



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

**April 13, 2022 – 7:00 PM**

**Kenai City Council Chambers**

**210 Fidalgo Avenue, Kenai, Alaska**

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

[www.kenai.city](http://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 March 23, 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 PZ2022-08** - Application for a Conditional Use Permit for Cabin Rentals for the property described as Lot 3, Angler Acres Subdivision Part 4, located at 1025 Angler Drive, Kenai, Alaska 99611. The application was submitted by Thomas Hoelsing, 1865 Fredericksen St, Fremont NE 68025
2. **Resolution PZ2022-09** - Application for a Conditional Use Permit for a Guide Service for the property described as Lot 3, Angler Acres Subdivision Part 4, located at 1025 Angler Drive, Kenai, Alaska 99611. The application was submitted by Thomas Hoelsing, 1865 Fredericksen St, Fremont NE 68025

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

- 1. Action/Approval** - Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage.
- 2. Action/Approval** - Resolution No. 2022-XX – Approving the Execution of a Lease to Joel Caldwell.

**I. PENDING ITEMS**

**J. REPORTS**

- 1.** City Council
- 2.** Kenai Peninsula Borough Planning
- 3.** City Administration

**K. ADDITIONAL PUBLIC COMMENT**

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

**L. INFORMATIONAL ITEMS**

- 1.** Kenai Dog Park Program

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

- 1.** April 27, 2022

**N. COMMISSION COMMENTS AND QUESTIONS**

**O. ADJOURNMENT**

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://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.*

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**Meeting ID:** 880 1336 6542 **Passcode:** 437488

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MARCH 23, 2022 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

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

**1. Pledge of Allegiance**

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

**2. Roll Call**

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

Commissioners absent: D. Fikes, G. Greenberg

Staff/Council Liaison present: Planning Director R. Foster, Administrative Assistant K. Rector, Deputy Clerk M. Thibodeau, Vice Mayor J. Glendening

A quorum was present.

**3. Agenda Approval**

**MOTION:**

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

**4. Consent Agenda**

**MOTION:**

Commissioner Halstead **MOVED** to approve the consent agenda. Commissioner Askin **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 – Fikes**

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of February 23, 2022

Approved by the consent agenda.

**C. SCHEDULED PUBLIC COMMENT – None.**

**D. UNSCHEDULED PUBLIC COMMENT – None.**

**E. CONSIDERATION OF PLATS**

1. **Resolution PZ2022-06** - Preliminary Subdivision Plat of Toyon Subdivision 2021 Replat, submitted by Edge Survey and Design, P.O. Box 208, Kasilof, AK 99610, on behalf of Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611

**MOTION:**

Commissioner Askin **MOVED** to approve Resolution PZ2022-06. Commissioner Halstead **SECONDED** the motion.

Director Foster provided a summary description of the property noting that the plat had previously gone before the Planning & Zoning Commission but the new preliminary plat had been updated with changes requested by the Kenai Peninsula Borough (KPB) including a turnaround in the western portion of the plat. He noted that the changes were significant enough to require another review by City staff and the commission.

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. The Kenai City Council must declare that the two 20' public street easements to be vacated is not needed for a public purpose and approve the vacation of the 20' public street easements as shown on the preliminary plat.
3. The City of Kenai requests notification of the schedule for construction of the right of way turnaround at the end of Alaska Avenue.

The commission expressed appreciation for the addition of turnaround, noting that it addressed concerns discussed when the previous resolution was passed. It was noted that the City should consider placing "No Parking" signs at the turnaround, and that the addition would be good for snow removal vehicles.

**VOTE:**

YEA: Askin, Halstead, Woodard, Douthit, Twait  
NAY: None

**MOTION PASSED UNANIMOUSLY.**

2. **Resolution PZ2022-07** - Preliminary Subdivision Plat of Jaynes Subdivision 2022 Replat, submitted by McLane Consulting, P.O. Box 468, Kenai, AK 99611, on behalf

of BGMC LLC, P.O. Box 2682, Kenai, AK 99611

**MOTION:**

Commissioner Halstead **MOVED** to approve Resolution PZ2022-07. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a summary description of the property noting that it will create a Tract 3a and a Tract 4a; and the eastern half of Van Antwerp Avenue right of way and the utility easement proposed for vacation, as well as proposed creation of new dedicated 60 foot right of way connecting Childs Avenue to the current termination of Van Antwerp Avenue.

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. The Kenai City Council must declare that the Van Antwerp 60' right of way and 25' of utility easement's to be vacated is not needed for a public purpose and approve the vacation as shown on the preliminary plat.
3. The City of Kenai requests notification of the schedule for construction of the 60' dedicated rights of way starting at Childs Avenue.

Clarification was provided regarding the easement location, and that the use is heavy industrial. Discussion involved how the new right of way could impact utilization of the new tract 3a.

**VOTE:**

YEA: Halstead, Woodard, Douthit, Twait, Askin

NAY: None

**MOTION PASSED UNANIMOUSLY.**

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Action/Approval** - Windhaven Estates Phase 4 Time Extension

**MOTION:**

Commissioner Halstead **MOVED** to approve the Windhaven Estates Phase 4 Time Extension. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a staff report noting that a two-year time extension had been requested for the finalization of the plat, and in order to do so KPB requires concurrence from the City of Kenai. A two-year extension for Phase 4 had previously been approved in 2020 and was set to expire tonight, and allows for a total approval time of six years and that expiration of time extensions require the submission of an action on a new preliminary plat if they run over the six years of time extensions.

Commission discussed how larger subdivisions are developed in phases and it is common that

they take a long time and require time extensions. The commission discussed possibly reasons for the time extension of finalization.

**VOTE:**

YEA: Woodard, Douthit, Twait, Askin, Halstead  
NAY: None

**MOTION PASSED UNANIMOUSLY.**

**I. PENDING ITEMS** – None.

**J. REPORTS**

1. **City Council** – Vice Mayor Glendening reported on the actions of the March 16, 2022 City Council Meeting.
2. **Borough Planning** – No report.
3. **City Administration** – Planning Director Foster reported on the following:
  - Next Commission meeting on April 13, 2022 will include an application for lease renewal, a conditional use permit application and a special use permit application.

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

**L. INFORMATIONAL ITEMS** – None.

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. April 13, 2022

**N. COMMISSION COMMENTS & QUESTIONS**

Commissioner Woodard noted she is glad to be back.

Commissioner Askin noted the upcoming March for Meals fundraiser at Senior Center and encouraged everyone to go. Noted she is glad to see the roads are clearing of snow.

Vice Chair Douthit noted that he might not be able to make the April 13<sup>th</sup> meeting.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:42 p.m.

Minutes prepared and submitted by:

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Meghan Thibodeau  
Deputy City Clerk



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 2022-08**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI  
**GRANTING** A CONDITIONAL USE PERMIT FOR CABIN RENTALS.

APPLICANT: Thomas Hoelsing

PROPERTY ADDRESS: 1025 Angler Drive

LEGAL DESCRIPTION: Lot 3, Anglers Acres Subdivision Part 4

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04939041

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on March 22, 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 April 13, 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;*

Criteria Met: The proposed cabin rentals (1 two story, 2 one story) meets the intent of the Rural Residential (RR) Zone to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:

(1) To separate residential structures to an extent which will:

(A) Preserve the rural, open quality of the environment;

(B) Prevent health hazards in areas not served by public water and sewer.

(2) To prohibit uses which would:

(A) Violate the residential character of the environment;

(B) Generate heavy traffic in predominantly residential areas.

The existing cabins are consistent with the intent of the Rural Residential District by preserving the rural, open quality of the environment with a site design that preserves many trees and creates privacy between neighboring parcels and Angler Drive. While cabin rentals and guide services would generate consistent vehicle trips, it would likely not generate heavy traffic, those persons renting cabins/guide services would generate approximately as many trips as a year round residence on the property. KMC 14.22 Land Use Table permits the three cabins on a Rural Residential property.

The Land Use Table provides that Cabin Rentals are a conditional use for the Rural Residential zoning district; therefore, a conditional use permit must be granted for the operation of rental cabins. The applicant has provided a site plan that provides the layout of the cabin and parking.

The Land Use Table provides that a Guide Service is a conditional use for the Rural Residential zoning district; therefore, a conditional use permit must be granted for the operation of a guide service.

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

Criteria Met. The parcel located to the north is a residential cabin, to the east is Beaver Creek, to the south is a lodge and guide service, and to the west is a commercial marijuana cultivation facility. Angler Drive consists of Rural Residential zoned parcels and has many conditional use permits for uses such as lodges, cabin rentals, guide services, and marijuana cultivation. The subject property, with cabin rentals and a guide service, would fit in with the character of the neighborhood by land use, lot size, lot orientation, and natural character of the property. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by the use of cabin rentals and a guide service. All improvements on the subject property are existing.

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

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

*“Low Density Residential because of location or poor site conditions is intended for large-lot single-family low-density residential development. The area will typically be developed with individual on-site water supply and wastewater disposal systems. Streets will typically be constructed to rural street standards (i.e., gravel) and sidewalks will not be typically included in the subdivision design. Rural Residential becomes Low Density Residential to avoid confusion with zoning category.”*

The subject parcel has similar land use, lot size and orientation, on-site water and wastewater systems, and low density as neighboring properties. Angler Drive is paved, and constructed to a higher standard than gravel rural streets, with no sidewalks.



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.

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

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

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

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

Criteria Met. The subject property is accessed via Angler Drive, a paved, City maintained road. City water and sewer is not in the vicinity of the subject property, therefore, onsite water and wastewater treatment and disposal systems are necessary and located on the property. The property has access to electricity, gas, and telephone services.

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

Criteria Met: The use of a rental cabin and guide services will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this development. There are recommended conditions with requirements related to public safety, health, and welfare:

- 2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director. This condition ensures site plan and landscaping requirements are met, including for vehicle parking.
- 9. Quiet Hours are 10pm to 6am. This condition would help ensure the welfare of neighbors is protected from noise.

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 Thomas Hoelsing for Cabin Rentals for property described as Lot 3, Anglers Acres Subdivision Part 4, and located at 1025 Angler Drive.

**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. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31<sup>st</sup> day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. 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).
7. 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.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
this 13th day of April, 2022.

\_\_\_\_\_  
JEFF TWAIT, CHAIRPERSON

ATTEST:

\_\_\_\_\_  
Michelle M. Saner, MMC, 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:** Ryan Foster, Planning Director  
**DATE:** April 7, 2022  
**SUBJECT:** PZ2022-08 – Conditional Use Permit – Cabin Rentals  
PZ2022-09 – Conditional Use Permit – Guide Service

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**Applicant:** Thomas Hoelsing  
1865 Fredericksen Street  
Fremont, Nebraska 68025

**Legal Description:** Lot 3, Anglers Acres Subdivision Part 4

**Property Address:** 1025 Angler Drive

**KPB Parcel No:** 04939041

**Lot Size:** 1.15 Acres (50,094 square feet)

**Existing Zoning:** Rural Residential (RR)

**Current Land Use:** Residential Dwelling

**Land Use Plan:** Low Density Residential

### GENERAL INFORMATION

The applicant, Thomas Hoelsing, has submitted a conditional use permit application for Cabin Rentals (PZ2022-08) and Guide Service (PZ2022-09) at 1025 Angler Drive.

Cabin rentals are listed as a conditional use within the Rural Residential zone in Kenai Municipal Code 14.22.010, Land Use Table. KMC 14.20.320 Definitions, defines cabin rentals, “Cabin rentals” means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.

Guide Service is listed as a conditional use within the Rural Residential zone in Kenai Municipal Code 14.22.010, Land Use Table. KMC 14.20.320 Definitions, defines guide service, “Guide

Service” means any activity on any premises used for collecting or returning persons from recreational trips when remuneration is provided for the service.

On September 13, 2021 and January 17, 2022 planning staff mailed a notice of Kenai Municipal Code Violation for 1025 Angler Drive for operating cabin rentals without a conditional use permit and that without a conditional use permit, would be unable to rent cabins for the 2022 summer season (see 2<sup>nd</sup> letter attached).

#### 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 request is consistent and mindful of KMC 14.20.150 (a). The uses requested are allowed under the Land Use Table (KMC 14.22.010) and will not impact surrounding property. Whether the property is utilized for daily rental and fishing or by owners for daily use and fishing will not impact surrounding properties. Significant driveway, parking improvements bring the property current with "Off street parking" KMC 14.20.250, see attachment #1.

Staff Response: The proposed cabin rentals (1 two story, 2 one story) meets the intent of the Rural Residential (RR) Zone to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will:
  - (A) Preserve the rural, open quality of the environment;
  - (B) Prevent health hazards in areas not served by public water and sewer.
- (2) To prohibit uses which would:



- (A) Violate the residential character of the environment;
- (B) Generate heavy traffic in predominantly residential areas.

The existing cabins are consistent with the intent of the Rural Residential District by preserving the rural, open quality of the environment with a site design that preserves many trees and creates privacy between neighboring parcels and Angler Drive. While cabin rentals and guide services would generate consistent vehicle trips, it would likely not generate heavy traffic, those persons renting cabins/guide services would generate approximately as many trips as a year round residence on the property. KMC 14.22 Land Use Table permits the three cabins on a Rural Residential property.

The Land Use Table provides that Cabin Rentals are a conditional use for the Rural Residential zoning district; therefore, a conditional use permit must be granted for the operation of rental cabins. The applicant has provided a site plan that provides the layout of the cabins and parking.

The Land Use Table provides that a Guide Service is a conditional use for the Rural Residential zoning district; therefore, a conditional use permit must be granted for the operation of a guide service.

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

Applicant Response: Uses will not violate the recreational character of the neighborhood. All properties on the east side of Angler drive abut either Beaver Creek or the Kenai River and are involved in recreational fishing, either guided or private. At least two properties on the west side on Angler have easements to cross specific lots on the east side for purposes of fishing. Requested use is in harmony with the character of the neighborhood and will not impact property values.

Staff Response: The parcel located to the north is a residential cabin, to the east is Beaver Creek, to the south is a lodge and guide service, and to the west is a commercial marijuana cultivation facility. Angler Drive consists of Rural Residential zoned parcels and has many conditional use permits for uses such as lodges, cabin rentals, guide services, and marijuana cultivation. The subject property, with cabin rentals and a guide service, would fit in with the character of the neighborhood by land use, lot size, lot orientation, and natural character of the property. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by the use of cabin rentals and a guide service. All improvements on the subject property are existing.

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

Applicant Response: Requested use is in line with City of Kenai Comprehensive Plan, specifically Goal 2. Further section 4.4.5-Visitor Industry-indicates 500,000 people visit the Kenai Peninsula annually, two thirds during June/July/August. It also identifies economic benefit generated via local spending on recreational fishing. The requested CUP will expand capacity during peak. Use does not conflict with any objective listed in Goal 8.



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

*“Low Density Residential because of location or poor site conditions is intended for large-lot single-family low-density residential development. The area will typically be developed with individual on-site water supply and wastewater disposal systems. Streets will typically be constructed to rural street standards (i.e., gravel) and sidewalks will not be typically included in the subdivision design. Rural Residential becomes Low Density Residential to avoid confusion with zoning category.”*

The subject parcel has similar land use, lot size and orientation, on-site water and wastewater systems, and low density as neighboring properties. Angler Drive is paved, and constructed to a higher standard than gravel rural streets, with no sidewalks.

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.

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

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

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

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

Applicant Response: Angler Drive properties are typically served by well, septic, natural gas and electricity. Applicant has replaced an aging rusted steel septic with a modern properly engineered, permitted, installed and DEC approved septic system. Applicant has installed a new natural gas service, enhanced electrical service and significantly upgraded the drive way so all parking will be on the property, not public road right away, and be compliant with KMC 14.20.250.

Staff Response: The subject property is accessed via Angler Drive, a paved, City maintained road. City water and sewer is not in the vicinity of the subject property, therefore, onsite water and wastewater treatment and disposal systems are necessary and located on the property. The property has access to electricity, gas, and telephone services.

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

Applicant Response: A CUP for "cabin rental & guide service" will not be harmful to public safety, health, or welfare. The cabins are located on the East end of the site boarding Beaver Creek and for the rental season are barely visible from the road. As mentioned



both public services and the property itself have been significantly upgraded. The applicant intends to emphasize "quiet enjoyment" for all occupants of the property.

Staff Response: The use of a rental cabin and guide services will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this development. There are recommended conditions with requirements related to public safety, health, and welfare:

- 2. *Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.* This condition ensures site plan and landscaping requirements are met, including for vehicle parking.
- 9. *Quiet Hours are 10pm to 6am.* This condition would help ensure the welfare of neighbors is protected from noise.

**Criteria # 6: Specific conditions deemed necessary.**

Applicant Response: As stated the proposed use, short term rental for fishing and guide services will be consistent with the owners personal use since acquiring the property almost three years ago. Owner intends to emphasize "quiet enjoyment" to renters so their use is consistent with his use since he acquired the property. As no measures have been suggested in the past none are contemplated.

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

## RECOMMENDATIONS

### PZ2022-08 Cabin Rentals

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. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31<sup>st</sup> day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. 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).
7. 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.

8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

#### PZ2022-09 Guide Service

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:

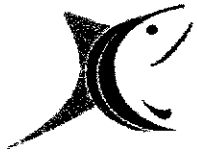
1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31<sup>st</sup> day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. 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).
7. 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.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

#### ATTACHMENTS

- A. Application
- B. Draft Site Plan
- C. Aerial Map
- D. Kenai Municipal Code Violation Letter dated January 17, 2022







# 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:	Thomas L. Hoelsing						
Mailing Address:	1865 Fredericksen	City:	Fremont	State:	NE	Zip Code:	68025
Phone Number(s):	402-720-4968						
Email:	thoesing@msn.com						

### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:							
Mailing Address:		City:		State:		Zip Code:	
Phone Number(s):							
Email:							

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	Pin #04939041						
Physical Address:	1025 Angler Drive, Kenai, Ak						
Legal Description:	Lot 3, Anglers Acres Subdivision Part Four, platt #84-235						
Zoning:	Rural Residential, RR						
Acres:	1.15 acres						

### 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?	Private seasonal use
--	----------------------

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

A Conditional Use Permit for "cabin rental and guide service" is requested.

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

The request is consistent and mindful of KMC 14.20.150 (a). The uses requested are allowed under the Land Use Table (KMC 14.22.010) and will not impact surrounding property. Whether the property is utilized for daily rental and fishing or by owners for daily use and fishing will not impact surrounding properties. Significant driveway, parking improvements bring the property current with "Off street parking" KMC 14.20.250, see attachment #1.

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

Uses will not violate the recreational character of the neighborhood. All properties on the east side of Angler drive abut either Beaver Creek or the Kenai River and are involved in recreational fishing, either guided or private. At least two properties on the west side on Angler have easements to cross specific lots on the east side for purposes of fishing. Requested use is in harmony with the character of the neighborhood and will not impact property values.

Use of surrounding property - north:	Private Seasonal Cabin		
Use of surrounding property - south:	Property has CUP for cabin rental and guide service		
Use of surrounding property - east:	Beaver Creek is to the east		
Use of surrounding property - west:	Property has CUP for Commercial Marijuana Cultivation		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
Requested use is in line with City of Kenai Comprehensive Plan, specifically Goal 2. Further section 4.4.5-Visitor Industry-indicates 500,000 people visit the Kenai Peninsula annually, two thirds during June/July/August. It also identifies economic benefit generated via local spending on recreational fishing. The requested CUP will expand capacity during peak. Use does not conflict with any objective listed in Goal 8.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Angler Drive properties are typically served by well, septic, natural gas and electricity. Applicant has replaced an aging rusted steel septic with a modern properly engineered, permitted, installed and DEC approved septic system. Applicant has installed a new natural gas service, enhanced electrical service and significantly upgraded the drive way so all parking will be on the property, not public road right away, and be compliant with KMC 14.20.250.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
A CUP for "cabin rental & guide service" will not be harmful to public safety, health, or welfare. The cabins are located on the East end of the site boarding Beaver Creek and for the rental season are barely visible from the road. As mentioned both public services and the property itself have been significantly upgraded. The applicant intends to emphasize "quiet enjoyment" for all occupants of the property.			
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?			
As stated the proposed use, short term rental for fishing and guide services will be consistent with the owners personal use since acquiring the property almost three years ago. Owner intends to emphasize "quiet enjoyment" to renters so their use is consistent with his use since he acquired the property. As no measures have been suggested in the past none are contemplated.			
<b>AUTHORITY TO APPLY FOR CONDITIONAL USE:</b>			
I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:	Thomas Hoesing		Date: 3-22-22
Print Name:	Thomas Hoesing	Title/Business:	OWNER
<b>For City Use Only</b>		Date Application Fee Received:	
		PZ Resolution Number:	





STATE OF ALASKA  
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**CONSTRUCTION AND OPERATION CERTIFICATE**  
 FOR  
**DOMESTIC WASTEWATER DISPOSAL SYSTEMS**

**A. APPROVAL TO CONSTRUCT**

Plans for the construction or modification of (1500 gal ST/LS & 720 sq ft pressurized bed)  
 Anglers Acres Sub Pt4 L3 - (2-br cabin & two 1-br cabins)  
 (ADEC Plan Tracking Number 28104) domestic wastewater disposal system  
 located in Kenai, Alaska, submitted in accordance with 18 AAC 72.210  
 by Tauriainen Engineering & Testing - Clayton Spittler, P.E. have been reviewed and are

- approved.
- conditionally approved (see attached conditions). July 17, 2019 LTR

BY *Monica T. English* Environmental Engineering Associate TITLE July 17, 2019 DATE  
 Monica T. English

If construction has not started within two years of the approval date, this certificate is void and new plans and specifications must be submitted for review and approval before construction.

**B. APPROVED CHANGE ORDERS**

Change (contract order number or descriptive reference)	Approved by	Date

**C. APPROVAL TO OPERATE**

The "APPROVAL TO OPERATE" section must be completed and signed by the Department before this system is made available for use.

The construction of the \_\_\_\_\_ Above Referenced \_\_\_\_\_ domestic wastewater disposal system was completed on \_\_\_\_\_ (date). The system is hereby granted **interim** approval to operate for 90 days following the completion date.

BY \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

As-built/record drawings, submitted to the Department, or an inspection by the Department, has confirmed that the domestic wastewater disposal system was constructed in substantial conformance with the approved plans. **The system is hereby granted final approval to operate.**

BY *Charles Kelley* Environmental Engineering Associate TITLE DATE 3/9/22

- Distribution:
1. Retain original for project file
  2. Make copies for distribution



**PZ2022-08 CUP Cabin Rentals**  
**PZ2022-09 CUP Guide Service**  
**1025 Angler Drive**  
**Parcel 04939041**





# KENAI

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

January 17, 2022

Thomas L Hoelsing  
1865 Frederiksen St  
Fremont, NE 68025

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

To Whom It May Concern:

## 2<sup>nd</sup> NOTICE OF KENAI MUNICIPAL CODE VIOLATION

On September 13, 2021, the City of Kenai mailed a notice of code violation for 1025 Angler Drive, Kenai, AK. City staff determined the property to be in violation of Kenai Municipal Code, as follows:

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

**14.20.320 (b) Specific definitions.**

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

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

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

Without a conditional use permit, you will be unable to rent cabins, including for the upcoming 2022 summer season. If you would like to discuss this notice, or have questions about the conditional use permit process, you may contact me at 907-283-8235 or [rfoster@kenai.city](mailto:rfoster@kenai.city).

CITY OF KENAI



Ryan Foster  
Planning Director

SENT VIA REGULAR MAIL AND CERTIFIED MAIL 7020 0640 0002 2738 5169



# PLANNING & ZONING COMMISSION

Resolution PZ2022-08 – Conditional Use Permit – Cabin Rentals

Resolution PZ2022-09 – Conditional Use Permit – Guide Service

1025 Angler Drive



# SUMMARY

**Applicant:** Thomas Hoelsing  
1865 Fredericksen Street  
Fremont, Nebraska 68025

**Legal Description:** Lot 3, Anglers Acres Subdivision Part 4

**Property Address:** 1025 Angler Drive

**KPB Parcel No:** 04939041

**Lot Size:** 1.15 Acres (50,094 square feet)

**Existing Zoning:** Rural Residential (RR)

**Current Land Use:** Residential Dwellings

**Land Use Plan:** Low Density Residential

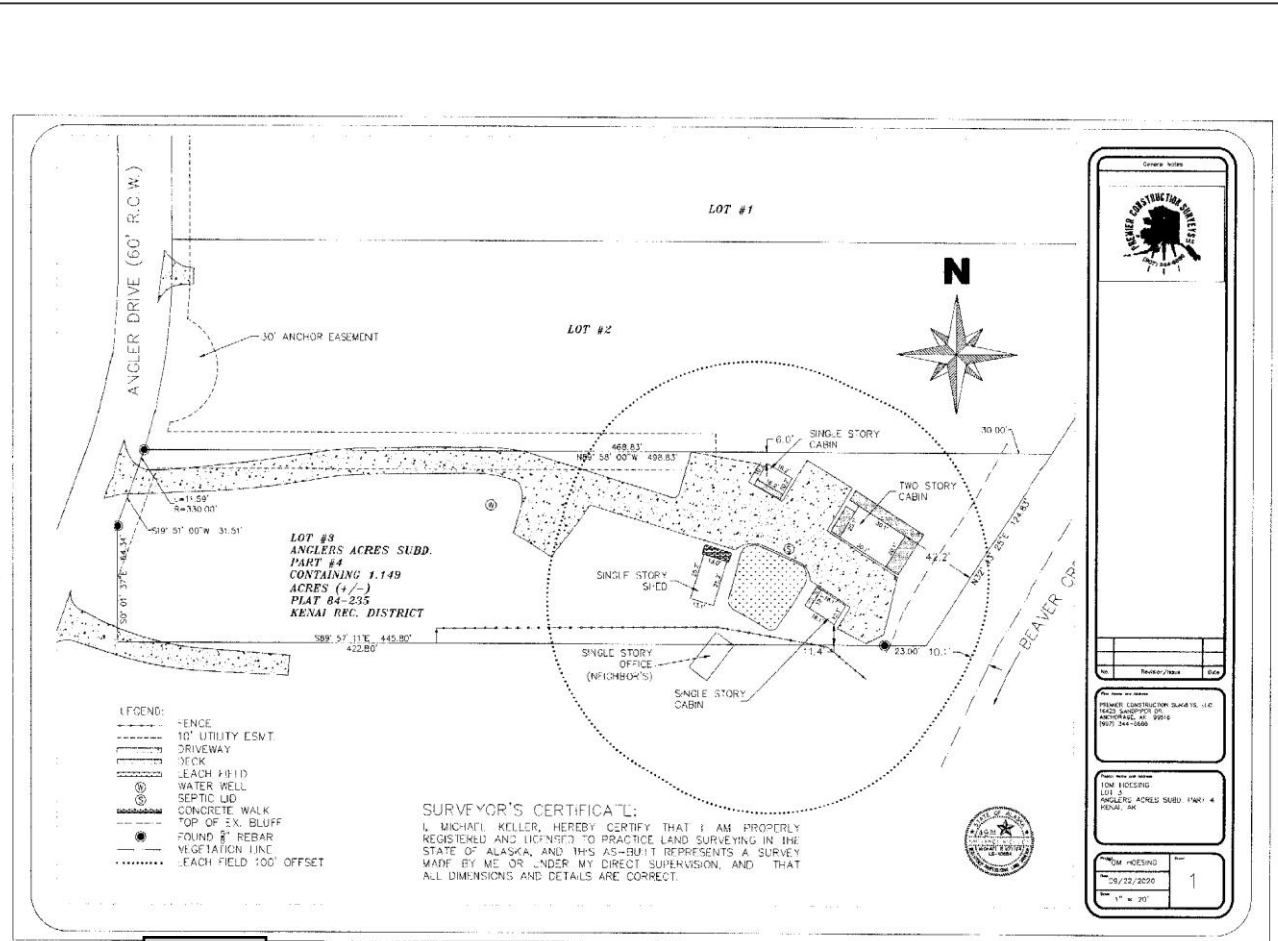


# SUMMARY

- Cabin Rentals and Guide Service are listed as a conditional uses within the Rural Residential zone in Kenai Municipal Code 14.22.010.
- KMC 14.20.320 Definitions, “Cabin rentals” means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.
- KMC 14.20.320 Definitions, “Guide Service” means any activity on any premises used for collecting or returning persons from recreational trips when remuneration is provided for the service.
- On September 13, 2021 and January 17, 2022 planning staff mailed a notice of KMC Violation for 1025 Angler Drive for operating cabin rentals without a conditional use permit and that without a conditional use permit, would be unable to rent cabins for the 2022 summer season (see 2<sup>nd</sup> letter attached).

# SITE PLAN

- Site plan identifies the layout of the existing cabins, driveway, and parking.



# STAFF 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:

# REVIEW CRITERIA

- *Criteria #1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.*
- *Criteria #2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.*
- *Criteria #3: The proposed use is in harmony with the Comprehensive Plan.*
- *Criteria #4: Public services and facilities are adequate to serve the proposed use.*
- *Criteria #5: The proposed use will not be harmful to the public safety, health or welfare.*
- *Criteria #6: Specific conditions deemed necessary.*

# RECOMMENDATIONS

- PZ2022-08 Cabin Rentals and PZ2022-09 Guide Service
- 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. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
  3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
  4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.

# RECOMMENDATIONS CONTINUED


5. The applicant will meet with City staff for on-site inspections when requested.
6. 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(l)(5).
7. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

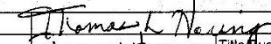
# ATTACHMENTS

- A. Application
- B. Draft Site Plan
- C. Aerial Map
- D. Kenai Municipal Code Violation Letter dated January 17, 2022

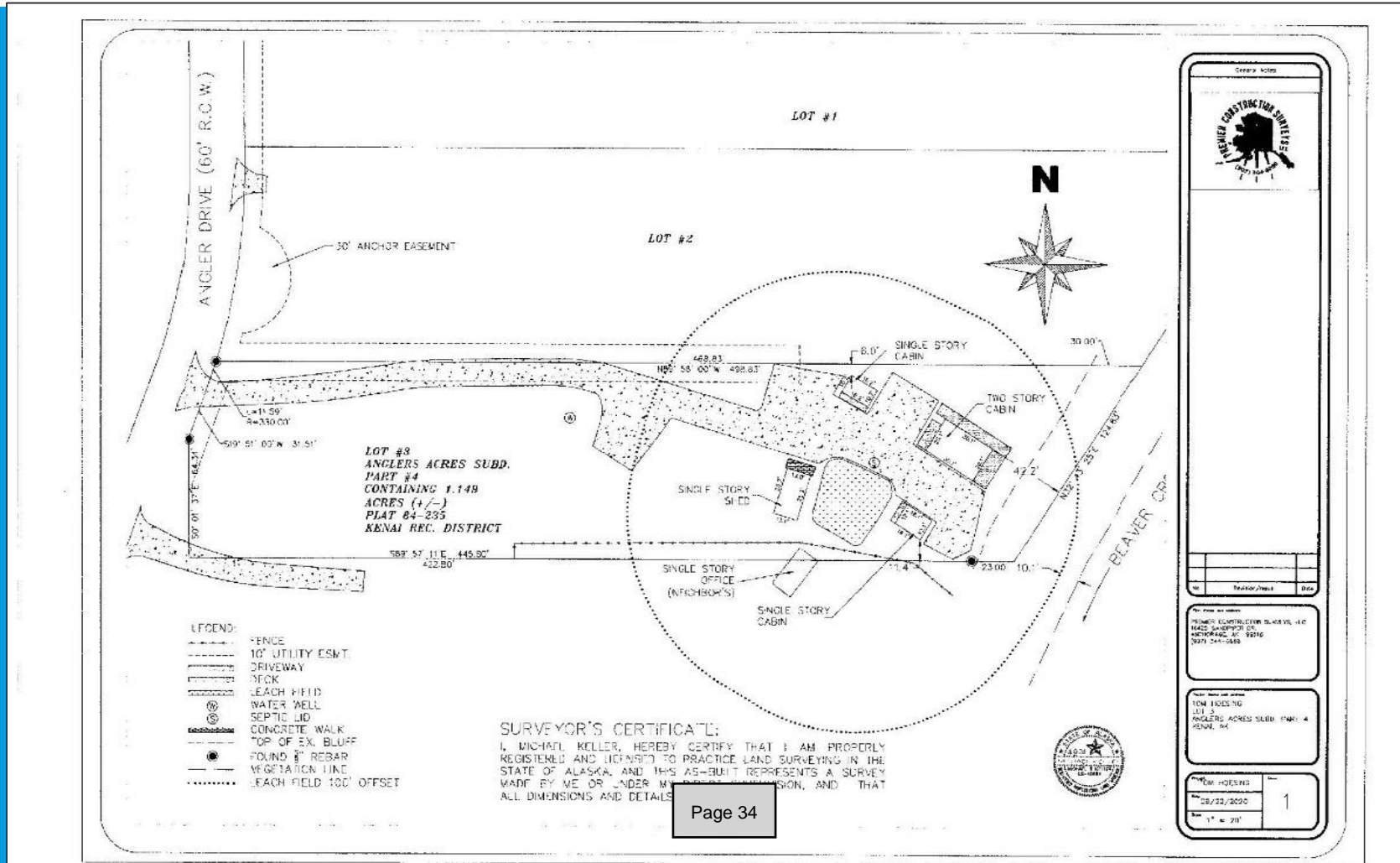


# A. APPLICATION

	<b>Conditional Use Permit Application</b>		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
	<b>PROPERTY OWNER</b>			
Name:	Thomas L. Hoelsing			
Mailing Address:	1865 Frederickksen	City:	Fremont	State: NE Zip Code: 68025
Phone Number(s):	402-720-4968			
Email:	thoesing@msn.com			
<b>PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)</b>				
Name:				
Mailing Address:		City:		State: Zip Code:
Phone Number(s):				
Email:				
<b>PROPERTY INFORMATION</b>				
Kenai Peninsula Borough Parcel # (Property Tax ID):	Pin #04939041			
Physical Address:	1025 Angler Drive, Kenai, Ak			
Legal Description:	Lot 3, Anglers Acres Subdivision Part Four, platt #84-235			
Zoning:	Rural Residential, RR			
Acres:	1.15 acres			
<b>CONDITIONAL USE DESCRIPTION</b> (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?	Private seasonal use			
Conditional Use Requested for (attach additional sheets if necessary):				
A Conditional Use Permit for "cabin rental and guide service" is requested.				
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:				
The request is consistent and mindful of KMC 14.20.150 (a). The uses requested are allowed under the Land Use Table (KMC 14.22.010) and will not impact surrounding property. Whether the property is utilized for daily rental and fishing or by owners for daily use and fishing will not impact surrounding properties. Significant driveway, parking improvements bring the property current with "Off street parking" KMC 14.20.250, see attachment #1.				
Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:				
Uses will not violate the recreational character of the neighborhood. All properties on the east side of Angler drive abut either Beaver Creek or the Kenai River and are involved in recreational fishing, either guided or private. At least two properties on the west side on Angler have easements to cross specific lots on the east side for purposes of fishing. Requested use is in harmony with the character of the neighborhood and will not impact property values.				

Use of surrounding property - north:	Private Seasonal Cabin
Use of surrounding property - south:	Property has CUP for cabin rental and guide service
Use of surrounding property - east:	Beaver Creek is to the east
Use of surrounding property - west:	Property has CUP for Commercial Marijuana Cultivation
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	
Requested use is in line with City of Kenai Comprehensive Plan, specifically Goal 2. Further section 4.4.5-Visitor Industry-indicates 500,000 people visit the Kenai Peninsula annually, two thirds during June/July/August. It also identifies economic benefit generated via local spending on recreational fishing. The requested CUP will expand capacity during peak. Use does not conflict with any objective listed in Goal 8.	
Are public services and facilities on the property adequate to serve the proposed conditional use?	
Angler Drive properties are typically served by well, septic, natural gas and electricity. Applicant has replaced an aging rusted steel septic with a modern properly engineered, permitted, installed and DEC approved septic system. Applicant has installed a new natural gas service, enhanced electrical service and significantly upgraded the drive way so all parking will be on the property, not public road right away, and be compliant with KMC 14.20.250.	
Explain how the conditional use will not be harmful to public safety, health, or welfare:	
A CUP for "cabin rental & guide service" will not be harmful to public safety, health, or welfare. The cabins are located on the East end of the site boarding Beaver Creek and for the rental season are barely visible from the road. As mentioned both public services and the property itself have been significantly upgraded. The applicant intends to emphasize "quiet enjoyment" for all occupants of the property.	
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?	
As stated the proposed use, short term rental for fishing and guide services will be consistent with the owners personal use since acquiring the property almost three years ago. Owner intends to emphasize "quiet enjoyment" to renters so their use is consistent with his use since he acquired the property. As no measures have been suggested in the past none are contemplated.	
<b>AUTHORITY TO APPLY FOR CONDITIONAL USE:</b> I hereby certify that I am (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.	
Signature:	
Date:	3-22-22
Print Name:	Thomas Hoelsing
Title/Business:	OWNER
Date Application Fee Received:	
PZ Resolution Number:	
For City Use Only	

# B. SITE PLAN



# C. AERIAL MAP



# D. KMC CODE VIOLATION LETTER



January 17, 2022

Thomas L. Hoelsing  
1865 Frederiksen St  
Fremont, NE 68025

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

To Whom It May Concern:

## 2<sup>nd</sup> NOTICE OF KENAI MUNICIPAL CODE VIOLATION

On September 13, 2021, the City of Kenai mailed a notice of code violation for 1025 Angler Drive, Kenai, AK. City staff determined the property to be in violation of Kenai Municipal Code, as follows:

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

**14.20.320 (b)** Specific definitions.

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

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

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

Without a conditional use permit, you will be unable to rent cabins, including for the upcoming 2022 summer season. If you would like to discuss this notice, or have questions about the conditional use permit process, you may contact me at 907-283-8235 or [rfoster@kenai.city](mailto:rfoster@kenai.city).

CITY OF KENAI

Ryan Foster  
Planning Director

SENT VIA REGULAR MAIL AND CERTIFIED MAIL 7020 0640 0002 2738 5169





**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 2022-09**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI  
**GRANTING** A CONDITIONAL USE PERMIT FOR A GUIDE SERVICE.

APPLICANT: Thomas Hoelsing

PROPERTY ADDRESS: 1025 Angler Drive

LEGAL DESCRIPTION: Lot 3, Anglers Acres Subdivision Part 4

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04939041

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on March 22, 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 April 13, 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;*

Criteria Met: The proposed cabin rentals (1 two story, 2 one story) meets the intent of the Rural Residential (RR) Zone to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:

(1) To separate residential structures to an extent which will:

(A) Preserve the rural, open quality of the environment;

(B) Prevent health hazards in areas not served by public water and sewer.

(2) To prohibit uses which would:

(A) Violate the residential character of the environment;

(B) Generate heavy traffic in predominantly residential areas.

The existing cabins are consistent with the intent of the Rural Residential District by preserving the rural, open quality of the environment with a site design that preserves many trees and creates privacy between neighboring parcels and Angler Drive. While cabin rentals and guide services would generate consistent vehicle trips, it would likely not generate heavy traffic, those persons renting cabins/guide services would generate approximately as many trips as a year round residence on the property. KMC 14.22 Land Use Table permits the three cabins on a Rural Residential property.

The Land Use Table provides that Cabin Rentals are a conditional use for the Rural Residential zoning district; therefore, a conditional use permit must be granted for the operation of rental cabins. The applicant has provided a site plan that provides the layout of the cabin and parking.

The Land Use Table provides that a Guide Service is a conditional use for the Rural Residential zoning district; therefore, a conditional use permit must be granted for the operation of a guide service.

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

Criteria Met. The parcel located to the north is a residential cabin, to the east is Beaver Creek, to the south is a lodge and guide service, and to the west is a commercial marijuana cultivation facility. Angler Drive consists of Rural Residential zoned parcels and has many conditional use permits for uses such as lodges, cabin rentals, guide services, and marijuana cultivation. The subject property, with cabin rentals and a guide service, would fit in with the character of the neighborhood by land use, lot size, lot orientation, and natural character of the property. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by the use of cabin rentals and a guide service. All improvements on the subject property are existing.

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

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

*“Low Density Residential because of location or poor site conditions is intended for large-lot single-family low-density residential development. The area will typically be developed with individual on-site water supply and wastewater disposal systems. Streets will typically be constructed to rural street standards (i.e., gravel) and sidewalks will not be typically included in the subdivision design. Rural Residential becomes Low Density Residential to avoid confusion with zoning category.”*

The subject parcel has similar land use, lot size and orientation, on-site water and wastewater systems, and low density as neighboring properties. Angler Drive is paved, and constructed to a higher standard than gravel rural streets, with no sidewalks.

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.

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

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

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

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

Criteria Met. The subject property is accessed via Angler Drive, a paved, City maintained road. City water and sewer is not in the vicinity of the subject property, therefore, onsite water and wastewater treatment and disposal systems are necessary and located on the property. The property has access to electricity, gas, and telephone services.

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

Criteria Met: The use of a rental cabin and guide services will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this development. There are recommended conditions with requirements related to public safety, health, and welfare:

- 2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director. This condition ensures site plan and landscaping requirements are met, including for vehicle parking.
- 9. Quiet Hours are 10pm to 6am. This condition would help ensure the welfare of neighbors is protected from noise.

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 Thomas Hoelsing for Cabin Rentals for property described as Lot 3, Anglers Acres Subdivision Part 4, and located at 1025 Angler Drive.

**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. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31<sup>st</sup> day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. 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).
7. 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.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
this 13th day of April, 2022.

\_\_\_\_\_  
JEFF TWAIT, CHAIRPERSON

ATTEST:

\_\_\_\_\_  
Michelle M. Saner, MMC, City Clerk





# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Planning & Zoning Commission  
**FROM:** Meghan Thibodeau, Deputy City Clerk  
**DATE:** April 8, 2022  
**SUBJECT:** **Resolution PZ2022-09 Staff Report**

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Please note that the staff report for Resolution PZ2022-09 is shared with Resolution PZ2022-08 and can be found on page 11 of the April 14, 2022 Planning & Zoning Commission meeting packet.

The permanent record of this staff report will be filed with PZ2022-08.



# KENAI

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

## MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Ryan Foster, Planning Director  
**DATE:** April 5, 2022  
**SUBJECT:** **Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage**

---

James H. Doyle, Individually, d/b/a Weaver Brothers, Inc. has requested to use three adjacent City-owned parcels along Coral Street and two portions of additional City owned land for storage of truck trailers for one-year from June 21, 2022 to June 20, 2023. Weaver Brothers, Inc. has been storing truck trailers on these five parcels via special use permit from June 20, 2020 to June 20, 2022. This requested SUP use is similar to the use of two parcels under a five-year lease from the City by Weaver Brothers for truck storage along Coral Street and allows for a temporary expansion of their business. The attached maps show the location of the parcels requested for a special use permit. The application submitted to the City is also attached to this memorandum.

The Coral Street Airport Zone of the City was appraised at a rate of \$0.50 per square foot and the annual permit fee for 2021 was \$3,442.67 for all five lots at 86,945 total square feet to be used, and an 8% of fair market value annual special use permit rate. With the CPI adjustment of 6.35% for 2022, the new lease rate is \$3,661.28

The parcels are within the Airport Light Industrial (ALI) Zone of the City and within the Airport Reserve. Pursuant to requirements of the Federal Aviation Administration, the City would reserve the right to cancel this special use permit on 90-days' notice.

The recommendation of the Planning and Zoning Commission will be provided to City Council as part of their decision process for the special use permit. If City Council approves, City Administration would execute a special use permit for truck trailer storage for 12 months to James H. Doyle, Individually, d/b/a Weaver Brothers, Inc.

Please review the attached draft special use permit and application materials.

**Does the Commission recommend Council approve the special use permit?**

Special Use Permit Application submitted on March 21, 2022.

Map of Lots 1, 2, and 3 requested in the SUP application.

Map of approximately 3,754 square foot and approximately 15,641 square foot portions of City land requested in the SUP application.

The Special Use Permit to Weaver Brothers, Inc. for Trailer Storage.





City of Kenai
Special Use Permit
Application

RECEIVED
CITY OF KENAI
DATE 3/22/2022
PLANNING DEPARTMENT

Application Date: 3-21-2022

Applicant Information

Form with fields for Applicant Name (Weaver Brothers, Inc.), Address (Po Box 2229, Kenai, AK, 99611), Phone (907) 283-7957, Email (Kathys@wbi.alaska.com), and Applicant Type (Corporation).

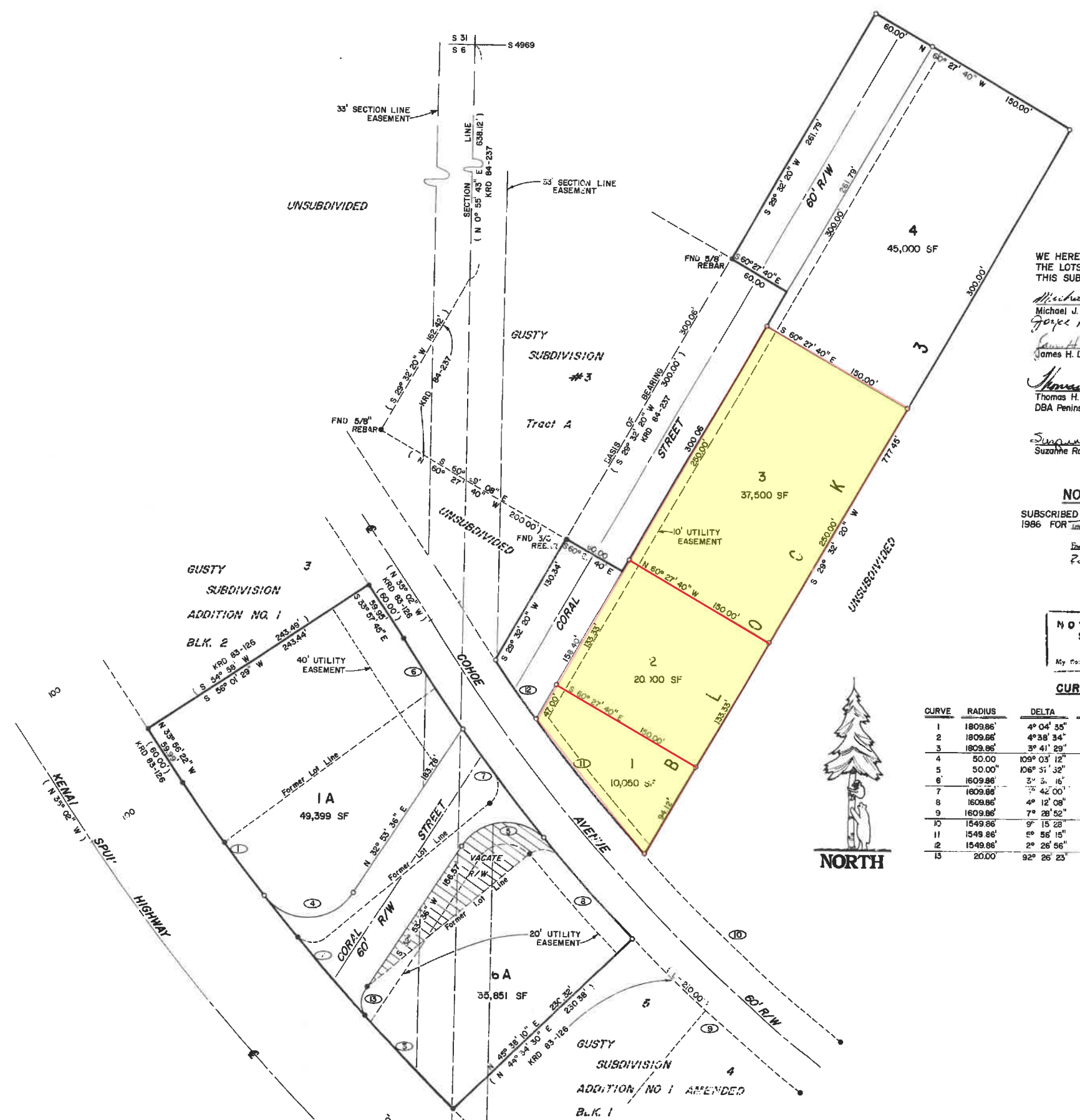
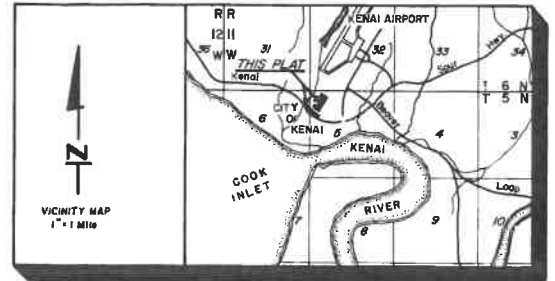
Property Information

Form with fields for Legal Description (Gusty Sub No 4 Lot 1+2+3 B1X3), Business Description (Truck Trailer Storage), and questions about interference with other businesses.

Form with fields for Term Requested (1 year) and Requested Starting Date (June 21, 2022).

Form with fields for Signature (James H. Doyle), Date (3-19-22), Print Name, and Title (Pres.).

Form with fields for City Use Only (General Fund, Airport Reserve Land, Airport Fund), Date Application Fee Received, City Council Action/Resolution, and Account Number.



**LESSEE CERTIFICATE**

WE HEREBY CERTIFY THAT WE ARE THE LESSEES WITHIN THE LOTS SHOWN HEREON AND THAT WE HEREBY APPROVE THIS SUBDIVISION.

*Michael J. Treat, Joyce A. Treat*  
 Michael J. Treat, Joyce A. Treat  
 Joyce A. Treat, Block 3

*James H. Doyle*  
 James H. Doyle  
 LOT 3, BLOCK 3

*Thomas H. Wagoner*  
 Thomas H. Wagoner  
 DBA Peninsula Flooring Center  
 LOT 2, BLOCK 3

*Suzanne Roberts, Dan Roberts, Jacqueline Roberts*  
 Suzanne Roberts, Dan Roberts, Jacqueline Roberts  
 LOT 6A, BLOCK 1

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 21st DAY OF April, 1986 FOR *Thomas H. Wagoner, Dan Roberts, Joyce A. Treat & James H. Doyle*

*Cliff Baker*  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 8-12-89

NOTARY PUBLIC  
 STATE OF ALASKA  
 CLIFF BAKER  
 My Commission Expires 8-12-89

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
1	1809.86'	4° 04' 35"	128.76'	64.41'	128.73'	N 36° 00' 55" W
2	1809.86'	4° 38' 34"	146.65'	73.37'	146.62'	N 40° 22' 29" W
3	1809.86'	3° 41' 29"	116.61'	58.33'	116.59'	N 44° 32' 31" W
4	50.00'	109° 03' 12"	95.17'	70.17'	81.44'	S 87° 25' 12" W
5	50.00'	106° 51' 32"	93.34'	67.53'	80.37'	N 86° 22' 32" E
6	1609.86'	3° 5' 16"	98.94'	49.48'	98.92'	S 33° 40' 54" E
7	1609.86'	3° 42' 00"	132.06'	66.07'	132.02'	N 37° 47' 32" W
8	1609.86'	4° 12' 08"	118.07'	59.06'	118.04'	S 42° 14' 36" E
9	1609.86'	7° 28' 52"	210.20'	105.25'	210.05'	S 48° 05' 06" E
10	1549.86'	9° 15' 28"	250.42'	125.49'	250.15'	N 47° 10' 58" W
11	1549.86'	8° 58' 15"	160.61'	80.36'	160.54'	S 39° 35' 07" E
12	1549.86'	2° 26' 56"	66.24'	33.13'	66.24'	N 35° 23' 31" W
13	20.00'	92° 26' 23"	32.27'	20.87'	28.88'	N 03° 43' 56" E

**NOTES:**

- DOUBLE FRONTAGE LOTS ARE RESTRICTED TO ONE ACCESS ONLY.
- ALL WASTEWATER DISPOSAL SYSTEM SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION. ALL NEW INSTALLATIONS SHALL BE CONNECTED TO MUNICIPAL WATER & WASTE WATER SYSTEMS.
- NO DIRECT ACCESS TO STATE MAINTAINED R.O.W.'S PERMITTED UNLESS APPROVED BY STATE OF ALASKA, DEPT. OF TRANSPORTATION.

**CERTIFICATE of APPROVAL by the ALASKA DEPT. of ENVIRONMENTAL CONSERVATION**

THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18 AAC 72.065 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS.

*William J. Brighton* TITLE DATE  
 SIGNATURE TITLE DATE  
 3-25-86

**CERTIFICATE of OWNERSHIP and DEDICATION**

I HEREBY CERTIFY THAT I (AS THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

*William J. Brighton*  
 WILLIAM J. BRIGHTON  
 CITY MANAGER  
 CITY OF KENAI  
 210 FIDALGO ST.  
 KENAI, AK 99611

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 25th DAY OF March, 1986 FOR *William J. Brighton*

*Susan M. Gerlach*  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 8-9-89

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF Feb. 24, 1986

KENAI PENINSULA BOROUGH!  
*Richard T. Torgler*  
 AUTHORIZED OFFICIAL

K.P.B. FILE NO. 85-421

**GUSTY SUBDIVISION NO. 4**

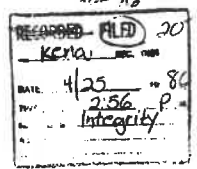
A RESUBDIVISION OF AIRPORT LEASE LOTS 1-19, LOTS 1 & 2, BLOCK 2, & LOT 6, BLOCK 1 OF GUSTY SUBDIVISION ADDITION #1 AMENDED & R.O.W. VACATION OF CORAL STREET, LOCATED WITHIN NW 1/4, SEC. 5, T5N, R11W, S.M., CITY OF KENAI, KENAI PENINSULA BOROUGH, ALASKA.

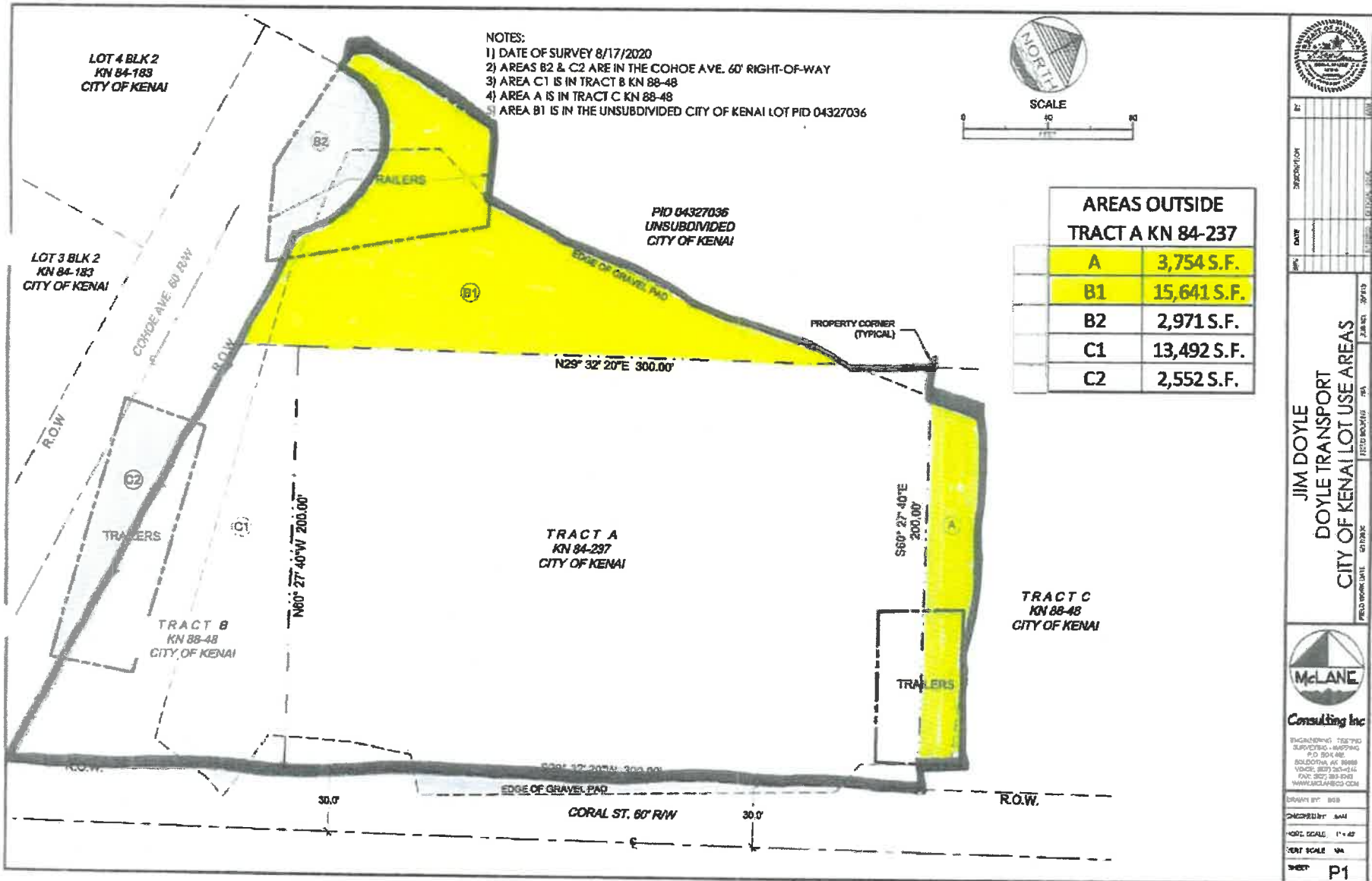
2.58 ACRES CONTAINING 4 LOTS.  
**INTEGRITY SURVEYS**  
 P.O. BOX 1831  
 SOLDOTNA, ALASKA 99669

SURVEYORS	PLANNERS
JOB NO: 85-59	FIELD BOOK: 85-7
DISK NO: 2-10	FILE NAME: GUSTY SUBD. #4
SURVEYED: 3-86	PLATTED: 3-86
DRAFTED: MK	SCALE: 1"=80'
CHECKED: CB	SHEET: 1

**LEGEND**

- MONUMENT (Found This Survey)
- MONUMENT (Set This Survey)
- 1/2" REBAR (Found This Survey)
- 5/8" x 30" REBAR (Set This Survey)
- ( ) RECORD DATUM





BY	
DATE	
SCALE	

**JIM DOYLE**  
**DOYLE TRANSPORT**  
**CITY OF KENAI LOT USE AREAS**



**McLANE Consulting Inc.**  
 ENGINEERING, TESTING, SURVEYING, MAPPING  
 P.O. BOX 48  
 SOLDOTNA, AK 99688  
 VOICE: 907.263.4141  
 FAX: 907.263.4141  
 WWW.MCLANECI.COM

DRAWN BY: BSB  
 CHECKED BY: AMH  
 HORIZ. SCALE: 1" = 40'  
 VERT. SCALE: 1" = 10'  
 SHEET: **P1**

## SPECIAL USE PERMIT

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set out below, hereby grants to **JAMES H. DOYLE, INDIVIDUALLY, D/B/A WEAVER BROTHERS, INC.** (PERMITTEE), whose address is P.O. Box 2229, Kenai Alaska 99611, the non-exclusive right to use 86,945 square feet of area as described below:

T5N R11W SEC 5 SEWARD MERIDIAN KN 0860076 GUSTY SUB NO 4 LOT 1 BLK 3 (435 Coral Street); and,

T5N R11W SEC 5 SEWARD MERIDIAN KN 0860076 GUSTY SUB NO 4 LOT 2 BLK 3 (425 Coral Street); and,

T5N R11W SEC 5 SEWARD MERIDIAN KN 0860076 GUSTY SUB NO 4 LOT 3 BLK 3 (415 Coral Street); and,

Approximately 3,754 square foot portion of T 5N R 11W SEC 5 SEWARD MERIDIAN KN 0890005 GUSTY SUB NO 7 TRACT C-1 as depicted in Attachment C (400 Coral Street); and,

Approximately 15,641 square foot portion of T 5N R 11W SEC 5 & 6 SEWARD MERIDIAN KN PTNS OF SEC 5 & 6 as depicted in Attachment C (700 First Avenue).

1. **TERM.** This special use permit shall be for 12 months from June 21, 2022 to June 20, 2023.
2. **CANCELLATION.** Pursuant to requirements of the Federal Aviation Administration, the City reserves the right to cancel this special use permit on 90-days' notice, either delivered in person to the Permittee or by mail. Any or all personal property shall be removed at Permittee's expense upon cancellation or termination of this agreement.
3. **PERMIT FEES.** The Permittee shall be charged an annual permit fee of \$3,661.28 plus applicable sales tax.

The Permittee shall not use the parcels until paying the City the permit fee.

Checks, bank drafts, or postal money orders shall be made payable to the City of Kenai and delivered to the City Hall, 210 Fidalgo Avenue, Kenai, Alaska 99611.

In addition to the permit fee specified above, the Permittee agrees to pay to the appropriate parties all levies, assessments, and charges as hereinafter provided:

- A. Sales tax nor enforced, or levied in the future, computed upon the permit fee payable in monthly installments whether said fee is paid on a monthly or yearly basis;
- B. All necessary licenses and permits; all lawful taxes and assessments which, during the term hereof may become a lien upon or which may be levied by the State,

Borough, City, or by any other tax levying body, upon any taxable possessory right which Permittee may have in or to the Premises by reason of its use or occupancy or by reason of the terms of this Permit, provided however, that nothing herein contained shall prevent Permittee from contesting any increase in such tax or assessment through procedures provided by law.

- C. Interest at the rate of eight percent (8%) per annum and penalties of ten percent (10%) of any amount of money owed under this Special Use Permit which are not paid on or before the due date.
  - D. Costs and expenses incident to this Special Use Permit, including but not limited to recording costs.
4. **USE.** The use by the Permittee of the Premises is limited to the purpose of Truck Trailer Storage. This use is subject to City, Borough, and State laws and regulations and the reasonable administrative actions of the City for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities. Use of the Premises is subject to the following conditions:
- A. Permittee shall use the Premises only for truck trailer storage.
  - B. Trailers must be stored in a manner that will not limit sight lines or create other unsafe driving conditions on adjacent right-of-ways.
  - C. The premises shall be returned to its current condition prior to the end of the term of this Special Use Permit. This shall include the removal of any trash or debris.
  - D. Trailers must be stored in a manner that will not impact any City snow clearing or moving activities.
  - E. Trailers shall be stored such that there will not be oil or other hazardous fluids leaking onto the premises.
  - F. Trailers shall be stored such that there will not be grass or vegetation growing between trailers.
  - G. The Permittee shall follow requirements of the City Fire Marshal and allow City staff to inspect the premises if requested.
  - H. The premises shall not be used to store junked vehicles or other salvaged vehicle or trailer parts.
5. **INSURANCE.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, the City is entitled to coverage to the extent of the higher limits.
- A. Garage Liability or Commercial General Liability Insurance, including Premises, all operations, property damage, personal injury and death, broad-form contractual,



with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.

- B. Worker's Compensation Insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.
  - C. Commercial Automobile Coverage with not less than \$1,000,000 combined single limit per occurrence. This insurance must cover all owned, hired, and non-owned motor vehicles the Permittee uses for snow moving and storage activities to, from, or on the Premises. The policy must name the City as an additional insured.
  - D. All insurance required must meet the following additional requirements:
    - i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
    - ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
    - iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
    - iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
    - v. Evidence of insurance coverage must be submitted to City by June 21, 2020. The effective date of the insurance shall be no later than June 21, 2020.
    - vi. This insurance shall be primary and exclusive of any other insurance carried by the City of Kenai. This insurance shall be without limitation on the time within which the resulting loss, damage, or injury is actually sustained.
6. **INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** The Permittee shall fully indemnify, hold harmless, and defend the City of Kenai, its officers, agents, employees, and volunteers at its own expense from and against any and all actions, damages, costs, liability, claims, losses, judgments, penalties, including reasonable Attorney's fees of or for liability for any wrongful or negligent acts, errors, or omissions of the Permittee, its officers, agents or employees, or any subcontractor under this Permit. The Permittee shall not be required to defend or indemnify the City for any claims of or liability for any wrongful or negligent act, error, or omission solely due to the independent

negligence of the City. If there is a claim of or liability for the joint negligence of the Permittee and the independent negligence of the City, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be established upon final determination of the percentage of fault. If any such determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. "Permittee" and "City" as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, for each party. The term "independent negligence of the City" is negligence other than in the City's selection, administration, monitoring, or controlling of the Permittee.

7. **PERMITTEE'S OBLIGATION TO PREVENT AND REMOVE LIENS.** Permittee will not permit any liens, including mechanic's, laborer's, construction, supplier's, mining, or any other liens obtainable or available under existing law, to stand against the Premises or improvements on the Premises for any labor or material furnished to Permittee or to any related entity or claimed entity. The Permittee shall have the right to provide a bond as contemplated by State of Alaska law and contest the validity or amount of any such lien or claimed lien. Upon the final determination of the lien or claim for lien, the Permittee will immediately pay any judgment rendered with all proper costs and charges and shall have such lien released or judgment satisfied at Permittee's own expense.
8. **PERSONALTY.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit. Personal property placed or used upon the Premises and not removed upon termination of this Permit will be removed and/or impounded by the City. Property removed or impounded by the City may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus a storage fee of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or its customers.
9. **FORBEARANCE.** Failure to insist upon a strict compliance with the terms, conditions, and/or any requirement herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.
10. **TERMINATION, DEFAULT.** This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. The City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety. The City may also terminate this Permit immediately, or upon notice shorter than 30 days, due to a failure of Permittee to comply with conditions and terms of this Permit, which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period to correct the violation or breach.
11. **NO DISCRIMINATION.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.

12. **ASSIGNMENT.** Permittee may not assign, by grant or implication, the whole any part of this Permit, the Premises, or any improvement on the Premises without the written consent of the City. Unless the City specifically releases the Permittee in writing, the City may hold the Permittee responsible for performing any obligation under this permit which an assignee fails to perform.
13. **ASSUMPTION OF RISK.** Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on the Premises and its exercise of the privileges granted in this Permit.
14. **NO JOINT VENTURE.** The City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.
15. **SURVIVAL.** The obligations and duties of Permittee under paragraphs 5 and 6 of this Permit shall survive the cancellation, termination, or expiration of this Permit.
16. **AUTHORITY.** By signing this Permit, Permittee represents that is has read this agreements and consents to be bound by the terms and conditions herein and that the person signing this Permit is duly authorized by the business to bind the business hereunder.

**WEAVER BROTHERS, INC.**

**CITY OF KENAI**

By: \_\_\_\_\_

James H. Doyle  
President

Date: \_\_\_\_\_

By: \_\_\_\_\_

Paul Ostrander  
City Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_

James H. Doyle  
Individually

Date: \_\_\_\_\_

ACKNOWLEDGMENTS

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2022, the foregoing instrument was acknowledged before me by Paul Ostrander, City Manager of the City of Kenai, Alaska, an Alaska home rule municipality, on behalf of the City.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires: \_\_\_\_\_

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2022, the foregoing instrument was acknowledged before me by James H. Doyle, President of Weaver Brothers, Inc., an Alaska limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires: \_\_\_\_\_

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2022, the foregoing instrument was acknowledged before me by James H. Doyle.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires: \_\_\_\_\_

ATTEST:

---

Michelle M. Saner, MMC, City Clerk

SEAL:

APPROVED AS TO FORM:

---

Scott M. Bloom, City Attorney

DRAFT



# KENAI

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

## MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Ryan Foster, Planning Director  
**DATE:** April 5, 2022  
**SUBJECT:** **Resolution No. 2022-XX – APPROVING THE EXECUTION OF A LEASE TO JOEL CALDWELL.**

---

On June 19, 2020, Joel Caldwell entered into an assignment of lease for Lot 3, Block 4, General Aviation Apron with Dewayne Benton. This lease terminates on June 30, 2022.

Joel Caldwell proposes improvements including additional storage space, restroom facilities, and paving, with an estimated \$100,000 value of improvements to be completed within two (2) years of signing the lease. Activities noted on the application is aircraft storage and maintenance. The requested lease term is 17 years.

Pursuant to Kenai Municipal Code 21.10.060 Lease application review, notice of the lease application was posted in the Peninsula Clarion and stated competing applications may be submitted for the parcel within 30 -days to the City. The 30 -day window from publication ends on April 16, 2022, and to-date, no competing applications have been submitted to the City.

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

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

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

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

The Airport Land Use Plan was developed to identify the highest and best uses of Kenai Municipal

Airport land. The Airport Land Use Plan discusses leasing land and enhancing opportunities for local economic development. The proposed use by Joel Caldwell complies with the Airport Land Use Plan and would enhance local economic development.

The Airport Commission will be reviewing the lease application and providing a recommendation during their meeting on April 14, 2022.

Please review the attached materials.

**Does the Commission recommend Council approve the execution of a lease to Joel Caldwell?**

Attachments:

City of Kenai Land Lease Application from Joel Caldwell

170 Granite Point Ct Map

Draft Resolution 2022-XX





**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:	3/14/2020

**Applicant Information**

Name of Applicant:	Joel Caldwell						
Mailing Address:	1014 Willow St	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone:	907 252 4878		Work/ Message Phone:	907 283 4124		
E-mail: (Optional)	joel@kenaiaviation.com						
Name to Appear on Lease:	Joel Caldwell						
Mailing Address:	51265 Satty Circle	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone:			Work/ Message Phone:			
E-mail: (Optional)							
Type of Applicant:	<input checked="" type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input 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):  
170 Granite Point Ct.

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

1. Do you believe the proposed subdivision would serve other City purposes?  YES  NO  
 2. If determined it does not, applicant is responsible for all subdivision costs. Initials JC

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 JC

It is the responsibility of the applicant to cover recording costs associated with lease. Initials \_\_\_\_\_

Do you have or have you ever had a Lease with the City? (if Yes, answer next question)  YES  NO  
 1. Legal or brief description of property leased:  
Current

Request a Lease with an Option to Purchase once development requirements are met?  YES  NO

Requested term for Initial Lease or Renewal (based on Term Table, not to exceed 45 years): 17 yrs

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

Requested Starting Date: Immediate



**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?    *WATER/SEWER, PAVING, HANGAR DOOR*

3. What is the estimated value of the improvement?    *\$100,000*

4. What is the nature and type of improvement?  
*Addition storage space, restroom facilities*

5. What are the dates construction is estimated to commence and be completed?

(generally, construction must be completed within two years)

Estimated Start Date: *June 2022*

Estimated Completion Date: *Sept 2023*

Describe the proposed business or activity intended:

*Aircraft storage and maintenance*

How does the proposed lease support a thriving business, residential, recreational, or cultural community?

*In support airline and flight school*

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

*Joel Caldwell*

**Lease Renewal Only**

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

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

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

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

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

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

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

Signature: *Joel A. Caldwell*    Date: *3/14/22*

Print Name: *Joel A. Caldwell*    Title: *Owner*

For City Use Only:

- General Fund     Airport Reserve Land
- Airport Fund     Outside Airport Reserve

Account Number: \_\_\_\_\_

Date Application Fee Received: \_\_\_\_\_

Date Application Determined Complete: \_\_\_\_\_

30-Day Notice Publication Date: \_\_\_\_\_

City Council Action/Resolution: \_\_\_\_\_



170 Granite Point Ct  
Lot 3 Block 4, General Aviation Subdivision No 1 Amended  
Parcel 04324012



**LEGEND**

 Subject Parcel

0 20 40 Feet

Date: 4/5/2022





**CITY OF KENAI**

**RESOLUTION NO. 2022-XX**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA APPROVING THE EXECUTION OF A LEASE OF AIRPORT RESERVE LANDS USING THE STANDARD LEASE FORM BETWEEN THE CITY OF KENAI AND JOEL CALDWELL ON LOT 3, BLOCK 4, FBO GENERAL AVIATION APRON.

WHEREAS, the lease to Joel Caldwell for Lot 3, Block 4, General Aviation Apron expires on June 30, 2022; and,

WHEREAS, on March 14, 2022, Joel Caldwell submitted an application for a lease of City owned properties within the Airport Reserve, described as Lot 3, Block 4, General Aviation Apron; and,

WHEREAS, the lease application states estimated improvements of \$100,000 for additional storage space, restroom facilities, and paving, and provide aircraft storage and maintenance; an investment that gives a lease term of 17 years according to the term table in Kenai Municipal Code 21.10.080; and,

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

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

WHEREAS, at their regular meeting on April 13, 2022, the Planning and Zoning Commission reviewed the lease application and recommended approval by the City Council; and,

WHEREAS, at their regular meeting on April 14, 2022, the Airport Commission reviewed the lease application and recommended approval by the City Council.

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

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

Lot improvements as outlined in lease application from Joel Caldwell, additional storage space, restroom facilities, and paving, with an estimated \$100,000 value of improvements to be completed within two (2) years of signing the lease;

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

The lease term will be 17 years;

Lot developments will prevent unauthorized access to the airfield;

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

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

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 4<sup>th</sup> day of May, 2022.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Michelle M. Saner, MMC, City Clerk



## Kenai City Council - Regular Meeting

April 06, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

[www.kenai.city](http://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. Jeff Dolifka, Boys & Girls Club, Plans for Kenai Club

#### C. UNSCHEDULED PUBLIC COMMENTS

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

#### D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3274-2022** – Increasing Estimated Revenues and Appropriations in the General Fund Parks, Recreation and Beautification Department, and Authorizing an Increase to the Multi-Purpose Facility Management Services Purchase Order to Red Line Sports for Additional Ice Maintenance Services. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3275-2022** – Amending Kenai Municipal Code, Chapter 23.05 – General Provisions, to Add a New Category of Temporary Employee Titled “Program or Project Employee” and Chapter 23.40 – Benefits, to Establish Benefits for this Category and Make Housekeeping Changes. (Administration)
3. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3276-2022** – Accepting and Appropriating a Grant Under the American Rescue Plan Act of 2021 Passed through the Alaska Community Foundation. (Administration)
  1. Motion for Introduction
  2. Motion for Second Reading (Requires a Unanimous Vote)
  3. Motion for Adoption (Requires Five Affirmative Votes)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2022-20** – Authorizing the City Manager to Enter into an Airline Operating Agreement and Terminal Area Lease with Kenai Aviation. (Administration)

5. **ADOPTED UNANIMOUSLY. Resolution No. 2022-21** – Approving a Sole Source Purchase through Motorola Solutions for the Phase Two Radio Upgrades to the Kenai Dispatch Center, Utilizing Appropriated Department of Homeland Security Grant Funds and City Capital Funds. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2022-22** – Authorizing a Budget Transfer in the General Fund, Police Department for Anticipated Fuel Cost Increases for the Remainder of FY22. (Administration)

**E. MINUTES**

1. **APPROVED BY THE CONSENT AGENDA.** \*Regular Meeting of March 16, 2022. (City Clerk)

**F. UNFINISHED BUSINESS**

**G. NEW BUSINESS**

1. **APPROVED BY THE CONSENT AGENDA.** \*Action/Approval - Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA.** \*Action/Approval - Purchase Orders Over \$15,000. (Administration)
3. **APPROVED BY THE CONSENT AGENDA.** \*Action/Approval – Liquor License Renewals for The White Moose, New Peking Restaurant and Jersey Subs. (City Clerk)
4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 4/20/2022.** \*Ordinance No. 3277-2022 – Accepting a Grant from the Federal Aviation Administration Under the Coronavirus Response and Relief Supplemental Appropriation Act, 2021 and Appropriating Funds into the Special Revenue Fund. (Administration)
5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 4/20/2022.** \*Ordinance No. 3278-2022 – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Professional Services Agreement Amendment to Complete Design Phase Services for the Kenai Municipal Airport Runway Rehabilitation Project. (Administration)
6. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 4/20/2022.** \*Ordinance No. 3279-2022 – Accepting and Appropriating a State of Alaska Grant Passed through the Southern Region EMS Council, Inc., for Three Scoop Stretchers, Three Adult Vacuum Splints and Three Pediatric Vacuum Splints. (Administration)
7. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 4/20/2022.** \*Ordinance No. 3280-2022 – Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)
8. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 4/20/2022.** \*Ordinance No. 3281-2022 – Accepting and Appropriating an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)
9. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 4/20/2022.** \*Ordinance No. 3282-2022 – Increasing Estimated Revenues and Appropriations in the Water

and Sewer Special Revenue Fund and Wastewater Treatment Plant Improvements Capital Project Fund to Provide Supplemental Funding for the Sludge Press Replacement Project. (Administration)

10. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 4/20/2022.**  
\*Ordinance No. 3283- 2022 – Authorizing a Budget Revision in the Airport Special Revenue Fund and Increasing Estimated Revenues and Appropriations in the Terminal Improvement Capital Project Fund for Design Services for the Terminal Landscaping Project. (Administration)
11. **APPROVED UNANIMOUSLY. Action/Approval** – Special Use Permit to State of Alaska, Department of Natural Resources, Division of Forestry for Aircraft Loading and Parking. (Administration)
12. **SPECIAL MEETINGS SCHEDULED FOR 4/25/2022 and 4/26/2022. Discussion/Action** – Scheduling Special Meeting(s) for Individual Council Employee Personnel Evaluations to be conducted between April 20 – April 26. (Mayor Gabriel)

#### **H. COMMISSION / COMMITTEE REPORTS**

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

#### **I. REPORT OF THE MAYOR**

#### **J. ADMINISTRATION REPORTS**

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

#### **K. ADDITIONAL PUBLIC COMMENT**

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

#### **L. EXECUTIVE SESSION**

#### **M. PENDING ITEMS**

#### **N. ADJOURNMENT**

#### **O. INFORMATION ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000
2. Kenai Historical Society March Newsletter

The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://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/89372179389>

**Meeting ID:** 893 7217 9389 **Passcode:** 425366

OR

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

**Meeting ID:** 893 7217 9389 **Passcode:** 425366





## Meeting Agenda Planning Commission

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Monday, March 21, 2022

7:30 PM

Betty J. Glick Assembly Chambers

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**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
  - a. [KPB-4024](#) Foothills Subdivision Sunset View Estates 2020 Addition Phase 1  
KPB File 2020-113R1  
  
*Attachments:* [Foothills Subdivision Sunset View Estates 2020 Addition Phase 1 KPB 2020-11](#)
4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
  - a. [KPB-3995](#) Plat Amendment Request - Beaver Dam Estates Part Seven (KN  
2021-45)  
  
*Attachments:* [C5\\_PA-Beaver Dam Estates Packet](#)
6. Commissioner Excused Absences
7. Minutes
  - a. [KPB-4004](#) February 28, 2022 Planning Commission Meeting Minutes  
  
*Attachments:* [PC Minutes 022822 Draft](#)

**D. OLD BUSINESS**

1. [KPB-3994](#) Remand Hearing for Beachcomber, LLC  
*Attachments:*
  1. [Beachcomber MEMO w attachments](#)
  2. [Volume 1 - Beachcomber\\_R](#)
  3. [Volume 2 - Beachcomber\\_R](#)
  4. [Hearing Officer Decision - Beachcomber Remand 201-01-PCA](#)
  5. [Appeal Hearing Summary 10-30-2019](#)
  6. [Hearing Packet\\_2019-01-PCA](#)
  7. [Bilben Mtn for Reconsideration](#)
  8. [Bilben - Objection to Adjudicatory Session](#)[169-010-67\\_2022-XX\\_DENIAL Resolution Template \(Beachcomber\)](#)  
[169-010-67\\_2022-XX\\_GRANTING Resolution Template \(Beachcomber\)](#)  
[PC RES 2022-07 Failed](#)

#### E. NEW BUSINESS

1. [KPB-3996](#) PC Resolution 2022-13 - Community Wildfire Protection Plan  
*Attachments:*
  - [E1 CWPP Packet](#)
  - [2022 KPB CWPP-Combined\\_final 03.09.2022](#)
  - [Desk E1 PC Revised Resolution](#)
2. [KPB-3997](#) Ordinance 2022-04 - An ordinance adopting the updated 2022 KPB CWPP  
*Attachments:*
  - [E2 CWPP Packet](#)
3. [KPB-3998](#) Right-of-Way Vacation; KPB File 2022-023V  
Vacating a portion of Paper Birch Lane  
*Attachments:*
  - [E3 ROWV Paper Birch Packet](#)
  - [Desk E3 PC Comments](#)
4. [KPB-3999](#) Utility Easement Vacation; KPB File 2021-115V  
Piper's Haven Unit 3  
*Attachments:*
  - [E4 UEV Pipers Haven Packet](#)
5. [KPB-4000](#) Utility Easement Vacation; KPB File 2022-001V  
Arrowhead Estates Phase 1  
*Attachments:*
  - [E5 UEV Arrowhead Estates Packet](#)

6. [KPB-4001](#) Conditional Use Permit; PC Resolution 2022-11  
Applicant Mark Arkens  
*Attachments:* [E6-CUP\\_Arkens Fence Packet](#)
7. [KPB-4002](#) Marijuana Cultivation Facility License; Redoubt Reefer  
*Attachments:* [E7-Marijuana License\\_Redoubt Reefer Packet](#)  
[Desk E7 PC Comments](#)
8. [KPB-4003](#) Conditional Land Use Permit; PC Resolution 2022-10  
Applicant: Trimark Earth Reserve, LLC  
*Attachments:* [E8-CLUP Trimark Packet](#)  
[Desk E8 PC Comment](#)

## 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)*

- a. [KPB-4005](#) FEMA Presentation  
*Attachments:* [FEMA Presentation](#)

## I. DIRECTOR'S COMMENTS

## J. COMMISSIONER COMMENTS

## K. ADJOURNMENT

### MISCELLANEOUS INFORMATIONAL ITEMS NO ACTION REQUIRED

- a. [KPB-4026](#) Advisory Planning Commission Meeting Minutes  
*Attachments:* [MISC\\_AP APC Unapproved Minutes 031722](#)  
[MISC\\_Hope APC Unapproved Minutes 031622](#)  
[MISC\\_KB APC Unapproved Minutes 031722](#)

[KPB-4027](#) HB 367 Support

Attachments:

[1. HB 367 Support \(PC Apportionment\) MEMO.docx](#)

[2. HB 367 Support \(PC Apportionment\) RESO.docx](#)

[3. HB 367 Support - Boroughs of AK](#)

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, April 11, 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](mailto: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.



# Kenai Dog Park

Park and Recreation Commission

Planning Commission

## KENAI DOG PARK PROGRAM

April 20 - Noon

You are invited to attend

Presentation only or

join the No Host Luncheon.

If you plan to purchase lunch ... \$15

Call 283-1991 for reservations

Limited to one hour





# KENAI DOG PARK

SUMMER 2022

## ABOUT OUR PROJECT

Dog Parks are at the top of the list for Parks and Recreation facility requests across the country. The Kenai Dog Park will bring another great park feature to the citizens of Kenai and the surrounding area.

The Kenai Dog Park Friends started to plan and raise the necessary funding to achieve this goal in 2017.

The city is donating the land, infrastructure, professional expertise, provide safety, security, and support along our path.

The citizens are responsible for providing fencing, pavilion, land preparation, agility equipment, trash cans, benches, and all other items that will make a pleasant atmosphere for both dogs and their owners.

The Kenai Community Foundation is on board as a partner of the park. They are a Non-Profit 501-3C! Your donation will be a tax-deduction. Kenai Chamber of Commerce is also a partner, realizing how important it is for the community and the traveling guests to our community.

We are in the final phase of fund-raising and it is YOUR perfect opportunity to become one of our sponsors. Included in this information is our Fund-Raising Brochure. Please open it "Read All About It" and select one of the ways you might want to help us reach our next goal. We have wonderful ways to recognize your contributions. They are not time framed and will remain posted at the entrance. You can advertise your business, family or honor your favorite pet.

Help us jump through all the hoops,

## Kenai Dog Park Friends

HOW CAN WE HELP YOU?

Lean 907-229-8917

Karen 907-741-9801

[kenaidogparkfriends@gmail.com](mailto:kenaidogparkfriends@gmail.com)

Page 71



# \$20,000

You can help make the park happen  
and  
Your Dog Happy!

There are many ways to contribute to the completion of the park. Donations may be cash or in-kind services.

### SUPPORT IS SIMPLE

Mail Checks: Kenai Dog Park  
210 Fidalgo St.  
Kenai, AK 99611

Donate to:



[Givebutter.com/kenaidogpark](https://Givebutter.com/kenaidogpark)

Or Text: kenaidogpark to 53555



 Kenai Dog Park

## ABOUT OUR PROJECT

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### Contact Information

Lena 907-229-8917

Karen 907-741-9801

kenaidogpark@gmail.com



# Kenai Dog Park

Summer 2022





## YOUR GIFT MATTERS

Donations of any amount are gratefully accepted. Add your names to our donor recognition area. Remember, they are all tax deductible!

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

EMAIL \_\_\_\_\_

PHONE \_\_\_\_\_

AMOUNT \_\_\_\_\_

### PAW PRINTS on FENCE

Sm.\$50 \_\_\_\_\_ Med\$100 \_\_\_\_\_

Lg\$200 \_\_\_\_\_



# Kenai Community Foundation

Is a Non-Profit 501-C3  
Sponsor

Federal Tax ID:  
26-1928762



### SPECIAL RECONIZATION LEVELS

Blue Ribbon	\$500 +
Best In Class	\$750 +
Best In Show	\$1,000 +
Grand Champion	\$2,500 +
Big Dog Award	\$5,000 +
TOP DOG AWARD	\$15,000

### DAUBENSPECK FAMILY PARK

#### LOCATION

Land donated and maintained by  
the City of Kenai

Off Leash Park

Agility Equipment

Public Parking



## SPONSORSHIPS AVAILABLE

Signage

Benches

Pavilion

Trees

Pet Waste Station

### Contact Information

Lena 907-229-8917

Karen 907-741-9801