will also be notified of the recommendation from the Airport Commission.

Thank you for your consideration.

[ATTACHMENTS](#)

1. Aerial Map
2. Lease Renewal Application





**Lease Renewal Application
Parcel 04336018
411 North Willow Street
Lot 4, Block 1, F.B.O. Subdivision**



LEGEND

Parcel 04336018

0 15 30 Feet

Date: May 2020

Data Source: Kenai Peninsula Borough. Data is for graphic representation only. Imagery may not match true parcel boundaries.





City of Kenai Land Lease Application

Application for:	<input type="checkbox"/> New Lease
<input type="checkbox"/> Amendment	<input type="checkbox"/> Extension
<input type="checkbox"/> Assignment	<input checked="" type="checkbox"/> Renewal
Application Date:	4/29/20

Applicant Information

Name of Applicant:	Crowley Fuels LLC aka CPD Alaska LLC						
Mailing Address:	201 Arctic Slope Ave	City:	Anchorage	State:	AK	Zip Code:	99518
Phone Number(s):	Home Phone:		Work/ Message Phone: 907-777-5516				
E-mail: (Optional)	jenny.silva@crowley.com						
Name to Appear on Lease:	Crowley Fuels LLC						
Mailing Address:	same	City:		State:		Zip Code:	
Phone Number(s):	Home Phone:		Work/ Message Phone:				
E-mail: (Optional)							
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____						

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property):	Lot 4 Block 1 FBO Subdivision, approx. 39,200 sf
Does the property require subdivision? (if Yes, answer next questions)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes:	
1. Do you believe the proposed subdivision would serve other City purposes?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. If determined it does not, applicant is responsible for all subdivision costs.	Initials <u>N/A</u>
If an appraisal is required to determine the minimum price on the land, applicant is responsible for the deposit to cover costs associated with appraisal. If a sale is approved, the cost of the appraisal will be either refunded or credited to the applicant.	Initials <u>N/A</u>
It is the responsibility of the applicant to cover recording costs associated with lease.	Initials <u>N/A</u>
Do you have or have you ever had a Lease with the City? (if Yes, answer next question)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
1. Legal or brief description of property leased:	Lease 2081.01 Lot 3A1 FBO Subdivision, approx 26,375 sf Lease 2083.01 Special Use Permit on airport apron, approx. 35,000 sf
Request a Lease with an Option to Purchase once development requirements are met?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Requested term for Initial Lease or Renewal (based on Term Table, not to exceed 45 years):	45 years - amended by 1/15
Requested term for Lease Extension (based on Term Table, not to exceed a total of 45 Years):	N/A
Requested Starting Date:	July 1, 2020

Proposed Use and Improvements

Proposed Use (check one): Aeronautical Non-Aeronautical

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

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

2. What is the proposed use of the improvement? *Aviation Cardlock - Self Serve*

3. What is the estimated value of the improvement? *\$ 500K+*

4. What is the nature and type of improvement? *Full replacement of the self-service Aviation cardlock*

5. What are the dates construction is estimated to commence and be completed?
(generally, construction must be completed within two years)
Estimated Start Date: *May 2024* Estimated Completion Date: *September 2024*

Describe the proposed business or activity intended: *Land holds our fuel storage facilities that support our aviation fueling services, as well as bulk fuel distribution to the City and broader surrounding area.*

How does the proposed lease support a thriving business, residential, recreational, or cultural community? *It serves as Crowley's base fuel storage facility on the Kenai Peninsula. It facilitates commercial and recreational aviation fueling and supports commercial and residential bulk fuel deliveries.*

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

Lease Renewal Only

Renewal of an Existing Lease (at least one year of term remaining): Requires new development.

Lease Term based on: Estimated cost of new improvements and Purchase Price (optional)

Renewal of an Expiring Lease (less than one year of term remaining): Does not require new development.

Lease Term based on: Purchase Price Professional Estimate of Remaining Useful Life

Fair Market Value appraisal and/or Estimated cost of new improvements (optional)

Requested Term for Renewal Based on Term Table, not to exceed 45 Years: *45 years - amended to 4 yrs.*

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

Signature:	<i>Jenny Silva</i>	Date:	<i>4/29/20</i>
Print Name:	<i>Jenny Silva</i>	Title:	<i>Manager, Contracts</i>

For City Use Only:	Date Application Fee Received:	
<input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Airport Reserve Land	Date Application Determined Complete:	<i>5/28/20</i>
<input checked="" type="checkbox"/> Airport Fund <input type="checkbox"/> Outside Airport Reserve	30-Day Notice Publication Date:	<i>5/31/20</i>
Account Number:	City Council Action/Resolution:	<i>7/1/20</i>

File Attachments for Item:

City Council



Kenai City Council - Regular Meeting

June 17, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

Telephonic/Virtual Information on Page 5

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3117-2020** - Appropriating Funds in the Airport Fund, Accepting a Grant From the Federal Aviation Administration and Appropriating Funds in the Airport Equipment Capital Project Fund for the Purchase of Snow Removal Equipment (SRE) – Loader with Attachments. (Administration) [**Clerk's Note:** *At the May 20 Meeting, this item was Postponed to the June 17 Council Meeting. A Motion to Enact is On the Floor.*]
 - **Substitute Ordinance No. 3117-2020** - Accepting and Appropriating an Airport Improvement Program Grant from the Federal Aviation Administration in the Airport Equipment Capital Project Fund and Awarding a Contract for the Purchase of Snow Removal Equipment (SRE) - Loader with Attachments.
2. **ENACTED UNANIMOUSLY. Ordinance No. 3131-2020** - Amending the Official Kenai Zoning Map by Rezoning a Portion of S1/2 SE1/4 SW1/4 Lying North of K-Beach Road Excluding VIP Country Estates Subdivision Part 5 from Rural Residential (RR) to Limited Commercial (LC). (Administration)

3. **ENACTED UNANIMOUSLY. Ordinance No. 3132-2020** - Increasing Estimated Revenues and Appropriations by \$454.84 in the General Fund – Police Department for Drug Investigation Overtime Expenditures. (Administration)
4. **POSTPONED AS AMENDED TO 07/15/2020. Ordinance No. 3133-2020** - Authorizing a Budget Transfer in the Airport Terminal Improvement Capital Project Fund and Appropriating FY2020 Budgeted Funds in the Airport Master Plan Capital Project, Airport Snow Removal Equipment and Airport Operations Facility Improvement Capital Project Funds for Heating, Ventilation and Air Conditioning (HVAC) Improvement to the Airport Operations Facility and Replacement of the Airport's Wide Area Mower. (Administration)
 - **Substitute Ordinance No. 3133-2020** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue Fund, Authorizing a Budget Transfer in the Airport Terminal Improvement Capital Project Fund and Appropriating FY2020 Budgeted Funds in the Airport Master Plan Capital Project, Airport Snow Removal Equipment and Airport Operations Facility Improvement Capital Project Funds for Heating, Ventilation and Air Conditioning (HVAC) Improvement to the Airport Operations Facility and Replacement of the Airport's Wide Area Mower.
5. **ENACTED UNANIMOUSLY. Ordinance No. 3134-2020** - Appropriating Funds in the Water & Sewer Improvement and Wastewater Treatment Facility Improvement Capital Project Funds for FY2021 Capital Improvement Plan Projects. (Administration)
6. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3135-2020** - Appropriating FY2020 Budgeted Funds in the Kenai Multipurpose Facility Improvements Capital Project Fund for Installation of an Exhaust Fan and Corrosion Remediation. (Administration)
7. **ENACTED UNANIMOUSLY. Ordinance No. 3142-2020** - Increasing FY2021 Estimated Revenues and Appropriations in the General, Personal Use Fishery Special Revenue, and Senior Citizen Special Revenue Funds for FY2021 Insurance Coverage. (Administration)
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Adoption (Requires Five Affirmative Votes)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2020-41** - Approving a Lease Renewal of Airport Reserve Lands Between the City of Kenai and Kenai Aviation Service, Inc. d/b/a Aviation Services, for Lot 1A, Block 1, General Aviation Apron Subdivision No. 6. (Administration)
9. **ADOPTED UNANIMOUSLY. Resolution No. 2020-42** - Authorizing the Binding of Insurance Coverage for the City for the Period of July 1, 2020 through June 30, 2021 and Authorizing Execution of a Three-Year Agreement for Insurance Coverage. (Administration)
10. **ADOPTED UNANIMOUSLY. Resolution No. 2020-43** - Awarding a Contract for Janitorial Services at the Kenai Municipal Airport. (Administration)
11. **ADOPTED UNANIMOUSLY. Resolution No. 2020-44** - Authorizing a Budget Revision in the General Fund, Fire Department for the Purchase of Self-Contained Breathing Apparatus Bottles. (Administration)
12. **ADOPTED. Resolution No. 2020-45** - Naming the City of Kenai's Wildlife Viewing Platform, the "Tarbox Wildlife Viewing Platform." (Vice Mayor Molloy)

13. **ADOPTED UNANIMOUSLY. Resolution No. 2020-46** - Authorizing the City Manager to Prepare and Execute an Amendment to the City of Kenai's Participation Agreement with the Public Employees' Retirement System (PERS) to Remove the Recreation Center Assistant Class of Employees from Participation Effective November 1, 2003. (Administration)
14. **ADOPTED UNANIMOUSLY. Resolution No. 2020-47** - Authorizing the City Manager to Prepare and Execute an Amendment to the City of Kenai's Participation Agreement with the Public Employees' Retirement System (PERS) to Remove the Visitor Center Assistant and Janitor Classes of Employees from Participation Effective July 1, 2020. (Administration)
15. **ADOPTED UNANIMOUSLY. Resolution No. 2020-48** - Authorizing An Agreement For Professional Engineering Services To Begin Development Of The New Master Plan For The Waste Water Treatment Facility. (Administration)
16. **ADOPTED UNANIMOUSLY. Resolution No. 2020-49** - Approving a Conversion of Airport Reserve Lands Described as Lots 2 and 3, Block 5, General Aviation Apron Subdivision No. 1 Amended with SOAR International Ministries, Inc. and Approving of Temporary Development Incentives. (Administration)
17. **ADOPTED UNANIMOUSLY. Resolution No. 2020-50** - Authorizing the City Manager to Execute an In-Kind Memorandum of Understanding with the Department of the Army for Design Work Prior to Execution of a Design Agreement for the Kenai Bluff Stabilization Project. (Administration)

E. **MINUTES** – None.

F. **UNFINISHED BUSINESS**

1. **POSTPONED INDEFINITELY. Resolution No. 2020-30** - Recommending the Kenai Peninsula Borough Assembly Enact Ordinance 2020-24 which would Provide for Vote by Mail Elections, More Time Between a Regular Election and Run-Off Election and Removal of Proposition Statements. (Council Member Peterkin) [**Clerk's Note:** *At the May 20 Meeting, this item was Postponed to this Council Meeting. A Motion to Adopt is On the Floor.*]

G. **NEW BUSINESS**

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - FY2021 Purchase Orders over \$15,000. (Administration)
3. ***Action/Approval** - Special Use Permit to Kenai Chamber of Commerce & Visitor Center for Moosemeat John Cabin. (Administration)
4. ***Ordinance No. 3136-2020** - Increasing Estimated Revenues and Appropriations in the General and the Public Safety Capital Project Funds and Authorizing the Sole Source Purchase and Installation of Updated Radio Consoles for the City of Kenai Dispatch Center. (Administration)

5. ***Ordinance No. 3137-2020** - Increasing Estimated Revenues And Appropriations In The General And Municipal Roadway Improvements Capital Project Fund's To Provide Matching Funds To The State Of Alaska Department Of Transportation And Public Facilities To Construct A Pedestrian Path From The Kenai Spur Highway To Beaver Loop Along Bridge Access Road Utilizing Restricted General Fund, Fund Balance. (Administration)
6. ***Ordinance No. 3138-2020** - Increasing Fiscal Year 2020's Estimated Revenues and Appropriations in the Airport Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's Airport Fund. (Administration)
7. ***Ordinance No. 3139-2020** - Increasing Estimated Revenues and Appropriations in the COVID-19 CARES Act Recovery Fund for a Federal CARES Act Grant Passed through the State of Alaska Department of Public Safety for Overtime and Direct Expenditures of the Police, Fire, and Communications Departments of the City from March 16, 2020 through May 17, 2020. (Administration)
8. ***Ordinance No. 3140-2020** - Increasing Estimated Revenues and Appropriations in the Personal Use Fishery Special Revenue Fund to Provide Supplemental Funding for Additional Portable Restrooms and to Award a Contract to Provide Dumpsters, Portable Restrooms and Portable Hand Wash Stations for the 2020 Kenai River Personal Use Fishery. (Administration)
9. ***Ordinance No. 3141-2020** - Increasing Estimated Revenues and Appropriations in the General Fund, Visitor Center Department and Authorizing Amendment to the Facility Management Agreement with the Kenai Chamber of Commerce and Visitor Center, Inc., for the Operation and Management of the Kenai Visitor and Cultural Center. (Administration)
10. ***Ordinance No. 3143-2020** - Increasing General Fund Estimated Revenues and Appropriations by \$34,216 in the General Fund, Parks, Recreation and Beautification Department for an Increase of a Grant from the United States Environmental Protection Agency Passed through the State of Alaska Department of Environmental Conservation for Bacteria Level Monitoring on the City's Beaches from July 1, 2020 through March 1, 2021. (Administration)
11. **APPROVED UNANIMOUSLY. Action/Approval** - Lease Assignment of Lot 3, Block 4, General Aviation Apron from DeWayne Benton to Joel Caldwell. (Administration)
12. **Discussion** - City Response to COVID-19. (City Manager)
13. **AMENDED UNANIMOUSLY. Resolution No. 2020-22** - Authorizing the City of Kenai to Issue General Obligation Refunding Bonds in the Principal Amount of Not to Exceed the Sum of \$1,250,000 to Refund Certain Outstanding General Obligation Bonds of the City, Fixing Certain Details of Such Bonds and Authorizing Their Sale. (Administration)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission

4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

1. **Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin)
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk)

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/83454601964>

Meeting ID: 834 5460 1964 **Password:** 424518

OR

Dial in by your Location: (253) 215-8782 or (301) 715-8592

Meeting ID: 834 5460 1964 **Password:** 424518

File Attachments for Item:

2. Kenai Peninsula Borough



Planning Commission Action Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax

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

Max J. Best, Planning Director • Charlie Pierce, Borough Mayor

*Blair Martin, Chairman – Kalifornsky Beach • Robert Ruffner, Vice Chairman – Kasilof/Clam Gulch
Dr. Rick Foster, Parliamentarian – Southwest Borough • Syverine Abrahamson-Bentz – Anchor Point/Ninilchik
Jeremy Brantley – Sterling • Paulette Bokenko-Carluccio – City of Seldovia • Cindy Ecklund – City of Seward
Robert F. Ernst – Northwest Borough • Diane Fikes – City of Kenai • Virginia Morgan – East Peninsula
Franco Venuti – City of Homer • Paul Whitney – City of Soldotna*

June 8, 2020

7:30 p.m.

Due to the current COVID-19 pandemic and CDC guidelines, the meeting will not be physically open to the public. The meeting will be held through Zoom. The Planning Commission and staff members will be attending via teleconferencing. The public will be able to listen or participate. To join the meeting from a computer visit <https://zoom.us/j/2084259541>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099** or **1-877-853-5247**. When calling in you will need the Meeting ID **208 425 9541**. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the Meeting ID, and your participant number. Detailed instructions will be posted on the Planning Commission's webpage prior to the meeting. <https://www.kpb.us/planning-dept/planning-commission>.

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- 5) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 6) The Chair closes the hearing and no further public comment will be heard.
- 7) 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**

- a. Christensen Tracts 2009 Addition
KPB File 2010-024; [None/Hough]
Location: City of Homer

***2. Planning Commission Resolutions - None**

***3. Plats Granted Administrative Approval**

- a. Back Country Estates
- b. Kimbrel Subdivision Sedivy Replat
- c. Lakeridge Subdivision McGlasson Replat
- d. Seward Original Townsite S&R Audette Replat
- e. Tall Tree Estates – Kline Addition

***4. Plats Granted Final Approval (20.10.040) - None**

***5. Plat Amendment Request - None**

***6. Utility Easement Vacations**

***7. Commissioner Excused Absences**

- a. Dr. Rick Foster, Southwest Borough
- b. Vacant, Ridgeway

***8. Minutes**

- a. May 11, 2020 Planning Commission Meeting

Motion to approve the consent and regular agenda passed by unanimous vote.

D. UNFINISHED BUSINESS

E. PUBLIC HEARINGS

1. Vacate approximately 200-foot-long Wild Salmon Way cul-de-sac adjacent to lots 1-A, 2-A, 14-A & 15-A Ninilchik River Estate Addition No. 1 (HM 91-71); KPB File: 2020-043V; Petitioners: Bruce & Charlene Mclean Living Trust of Soldotna, AK and Christina M. Hoffman

Motion to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code, passed by unanimous vote. (9 Yes, 0 No, 2 Absent)

2. Ordinance 2020-025: Establishing the Resilience & Security Advisory Commission for the Kenai Peninsula Borough

Motion to forward a recommendation to the Assembly to approve Ordinance 2020-25 passed by unanimous vote. (9 Yes, 0 No, 2 Absent)

- 3. Ordinance 2020-030: Authorizing cooperative leases of space at the Kenai River Center building with the State of Alaska Departments of Fish & Game and Natural Resources

Motion to forward a recommendation to the Assembly to approve Ordinance 2020-30 passed by unanimous vote. (9 Yes, 0 No, 2 Absent)

- 4. Application for a retail marijuana store license in the Kalifornsky area; Applicant: Alaska Harvest Company LLC, KPB Parcel Number: 055-160-35; Location: 43837 Kalifornsky Beach Road, Soldotna, AK 99669

Motion to forward to the Assembly the application of the retail marijuana store license for Alaska Harvest Company passed by unanimous vote. (9 Yes, 0 No, 2 Absent)

- 5. Application for a retail marijuana store license in the Ninilchik area; Applicant Alaskan Grown Cannabis; KPB Parcel Number: 157-200-13; Location: 14477 Sterling Hwy., Ninilchik, AK 99639

Motion to forward to the Assembly the application of the retail marijuana store license for Alaskan Grown Cannabis passed by majority vote. (8 Yes, 1 No, 3 Absent)

F. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT (21.18) PUBLIC HEARINGS

- 1. PC Resolution 2020-13; Conditional Use Permit for the installation of an elevated, light-penetration platform within the 50-foot Habitat Protection District of the Kenai River; KPB Parcel Numbers: 055-253-13 & 055-255-47; Applicant Castaway Cove Homer Owners Association, Kenai, AK

Motion to adopt PC Resolution 2020-13, to grant approval of a Conditional Use Permit, subject to permit conditions and compliance with borough code, passed by unanimous vote.

- 2. Appeal of permit application denial to install a 16-foot by 130-foot boat ramp in the Borough's 50-foot Habitat Protection District of the Kenai River; KPB Parcel Number: 047-057-03; Applicant: E&E Food, dba Pacific Star Seafoods, P.O. Box 190, Kenai, AK 99611

Motion to uphold staff denial of a Conditional Use Permit failed by unanimous vote. (0 Yes, 10 No, 1 Recuse, 2 Absent)

G. UTILITY EASEMENT VACATIONS – None

H. SPECIAL CONSIDERATIONS – None

I. SUBDIVISION PLAT PUBLIC HEARINGS

- a. The Plat Committee reviewed and approved 10 plats at the May 26, 2020 meeting.

J. PUBLIC COMMENT/PRESENTATIONS/COMMISSIONERS

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

K. OTHER/NEW BUSINESS

1. KPB Comprehensive Plan Discussion
Focus Area: Commercial Fishing & Seafood

2. New Plat Committee (July, August, September) – 5 Members / 2 Alternates

L. ASSEMBLY COMMENTS

M. LEGAL REPRESENTATIVE COMMENTS

N. DIRECTOR'S COMMENTS

O. COMMISSIONER COMMENTS

P. PENDING ITEMS FOR FUTURE ACTION

Q. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

July 13, 2020
7:30 P.M.

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building
144 N. Binkley St. Soldotna, Alaska

ADVISORY PLANNING COMMISSION MEETINGS

Due to the current COVID-19 pandemic and CDC guidelines, the meeting will not be physically open to the public. The meeting will be held through Zoom. Please see the area Advisory Planning Commission webpage for meeting details. Advisory Planning Commission webpages are linked to the Planning Department website <https://www.kpb.us/planning-dept/planning-home>.

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Anchor Point Senior Center	TBD	7:00 p.m.
Cooper Landing	Zoom Meeting	7/8/20	6:00 p.m.
Funny River	Funny River Community Center	TBD	6:00 p.m.
Kalifornsky	Zoom Meeting	7/8/20	6:00 p.m.
Moose Pass	Moose Pass Community Hall	TBD	6:30 p.m.
Hope / Sunrise	Hope Social Hall	TBD	6:00 p.m.
Kachemak Bay	Zoom Meeting	7/9/20	6:00 p.m.

NOTE: Advisory planning commission meetings are subject to change. Please verify the meeting date, location, and time with the advisory planning commission chairperson. Chairperson contact information is on each advisory planning commission website, which is linked to the Planning Department website.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 (toll free within the Borough 1-800-478-4441, extension 2215)

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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



Plat Committee Tentative Agenda

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

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

Paulette Bokenko-Carluccio – City of Seldovia • Cindy Ecklund – City of Seward

Robert Ruffner – Kasilof/Clam Gulch • Paul Whitney – City of Soldotna

Alternate: Franco Venuti – City of Homer

June 22, 2020

5:30 p.m.

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

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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

1. Agenda
2. Member/Alternate Excused Absences
3. Minutes
 - a. May 26, 2020 Plat Committee Meeting

D. PUBLIC COMMENT

(Items other than those appearing on the agenda or not scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made.)

E. SUBDIVISION PLAT PUBLIC HEARINGS

1. Fair Wind Subdivision 2020
KPB File: 2020-045 [Geovera / Garay]
Location: Off Sibson Dr. & East End Rd., Fritz Creek
Kachemak Bay APC
2. Nedosik 1998 Tract C Jack Hamilton Replat No. 2
KPB File: 2020-051; [Geovera / Crow]
Location: Off Nedosik Rd. & Skyline Dr.
City of Homer
3. Ridgewood Estates Subdivision Unit 2 Tract 5-A 2020 Replat
KPB File: 2020-047; [Seabright / Faber]
Location: Off Bidarki Drive & Bridger Rd.; Diamond Ridge
Kachemak Bay APC
4. Dustin Subdivision Lopeman Addition
KPB File: 2020-050; [Edge / Lopeman]
Location: Off Straight in Trail REM SW & Reno St.; Ninilchik
5. Cowan McFarland Subdivision Stirman Replat
KPB File: 2020-053; [Edge / Stirman]
Location: Off Owen St. & McFarland Rd.
Funny River APC
6. Barbara Heights 2020
KPB File: 2020-052; [Ability / Millard, Nelson, Johnson]
Location: Off Nutbeem Rd.; Seldovia Village
7. Waterfront Resubdivision 2020 Replat
KPB File: 2020-028; [Ability / D&D Business, LLC]
Location: On Fulmor Ave. & Alder St.
City of Seldovia
8. Aggregate Subdivision 2020 Replat
KPB File: 2020-048; [McLane / North Star Paving & Construction Inc.]
Location: Off Frontier Ave. & Kenai Spur Hwy.; Ridgeway
9. Dan Lee Subdivision No. 4
KPB File: 2020-044; [Segesser / Johnson]
Location: Off Trader John St. & Holt Lamplight Rd.; Nikiski
10. Right of Way Acquisition Sterling Hwy. MP 46-60 Sunrise to Skilak Lake Road Reconstruction
KPB File: 2020-054; [SOA DOT&PF / SOA]
Location: Mile Post 45 to 60 Sterling Hwy.
Cooper Landing APC

F. FINAL SUBDIVISION PLAT PUBLIC HEARING - None

G. OTHER / NEW BUSINESS

H. MISCELLANEOUS INFORMATION – NO ACTION REQUIRED

I. ADJOURNMENT

NEXT REGULARLY SCHEDULED MEETING

July 13, 2020
5:30 P.M.

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building
144 N. Binkley St.
Soldotna, Alaska 99669

CONTACT INFORMATION

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Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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