

**AGENDA**  
**KENAI PLANNING & ZONING COMMISSION – REGULAR MEETING**  
**MAY 22, 2019 - 7:00 P.M.**  
**KENAI CITY COUNCIL CHAMBERS**  
**210 FIDALGO AVENUE, KENAI, ALASKA**  
<http://www.kenai.city>

**1. CALL TO ORDER**

- a. Pledge of Allegiance
- b. Roll Call
- c. Agenda Approval
- d. Consent Agenda
- e. \*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.

**2. \*APPROVAL OF MINUTES**

- a. May 8, 2019 ..... 1

**3. SCHEDULED PUBLIC COMMENT**

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

**4. UNSCHEDULED PUBLIC COMMENT**

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

**5. CONSIDERATION OF PLATS - None**

**6. PUBLIC HEARINGS**

- a. **Resolution PZ2019-16** – Recommending the Kenai City Council Amend Kenai Municipal Code 14.20.320 - Definitions, and 14.20.330 – Standards for Commercial Marijuana Establishments to Prohibit Onsite Consumption of Marijuana at Retail Marijuana Stores Requiring an Onsite Consumption Endorsement. .... 5

**7. UNFINISHED BUSINESS - None**

**8. NEW BUSINESS - None**

**9. PENDING ITEMS – None**

**10. REPORTS**

a. City Council ..... 29  
b. Borough Planning .....33  
c. Administration .....39

**11. ADDITIONAL PUBLIC COMMENT**

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

**12. INFORMATIONAL ITEMS - None**

**13. NEXT MEETING ATTENDANCE NOTIFICATION: June 12, 2019**

**14. COMMISSION COMMENTS AND QUESTIONS**

**15. ADJOURNMENT**

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MAY 8, 2019 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**1. CALL TO ORDER**

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

**a. Pledge of Allegiance**

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

**b. Roll Call**

Commissioners present: Chair J. Twait, Vice-Chair D. Fikes, R. Springer, J. Halstead, V. Askin, T. McIntyre

Commissioners absent: G. Greenberg

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

A quorum was present.

**c. Agenda Approval**

**MOTION:**

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

**d. Consent Agenda**

**MOTION:**

Commissioner Askin **MOVED** to approve the consent agenda to include the excused absence of Commissioner Greenberg and Commissioner Halstead **SECONDED** the motion. There were no objections; **SO ORDERED**.

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

e. \*Excused absences – G. Greenberg

2. **\*APPROVAL OF MINUTES**

a. April 24, 2019

The minutes were approved by the Consent Agenda.

3. **SCHEDULED PUBLIC COMMENT** – None.

4. **UNSCHEDULED PUBLIC COMMENT** – None.

5. **CONSIDERATION OF PLATS** – None.

6. **PUBLIC HEARINGS** – None.

7. **UNFINISHED BUSINESS** – None.

8. **NEW BUSINESS**

a. **Resolution PZ2019-12** – Application for Transfer of Conditional Use Permit PZ15-10 for the Operation of a Gravel Pit for Extraction of Natural Resources, from Michael S. Brown, Transferor, to BMBC, LLC, Transferee, located at 601 Childs Avenue, Kenai, Alaska 99611; further described as Tract 3, Jaynes Subdivision Big Mikes Addition

The City Planner reviewed the staff report as provided in the packet, noting she went through the existing conditions in the permit and specifically noted if the original applicant complied with the conditions, if any previously added conditions were required to maintain, and if any conditions could be removed. It was clarified it was staff recommendation to add a condition to the transfer of conditional use permit for surface extraction that the transferee continue to operate within the buffer distances granted by the variance permit PZ15-11.

It was reported the transfer of conditional use permit for surface extraction met the requirements of Kenai Municipal Code 14.20.150(i)(5) and 14.20.157(a). City staff recommended approval of the transfer of Conditional Use Permit PZ15-10 (PZ16-14), subject to the conditions outlined in the staff report and Resolution.

**MOTION:**

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-12 with staff recommendations and Commissioner Askin **SECONDED** the motion.

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

**VOTE:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

**9. PENDING ITEMS** – None.

**10. REPORTS**

- a. City Council** – Council Member Knackstedt reviewed the action agenda from the May 1 City Council Meeting and specifically noted there were deliberations about the onsite marijuana consumption and subsequently failed the Ordinance; and the FY20 budget was introduced for discussion and review at the next Council meeting.
- b. Borough Planning** – No report. The next meeting is on May 13.
- c. Administration** – City Planner Appleby reported on the following:
  - A series of lunch time hikes with the purpose of cleaning up our city and getting some exercise, a coordinated effort with the Parks and Recreation Department, the TRASHercise event dates have been set and a schedule provided in the packet;
  - She was working with the Police Department to address the several complaints about trash and vehicles in violation with City Code; and
  - She will be attending a meeting on May 20 for the Kenai Peninsula Coordinated Regional Transit Plan; more information would be provided at the next Commission meeting.

**11. ADDITIONAL PUBLIC COMMENT** – None.

**12. INFORMATIONAL ITEMS**

- a. TRASHercise Lunches 2019**

**13. NEXT MEETING ATTENDANCE NOTIFICATION** – May 22, 2019

The City Planner noted if there were no agenda items for the May 22 meeting, the regular meeting would be canceled and a Sign Code work session would be held in its place.

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

**15. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:38 p.m.

Minutes prepared and submitted by:

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Jacquelyn LaPlante  
Deputy City Clerk

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**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2019 – 16**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI ENACT ORDINANCE 3068-2019 AMENDING KENAI MUNICIPAL CODE 14.20.320 – DEFINITIONS AND 14.20.330 - STANDARDS FOR COMMERCIAL MARIJUANA ESTABLISHMENTS, TO PROHIBIT ONSITE CONSUMPTION OF MARIJUANA AT RETAIL MARIJUANA STORES REQUIRING AN ONSITE CONSUMPTION ENDORSEMENT.

WHEREAS, Kenai Municipal Code 14.05.010 states the City of Kenai Planning and Zoning Commission will act in an advisory capacity to the Kenai City Council regarding the Kenai Zoning Code; and,

WHEREAS, at their meeting on May 1, 2019, after reviewing recommendations and input from the Kenai Planning and Zoning Commission as part of their decision process, the Kenai City Council failed to enact Ordinance 3061-2019, which would have allowed onsite consumption through the City's conditional use process; and,

WHEREAS, 3 AAC 306.200 provides that a City Council by ordinance may prohibit onsite consumption endorsements to a retail marijuana store within its jurisdiction and the Kenai City Council referred Ordinance 3068-2019 prohibiting marijuana consumption at retail marijuana stores to the Kenai Planning and Zoning Commission for a recommendation at their meeting on May 15, 2019; and,

WHEREAS, public health, safety, and welfare would be protected by prohibiting onsite marijuana consumption at retail marijuana stores; and,

WHEREAS, quality of life, a stated goal in the 2016 Imagine Kenai 2030 Comprehensive Plan, is supported by prohibiting onsite marijuana consumption at retail marijuana stores; and,

WHEREAS, the City may reexamine onsite consumption at marijuana retail stores if additional evidence and information would support this use at a future date.

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

**Section 1.** That the Kenai City Council enact Ordinance 3068-2019.

**Section 2.** That a copy of Resolution PZ2019-16 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
this 22nd day of May, 2019.

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JEFF TWAIT, CHAIRPERSON

ATTEST:

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JAMIE HEINZ, CMC, CITY CLERK





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

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## STAFF REPORT

To: Planning & Zoning Commission

From: Elizabeth Appleby, City Planner

Date: May 14, 2019

Subject: Resolution PZ2019-16 - Recommending the Council of the City of Kenai Enact Ordinance 3068-2019 Amending Kenai Municipal Code 14.20.320- Definitions and 14.20.330- Standard for Commercial Marijuana Establishments, To Prohibit Onsite Consumption of Marijuana at Retail Marijuana Stores Requiring an Onsite Consumption Endorsement.

## GENERAL INFORMATION

During their regular meeting on May 1, 2019, the Kenai City Council failed to enact Ordinance 3061-2019, which would have allowed onsite consumption at retail marijuana stores through the City's conditional use process. During their regular meeting on May 15, 2019, the Kenai City Council referred Ordinance 3068-2019 to prohibit onsite consumption at retail marijuana stores to the City of Kenai Planning and Zoning Commission for consideration and a recommendation. Ordinance 3068-2019 and an associated memorandum are included for reference as attachments to this staff report.

The City of Kenai Planning and Zoning Commission acts in an advisory capacity to the Kenai City Council on the Kenai Zoning Code as specified in *KMC 14.05.010 Duties and powers* under *Title 14 Planning and Zoning Commission*. At their meeting on June 5, 2019, the Kenai City Council will consider Ordinance No. 3068-2019 with the recommendation of the City of Kenai Planning and Zoning Commission in Resolution PZ2019-16. Both the City Council and the Planning and Zoning Commission will consider their respective ordinance and resolution through public hearings as required by City Code.

### Public Notice, Public Comment

The proposed change to City Code was referred to the Kenai Planning and Zoning Commission from the Kenai City Council. Pursuant to *KMC 14.20.280, Public hearing and notifications*, City staff published notice of the Planning and Zoning Commission public hearing in the *Peninsula Clarion* and posted notice in three public places.

No public comments have been submitted to the City of Kenai as of May 16, 2019.

**ANALYSIS**

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When initially considering Ordinance 3061-2019 to allow onsite consumption at marijuana retail stores, City Council members discussed and heard comments concerning the amount of time marijuana remains in a consumer's body and the lack of standardized testing on the level of intoxication from cannabis. Council members did not feel there was a great demand in the community for onsite consumption from either customers or operators.

While considering Ordinance 3061-2019, it was initially amended to add operating hour limitations to between 2pm and 10pm and to only allow consumption in indoor areas. As there is not a great demand from the business community or citizens for onsite consumption at marijuana retail stores and a potential threat to health, safety, and quality of life from onsite consumption, it is in the best interest of the City to prohibit onsite consumption at this time. In the future, if there is a greater need for the City and there are better way to test for marijuana consumption to ensure public safety, the City could reconsider onsite consumption.

**RECOMMENDATIONS**

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City staff advises the Planning and Zoning Commission to recommend approval of Ordinance No. 3068-2019 to the Kenai City Council by passing Resolution No. PZ2019-16.

**ATTACHMENTS**

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- A. Resolution No. PZ2019-16
- B. Ordinance No. 3068-2019
- C. Memorandum from the City Attorney to City Council for Ordinance No. 3068-2019



Sponsored by: Council Members Pettey and Glendening

## CITY OF KENAI

### ORDINANCE NO. 3068-2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE 14.20.320- DEFINITIONS AND 14.20.330- STANDARD FOR COMMERCIAL MARIJUANA ESTABLISHMENTS TO PROHIBIT ONSITE CONSUMPTION OF MARIJUANA AT RETAIL MARIJUANA STORES REQUIRING AN ONSITE CONSUMPTION ENDORSEMENT.

WHEREAS, on November 4, 2014, the Alaskan voters passed Ballot Measure 2, an Act to Tax and Regulate the Production, Sale and Use of Marijuana; and,

WHEREAS, on January 20, 2016 the City of Kenai enacted regulations governing commercial marijuana establishments in the City; and,

WHEREAS, on March 12, 2019 Lieutenant Governor Kevin Meyer signed into law new regulations from the Marijuana Control Board allowing retail marijuana stores to allow onsite consumption of marijuana under certain conditions through a state issued onsite consumption endorsement to a retail marijuana store; and,

WHEREAS, 3 AAC 306.200 provides that a City Council by ordinance may prohibit onsite consumption endorsements to a retail marijuana store within its jurisdiction; and,

WHEREAS, after consideration by the Planning and Zoning Commission, the City Council failed to enact Ordinance 3061-2019, which would have allowed onsite consumption through the City's conditional use permit process; and,

WHEREAS, it is in the best interest for public safety and welfare for the City to prohibit onsite consumption of marijuana requiring an onsite consumption endorsement at retail marijuana stores; and,

WHEREAS, at it's regular meeting of May 22, 2019 the Planning and Zoning Commission recommended the City Council \_\_\_\_\_ this Ordinance.

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

**Section 1.** Amendment of Section 14.20.320 of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.320 - Definitions, is hereby amended as follows:

#### **14.20.320 Definitions.**

(a) *General Interpretation.*

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New Text Underlined; [DELETED TEXT BRACKETED]

- (1) Words used in the present tense include the future tense.
- (2) The singular number includes the plural.
- (3) The word “person” includes a corporation as well as an individual.
- (4) The word “lot” includes the word “plot” or “parcel.”
- (5) The term “shall” is always mandatory.
- (6) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged” or “designed to be used or occupied.”

(b) Specific Definitions.

**“Accessory Building”** means a detached building or structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot as the main building or use, except as allowed by a conditional use permit. An accessory building shall be considered to be a part of the main building when joined to the main building by a common wall or when any accessory building and the main building are connected by a breezeway.

**“Accessory Use”** means a use customarily incidental and subordinate to the principal use of the land, building, or structure and located on the same lot or parcel of land.

**“Administrative Official”** means the person charged with the administration and enforcement of this chapter.

**“Agricultural Building”** means a building or structure used to shelter farm implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation and which is not used by the public.

**“Agriculture”** means the science, art, and business of cultivating soil, producing crops, and raising livestock; farming.

**“Airport”** means a location where aircraft such as fixed-wing aircraft, helicopters, and blimps take off and land. Aircraft may be stored or maintained at an airport. An airport consists of at least one (1) surface such as a paved or gravel runway, a helicopter touchdown and lift off (TLOF) area, helipad, or water runway for aircraft takeoffs and landings, and often includes buildings such as control towers, hangars and terminal buildings.

**“Airport Compatible Uses”** means uses which include, but are not limited to: Hangars, Fixed Base Operators, Aircraft Repair and Manufacturing, Aircraft Sales, and other uses

approved by the Ordinance of the City of Kenai, and the Federal Aviation Administration's regulations, and compatible with the current Airport Master Plan, the Airport Layout Plan and the Comprehensive Plan.

**"Alley"** means a public way designed and intended to provide only a secondary means of access to any property abutting thereon.

**"Alteration"** means any change, addition, or modification in construction, location, or use classification.

**"Animal Boarding"** means any building or structure and associated premises in which animals are fed, housed, and/or exercised for commercial gain.

**"Apartment House,"** see "Dwelling, multiple-family."

**"Area, Building"** means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of steps.

**"Assemblage"** means a large gathering of people for an event such as a concert, fair, or circus.

**"Assisted Living"** means a living arrangement in which people with special needs, especially seniors with disabilities, reside in a facility that provides help with everyday tasks such as bathing, dressing, and taking medication.

**"Automobile Sales"** means the use of any building or structure and associated premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

**"Automobile Service Station"** means the use of any building or structure and associated premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries, and other small accessories; the installation and servicing of such lubricants, tires, batteries, and other small accessories; and such other services which do not customarily or usually require the services of a qualified automotive mechanic.

**"Automobile Wrecking"** means the dismantling of used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled, obsolete, or wrecked vehicles.

**“Automotive Repair”** means the use of any building or structure and associated premises on which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

**“Bank”** means any establishment or building or structure used for a financial institution that provides financial services for its clients or members. The term “bank” includes savings and loan.

**“Bed and Breakfast”** means a residential, owner-occupied dwelling in which rooms are rented to paying guests on an overnight basis with no more than one (1) meal served daily.

**“Boarding House”** means a dwelling where the principal use is a dwelling by the owner or keeper and where the owner or keeper provides lodging for three (3) or more persons who are not members of the owner’s or keeper’s family and the lodgers pay compensation to use one (1) or more rooms. The common parts of the building or structure are maintained by the owner or keeper who may also provide lodgers with some services, such as meals, laundry, and cleaning. Boarding houses are not motels or hotels and are not open to transient guests.

**“Building”** means any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.

**“Building Code”** means the building code and/or other building regulations applicable in the City.

**“Building, Existing”** means a building erected prior to the adoption of the ordinance codified in this chapter or one for which a legal building permit has been issued.

**“Building Height”** means the vertical distance from the “grade,” as defined herein, to the highest point of the roof.

**“Building, Principal or Main”** means a building or structure in which is conducted the principal or main use on the lot which said building is situated.

**“Business/Consumer Services”** means the provision of services to others on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

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

“**Cemetery**” means any property used to inter the dead in buried graves or in columbarium, stacked vaults, or similar structures.

“**Centerline**” means the line which is in the center of a public right-of-way.

“**Church**” means a building or structure in which persons regularly assemble for worship, ceremonies, rituals, and education pertaining to a particular system of beliefs. The term “church” includes a synagogue or temple.

“**City**” means the City of Kenai, Alaska.

“**Clinic**” (or outpatient clinic or ambulatory care clinic) means a health care facility that is primarily devoted to the care of outpatients. Clinics can be privately operated or publicly managed and funded, and typically cover the primary health care needs of populations in local communities, in contrast to larger hospitals which offer specialized treatments and admit inpatients for overnight stays.

“**Collector Street**” means a street located and designed for the primary purpose of carrying through traffic and of connecting major areas of the City. Unless otherwise designated by the Commission, collector street shall be defined on the plan for streets and community facilities in the comprehensive development plan.

“**College**” means an educational institution providing postsecondary (after high school) education.

“**Commercial Kennel**” has the same meaning given in KMC [3.05.010](#).

“**Commercial Marijuana Establishment**” means any Retail Marijuana Store excluding onsite consumption endorsements, Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, and Marijuana Testing Facility.

“**Commercial Recreation**” means a recreation facility operated as a business and open to the public for a fee.

“**Commission**” means the Kenai Planning and Zoning Commission.

“**Communication Antenna**” has the same meaning given in KMC [14.20.255](#).

“**Communication Tower**” has the same meaning given in KMC [14.20.255](#).

“**Conditional Use**” means a use which is permitted under the terms of this chapter provided that under the specified procedures, the Commission finds that certain conditions, specified in this chapter are fulfilled. Conditional uses are listed in the Land Use Table.



**“Condominium”** means a common interest ownership dwelling in which:

- (1) Portions of the real estate are designated for separate ownership;
- (2) The remainder of the real estate is designated for common ownership solely by the owners of those portions;
- (3) The undivided interests in the common elements are vested in the unit owners. In the Land Use Table (KMC [14.22.010](#)), “condominiums” shall be treated as two (2) or more family dwellings. For example, a four (4) unit condominium building would be treated as a four (4) family dwelling.

**“Coverage”** means that percentage of the total lot area covered by the building area.

**“Crematory/Funeral Home”** means building or structure used for preparation of the deceased for display and/or interment and may also be used for ceremonies connected with interment. Preparation may include cremation, which is the process of reducing dead bodies to basic chemical compounds in the form of gases and bone fragments. This is accomplished through burning—high temperatures, vaporization, and oxidation.

**“Day Care Center”** means an establishment where child care is regularly provided for children for periods of less than twenty-four (24) hours, including the building housing the facility and adjoining areas, and where tuition, fees, or other compensation for the care of the children is charged.

**“Dormitory”** means a building, whether public or private, associated with a school, college or university and designed, used, and arranged for private sleeping, studying, and living accommodation for students.

**“Dwelling”** means a building or any portion thereof designed or used exclusively for residential occupancy including one-family, two-family and multiple-family dwellings, but not including any other building wherein human beings may be housed.

**“Dwelling, One-Family”** means any detached building containing only one (1) dwelling unit.

**“Dwelling, Two-Family”** means any building containing only two (2) dwelling units.

**“Dwelling, Multiple-Family”** means any building containing three (3) or more dwelling units.

**“Dwelling Unit”** means one (1) or more rooms and a single kitchen in a dwelling designed as a unit for occupancy by not more than one (1) family for living or sleeping purposes.



**“Elementary School”** means any school usually consisting of grades pre-kindergarten through grade 6 or any combination of grades within this range.

**“Essential Service”** means the erection, construction, alteration, or maintenance by public utility companies or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. This definition shall not be interpreted to include public buildings.

**“Family”** means any number of individuals living together as a single housekeeping unit in a dwelling unit.

**“Farming”** means a tract of land cultivated for the purpose of commercial agricultural production.

**“Fence, Height”** means the vertical distance between the ground directly under the fence and the highest point of the fence.

**“Floor Area”** means the total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

**“Fraternal Organization”** means a group of people formally organized for a common object, purpose, or interest (usually cultural, religious or entertainment) that conducts regular meetings and has written membership requirements.

**“Frontage”** means all the property fronting on one (1) side of a street between intersection streets.

**“Garage, Private”** means an accessory building or any portion of a main building used in connection with residential purposes for the storage of passenger motor vehicles.

**“Garage, Public”** means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other vehicles.

**“Gas Manufacturer/Storage”** means the surface use of lands used in the production, the mechanical transformation, or the chemical transformation of hydrocarbon gas and includes uses for gas conditioning/compressor stations. “Storage” means surface uses necessary for storage of produced or non-native natural gas.

**“Governmental Building”** means a building or structure owned and operated by any department, commission, or agency of the United States or of a state or municipality and used to conduct official business of government.

**“Grade (Ground Level)”** means the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five (5) feet of a public sidewalk, the ground level shall be measured at the sidewalk.

**“Greenhouse”** means a building or structure, usually a glassed or clear plastic enclosure, used for the cultivation and protection of plants.

**“Guest Room”** means any room in a hotel, dormitory, boarding, or lodging house used and maintained to provide sleeping accommodations for one (1) or more persons.

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

**“Gunsmith”** means a person who repairs, modifies, designs, or builds firearms.

**“High School”** means a secondary school usually consisting of grades 9 through 12 or any appropriate combination of grades within this range.

**“Home Occupation”** means an accessory use carried out for remuneration by a resident in the resident’s dwelling unit.

**“Hospital”** means an institution that provides medical, surgical, or psychiatric care and treatment for the sick or the injured.

**“Hotel”** means a building or group of buildings containing more than five (5) guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals.

**“Junkyard”** means any space one hundred (100) square feet or more of any lot or parcel of land used for the storage, keeping, or abandonment of junk or waste material, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or any parts thereof.

**“Library”** means a collection of sources, resources, and services, and the structure in which it is housed; it is organized for use and maintained by a public body, an institution, or a private individual.

**“Licensed Premises For Commercial Marijuana Establishment”** means any and all designated portions of a building or structure, or rooms or enclosures in the building or structure, at the specific address for which a Commercial Marijuana Establishment license is

issued, and used, controlled, or operated by the Commercial Marijuana Establishment to carry out the business for which it licensed.

**“Loading Space”** means an off-street space or berth on the same lot with a building or structure to be used for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**“Lodge”** means a building or group of buildings containing five (5) or fewer guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals.

**“Lot”** means a parcel of land occupied or to be occupied by a principal use and having frontage on a public street.

**“Lot, Corner”** means a lot situated at the junction of, and bordering on, two (2) intersecting streets, two (2) platted rights-of-way, two (2) government easements, or any combination thereof.

**“Lot Coverage”** means that portion of the lot covered by buildings or structures that require a building permit.

**“Lot Depth”** means the horizontal distance separating the front and rear lot lines of a lot and at right angles to its width.

**“Lot Line, Front-Corner Lot”** means the shortest street line of a corner lot.

**“Lot Line, Front-Interior Lot”** means a line separating the lot from the street.

**“Lot Line, Rear”** means a line that is opposite and most distant from the front lot line, and in the case of irregular, triangular, or gore shaped lot, a line not less than ten feet (10') in length, within a lot, parallel to and at the maximum distance from the front lot line.

**“Lot Line, Side”** means any lot boundary line not a front lot line or a rear lot line.

**“Lot Width”** means the mean horizontal distance separating the side lot lines of a lot and at right angles to its depth.

**“Manufactured Housing”** means a dwelling unit that meets Department of Housing and Urban Development Standards for manufactured housing and is wider than sixteen feet (16'), has a roof pitch of 4:12 or greater with roofing and siding common to standard residential construction and is transported to the site and placed on a permanent foundation.

**“Manufacturing/Fabricating/Assembly”** means the mechanical or chemical transformation of materials or substances into new products including assembling of components parts, the

manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

**“Marijuana”** means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. The term does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

**“Marijuana Concentrate”** means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the Tetrahydrocannabinol (THC)-bearing resins of the plant.

**“Marijuana Cultivation Facility”** means any entity with a state license registered to cultivate, prepare, and package marijuana and to sell marijuana to Marijuana Retail Facilities, Marijuana Products Manufacturing Facilities, Marijuana Testing Facilities, but not to consumers.

**“Marijuana Cultivation Facility, Standard”** means an entity registered to cultivate in an area greater than 500 square feet under cultivation, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

**“Marijuana Cultivation Facility, Limited”** means an entity registered to cultivate in an area of 500 square feet or less of cultivation, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

**“Marijuana Products”** means concentrated marijuana and marijuana products that are comprised of Marijuana and other ingredients and are intended for use or consumption, such as, but not limited to edible products, ointments, and tinctures.

**“Marijuana Product Manufacturing Facility”** means a state licensed fully enclosed secure indoor facility registered to purchase marijuana, manufacture, prepare and package marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

**“Marijuana Testing Facility”** means a state licensed commercial marijuana testing facility that is registered to analyze and certify the safety and potency of Marijuana and Marijuana Products.

**“Mini-Storage Facility”** means a completely enclosed structure containing three (3) or more areas or rooms available for lease or rent for the purpose of the general storage of household goods, vehicles or personal property; where the lessee of the unit is provided direct access to deposit or store items and where vehicles do not fill the majority of the allowed storage space.

**“Mobile Home”** means a structure, which is built on a permanent chassis in accordance with Department of Housing and Urban Development Standards and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. A mobile home is subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.

**“Mobile Home Park”** means a site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

**“Modular Home”** means a dwelling constructed in modules or sections at a place other than the building site, built to conform to Title 4 of the Kenai Municipal Code, is transported to the site and then assembled and placed on a permanent foundation.

**“Motel”** means a group of one (1) or more detached or semi-detached buildings containing two (2) or more individual dwelling units and/or guest rooms designed for, or used temporarily by, automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including groups designated as auto courts, motor lodges, or tourist courts.

**“Museum”** means a building or structure that houses and cares for a collection of artifacts and other objects of scientific, artistic, or historical importance and makes them available for public viewing through exhibits that may be permanent or temporary.

**“Necessary Aviation Facilities”** means any air navigation facility, airport visual approach aid, airfield lighting and signage, meteorological device or any type of device approved by the Federal Aviation Administration (FAA), the location and height of which is fixed by its functional purpose.

**“Nonconforming Lot”** means a lot lawfully existing at the time this chapter became effective, which by reason of area or dimensions, does not meet the development requirements for the zone in which it is located.

**“Nonconforming Structure”** means a structure or portion thereof, lawfully existing at the time this chapter became effective, which by reason of its yards, coverage, height, or other aspects of design, does not meet the development requirements of this zone.

**“Nonconforming Use”** means a use of a structure of land, or of a structure and land in combination, lawfully existing at the time this chapter became effective, or established on the premises of a previous nonconforming use as specified in this chapter, which is not in conformity with the uses permitted in the zone in which it exists.

**“Nursing, Convalescent or Rest Home”** means a building or structure used as a residence for people who require constant nursing care and/or have significant deficiencies with activities of daily living.

**“Office”** means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

**“Onsite Consumption Endorsement”** means the state regulated consumption of certain marijuana products at or adjacent to a retail marijuana store by patrons of the commercial marijuana establishment.

**“Park”** means a tract of land, designated by a public entity for the enjoyment of the public and generally used for active and passive recreational activities.

**“Parking, Public Lots”** means a parking area available to the public, whether or not a fee for use is charged.

**“Parking Space, Private”** means any automobile parking space, excluding garages, not less than nine feet (9') wide and one hundred eighty (180) square feet in total area.

**“Parking Space, Public”** means an area of not less than one hundred eighty (180) square feet exclusive of drives or aisles giving access thereto in area accessible from streets and alleys for the storage of passenger motor vehicles operated by individual drivers.

**“Person”** means a natural person, his or her heirs, executors, administrators, or assigns, and also including firm, partnership, or corporation, or their successors and/or assigns or the agent of any of the aforesaid.

**“Personal Services”** mean establishments engaged in providing services involving the care of a person or his or her apparel.

**“Planned Unit Residential Development”** means an alternative method of development of a residential neighborhood under more flexible conditions than otherwise required in a specific zoning district.

**“Principal Use”** means the major or predominant use of a lot or parcel of land.

**“Profession”** means an occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institution of high learning, e.g., Doctor of Medicine.

**“Property Owner”** means the owner shown on the latest tax assessment roll.

**“Public”** means a place to which the public or a substantial group or persons has access and includes highway, rivers, lakes, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, hallways, lobbies and other parts of apartments houses and hotels not constituting rooms or apartments designed for actual residence.

**“Recreation”** means leisure activities sometimes requiring equipment and taking place at prescribed places, sites, parks, or fields. It can include active recreation, such as structured individual or team activities requiring the use of special facilities, courses, fields or equipment or passive recreation, such as activities that do not require prepared facilities such as wildlife and bird viewing, observing and photographing nature, picnicking, and walking.

**“Recreational Vehicle”** means a vehicular-type unit, primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Recreational vehicles include, but are not limited to, travel trailers, camping trailers, truck campers, and motor homes.

**“Recreational Vehicle Park”** means an area established by a conditional use permit for the parking of two (2) or more recreational vehicles on a temporary basis.

**“Recreation or Youth Center”** means a building, structure, athletic playing field, or playground, run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors, or operated by a public or private organization, licensed to provide shelter, training, or guidance for persons under 21 years of age.

**“Restaurant”** means an establishment where food and drink is prepared, served, and consumed primarily within the principal building.



**“Retail Business”** means establishments engaged in selling goods or merchandise to the general public for business or personal/household consumption and rendering services incidental to the sale of such goods.

**“Retail Marijuana Store”** means a state licensed entity registered to purchase marijuana from a marijuana cultivation facility, to purchase marijuana and marijuana products from a marijuana manufacturing facility, and sell marijuana and marijuana products to consumers.

**“Secondary Use”** means a use allowed on a lot or parcel of land only if there is also an allowed principal use on the property.

**“Sign”** means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks by which anything is made known, such as are used to designate an individual, firm, association, corporation, profession, business, or a commodity or product, which are visible from any public street or highway and used to attract attention.

**“Square Feet Under Cultivation”** means an area of the licensed premises of a standard or limited cultivation facility that is used for growing marijuana, measured on the perimeter of the floor or growing space for marijuana “Square Feet Under Cultivation” does not include hallways, equipment storage areas, or other areas within the licensed premises that are not used for growing marijuana such as an office, or a processing or storage area.

**“State Highway”** means a right-of-way classified by the State of Alaska as a primary or secondary highway.

**“Storage Yard”** means a lot used primarily for the storage of operational vehicles, construction equipment, construction materials or other tangible materials and equipment.

**“Street”** means a public right-of-way used as a thoroughfare and which is designed and intended to provide the primary means of access to property abutting thereon.

**“Structure”** means that which is built or constructed, an edifice or a building of any kind, composed of parts joined together in some definite manner.

**“Subsurface Extraction of Natural Resources”** means removing valuable minerals or other geological materials from the earth, from an ore body, vein or (coal) seam. Materials recovered could include gas, oil, base metals, precious metals, iron, uranium, coal, diamonds, limestone, oil shale, rock salt and potash.

**“Surface Extraction of Natural Resources”** means removal of material, usually soil, gravel, or sand for use at another location.



**“Taxidermy”** means the act of mounting or reproducing dead animals, fish, and/or birds for display.

**“Theater”** means a building or structure, or part thereof, devoted to the indoor exhibition of motion pictures and/or of live dramatic, speaking, musical, or other presentations.

**“Townhouse”** means single-family dwelling units constructed in a series or group of two (2) or more units separated from an adjoining unit by an approved party wall or walls, extending from the basement of either floor to the roof along the linking lot line.

**“Tree Nursery”** means a place where trees/plants are propagated and grown to usable size.

**“Use”** means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

**“Variance”** means the relaxation of the development requirements of this chapter to provide relief when the literal enforcement would deprive a property owner of the reasonable use of his or her real property.

**“Warehouse”** means a building or structure used for the storage of goods, wares and merchandise that will be processed, sold or otherwise disposed of off of the premises.

**“Wholesale Business”** means business conducted primarily for the purpose of selling wares or merchandise in wholesale lots to retail merchants for resale.

**“Yard”** means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the same lot on which a building is situated.

**“Yard, Front”** means a yard extending across the full width of the lot between the front lot line of the lot and the nearest exterior wall of the building which is the nearest to the front lot line.

**“Yard, Rear”** means a yard extending across the full width of the lot between the most rear main building and the rear lot line.

**“Yard, Side”** means a yard on each side of a main building and extending from the front lot line to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of a side lot line to the nearest part of the main building.

**“Zoning Change”** means the alteration or moving of a zone boundary; the reclassification of a lot, or parcel of land, from one zone to another; and the change of any of the regulations contained in this chapter.

“**Zoning Ordinance or Ordinances**” mean the zoning ordinance of the City of Kenai and Kenai Municipal Code Chapter [14](#).

**Section 2.** Amendment of Section 14.20.330 of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.330 – Standards for Commercial Marijuana Establishments, is hereby amended as follows:

**14.20.330 Standards for [C]Commercial [M]Marijuana [E]Establishments.**

The purpose of this section is to establish general standards for commercial marijuana establishments.

(a) Commercial marijuana establishments may be permitted or allowed with a conditional use permit under KMC [14.20.150](#), as provided in the City of Kenai’s land use table, KMC [14.22.010](#), and the provisions of this section. Onsite Consumption Endorsements may not be approved by conditional use permit or otherwise and are not permitted within the City.

(b) Applicants applying for a conditional use permit must include an area map drawn to scale indicating all land uses on other properties within a five hundred (500) foot proximity of the lot upon which the applicant is seeking a conditional use permit. This shall be in addition to the conditional use permit submission requirements in KMC [14.20.150](#).

(c) A public hearing shall be scheduled before the Planning and Zoning Commission to review the conditional use permit application once it has been deemed complete. The public hearing shall be scheduled in accordance with the requirements in KMC [14.20.280](#), except that notification shall be mailed to all real property owners on record on the Borough Assessor’s records within a five hundred (500) foot periphery of the parcel affected by the proposed action.

(d) The preparation, packaging, manufacturing, processing, and storing of all marijuana, marijuana concentrate or marijuana products must be conducted within a fully enclosed, secure indoor facility. The growing and cultivating of marijuana must be conducted within a fully enclosed, secure indoor facility or greenhouse with view-obscuring rigid walls, a roof and doors, unless a nonrigid greenhouse, or other structure, is specifically approved, in which case the cultivation must be enclosed by a sight-obscuring wall or fence at least six (6) feet high.

(e) All commercial marijuana establishments shall not emit an odor that is detectable by the public from outside the commercial marijuana establishment.

(f) No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:

- (1) One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (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, or a substance abuse treatment facility providing substance abuse treatment.

(g) As provided in the Land Use Table, a person or licensee may apply for a conditional use permit to allow for a marijuana cultivation facility, standard, on lots of forty thousand (40,000) square feet or greater in size, and a marijuana cultivation facility, limited, on any size lot.

(h) A marijuana cultivation facility, standard, or a marijuana cultivation facility, limited, shall only be allowed on a lot which has an existing structure consistent with a principal permitted use.

(i) A marijuana cultivation facility located in an accessory building shall be subject to the setback provisions in KMC [14.24.020](#), Development Requirements Table. A person or licensee seeking relief from the provisions in the Development Requirements Table may apply for a variance subject to the provisions of KMC [14.20.180](#).

**Section 3.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 4.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this \* day of \*, 2019.

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

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

\_\_\_\_\_  
New Text Underlined; [DELETED TEXT BRACKETED]

Introduced: \*, 2019  
Enacted: \*, 2019  
Effective: \*, 2019

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New Text Underlined; [DELETED TEXT BRACKETED]



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

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Council Members Glenese Pettey and Jim Glendingen  
**DATE:** March 12, 2019  
**SUBJECT:** **Ordinance No. 3068 – 2019**

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This Ordinance would prohibit onsite consumption of marijuana and marijuana products at retail stores requiring an onsite consumption endorsement. We feel this ordinance is necessary to protect public safety and welfare. Because this Ordinance requires a change to the City's zoning code, requires a recommendation from the Planning and Zoning Commission. We request it be pulled from the consent agenda and be referred to the Planning and Zoning Commission for consideration at their May 22, 2019 meeting, and be brought back to Council for a public hearing at the first meeting in June.

Your consideration is appreciated.



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**ACTION AGENDA**  
**KENAI CITY COUNCIL – REGULAR MEETING**  
**MAY 15, 2019 – 6:00 P.M.**  
**KENAI CITY COUNCIL CHAMBERS**  
**210 FIDALGO AVE., KENAI, AK 99611**  
<http://www.kenai.city>

**A. CALL TO ORDER**

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

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

**B. SCHEDULED PUBLIC COMMENTS** (*Public comment limited to ten (10) minutes per speaker*)

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

**D. PUBLIC HEARINGS**

1. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3063-2019** – Adopting the Annual Budget for the Fiscal Year Commencing July 1, 2019 and Ending June 30, 2020 and Committing \$500,000 of General Fund, Fund Balance for Capital Improvements, Amending the Salary Schedule in Kenai Municipal Code Chapter 23.55- Pay Plan, Amending Employee Classifications in Kenai Municipal Code Chapter 23.50, and Amending Communication Department Uniform Allowance in Kenai Municipal Code Chapter 23.55. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3064-2019** – Increasing Estimated Revenues and Appropriations by \$339.90 in the General Fund – Police Department for State Traffic Grant Overtime Expenditures. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3065-2019** – Accepting and Appropriating a Volunteer Fire Assistance (VFA) 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)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2019-28** – Authorizing a Budget Transfer within the Water and Sewer Fund for Appraisal Costs Related to the Purchase of Well Radius Property for the City’s Public Water System. (Administration)

5. **ADOPTED UNANIMOUSLY. Resolution No. 2019-29** – Fixing the Rate of Levy of Property Tax for the Fiscal Year Commencing July 1, 2019 and Ending June 30, 2020. (Administration)
6. **ADOPTED AS AMENDED. Resolution No. 2019-30** – Supporting Kenai Peninsula Borough Ordinance 2019-09 Amending the Borough’s Sales Tax Code to Levy a 12 Percent Tax on Temporary Lodging, Exempt Temporary Lodging Rentals from the General Sales Tax, and Allow Cities that Levy a Similar Sales Tax on Temporary Lodging to Exempt Up to One-Half of the Borough’s Temporary Lodging Tax, Subject to Borough Voter Approval. (Administration)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2019-31** – Awarding a Concession Agreement for Management and Administrative Services to Provide Summer Ice Activities at the City of Kenai Multi-Purpose Facility. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2019-32** – Authorizing an Amendment to the Airport Advertising Concession Agreement for the Kenai Municipal Airport. (Administration)
9. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2019-33** – Authorizing Contracts for Employee Health Care and Other Benefits Effective July 1, 2019. (Administration)

**E. MINUTES**

1. **APPROVED BY THE CONSENT AGENDA.** \*Regular Meeting of May 1, 2019

**F. UNFINISHED BUSINESS** – None.

**G. NEW BUSINESS**

1. **APPROVED BY THE CONSENT AGENDA. \*Action/Approval** – Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA. \*Action/Approval** – Purchase Orders Over \$15,000. (Administration)
3. **APPROVED BY THE CONSENT AGENDA. \*Action/Approval** – Non-Objection to the Issuance of a New Liquor License for Griffin Golf, LLC. (City Clerk)
4. **INTRODUCED BY CONSENT AGENDA/PUBLIC HEARING SET FOR 06/05/19. \*Ordinance No. 3066-2019** – Accepting and Appropriating a Grant from the Federal Aviation Administration for the 2019 Airfield Marking, Crack Sealing, and Minor Pavement Repair Project and Awarding a Construction Contract to Complete the Work. (Administration)
5. **INTRODUCED BY CONSENT AGENDA/PUBLIC HEARING SET FOR 06/05/19. \*Ordinance No. 3067-2019** – Accepting and Appropriating \$26,605.40 in Asset



Forfeiture Sharing Funds and Appropriating Those Funds Into the Police Small Tools Account for the Purpose of Purchasing Law Enforcement Equipment. (Administration)

6. **INTRODUCED, REFERRED TO PLANNING & ZONING FOR RECOMMENDATION AT THEIR 5/22/19 MEETING, SET FOR PUBLIC HEARING BEFORE CITY COUNCIL ON 6/05/19. \*Ordinance No. 3068-2019** – Amending Kenai Municipal Code 14.20.320- Definitions and 14.20.330- Standards for Commercial Marijuana Establishments to Prohibit Onsite Consumption of Marijuana at Retail Marijuana Stores Requiring an Onsite Consumption Endorsement. (Council Members Pettey and Glending)
7. **AMENDED UNANIMOUSLY. Ordinance No. 3062-2019** – Increasing FY2019 General Fund Estimated Revenues and Appropriations by \$20,859 and FY2020 General Fund Estimated Revenues and Appropriations by \$35,418 in the General Fund Parks, Recreation and Beautification Department for the Receipt of a Grant from the United States Environmental Protection Agency Passed Through the State of Alaska Department of Environmental Conservation for Bacteria Level Monitoring on the City’s Beaches from May to September During 2019 and 2020. (Administration)  
*[Clerk’s Note: This ordinance was enacted at the 5/1/19 meeting. Notice has been received by the granting agency that the amounts of the grant have changed. A motion to amend something previously adopted is in order and as such, appearance on this agenda serves as notice.]*
8. **EXTENSION REQUEST FAILED. Action/Approval** – Application for Extension of Lease Application Expiration Date for the Undeveloped Portion of Tract A, General Aviation Apron No. 2. (Administration)
9. **APPROVED UNANIMOUSLY. Action/Approval** – Consenting to the Assignment of Lease to Don Moffis for Lot 5, Block 1, Gusty Subdivision, Addition No. 1, Amended. (Administration)
10. **APPROVED UNANIMOUSLY. Action/Approval** – Awarding an Employment Agreement between the City of Kenai and City Attorney, Scott Bloom. (Mayor Gabriel)  
*[Clerk’s Note: Council May Convene into Executive Session to Discuss this Agenda Item which Pursuant to AS 44.62.310(C)(2) May be a Subject that Tends to Prejudice the Reputation and Character of the Applicant and per AS 44.62.310(c)(1) is a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City.]*
11. **AMENDED UNANIMOUSLY. Action/Approval** – Amending an Employment Agreement between the City of Kenai and City Attorney, Scott Bloom. (Mayor Gabriel)
12. **AMENDED UNANIMOUSLY. Action/Approval** – Amending an Employment Agreement between the City of Kenai and City Manager, Paul Ostrander. (Mayor Gabriel)
13. **AMENDED UNANIMOUSLY. Action/Approval** – Amending an Employment Agreement between the City of Kenai and City Clerk, Jamie Heinz. (Mayor Gabriel)

14. **WORK SESSION SET FOR 6/11/19 AT 6:00 P.M. Discussion** – Schedule a Work Session to Review and Discuss City Land Sale and Leasing Policies and Practices. (Administration)

**H. COMMISSION/COMMITTEE REPORTS**

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

**I. REPORT OF THE MAYOR**

**J. ADMINISTRATION REPORTS**

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

**K. ADDITIONAL PUBLIC COMMENT**

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

**L. EXECUTIVE SESSION – See item G.10.**

**M. PENDING ITEMS – None.**

**N. ADJOURNMENT**

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**INFORMATION ITEMS**

1. Purchase Orders between \$2,500 and \$15,000 for Council Review
2. Disability Pride Event

*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.*



# Planning Commission Tentative Agenda

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

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

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

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

**May 13, 2019**

**7:30 p.m.**

**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

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

**\*1. Time Extension Request**

- a. Ptarmigan Estates Subdivision Struthers Addition  
KPB File 2012-140 [Segesser Surveys / Struthers]  
Location: Sterling
- b. Krogseng Subdivision  
KPB File 2011-145 [Segesser Surveys / Krogseng]  
Location: Island Lake, Nikiski

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

**\*3. Plats Granted Administrative Approval**

**\*4. Plats Granted Final Approval (20.10.070) - None**

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

**\*6. Utility Easement Vacations**

- a. Vacate the 20-foot-wide utility easement centered on the shared lot line of Lot 4, Block 3, Ravenwood Subdivision Addition No. 1 (Plat KN 72-10) and Lot 4A, Block 3, Ravenwood Subdivision Addition No. 3 (Plat KN 81-42)

within Section 24, Township 5 North, Range 11 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-027V. Petitioner: Kenai Peninsula Borough of Soldotna, Alaska.

**\*7. Commissioner Excused Absences**

- a. Vacant, Ridgeway

**\*8. Minutes**

- a. April 22, 2019 Planning Commission Minutes

**D. PUBLIC COMMENT/PRESENTATIONS/COMMISSIONERS**

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

**E. UNFINISHED BUSINESS**

**F. PUBLIC HEARINGS**

1. Vacate a public easement in the Fritz Creek area. Location and request: Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16) as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District. The public access easement being vacated is developed and located within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V. Purpose as stated in petition: An alternative functional access was dedicated by the plats of Triple Crown Estates No. 2 Phase 1 (HM 2007-26) and Triple Crown Estates No. 2 Phase 2 (HM 2014-16). The portion of the easement through Phase 1 plat was vacated by KPB Planning Commission Resolution 2008-24. This petition asks to vacate the portion of the easement through the Phase 2 plat. An existing HEA buried transmission line through Phase 2 is still active and will remain in place until the transmission line is relocated. Petitioners: Triple Crown Investments, LLC of Homer, Alaska
  
2. Ordinance 2019-\_\_\_; An Ordinance Authorizing the Negotiated Lease of Office Space at the Nikiski Community Recreation Center with Tesoro Alaska Company, LLC.
  
3. Resolution 2019-\_\_\_; A Resolution Authorizing the Kenai Peninsula Borough, on behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Homer Women’s Clinic Lease Agreement for Property Located at 4117 Bartlett Street to Extend the Term of the Lease.

4. Resolution 2019-\_\_; A Resolution Authorizing the Kenai Peninsula Borough, on behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Homer Office Space Lease Agreement for Property Located at 203 W. Pioneer Avenue to Extend the Term of the Lease.
  
5. Application review for a Retail Marijuana Store license in the Nikiski Area to provide comments to the State. Applicant: Seeds & Stems, LLC Landowner: Zan Inc. Parcel Number: 017-160-41 Property Description: That portion of Government Lot 106 lying east of Kenai Spur Highway in Section 14, Township 6 North, Range 12 West, Seward Meridian Location: 43280 Kenai Spur Highway
  
6. PC Resolution 2019-14; A Resolution for a Conditional Land Use Permit for gravel extraction on a portion of a parcel within the Kenai National Wildlife Refuge. Applicant: Granite Construction Company Landowner: U.S. Fish and Wildlife Parcel Number: 025-180-02 Legal Description: A portion of the N ½, NE ¼, S13, T5N, R6W, and a portion of the W ½, NW ¼, NW ¼, S18, T5N, R5W, SM Location: MP 63 Sterling Highway (½ mile east of Mystery Creek Road)

**G. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT (21.18) - None**

**H. VACATIONS NOT REQUIRING A PUBLIC HEARING - None**

**I. SPECIAL CONSIDERATIONS**

1. Building Setback Exception  
 Lot 3 Bluewater Estates Subdivision  
 KPB File: 2019-041; Resolution No. 2019-12  
 Location: on Maria Road and Cana Court, Fritz Creek
  
2. Building Setback Exception  
 Lot 16 Block 2 Greenacres Subdivision No. 2  
 KPB File 2019-047; Resolution No. 2019-15  
 Location: on Tributary Avenue, off Feuding Lane, Sterling
  
3. Request to Review the November 13, 2018 Plat Committee’s Conditional Preliminary Approval of Michael J. Pelch Homestead Jr. Addition No. 3  
 KPB File 2018-124 [McLane Consulting Group / Pelch, Miller]  
 Location: on Beaver Loop Road, City of Kenai

**J. SUBDIVISION PLAT PUBLIC HEARINGS**

1. The Plat Committee will review 10 preliminary plat.

- K. OTHER/NEW BUSINESS**
- L. ASSEMBLY COMMENTS**
- M. LEGAL REPRESENTATIVE COMMENTS**
- N. DIRECTOR'S COMMENTS**
- O. COMMISSIONER COMMENTS**
- P. PENDING ITEMS FOR FUTURE ACTION**

1. Ordinance 2019-\_\_; An Ordinance Amending KPB Chapter 21.25, Conditional Land Use Permits and Amending KPB Chapter 21.29, Material Site Permits.

**Q. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS  
NO ACTION REQUIRED**

**NEXT REGULARY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held **Tuesday, May 28, 2019** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley St, Soldotna, Alaska at **7:30 p.m.**

**ADVISORY PLANNING COMMISSION MEETINGS**

<b>ADVISORY COMMISSION</b>	<b>MEETING LOCATION</b>	<b>DATE</b>	<b>TIME</b>
Anchor Point	Anchor Point Chamber of Commerce	June 5, 2019	7:00 p.m.
Cooper Landing	Cooper Landing Community Hall	June 5, 2019	6:00 p.m.
Moose Pass	Moose Pass Community Hall	TBD	6:30 p.m.
Hope / Sunrise	Hope Social Hall	TBD	6:00 p.m.
The Kachemak Bay and Funny River Advisory Planning Commissions are inactive at this time.			

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

**CONTACT INFORMATION**

**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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>

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# Plat Committee Tentative Agenda

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

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

*Paulette Bokenko-Carluccio – City of Seldovia • Jeremy Brantley – Sterling  
Cindy Ecklund – City of Seward • Franco Venuti – City of Homer • Paul Whitney – City of Soldotna  
Alternates: Diane Fikes – City of Kenai*

**May 13, 2019  
5:30 p.m.**

**A. CALL TO ORDER**

**B. ROLL CALL**

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

1. Agenda
2. Member/Alternate Excused Absences
3. Minutes
  - a. April 22, 2019 Plat Committee Minutes

**D. PUBLIC COMMENT**

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

**E. SUBDIVISION PLAT PUBLIC HEARINGS**

1. Anchor View Estates – Peterson Addition  
KPB File 2018-126 [Fineline Surveys, Inc. / Peterson]  
Location: on Shorebird Lane, off Sterling Highway, Anchor Point  
Anchor Point APC
2. Valhalla 2019 Replat  
KPB File 2019-030 [Seabright Surveying / Swick, Waterbury, Girard, Vandegriff, Smith, Weglinski]  
Location: on Frank Raby Drive, Augustine North Avenue, Rocky Street and Chrissy Avenue,  
City of Seldovia
3. Bear Island 2019  
KPB File 2019-035 [Mullikin Surveys / Whitney, Schmidt]  
Location: on Bear Island, Bear Cove area, Remote
4. Diamond Ridge Estates No. 5  
KPB File 2019-037 [Geovera, LLC / Arno]  
Location: on Estate Drive, off Skittles Street and Skyline Drive, Diamond Ridge  
Kachemak Bay APC

5. Zoubek Subdivision  
KPB File 2019-036 [Johnson Surveying / Zoubek, Hansen]  
Location: on Oil Well Road near MP 10.5, Ninilchik
6. R. Abbott Subdivision  
KPB File 2019-018 [Johnson Surveying / Abbott]  
Location: on a Private Road and Merkes Road, off the Sterling Highway, Sterling  
**Postponed from the March 25, 2019 Plat Committee Meeting**
7. Lakeridge Subdivision McGlasson Replat  
KPB File 2019-039 [Segesser Surveys / McGlasson]  
Location: on Dragonfly Road and Daniels Lake, Nikiski
8. Lost Lake Subdivision Addition No. 6  
KPB File 2019-040 [Segesser Surveys / Rough]  
Location: on Hayden Berlin Road and Judan Road, Bear Creek
9. The Renaissance Phase Two  
KPB File 2019-043 [McLane Consulting Group / Salamatof Native Association Inc.]  
Location: on Jocoonan Street, Tudor Street, Revival Avenue, and Muskrat Street, off of Holt Lamplight Road, Nikiski
10. Munger Subdivision No. 4  
KPB File 2019-046 [Tinker Creek Surveys / Isaak, Silver Salmon Beach Retreat LLC]  
Location: in Lake Clark National Park near Silver Salmon Lakes, Remote

**F. FINAL SUBDIVISION PLAT PUBLIC HEARING - None**

**G. OTHER / NEW BUSINESS**

**H. MISCELLANEOUS INFORMATION – NO ACTION REQUIRED**

**I. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED MEETING**

The next regularly scheduled Plat Committee meeting will be held **Tuesday, May 28, 2019** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley, Soldotna, Alaska at **5:30 p.m.**

**PLANNING DEPARTMENT**

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