



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

**April 26, 2023 – 7:00 PM**

**Kenai City Council Chambers**

**210 Fidalgo Avenue, Kenai, Alaska**

[www.kenai.city](http://www.kenai.city)

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

**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 Minutes of March 22, 2023

**C. SCHEDULED PUBLIC COMMENT**

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

**D. UNSCHEDULED PUBLIC COMMENT**

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

**E. CONSIDERATION OF PLATS**

**F. PUBLIC HEARINGS**

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

1. \*Action/Approval – Granting a Home Occupation Permit to Allow a Cottage Food Operation on a Property Located at 1303 Lawton Drive (Parcel ID: 04515425) in the Suburban Residential (RS) Zoning District.

- 2. Action/Approval** - Granting a Transfer of Conditional Use Permits PZ05-14, PZ2013-14, and PZ2014-07 for RV Park and Cabin Rentals on a property located at 810 Childs Avenue (Parcel ID: 04901401) in the Heavy Industrial (IH) Zoning District.
- 3. Action/Approval** – Granting a Transfer of Conditional Use Permit PZ2018-03 (Substitute) for a Limited Marijuana Cultivation Facility on a property located at 1817 Sunset Boulevard (Parcel ID:03901001) in the Rural Residential (RR) Zoning District.

**I. PENDING ITEMS**

**J. REPORTS**

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

**K. ADDITIONAL PUBLIC COMMENT**

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

**L. INFORMATIONAL ITEMS**

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: May 10, 2023

**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.*

**Join Zoom Meeting**

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**Meeting ID:** 816 4626 3934 **Passcode:** 910992

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**Meeting ID:** 816 4626 3934 **Passcode:** 910992

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MARCH 22, 2023 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai Planning & Zoning Commission was held on March 22, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

**1. Pledge of Allegiance**

Chair Twait led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Commissioners present: J. Twait, G. Woodard, J. Glendening, D. Fikes, J. Halstead, G. Greenberg, J. Coston (*electronic participation*)

Commissioners absent:

Staff/Council Liaison present: Planning Director L. Mitchell, Council Member H. Knackstedt, City Clerk S. Saner, Deputy Clerk M. Thibodeau

A quorum was present.

**3. Agenda Approval**

Chair Twait noted the following additions to the Packet:

Add to item F.1

**Resolution PZ2023-04**

- Public Comment

Add to item L

**Informational Items**

- General Public Comments
- River Center Open House Flyer

**MOTION:**

Commissioner Greenberg **MOVED** to approve the agenda with the requested revisions and requested **UNANIMOUS CONSENT**. Commissioner Fikes **SECONDED** the motion.

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

**4. Consent Agenda**

**MOTION:**

Vice Chair Halstead **MOVED** to approve the consent agenda. Commissioner Fikes **SECONDED** the motion. There being no objection; **SO ORDERED**.

\*All items listed with an asterisk (\*) are considered to be routine and non-controversial by the 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.

5. \*Excused Absences – None.

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of February 22, 2023

Approved by the consent agenda.

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

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

**E. CONSIDERATION OF PLATS**

1. **Resolution PZ2023-06** – Recommending Approval for Preliminary Plat – Baron Park Triumvirate Addition to Subdivide Tract 4A of Baron Park 2020 Replat into Two (2) Lots.

**MOTION:**

Commissioner Greenberg **MOVED** to adopt Resolution PZ2023-06. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant intends to subdivide into two lots, and the Commission had previously approved a conditional use permit (CUP) for a performing arts center on the eastern portion of the parcel. Zoning and uses of surrounding lots were reviewed; staff recommended approval to Kenai Peninsula Borough, subject to the following condition:

1. Provide a curve table for C1 and C2 on the plat.

It was noted that this is a housekeeping measure, and part of the development process for the performing art center.

**VOTE:**

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

NAY: None.

**MOTION PASSED UNANIMOUSLY.**

**F. PUBLIC HEARINGS**

1. **Resolution PZ2023-04** - Granting a Conditional Use Permit to Allow Lodging on the Property Located 1035 Angler Drive (Parcel ID: 04939036) in the Rural Residential (RR) Zoning District.

**MOTION:**

Vice Chair Halstead **MOVED** to adopt Resolution PZ2023-04. Commissioner Greenberg **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicants had recently acquired the property, that the previous owners had been granted a CUP for lodging and guide service and the new owners would like to continue the use for lodging but not guiding. The criteria for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.

Applicants Ben and Kathleen Lovejoy explained that they purchased the single-family home for when they visit Alaska, and would like to rent it out when they're not using it. They noted that they have managed other rental properties and intend to work with a property management company, and will be renting it primarily on a short-term basis. Concerns expressed in written public testimony were addressed, and the applicants discussed the house rules they will be putting in place such as quiet hours, number of vehicles allowed, maximum occupancy, and prohibiting guiding and use of the dock.

Chair Twait opened for public hearing.

Greg Anderson noted that the application didn't raise any red flags for him, but he had some concerns about potential use of the dock. He noted that dock use required a permit, and questioned whether dock space will be offered to renters or if trailer traffic will occur. He noted that dock rules are not being enforced on Beaver Creek and the river is already overexploited.

Christy Hudson welcomed the Lovejoys to the neighborhood, discussed ownership and use of the dock space, stated that she was in support of the permit, and noted that she helps to take care of the Lovejoy's property in the winter.

Ron Rogalsky welcomed the Lovejoys, noting that the property has been managed well in the past and seems that it will continue under the new ownership. He commended the City for requiring CUPs when there are changes, but expressed concerns about enforcement and the possibility of dock use for guiding activities.

Jim Richardson welcomed the Lovejoys but expressed caution, explaining that there have been past issues with CUPs in this area and it is better to set clear restrictions on CUPs when they are issued rather than address problems in the future. He stated that City enforcement has not been effective in addressing these problems, and urged the Commission to set clear boundaries with what is and is not allowed.

Ben Lovejoy thanked the members of the public for their comments and responded to previous testimony; he expressed respect for conservation efforts in the river, and stated that their dock will only be used for personal use and not for a guide business.

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

There was discussion regarding use of the dock, advertisement, and allowing events such as weddings or other gatherings. Lovejoy clarified that the rental listing would state that there would be no use of the dock on their property, renters would not be allowed to be picked up from their dock but would have use of a nearby public dock. He stated that the property would only be used for fishing and leisure, and that the listing would note that parking RVs or tents on the premises would not be permitted.

The Commission discussed additional conditions that could be added, such as quiet hours or maximum occupancy, and considered what had been added to previous lodging CUPs. Clarification was provided that dock usage was regulated by the State, and it was noted that any commercial transactions outside of lodging would be in violation of their zoning district; any changes in use would require the owner to apply for an amendment to the CUP. Non-commercial dock use by friends of the owners was discussed, and the applicant noted he would communicate with neighbors and they may also use the public dock.

#### **MOTION TO AMEND:**

Vice Chair Halstead **MOVED** to amend by adding a condition stating that "Quiet hours are from 10:00 p.m. to 6:00 a.m." Commissioner Woodard **SECONDED** the motion.

There was discussion on what would constitute a reasonable amount of noise.

**VOTE ON AMENDMENT:**

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

NAY: None.

**MOTION PASSED UNANIMOUSLY.**

**MOTION TO AMEND:**

Commissioner Woodard **MOVED** to amend by adding a condition stating that “Occupancy will be limited to six adults.” Commissioner Greenberg **SECONDED** the motion.

There was discussion on maximum occupancy, including what would be reasonable for the property, and how it could be defined and enforced. It was noted that this could limit business operations and multigenerational families.

The motion to amend was withdrawn with concurrence from the second.

**MOTION TO AMEND:**

Commissioner Fikes **MOVED** to amend by adding a condition to “Provide a copy of the Alaska Department of Environmental Conservation (ADEC) documentation stating the existing wastewater system supports a three (3) bedroom single-family dwelling.” Commissioner Woodard **SECONDED** the motion.

**VOTE ON AMENDMENT:**

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

NAY: None.

**MOTION PASSED UNANIMOUSLY.**

**VOTE ON MAIN MOTION AS AMENDED:**

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

NAY: None.

**MOTION PASSED UNANIMOUSLY.**

Chair Twait noted the 15-day appeal period.

- 2. Resolution PZ2023-05** - Granting an Amendment to a Conditional Permit for the Expansion of the Assisted Living Facility on the Property Located at 701 N. Forest Drive (Parcel ID: 04321030) in the Suburban Residential (RS) Zoning District.

**MOTION:**

Vice Chair Halstead **MOVED** to adopt Resolution PZ2023-05. Commissioner Greenberg **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant proposes to construct an addition to an assisted living facility. The addition will include specialized memory care units, additional assisted living suites and various amenities, and will adjoin Buildings 1 and 2 which have both been issued CUPs. The application meets development, parking and access requirements, and the applicant is proposing access through adjacent property connecting to Ponderosa and a ten-foot vehicle access. The criteria for CUPs was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant’s representative shall meet with City staff for an on-site inspection.
3. Obtain a minimum 60-foot right of way easement on the adjacent property for ingress and egress from/to Ponderosa Street.

4. Prior to building permit issuance, a landscape/site plan must be reviewed and approved by the Planning and Zoning Department.
5. Maintain a safe and clear passage of the 10-foot vehicle access so it remains free of obstruction and obstacles created by snow removal or the depositing of snow. Snow removal must not be pushed onto another property.
6. Prior to building permit issuance, provide an as-built survey to Planning & Zoning Department for verification that a minimum of 20 feet width for vehicular access and buffer are provided between the south building façade and the south property line.
7. Applicant must obtain a sign permit for the proposed monument sign.

Applicant Doug Clegg, CEO of Aspen Creek Senior Living, explained the need for a memory care unit on the Peninsula, and discussed the challenges of operating multiple buildings in a campus during harsh weather conditions and the benefits of having a facility that provides amenities for seniors such as exercise facilities, performing art centers, staff training centers, and common areas.

Chair Twait opened for public hearing.

Sasha Fallon expressed support for the expansion of Aspen Creek, noting that she works in the field of senior social services and her mother is a resident at this facility. She cited the need for senior housing on the Peninsula and her positive experiences with the current facility and its management.

Brad Howser discussed the growing population of seniors on the Peninsula and the need for senior facilities, specifically memory care. He explained how connecting the buildings will create a safer facility, and emphasized that Aspen Creek wants to keep seniors on the Peninsula close to their families and provide them with quality of life. He stated that there will be greater need for senior facilities in the future.

In response to questions from the Commission, clarification was provided on the facility's plans for access streets, snow removal, the high demand for memory care, staffing, easement paving and extension of utilities for potential future development in the area, and parking lot lighting.

Renee Bryant expressed excitement about the new amenities that will be available for residents, and the addition of a memory care center that will provide better facilities and engagement for seniors with dementia. She also highlighted the lack of a tracking system for seniors with dementia, which the center will provide, as well as the growing waitlist for senior living spaces.

Christine Smith discussed the value of adding a safe and engaging space for residents with dementia and the challenges of providing activities for residents in two different buildings. Christine emphasized the importance of meeting the residents' activity needs and the impact of the winter weather on their safety and well-being.

Jackie Lane spoke about the importance of training for staff and how the building design will aid in safer movement for residents in wheelchairs or with walkers. She emphasized the importance of providing top-notch training for staff who are taking care of elders in the community. She expressed her belief that the building design will have a huge impact on Aspen Creek in every aspect.

Ashley Nichols expressed support for the building design and layout, stating that it will be beneficial for physical therapy. The addition of a division in the hall will give in-house physical therapists more room to work with, helping to increase their effectiveness.

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

Support was expressed for providing improvements to much-needed facilities. Concerns were raised about Ponderosa Street being small and relatively undeveloped, and it was noted that notices were sent to all property owners within 300 feet and no comments were received from them. Clarification was provided that few residents would be driving and increased traffic would be due to additional staff, and that Aspen Creek specializes in assisted living as opposed to active senior living facilities but there will be a greater need for all senior services in the future.

**VOTE:**

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

NAY: None.

**MOTION PASSED UNANIMOUSLY.**

Chair Twait noted the 15-day appeal period.

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS**

**1. Action/Approval - Recommending City Council Approval of the Student Representative Policy No. 20.100.**

It was reported that this would repeal both of the existing student representative policies and establish one policy that would be applicable to all boards, commissions and councils; she reviewed the proposed changes to the policy.

Clarification was provided that the draft policy as currently written would allow Junior’s or Senior’s in good standing at a school within the Kenai City Limits, this would include homeschool and private school students.

There was discussion regarding the proposed amendments would allow homeschool and private school students.

**MOTION:**

Vice Chair Halstead **MOVED** to recommend the City Council approval of the Student Representative Policy No. 20.100. Commissioner Woodard **SECONDED** the motion.

There was discussion regarding the proposed draft policy addressing concerns voiced in the past; support was voiced for reducing the term to a 1-year; the recruitment process would take both the Clerk’s Office and the School Administration; the number of possible applicants and the possibility of alternate student representatives.

*[Clerk’s note: Commissioner Coston exited the meeting following the previous vote.]*

**VOTE:**

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

NAY: None

ABSENT: Coston

**MOTION PASSED UNANIMOUSLY.**

**2. Action/Approval - Recommending City Council Approval of Amendments to the City Council Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01.**

City Clerk Saner reviewed the proposed amendments to the Procedures for Commissions, Committees and Council on Aging Policy.

Clarification was provided that video and audio recordings are kept; the proposed amendments would clarify Commissioners may only speak on behalf of the body they are serving on when approved to do so by a majority vote of that body; if a Council Member was in attendance and testifying on an issue as a resident they must clearly state that prior to testifying.

**MOTION:**

Vice Chair Halstead **MOVED** to recommend the City Council approval of the Amendments to City Council Policy No. 2016-01. Commissioner Woodard **SECONDED** the motion.



There was discussion regarding this being a general housekeeping process; for a Council Member to bring a legislative issue to a Commission, the legislation should have already been introduced by Council; and because Council Members are part of the final decision making body, it is recommended that they refrain from testifying in front of the Commissions to allow the Commission recommendations to be uninfluenced by the Council Member.

**VOTE:**

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

NAY: None

ABSENT: Coston

**MOTION PASSED UNANIMOUSLY.**

**I. PENDING ITEMS – None.**

**J. REPORTS**

1. City Council – Council Member Knackstedt reported on the actions of the March 1 and March 15, 2023 City Council meetings, and noted that the City has hired an Interim Finance Director.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the March 20, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
  - Noted public comments provided in the laydown, and discussed how short-term rentals will be addressed at future commission work sessions.
  - The River Center is having an open house; the City will be there to answer questions from residents about development within the floodplain.
  - Reviewed National Flood Plain Insurance training with FEMA in Anchorage; in process of updating map.
  - Update on Administrative Assistant hiring progress.
  - Recognized long-serving commissioners Joe Halstead (eight years), Diane Fikes (10 years) and Gary Greenberg (10 years); provided with certificates of appreciation and pins.
  - Parks & Recreation Director has resigned.
  - Attending training at a sign expo in Las Vegas on April 10-13.
  - Difficulties with posting public notice signs while understaffed and with winter weather conditions.
  - Will be visiting sites with a CUP for lodging during upcoming peak season to see firsthand if complaints are valid.
  - Collaborating with other departments to create a one-stop shop for development permits.

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

**L. INFORMATIONAL ITEMS**

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: April 12, 2023

It was noted that Director Mitchell would be out of town on April 12th, and the next meeting would be April 26, 2023.

**N. COMMISSION COMMENTS AND QUESTIONS**

Commissioner Glendening thanked everyone for the good meeting.

Commissioner Woodard noted that she is circulating a petition to repeal rank choice voting.

Vice Chair Halstead said it was a good meeting.

Commissioner Greenberg commented on the ordinance regulating chickens that was passed at the previous meeting, noting that it was good work.

Commissioner Fikes said thanks for her certificate of appreciation.

Chair Twait noted that it may be good to start implementing maximum occupancy on lodging CUPs.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:19 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of March 22, 2023.

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Meghan Thibodeau  
Deputy City Clerk

DRAFT



# STAFF REPORT

PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**FROM:** Linda Mitchell, Planning Director  
**DATE:** April 21, 2023  
**SUBJECT:** 1303 Lawton Drive – Granting a Home Occupation Permit for Cottage Food Operation

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**Request** The applicant is requesting to use a portion of the detached garage for a cottage food operation.

**Staff Recommendation** Approve the Home Occupation Permit for a Cottage Food Operation.

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**Applicants:** Chris and Wikima Johnson (dba Aurora Acres, LLC)  
**Property Owner:** Chris Johnson  
**Legal Description:** Lot 5A of Eventyr Subdivision Number 3  
**Property Address:** 1303 Lawton Drive  
**KPB Parcel No.:** 04515425  
**Lot Size:** 1.75 acres  
**Zoning:** Suburban Residential (RS)  
**Current Use:** Single-Family Dwelling  
**Land Use Plan:** Suburban Residential (SR)

## SUMMARY

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The applicants have submitted an application for a Home Occupation Permit (HOP) for a cottage food operation. At this time, the applicants are looking to start a freeze drying business with the hopes of selling food products on their website. The proposed use would take place within a portion (11 feet by 24 feet; approximately 264 square feet) of the existing 1,024 square foot detached garage. On the application, the applicants noted that there will not be any customers coming onto the property and the food product will be sold at Farmer Markets or online. The applicants indicated that they intends to have a small business sign.

Alaska Food Code regulations allow the sale of non-potentially hazardous (does not require temperature control for safety) foods directly to the consumer without a permit if certain conditions are met. It is the property owner's responsibility to determine if a permit is required from Alaska Department of Environmental Health. The property owner has verbally expressed that they do meet certain conditions and therefore, not subject to a permit with Alaska Department of Environmental Health for the proposed home occupation.

## ANALYSIS

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Pursuant to KMC 14.20.230(a), the intent of a home occupation permit is to allow uses *that are compatible with other permitted uses and with the residential character of a neighborhood, and that are clearly secondary or incidental to the residential use of the main building*. Prior to granting a home occupation permit, the administrative official shall determine that the application meets the criteria as outlined in KMC 14.20.230 Home Occupations *Permit Application* and recommend that the Commission grant the permit on the consent agenda.

The proposed cottage food operation meets the intent of Kenai Zoning Code for home occupations because it would be an accessory use to the existing single-family residence and the average neighbor would not be aware of the use. Additional parking is not required for the home occupation as the use is prohibited from on-site retail sales.

### Home Occupations – Development Requirements

Kenai Municipal Code 14.20.230(d) sets forth the development requirements of a Home Occupation, as follows:

- **KMC14.20.230(d)(1) *Not more than one (1) person outside the family shall be employed in the Home occupation.***
  - **Findings:** The applicant states that there will not be more than one person outside of the family that will be employed for the home occupation. This requirement is met.
- **KMC 14.20.230(d)(2) *No more than thirty percent (30%) of the gross floor area of all buildings on the lot shall be used for the home occupation.***
  - **Findings:** Applicant has submitted a site plan and a floorplan (see attachments) detailing the area being used in the detached garage for cottage food operation. This area is approximately 264 square feet and is less than 30% of the gross floor area of all buildings on the lot. This requirement is met.
- **KMC 14.20.230(d)(3) *The home occupation shall be carried on wholly within the principal building, or other buildings which are accessory thereto. Any building used for a home occupation shall be wholly enclosed.***
  - **Findings:** Only a portion of the detached garage will be used for the cottage food operation and it is fully enclosed. This requirement is met.

## Fire Code Inspections

Pursuant to KMC 14.20.230, [*r*]esidences which are the subject of a home occupation permit application (other than day care facilities) may be required to be inspected by the Fire Marshal for compliance with the Fire Code (KMC [8.05](#)) prior to approval of the permit, if the Fire Marshal determines it is necessary for public safety.

During the building permit review, the Fire Marshall will make a determination if an inspection is required.

## PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.230(e)(4) *Notice of the consideration by the Commission of a home occupation permit application shall be published once at least two (2) days prior to the meeting in a paper of general circulation in the City of Kenai.* The public notice is scheduled to be published on Saturday, April 22, 2023 in the *Peninsula Clarion*.

At this time, staff has not received any comments on the subject matter.

## STAFF RECOMMENDATION

Staff finds that the proposed use meets the criteria for issuance of a Home Occupation Permit as set forth in Kenai Municipal Code 14.20.230, and hereby recommends that the Planning and Zoning Commission grant the Home Occupation Permit for a cottage food operation within the designated area of the existing detached garage, subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Home Occupation Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. No on-site retail sales.
4. No exterior evidence of the home occupation; all equipment, supplies, and materials used in the business must be stored inside a building.
5. A building permit is required for any alterations/renovations to the existing detached garage.
6. If a sign is proposed, applicant must obtain a sign permit for the Home Occupation.

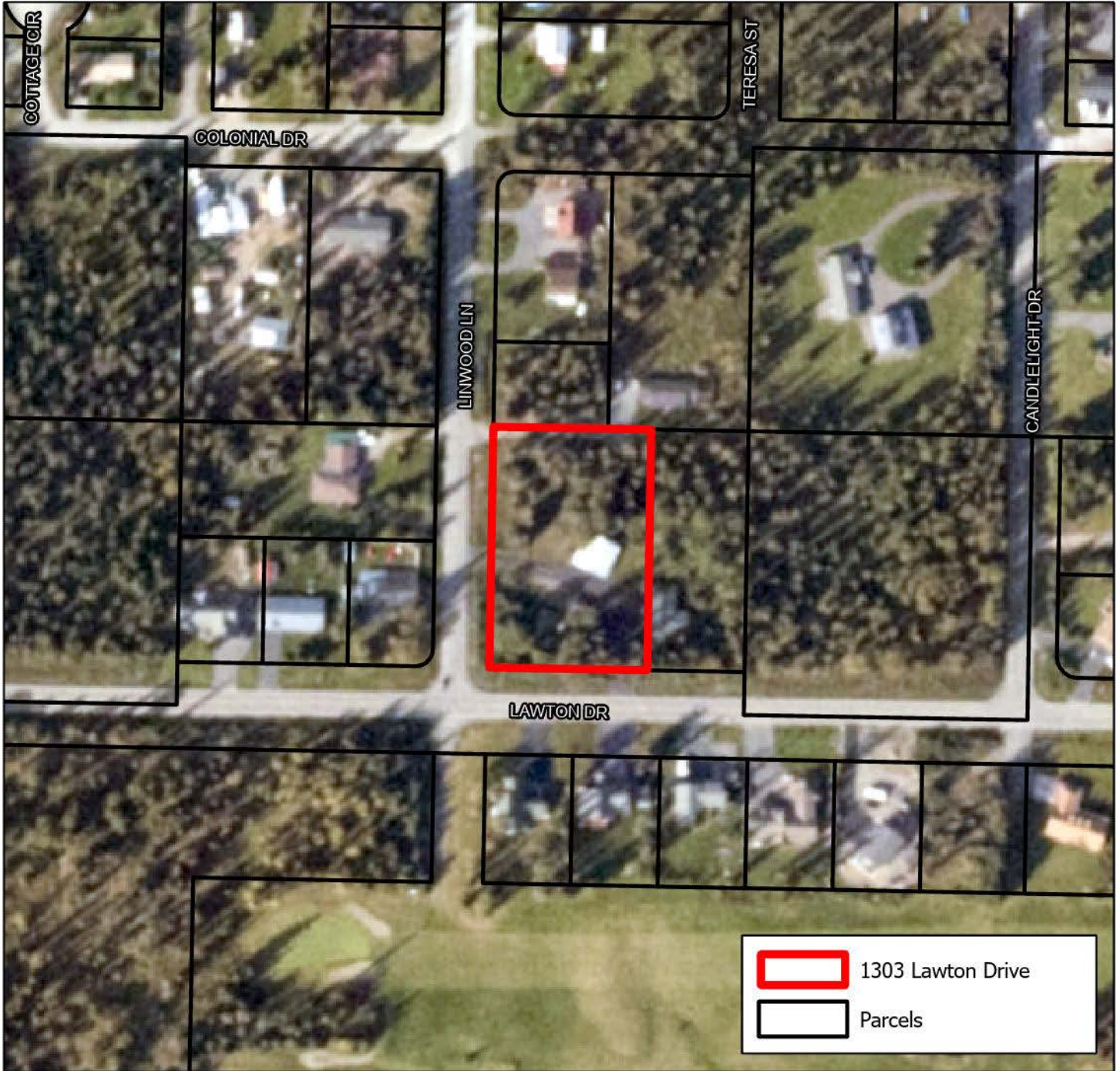
## ATTACHMENTS

Aerial Map  
Application  
Site Plan  
Floorplan



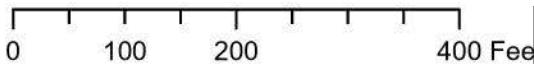


**Home Occupation Permit  
for Cottage Food Operation  
1303 Lawton Drive  
KPB Parcel ID: 04515425**



Date Printed: 4/21/2023

Map for Reference Only  
NOT A LEGAL DOCUMENT







# Home Occupation 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:	Chris Johnson		
Mailing Address:	PO Box 1406		
City:	Kenai	State: AK	Zip Code: 99611
Phone Number(s):	907.953.6267		
Email:	blank138@yahoo.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):	04515425
Physical Address:	1303 Lawton Dr, 104 Linwood Ln
Legal Description:	
Zoning:	RR

### HOME OCCUPATION DESCRIPTION

(include State Business License and KPB Tax Compliance if applicable for this application)

Home occupation use (attach additional sheets if necessary):

We are starting a freeze drying business, and hope to eventually make the step from a cottage business to being able to sell from our website. There is a separate room on the back of our garage that we want to make a small commercial kitchen.

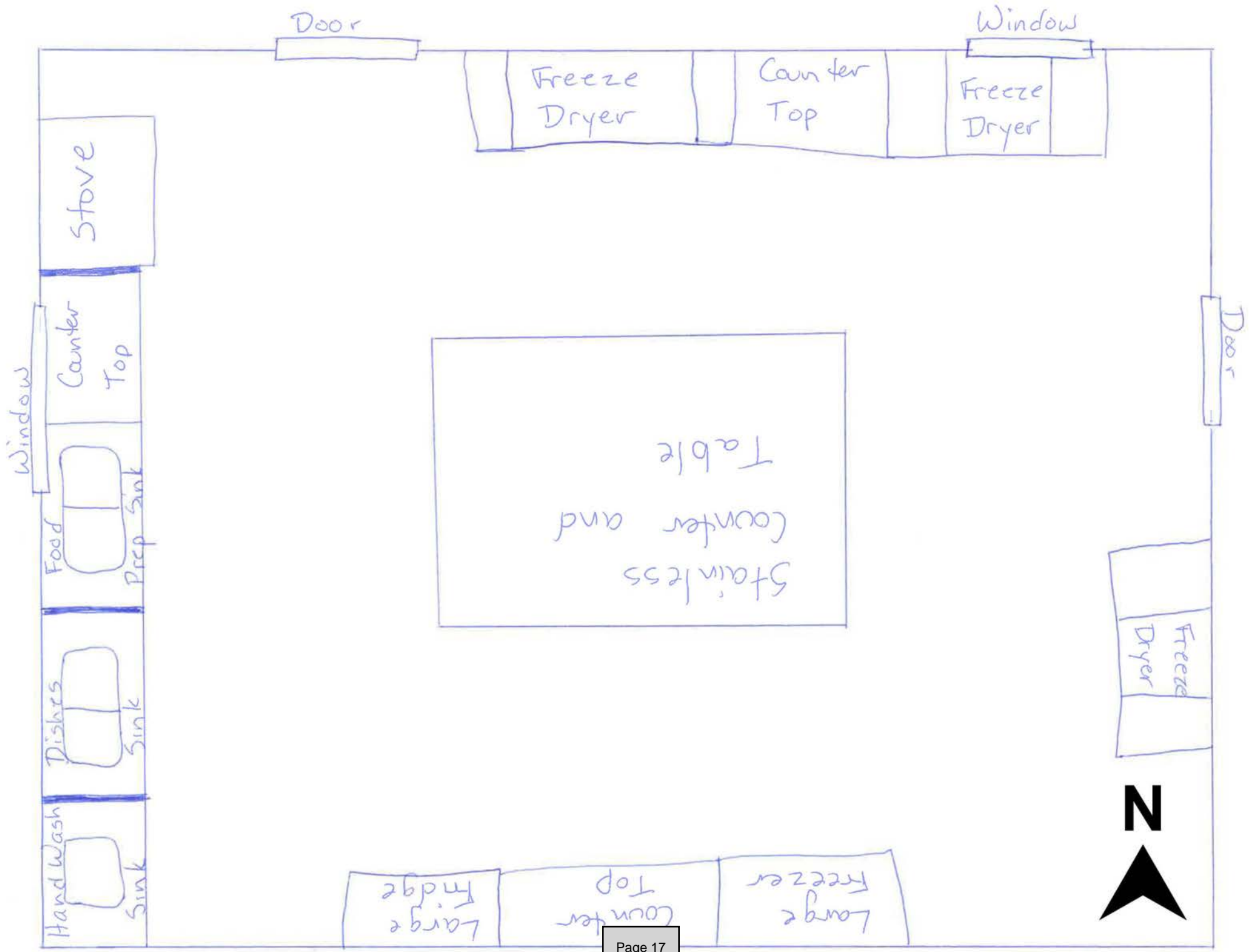
Home occupations are accessory uses conducted so the average neighbor would not be aware of its existence. Describe how the home occupation is compatible with other permitted uses and with the residential character of the neighborhood:

This kitchen will simply be a space to process and package the food. There won't be any customer traffic, as everything will be sold at Farmers Markets and on our website. So the neighborhood won't really even know that it's there, other than a small sign.

Will you place a sign on the property for your home occupation? (allowed with an approved sign permit)  YES  NO







## MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Linda Mitchell, Planning Director  
**DATE:** April 21, 2023  
**SUBJECT:** **Action/Approval – Transfer of Conditional Use Permits PZ05-14, PZ2013-14, and PZ2014-07 for RV Park and Cabin Rentals**

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The Planning and Zoning Commission granted a Conditional Use Permit (PZ05-14) to Port of Kenai, LLC on June 8, 2005 for a RV Park with approximately 88 RV spaces, boat storage area, and office/store/shower/laundry facility on the 16.5-acre property described as US Survey 678 AMD, located at 810 Childs Avenue. Subsequently, the Planning and Zoning Commission granted additional Conditional Use Permits (PZ2013-14 and PZ2014-07) for Cabin Rentals for housing personnel (a total of 13 portable cabins and 2 bath houses) on the same property.

On February 10, 2023, Port of Kenai, LLC conveyed the property to Riverfront Investments, LLC.

On February 23, 2023, an Application for Transfer of Conditional Use Permit (CUP) was submitted by Transferee, Riverfront Investments, LLC in accordance with Kenai Municipal Code (KMC), as set forth below:

- KMC 14.20.150(l)(5) *A Conditional Use Permit is not transferable from one (1) parcel of land to another. Conditional Use Permits may be transferred from one (1) owner to another for the same use, but if there is a change in use on the property, a new permit must be obtained.*
- KMC 14.20.157(a) *No Conditional Use Permit issued hereunder shall be transferred until the proposed transferee has made application for transfer in writing filed with the administrative official, which application shall state that he intends to be bound by the plan and statements contained in the application of the permit holder or shall contain the amendments to the plan his proposed operation would mandate. The Commission shall approve the application for transfer and in so doing amend the site plan and statements if such amendments as are contained in the application for transfer would have been approved had they been contained in the original application.*

The transferee, Riverfront Investment, LLC is required to operate under the terms and conditions of the original Conditional Use Permits PZ05-34, PZ2013-14, and PZ2014-07 granted by the Planning & Zoning Commission.

## **STAFF RECOMMENDATION**

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Staff hereby recommends approval of the Transfer of Conditional Use Permits PZ05-34, PZ2013-14, and PZ2014-07, subject to the conditions as set forth in the original CUPs and additional condition, as follows:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permits.

## **ATTACHMENTS**

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- A. Application
- B. Aerial Map
- C. Resolution PZ05-34
- D. Resolution PZ2013-14
- E. Resolution PZ2014-07





# Transfer of 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

### TRANSFEROR

Current CUP Holder (Transferor):		Port of Kenai LLC			
Mailing Address:	2404 Boyer Avenue, Suite E				
City:	Seattle	State:	WA	Zip Code:	98112
Phone Number(s):	206-322-3705				
Email:	ryan_pleas@msn.com				

### TRANSFEEE

Proposed New CUP Holder (Transferee):		Riverfront Investments			
Mailing Address:	1304 Lawton Dr				
City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-348-7537, 907-252-2494				
Email:	MatthewMoffis@me.com, Tom@northwestwatershedrestoration.com				

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):		04901401			
Physical Address:	610 Childs Ave, Kenai AK, 99611				
Legal Description:	US Survey 678 AMD				
Zoning:	Heavy Industrial				
Current CUP Resolution #:	PZ05-14, PZ2013-14, and PZ2014-07				
Allowed Use by Current CUP:	RV Park and Cabin Rentals				

CERTIFICATION OF TRANSFEEE: I hereby certify that I am the property owner (transferee), or have been authorized to act on behalf of the property owner, and hereby apply for a Transfer of Conditional Use Permit. I agree to operate under the terms and conditions of the original Conditional Use Permit and application. I have submitted with this transfer application any amendments to the site plan or proposed amendments to operation. If amendments would prevent compliance with terms and conditions of the Conditional Use Permit to be transferred, a new Conditional Use Permit may be required. I understand site visits may be required to process this application for purpose of confirming compliance with conditional use permit conditions.

Signature:		Date:	2/23/23		
Print Name:	Matthew Moffis	Title/Business:	Riverfront Investments		

ACKNOWLEDGEMENT OF TRANSFEROR: I hereby acknowledge this application for a Transfer of Conditional Use Permit and consent to the transfer.

Signature:		Date:	4/21/23		
Print Name:	Ryan W. Pleas	Title/Business:	Manager		

**For City Use Only**

Date Application Fee Received: 2/24/2023

PZ Resolution Number: N/A



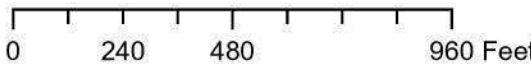


**Transfer of CUPs  
for RV Park and Cabin Rentals  
810 Childs Avenue  
KPB Parcel ID: 04901401**



Date Printed: 4/21/2023

Map for Reference Only  
NOT A LEGAL DOCUMENT





**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ05-34  
CONDITIONAL USE PERMIT**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI GRANTING A REQUEST FOR A CONDITIONAL USE PERMIT TO:

NAME: JAY CHERRIER, MANAGING PARTNER, PORT OF KENAI LLC

USE RECREATIONAL VEHICLE PARK

LOCATED U.S. SURVEY NO. 678 AMENDED – 810 CHILDS AVENUE

(Street Address/Legal Description)

KENAI PENINSULA BOROUGH PARCEL NO: 04901401

WHEREAS, the Commission finds:

1. That an application meeting the requirements of Section 14.20.150 has been submitted and received on: MAY 17, 2005
2. This request is on land zoned: IH – HEAVY INDUSTRIAL
3. That the applicant has demonstrated with plans and other documents that they can and will meet the following specific requirements and conditions in addition to existing requirements:
  - a. Obtain building permits for installation of utilities and the office building.
  - b. Submit a landscaping/site plan with the building permit that addresses landscaping, traffic patterns, RV sites, public utilities, etc.
  - c. Submit State of Alaska, Department of Environmental Conservation permits to the City for the on-site public water and wastewater systems.
4. That the Commission conducted a duly advertised public hearing as required by KMC 14.20.280 on: June 8, 2005.
5. Applicant must comply with all Federal, State, and local regulations.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI THAT THE APPLICANT **HAS DEMONSTRATED THAT THE PROPOSED RECREATIONAL VEHICLE PARK MEETS THE CONDITIONS REQUIRED FOR SAID OPERATION AND THEREFORE THE COMMISSION DOES AUTHORIZE THE ADMINISTRATIVE OFFICIAL TO ISSUE THE APPROPRIATE PERMIT.**

**PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, JUNE 8, 2005.**

CHAIRPERSON:

Carl S. M

ATTEST:

H. Kuschall





CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ13-14  
CONDITIONAL USE PERMIT

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **GRANTING** A REQUEST FOR A CONDITIONAL USE PERMIT TO:

NAME: PORT OF KENAI LLC

USE CABIN RENTALS

LOCATED U.S. SURVEY NO. 678 AMENDED – 810 CHILDS AVENUE

(Street Address/Legal Description)

KENAI PENINSULA BOROUGH PARCEL NO: 04901401

WHEREAS, the Commission finds:

1. That an application meeting the requirements of Section 14.20.150 has been submitted and received on: MAY 1, 2013
2. This request is on land zoned: IH – HEAVY INDUSTRIAL
3. That the applicant has demonstrated with plans and other documents that they can and will meet the following specific requirements and conditions in addition to existing requirements:
  - a. DEC approval for additional demand on existing onsite water and sewer systems.
  - b. Building permit must be obtained for dedicated wash facility and cabins.
  - c. Dedicated wash facility must be installed and operational prior to cabins receiving a Certificate of Occupancy.
4. That the Commission conducted a duly advertised public hearing as required by KMC 14.20.280 on: MAY 22, 2013.
5. Applicant must comply with all Federal, State, and local regulations.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI THAT THE APPLICANT **HAS** DEMONSTRATED THAT THE PROPOSED **CABIN RENTALS** MEETS THE CONDITIONS REQUIRED FOR SAID OPERATION AND THEREFORE THE COMMISSION **DOES** AUTHORIZE THE ADMINISTRATIVE OFFICIAL TO ISSUE THE APPROPRIATE PERMIT.

**PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, MAY 22, 2013.**

CHAIRPERSON: Jeff Twait

ATTEST: Steph Carter



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ14-07  
AMENDMENT TO CONDITIONAL USE PERMIT PZ13-14**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI GRANTING A REQUEST FOR AN AMENDED CONDITIONAL USE PERMIT TO:

NAME: PORT OF KENAI LLC

USE CABIN RENTALS

LOCATED U.S. SURVEY NO. 678 AMENDED – 810 CHILDS AVENUE

(Street Address/Legal Description)

KENAI PENINSULA BOROUGH PARCEL NO: 04901401

WHEREAS, the Commission finds:

1. That on May 22, 2013, Conditional Use Permit PZ13-14 was approved by the Planning and Zoning Commission for nine (9) portable cabins and a bath house for seasonal fish processing workers employed by Copper River Seafoods.
2. That an application to amend said Conditional Use Permit to place four (4) additional cabins and a bath house which meets the requirements of Section 14.20.150(h)(1)(b) has been submitted and received on: April 10, 2014
3. This request is on land zoned: IH – HEAVY INDUSTRIAL
4. That the applicant has demonstrated with plans and other documents that they can and will meet the following specific requirements and conditions in addition to existing requirements:
  - a. DEC approval for additional demand on existing onsite water system, and sewer collection system.
  - b. Building permit must be obtained for dedicated wash facility and cabins.
  - c. Dedicated wash facility must be installed and operational prior to cabins receiving a Certificate of Occupancy.
  - d. Applicant must comply with all city, state and federal regulations.
5. That the Commission conducted a duly advertised public hearing as required by KMC 14.20.280 on: May 14, 2014.
6. Applicant must comply with all Federal, State, and local regulations.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI THAT THE APPLICANT HAS DEMONSTRATED THAT THE PROPOSED CABIN RENTALS MEETS THE CONDITIONS REQUIRED FOR SAID OPERATION AND THEREFORE, THE COMMISSION DOES AUTHORIZE THE ADMINISTRATIVE OFFICIAL TO AMEND THE CONDITIONAL USE PERMIT.



PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI,  
ALASKA, ON THE 14<sup>TH</sup> DAY OF MAY, 2014.

CHAIRPERSON: Jeff Tuttle ATTEST: [Signature]

## MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Linda Mitchell, Planning Director  
**DATE:** April 21, 2023  
**SUBJECT:** **Action/Approval – Transfer of Conditional Use Permit PZ2018-03 (Substitute) for a Limited Marijuana Cultivation Facility**

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The Planning and Zoning Commission granted a Conditional Use Permit PZ2018-03 (Substitute) to Grateful Bud, LLC on June 13, 2018 for the operation of an approximately 500 square foot limited marijuana cultivation facility within an existing attached garage on the property described as Government Lot 5, Section 26, Township 6 North, Range 12 West, located at 1817 Sunset Boulevard. The Grateful Bud, LLC was incorporated on January 9, 2018, and the initial biennial report indicates Jennifer Huffman is a 100% shareholder in the company.

On March 24, 2023, an Application for Transfer of Conditional Use Permit (CUP) was submitted by Transferor, Grateful Bud, LLC in accordance with Kenai Municipal Code (KMC), as set forth below:

- KMC 14.20.150(l)(5) *A Conditional Use Permit is not transferable from one (1) parcel of land to another. Conditional Use Permits may be transferred from one (1) owner to another for the same use, but if there is a change in use on the property, a new permit must be obtained.*
- KMC 14.20.157(a) *No Conditional Use Permit issued hereunder shall be transferred until the proposed transferee has made application for transfer in writing filed with the administrative official, which application shall state that he intends to be bound by the plan and statements contained in the application of the permit holder or shall contain the amendments to the plan his proposed operation would mandate. The Commission shall approve the application for transfer and in so doing amend the site plan and statements if such amendments as are contained in the application for transfer would have been approved had they been contained in the original application.*

The transferee, Richard Huffman, 100% shareholder of Grateful Buds, LLC is required to operate under the terms and conditions of the original Conditional Use Permit PZ2018-03 (Substitute) granted by the Planning & Zoning Commission.

## **STAFF RECOMMENDATION**

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Staff hereby recommends approval of the Transfer of Conditional Use Permit PZ2018-03 (Substitute), subject to the conditions as set forth in the original CUP and additional condition, as follows:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.

## **ATTACHMENTS**

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- A. Application
- B. Aerial Map
- C. Resolution PZ2018-03 (Substitute)





## Transfer of 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

### TRANSFEROR

Current CUP Holder (Transferor):		Jennifer Huffman	
Mailing Address:	40095 Lamont St.		
City:	Kenai	State:	AK
Zip Code:	99611		
Phone Number(s):	(479) 214-7439		
Email:	jhuffman-907@hotmail.com		

### TRANSFEEE

Proposed New CUP Holder (Transferee):		Richard Huffman	
Mailing Address:	1817 Sunset Blvd		
City:	Kenai	State:	AK
Zip Code:	99611		
Phone Number(s):	(907) 283-2837		
Email:	gratefulbudllc@gmail.com		

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):		03901001	
Physical Address:	1817 Sunset Blvd Kenai AK 99611		
Legal Description:	T16N R12W SEC 26 Seward Meridian KN GOVT LOT 5		
Zoning:	Rural Residential		
Current CUP Resolution #:	<del>0320</del> PZ 2018-03		
Allowed Use by Current CUP:	Limited Marijuana Cultivation		

CERTIFICATION OF TRANSFEEE: I hereby certify that I am the property owner (transferee), or have been authorized to act on behalf of the property owner, and hereby apply for a Transfer of Conditional Use Permit. I agree to operate under the terms and conditions of the original Conditional Use Permit and application. I have submitted with this transfer application any amendments to the site plan or proposed amendments to operation. If amendments would prevent compliance with terms and conditions of the Conditional Use Permit to be transferred, a new Conditional Use Permit may be required. I understand site visits may be required to process this application for purpose of confirming compliance with conditional use permit conditions.

Signature:		Date:	3/24/2023
Print Name:	Richard Huffman	Title/Business:	New Licensee Grateful Bud LLC

ACKNOWLEDGEMENT OF TRANSFEROR: I hereby acknowledge this application for a Transfer of Conditional Use Permit and consent to the transfer.

Signature:		Date:	3/24/2023
Print Name:	Jennifer Huffman	Title/Business:	Grateful Bud LLC Licensee

<b>For City Use Only</b>	Date Application Fee Received:
	PZ Resolution Number:



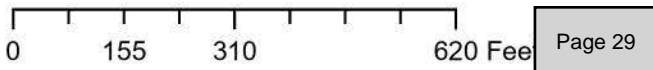


**Transfer of CUP  
for Limited Marijuana Cultivation Facility  
1817 Sunset Boulevard  
KPB Parcel ID: 03901001**



Date Printed: 4/21/2023

Map for Reference Only  
NOT A LEGAL DOCUMENT







*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / Fax: 907-283-3014  
www.kenai.city

**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2018-03 (SUBSTITUTE)  
CONDITIONAL USE PERMIT**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **GRANTING** A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE AN APPROXIMATELY 500 SQUARE-FOOT MARIJUANA CULTIVATION FACILITY, LIMITED, WITHIN AN EXISTING APPROXIMATELY 1,252 SQUARE-FOOT ATTACHED GARAGE.

APPLICANT: Jennifer Huffman, d/b/a Grateful Buds LLC

PROPERTY ADDRESS: 1817 Sunset Boulevard

LEGAL DESCRIPTION: Government Lot 5, Section 26, Township 6 North, Range 12 West

KENAI PENINSULA BOROUGH PARCEL NO: 039-010-01

**WHEREAS**, an application meeting the requirements of Section 14.20.150 has been submitted and received on January 19, 2018; and,

**WHEREAS**, the application affects land which is zoned as Rural Residential (RR); and,

**WHEREAS**, a duly advertised public hearing as required by Kenai Municipal Code 14.20.153 was conducted by the Planning and Zoning Commission on February 28, 2018; and,

**WHEREAS**, the applicant has demonstrated with plans and other documents that the prerequisites of a Conditional Use Permit have been met; and,

**WHEREAS**, Kenai Municipal Code 14.20.150 details the intent and application process for conditional uses and specifies the review criteria that must be satisfied prior to issuing the permit, which are the following:

- (1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;

The subject parcel is zoned Rural Residential (RR), and is therefore subject to the Principal Permitted and Conditional land-uses as shown on KMC 14.22.010 - Land Use Table. Pursuant to KMC 14.20.330(a) and KMC 14.22.010 - Land Use Table - a Marijuana Cultivation Facility, Limited may be established and operated under a Conditional Use Permit within the Rural Residential Zone. The Rural Residential Zone, as outlined in KMC 14.20.080 is intended to provide for low-density residential development in outlying and rural

areas in a form, which creates a stable and attractive residential environment.

Pursuant to the submitted floor plan, the Marijuana Cultivation Facility will be divided into two areas. One area will be designated for the cultivation of mature flowering plants and secure storage area. The second area will be for the growth of immature plants. The facility will include secure entry points utilizing commercial grade door locks and deadbolts with internal vestibules and a secure storage room. The secure storage room will be for all marijuana and products. The secured storage room will be reinforced and climate controlled ensuring that all marijuana and product is in a secured, locked access area that will prevent degradation, theft, and loss. The exterior perimeter wall, interior separation walls, and dividing walls to restricted access areas will be enhanced with intrusion resistant paneling to enhance prevention of exterior penetration. The existing garage doors will be locked with commercial locks. A permanent wall will be built on the outside of the building to enclose the garage door opening.

Kenai Municipal Code 14.20.330(f) provides that no portion of a CME can be located within the following buffer distances:

*(1) 1,000 feet of any primary and secondary schools (K-12) and 500 feet of any vocational programs, post-secondary schools including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and state licensed substance abuse treatment facilities providing substance abuse treatment; and,*

*(2) Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, a substance abuse treatment facility providing substance abuse treatment.*

In reviewing the submitted application and the City's Geographic Information System, it does not appear that there are any facilities, which would require buffering from the proposed CME.

There are currently nine parcels within a 500 foot periphery of the parcel owned by the property owners applying for the Conditional Use Permit for a Marijuana Cultivation Facility, Limited. Of those nine parcels, five of the parcels are vacant and four of the parcels, including the applicant's parcel, contain single family residences. Two of these parcels are outside of the Kenai city limits and are located within the Kenai Peninsula Borough.

Kenai Municipal Code 14.20.330(i) provides that a Marijuana Cultivation Facility, Limited may be located on any size lot in the Rural Residential (RR) zone; therefore, the subject parcel meets the minimum lot size for a Marijuana Cultivation Facility, Limited.



Pursuant to the submitted site plan, primary access to the subject Commercial Marijuana Establishment (CME) would be from the existing private driveway off Sunset Boulevard. According to the submitted application, the applicants do not intend to construct any signs or otherwise advertise the subject CME in any way. Therefore, the average person passing by the subject parcel would not be able to identify the CME as being located on the property.

Given the above discussion within the context of the proposed land-use project, it seems reasonable that the proposed Commercial Marijuana Establishment would be consistent with the intent of KMC 14.20.150 and the intent of the Rural Residential Zoning District with respect to the proposed use as a CME.

(2) The value of the adjoining property and neighborhood will not be significantly impaired;

The proposed development must be in compliance with the requirements of KMC 14.20.330 – Standards for Commercial Marijuana Establishments. In addition, the proposed development must also be in compliance with Alaska Statue 17.38, an Act to Tax and Regulate the Production, Sale, and Use of marijuana as well as Alaska Administrative Code – Title 3 – Marijuana Control Board – Omnibus licensure requirements and procedures for marijuana establishments.

Pursuant to KMC 14.20.330 – Standards for Commercial Marijuana Establishments, provisions have been put in place to help mitigate impacts to the value of adjoining property and the surrounding neighborhood.

As reviewed by staff, the proposed CME would be contained within a fully enclosed secure indoor facility as required by KMC 14.20.330(d), thereby, helping to mitigate the potential impact to surrounding property owners. In addition, pursuant to KMC 14.20.330(e) CME's may not emit an odor that is detectable by the public from outside the CME. Pursuant to Section 4 of the Operating Plan Supplemental submitted by the applicant to the Alaska Marijuana Control Board, the applicant has indicated that they will implement an Odor Control Plan. The Odor Control Plan will consist of carbon filters and use of negative air pressure. The negative pressure produced by the fans drawing suction on a restricted airspace will prevent any odors from escaping to be detected by the public per AAC 306.43(c)(2). Applicant states that the air filtration system will scrub the entire volume of air in the facility ten (10) times an hour preventing any detectable odors from leaving the premises.

Concerning visual impacts and auditory impacts of the proposed CME, pursuant to the submitted application materials, the applicants would have a secure Cultivation Facility. The facility will include secure entry points utilizing commercial grade door locks and deadbolts. The existing garage doors will be locked with commercial locks. A permanent wall will be constructed over the garage door to enclose the openings. There would be no other proposed exterior modifications to the subject garage. Access to the proposed CME would only be allowed by those persons who are 21 years of age or older.

Staff believes that the value of the adjoining property and neighborhood will not be significantly impaired.

(3) The proposed use is in harmony with the Comprehensive Plan;

The subject parcel is defined in the 2030 Imagine Kenai Comprehensive Plan as Low



Density Residential (LDR). The plan defines LDR as *“Low Density Residential because of poor site conditions is intended for large-lot single-family 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.”*

There are currently four single family dwellings located off of Sunset Boulevard, including the parcel where the proposed Marijuana Cultivation Facility, Limited is to be located. There has not been any commercial development in this area; however, there are two parcels which front the Kenai Spur Highway and it is reasonable to believe that there may be commercial development on those parcels in the future. Kenai Municipal Code 14.22.010 – Land Use Table provides that the majority of commercial uses in the Rural Residential Zone (RR) require a Conditional Use Permit. At the time of development of these two parcels for a commercial use, it is likely that property owners would be required to make application for a Conditional Use Permit for a commercial use.

Goal 3 – Land Use of the 2030 Imagine Kenai Comprehensive Plan seeks to discuss land use strategies to implement a forward-looking approach to community growth and development. Objective LU-1 states “Establish siting and design standards so that development is in harmony and scale with surrounding uses.” The applicants have stated that they do not plan to enlarge the existing attached garage nor make any additional improvements to the structure other than, installing intrusion resistant paneling, enclosing the garage door openings and installing security doors with commercial grade locks and deadbolts. Pursuant to KMC 14.20.330(d) the growing, preparation and packaging of all marijuana will be conducted in a fully enclosed secure indoor facility. Thus, there will be no anticipated evidence that surrounding neighbors will view the proposed operation of the CME. Therefore, the proposed development would be in harmony with the 2030 Imagine Kenai Comprehensive Plan.

(4) Public services and facilities are adequate to serve the proposed use;

The subject property is served by a private onsite water well and septic system. Water used in the proposed CME will be collected and reused; therefore, there would not be any water runoff from the proposed CME. Any wastewater, which is not reused, would be voided into the existing onsite septic system.

City of Kenai police and fire department resources are sufficient to serve the proposed use.

(5) The proposed use will not be harmful to the public safety, health, or welfare;

With regards to buffer distances as discussed in KMC 14.20.330(f)(1), the proposed CME would not be located within 1,000 feet of any primary and secondary school (K-12) or within 500 feet of any vocational program, post-secondary school including but not limited to trade, technical, or vocational schools, college and universities. In addition, it would not be within 500 feet of any, recreation or youth centers, correctional facilities, churches, and state licensed substance abuse treatment facilities providing substance abuse treatment. Therefore, the proposed CME meets the buffer requirements of KMC 14.20.330(f)(1).

Given the above discussion and proposed conditions of approval, staff believes that the proposed CME would not have a harmful impact to the public safety, health or welfare, provided that all conditions recommended by staff and the Planning and Zoning Commission are followed.

**WHEREAS**, any and all specific conditions deemed necessary by the Planning and Zoning Commission to fulfill the conditions as set forth below shall 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, as follows:

1. Further development of the property shall conform to all State and local regulations.
2. A building permit will be required for the construction of the Commercial Marijuana Establishment as shown on the submitted floor plan.
3. Prior to operation of the Marijuana Cultivation Facility, Limited, the property owner shall submit a copy of an approved Business License issued by the State of Alaska, Department of Commerce, Community, and Economic Development.
4. Prior to operation of the Marijuana Cultivation Facility, Limited, the property owner shall submit a copy of the approved and fully executed license for the Retail Marijuana Store and the Marijuana Cultivation Facility, Limited. The applicant shall comply with all regulations as stipulated by the State of Alaska Marijuana Control Board.
5. There are to be no signs placed on the subject parcel or on the subject Commercial Marijuana Establishment, which advertise its use on the property.
6. All security lighting for the Commercial Marijuana shall be downcast and shielded.
7. At no time shall the Commercial Marijuana Establishment be open to the public, nor shall the CME be accessible by the public.
8. Pursuant to Kenai Municipal Code Section 14.20.330(e), the Commercial Marijuana Establishment shall not emit an odor that is detectable by the public from outside the Commercial Marijuana Establishment.
9. Pursuant to Kenai Municipal Code Section 14.20.150(f), the applicant shall submit an Annual Report to the City of Kenai.

**NOW, THEREFORE**, BE IT RESOLVED, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA THAT THE APPLICANT **HAS** DEMONSTRATED THAT THE PROPOSED OPERATION OF AN APPROXIMATELY 500 SQUARE- FOOT MARIJUANA CULTIVATION FACILITY, LIMITED, WITHIN AN EXISTING APPROXIMATELY 1, 252 SQUARE-FOOT ATTACHED GARAGE MEETS THE CONDITIONS REQUIRED FOR SAID OPERATION AND THEREFORE THE COMMISSION DOES AUTHORIZE THE ADMINISTRATIVE OFFICIAL TO ISSUE THE APPROPRIATE PERMIT.

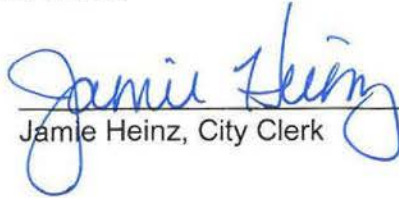


**PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI,  
ALASKA, this 13th day of June, 2018.**



Jeff Twait, Chairperson

ATTEST:



Jamie Heinz, City Clerk





## Kenai City Council - Regular Meeting

April 05, 2023 — 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 comments 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 comments limited to ten (10) minutes per speaker*)

1. Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center.

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

#### D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3339-2023** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3340-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3341-2023** - Accepting and Appropriating a Donation to the Kenai Senior Center. (Administration)
4. **POSTPONED INDEFINITELY. Resolution No. 2023-24** - Supporting State of Alaska Legislative Action Increasing the Base Student Allocation by at Least \$1000 to Adequately Fund and Restore Student School Resources and Learning Opportunities. (Knackstedt)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2023-25** - Authorizing a Construction Contract and Corresponding Purchase Order for the 2023 Kenai Recreation Center Upgrades Project and an Increase to the Existing Design Services Purchase Order for Construction Administration Services. (Administration)

#### E. MINUTES

1. \*Regular Meeting of March 15, 2023. (City Clerk)

## **F. UNFINISHED BUSINESS**

## **G. NEW BUSINESS**

1. \***Action/Approval** - Bills to be Ratified. (Administration)
2. \***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. \***Action/Approval** - Non-Objection to the Renewal of a Liquor License for Don Jose's, LLC., DBA: Don Jose's Mexican Restaurant - License No. 3039. (City Clerk)
4. \***Ordinance No. 3342-2023** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for Costs in Excess of Budgeted Amounts. (Administration)
5. \***Ordinance No. 3343-2023** - 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)
6. \***Ordinance No. 3344-2023** - Amending Kenai Municipal Code Chapter 8.20 - Fireworks Control, by Removing References to City Permits - which are Redundant to the States Firework Display Permit. (Administration)
7. **APPROVED UNANIMOUSLY. Action/Approval** - Granting an Easement on Both Sides of Boat Launch Road to the Alaska Department of Transportation in Support of the Bridge Access Road Pavement Preservation Project. (Administration)
8. **BUDGET WORK SESSION SCHEDULED FOR 9:00 AM ON APRIL 29, 2023. Discussion/Action** - Scheduling a Budget Work Session. (Gabriel)
9. **COUNCIL EMPLOYEE EVALUATIONS SCHEDULED FOR 6:00 PM ON APRIL 27, 2023 AND MAY 3, 2023. Discussion/Action** - Scheduling Council Employee Evaluations. (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

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

## **J. ADMINISTRATION REPORTS**

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

## **K. ADDITIONAL PUBLIC COMMENTS**

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

2. Council Comments

L. **EXECUTIVE SESSION**

M. **PENDING ITEMS**

N. **ADJOURNMENT**

O. **INFORMATION ITEMS**

*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/89359317317>

**Meeting ID:** 893 5931 7317 **Passcode:** 224157

OR

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

**Meeting ID:** 893 5931 7317 **Passcode:** 224157



## Kenai City Council - Regular Meeting

April 19, 2023 — 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. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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

#### B. SCHEDULED ADMINISTRATIVE REPORTS

1. Fiscal Year 2022 Audit Report, Joy Merriner, BDO USA, LLP.
2. Spruce Bark Beetle Mitigation Update, City of Kenai Fire Chief Tony Prior.

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

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

#### E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3342-2023** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for Costs in Excess of Budgeted Amounts. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3343-2023** - 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)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3344-2023** - Amending Kenai Municipal Code Chapter 8.20 - Fireworks Control, by Removing References to City Permits - which are Redundant to the States Firework Display Permit. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2023-26** - Amending the City Council's Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01 and Renumbering to Policy No. 20.020. (Gabriel, Baisden)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2023-27** - Repealing the City Council's Unnumbered Student Representative Policy, Repealing the Parks and Recreation Commission

Student Representative Policy No. 2018-01, and Enacting City of Kenai Student Representative Policy No. 20.100. (Gabriel, Baisden)

6. ***ADOPTED UNANIMOUSLY. Resolution No. 2023-28*** - Approving a Twelve-Month Extension of Time for Good Cause for the Completion of Permanent Improvements for a Lease Between the City of Kenai and Schillings Rentals, LLC for Airport Reserve Lands Described as Lot 5A, Block 1, FBO Subdivision 2018 Replat. (Administration)

**F. MINUTES**

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

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

1. \***Action/Approval** - Bills to be Ratified. (Administration)
2. \***Action/Approval** - Non-Objection to the Renewal of a Liquor License for AK Inc., DBA: Speedway Express #60206 - License No. 4544. (City Clerk)
3. \***Ordinance No. 3345-2023** - Accepting and Appropriating Donations for Construction of the Kenai Community Dog Park. (Administration)
4. \***Ordinance No. 3346-2023** - Increasing Estimated Revenues and Appropriations in the General Fund, Fire Department for the Purchase of an Inflatable Rescue Boat. (Administration)
5. \***Ordinance No. 3347-2023** - Establishing the Storefront and Streetscape Improvement Program and Appropriating \$50,000 from the General Fund. (Askin, Sounart)
6. ***WORK SESSION SCHEDULED FOR MAY 3, 2023 AT 4:30 P.M. Discussion/Action*** - Scheduling a Council Work Session on Employee Recruitment and Retention Difficulties and Recommendations for May 3, 2023 at 4:30 p.m. (Administration)

**I. COMMISSION / COMMITTEE REPORTS**

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

**J. REPORT OF THE MAYOR**

1. Mayoral Proclamation Congratulating the Kenai Central Kardinal Cheer Team.

**K. ADMINISTRATION REPORTS**

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

**L. ADDITIONAL PUBLIC COMMENTS**



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

**M. EXECUTIVE SESSION**

**N. PENDING ITEMS**

**O. ADJOURNMENT**

**P. INFORMATION ITEMS**

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

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**Meeting ID:** 830 8810 6692 **Passcode:** 205109

OR

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

**Meeting ID:** 830 8810 6692 **Passcode:** 205109



**Meeting Agenda  
Plat Committee**

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Monday, April 24, 2023

6:30 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting ID: 907 714 2200**

The hearing procedure for the Plat Committee public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES**

*All items marked with an asterisk (\*) are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-5105](#) April 10, 2023 Meeting Minutes

#### **D. OLD BUSINESS**

#### **E. NEW BUSINESS**

1. [KPB-5106](#) Trout View Subdivision; KPB File 2022-127  
*Attachments:* [E1. Trout View Sub Packet](#)
2. [KPB-5107](#) Forest Trails Subdivision; KPB File 2023-038  
*Attachments:* [E2. Forest Trails Packet](#)
3. [KPB-5108](#) Harlie A. Fellers Subdivision 2023 Replat; KPB File 2023-037  
*Attachments:* [E3. Harlie A. Fellers Sub 2023 Replat Packet](#)
4. [KPB-5109](#) Right-Of-Way Acquisition Park Road; KPB File 2023-033  
*Attachments:* [E4. ROW Acquisition Park Rd Packet](#)
5. [KPB-5110](#) Waterman Spring Replat 2023; KPB File 2023-039  
*Attachments:* [E5. Waterman Spring Replat 2023 2Packet](#)
6. [KPB-5111](#) Jelinek Subdivision; KPB File 2023-035  
*Attachments:* [E6. Jelinek Subdivision Packet](#)
7. [KPB-5112](#) Sunset View Estates Addition No. 2; KPB File 2023-041  
*Attachments:* [E7. Sunset View Estates Packet](#)

#### **F. PUBLIC COMMENT**

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

#### **G. ADJOURNMENT**

#### **MISCELLANEOUS INFORMATIONAL ITEMS**

**NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held Monday, May 8, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**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>

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

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



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Planning Commission

*Jeremy Brantley, Chair – District 5 Sterling/Funny River*  
*Blair Martin, Vice Chair – District 2 Kenai*  
*Pamela Gillham – District 1 Kalifornsky*  
*Virginia Morgan, Parliamentarian – District 6 East Peninsula*  
*John Hooper – District 3 Nikiski*  
*Michael Horton – District 4 Soldotna*  
*VACANT – District 7 Central*  
*David Stutzer – District 8 Homer*  
*Dawson Slaughter – District 9 South Peninsula*  
*Diane Fikes – City of Kenai*  
*Franco Venuti – City of Homer*  
*Charlene Tautfest – City of Soldotna*  
*Troy Staggs – City of Seward*  
*VACANT – City of Seldovia*

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Monday, April 10, 2023

7:30 PM ZOOM ONLY MEETING - Meeting Not Physically Open  
To Public

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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.



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#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

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

- [KPB-5056](#)
- a. ASLS No. 2021-25 Tip Levarg Subdivision; KPB File 2022-072
  - b. Brown's Acre Estates; KPB File 2022-088R1
  - c. Centennial Shores Subdivision 2023 Replat; KPB File 2022-156
  - d. Fisherwood Place 2022 Replat; KPB File 2022-107
  - e. Heath Subdivision No. 5; KPB File 2022-153
  - f. Jaynes Subdivision 2022 Replat; KPB File 2022-040
  - g. Levan-Sterling Subdivision; KPB File 2022-125R1
  - h. McReed Subdivision 2022 Replat; KPB File 2022-097
  - i. R Subdivision; KPB File 2022-091R1
  - j. Stutes Estates; KPB File 2022-139

Attachments: [C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)

- [KPB-5057](#)
- a. Pilot's Bend Subdivision Tom Addition Section Line Easement  
Vacation  
KPB File 2019-056

Attachments: [C4. Final Approvals](#)

5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-5058](#) March 20, 2023 Planning Commission Minutes

*Attachments:* [C7. 032023 PC Minutes](#)

#### **D. OLD BUSINESS**

#### **E. NEW BUSINESS**

1. [KPB-5059](#) Building Setback Encroachment Permit; KPB File 2023-025  
Lot 2, Block 5 Ninilchik Townsite Jackinsky Vanek Replat, Plat HM 97-79  
*Attachments:* [E1. BSEP Ninilchick Townsite Jakinsky-Vanek Replat Lot 2A Block 5 Packet](#)
2. [KPB-5060](#) Utility Easement Vacation; KPB File 2023-004V  
Fourth of July Creek Subdivision Seward Marine Industrial Center Rainbow Replat, Plat SW 2015-14  
*Attachments:* [E2. UEV Fourth of July Creek Subd Seward Marine Industrial Ctr Raibow Pack](#)
3. [KPB-5061](#) Utility Easement Vacation; KPB File 2023-024V2  
Lot 4 Stanley's Meadow #7, Plat HM 87-45  
*Attachments:* [E3. UEV Stannley Meadow 2023 Packet](#)
4. [KPB-5062](#) Right-Of-Way Vacation; KPB File 2023-024V  
Perkins Road & Associate Utility Easements  
*Attachments:* [E4. ROWV Stanley Meadow Perkins ROW Packet](#)
5. [KPB-5063](#) Right-Of-Way Vacation; KPB File 2023-026V  
Waterman Road  
*Attachments:* [E5. ROWV Skippers View Packet](#)
6. [KPB-5064](#) Conditional Land Use Permit - Materials Extraction  
Parcel Numbers: 159-360-09, 10, 11 & 12  
PC Resolution 2023-08  
*Attachments:* [E6. CLUP PC RES 2023-08 Gregoire Packet](#)  
[E6. CLUP Desk Packet](#)

7. [KPB-5065](#) Ordinance 2023-09: Amending borough code, KPB 21.04.020, to clarify required notice to property owners within a zoning district when there is a proposal to change the district boundary.

*Attachments:* [E7. ORD 2023-09 Amending KPB 21.04.020 Packet](#)

8. [KPB-5066](#) Ordinance 2022-46: Amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

*Attachments:* [E8. ORD 2022-46 Nikiski APC Boundaries Packet](#)

## F. PLAT COMMITTEE REPORT

## G. OTHER

## H. PUBLIC COMMENT/PRESENTATION

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

## I. DIRECTOR'S COMMENTS

## J. COMMISSIONER COMMENTS

## K. ADJOURNMENT

### MISCELLANEOUS INFORMATIONAL ITEMS NO ACTION REQUIRED

[KPB-5067](#) APC Meeting Minutes

*Attachments:* [Misc Info Desk Packet](#)

### NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, April 24, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

### CONTACT INFORMATION

#### KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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 Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Planning Commission

*Jeremy Brantley, Chair – District 5 Sterling/Funny River*  
*Blair Martin, Vice Chair – District 2 Kenai*  
*Pamela Gillham – District 1 Kalifornsky*  
*Virginia Morgan, Parliamentarian – District 6 East Peninsula*  
*John Hooper – District 3 Nikiski*  
*Michael Horton – District 4 Soldotna*  
*VACANT – District 7 Central*  
*David Stutzer – District 8 Homer*  
*Dawson Slaughter – District 9 South Peninsula*  
*Diane Fikes – City of Kenai*  
*Franco Venuti – City of Homer*  
*Charlene Tautfest – City of Soldotna*  
*Troy Staggs – City of Seward*  
*VACANT – City of Seldovia*

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Monday, April 24, 2023

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

[KPB-5097](#) April 10, 2023 PC Meeting Minutes

## D. OLD BUSINESS

## E. NEW BUSINESS

1. [KPB-5098](#) Building Setback Encroachment Permit  
Lot 18, Block 1, Bos'n Landing subdivision Part 1, KN 77-101

Attachments: [E1. BSEP\\_Bos'n Landing Sub Part 1\\_Packet](#)

2. [KPB-5099](#) Street Name Resolution 2023-01  
Renaming Murmansk Road traveling through ASLS 91-198 & ASLS 83-112, to Willard Road  
  
*Attachments:* [E2. SN 2023-01 Willard Packet](#)
3. [KPB-5100](#) Street Naming Resolution 2023-02  
Renaming an unnamed private road in T05N, R10W, SEC 14 to Patriot Lane.  
  
*Attachments:* [E3. SN 2023-02 Patriot Packet](#)
4. [KPB-5101](#) Street Naming Resolution 2023-03  
Renaming Deneki Trail & an unnamed section lines easement in T06S, R14W, SEC 5 to Virginia Avenue.  
  
*Attachments:* [E4. SN 2023-03 Virginia Packet](#)

## F. PLAT COMMITTEE REPORT

## G. OTHER

1. [KPB-5102](#) Funny River Comprehensive Community Plat - DRAFT  
  
*Attachments:* [G1. Funny River Comprehensive Community Plan Packet](#)
2. [KPB-5103](#) 2023 Kenai Peninsula Borough Affordable Housing Report  
  
*Attachments:* [G2. Affordable Housing Report Packet](#)
3. [KPB-5104](#) Planning Commission Bylaws

## H. PUBLIC COMMENT/PRESENTATION

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

## I. DIRECTOR'S COMMENTS

## J. COMMISSIONER COMMENTS

## K. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS  
NO ACTION REQUIRED**

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, May 8, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**CONTACT INFORMATION**  
**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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.



**Meeting Agenda  
Plat Committee**

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Monday, April 10, 2023

5:30 PM

**ZOOM ONLY MEETING - Meeting Not Physically  
Open To Public  
Zoom Meeting ID: 907 714 2200**

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The hearing procedure for the Plat Committee public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES**

*All items marked with an asterisk (\*) are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-5045](#) March 20, 2023 Plat Committee Minutes

Attachments: [C3. 032023 Plat Minutes](#)

**D. OLD BUSINESS****E. NEW BUSINESS**

1. [KPB-5046](#) Fourth of July Creek Subdivision Marine Industrial Center JAG Replat  
KPB File 2023-004

Attachments: [E1. Fourth of July Creek Subdivision Marine Industrial Center JAG Replat\\_Pack](#)

2. [KPB-5047](#) Gateway Subdivision Hilltop Addition  
KPB File 2023-14

Attachments: [E2. Gateway Subdivision Hilltop Addition Packet](#)  
[E2. Gateway Sub Hillto Addn\\_Desk Packet](#)

3. [KPB-5048](#) Patch Subdivision 2023  
KPB File 2023-030

Attachments: [E3. Patch Subdivision 2023 Packet](#)

4. [KPB-5049](#) Quartz Creek Subdivision 2023 Addition  
KPB File 2023-034

Attachments: [E4. Quartz Creek Subdivision 2023 Addition Packet](#)

5. [KPB-5050](#) Soldotna Junction Subdivision Creekside Estates 2023 Addition  
KPB File 2023-027

Attachments: [E5. Soldotna Junction Subdivision Creekside Estates 2023 Addn Packet](#)



6. [KPB-5051](#) Southern Bluff Acres 2023 Replat  
KPB File 2023-029  
*Attachments:* [E6. Southern Bluff Acres 2023 Replat Packet](#)
7. [KPB-5052](#) Stewart Subdivision 2023 Addition  
KPB File 2023-031  
*Attachments:* [E7. Stewart Subdivision 2023 Addition Packet](#)
8. [KPB-5053](#) Graham Ranch  
KPB File 2023-028  
*Attachments:* [E8. Graham Ranch Packet](#)
9. [KPB-5054](#) Newell Park East Lot 7 Replat  
KPB File 2023-032  
*Attachments:* [E9. Newell Park East Lot 7 Replat Packet](#)
10. [KPB-5055](#) Stanley's Meadow 2023  
KPB File 2023-024  
*Attachments:* [E10. Stanley Meadows 2023 Packet](#)

## F. PUBLIC COMMENT

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

## G. ADJOURNMENT

### MISCELLANEOUS INFORMATIONAL ITEMS

### NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, April 24, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

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Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard.

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