

AGENDA
KENAI PLANNING & ZONING COMMISSION – REGULAR MEETING
JUNE 12, 2019 - 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
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 22, 20191

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 PZ2019-17** – Application for a Conditional Use Permit for Surface Extraction of Natural Resources, submitted by Peninsula Commercial Ventures, 3201 Tamarak Ave., Wasilla, Alaska 99654, for the property described as Tract C, Hollier Subdivision No. 2, located at 695 Gravel Street, Kenai, Alaska 99611.....5

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS

- a. **Resolution PZ2019-18** – Application for Transfer of Conditional Use Permit PZ06-84 (PZ01-11) for a hotel (short-term recreational rentals) from Blue Heron Land Company, LLC, Transferor, to Blue Heron Enterprises, LLC, Transferee, located at 1230 Angler Dr., Kenai, Alaska 99611; further described as Lot 1, Block 2, Anglers Acres Subdivision Addition No. 123

- b. **Resolution PZ2019-19** – Application for Transfer of Conditional Use Permit PZ06-85 (PZ05-26) for a hotel, guide service, and boat parking from Blue Heron Land Company, LLC, Transferor, to Blue Heron Enterprises, LLC, Transferee, located at 1105 Angler Dr., Kenai, Alaska 99611; further described as Lot 6, Anglers Acres Subdivision, Part 3 ..33
- c. **Discussion/Recommendation** – Authorizing the City Planner to draft and send a letter to the Kenai Peninsula Borough supporting a request by the developer of Kee’s Tern Subdivision for a one-year time extension to finalize the plat43

9. **PENDING ITEMS** - None

10. **REPORTS**

- a. City Council49
- b. Borough Planning53
- c. Administration

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**

- a. Sign Code Work Session – June 25th at 6pm
- b. Regular Meeting – June 26th at 7pm

14. **COMMISSION COMMENTS AND QUESTIONS**

15. **ADJOURNMENT**

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 22, 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, G. Greenberg, J. Halstead, V. Askin, T. McIntyre

Commissioners absent: J. Halstead

Staff/Council Liaison present: City Planner E. Appleby, Deputy Clerk J. LaPlante, Planning Assistant W. Anderson, Council Liaison B. Molloy

A quorum was present.

c. Agenda Approval

MOTION:

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

d. Consent Agenda

MOTION:

Commissioner Askin **MOVED** to approve the consent agenda and Commissioner Springer **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 – None.

2. ***APPROVAL OF MINUTES**

a. May 8, 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**

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

The City Planner reviewed the staff report as provided in the packet, noting City Council referred Ordinance No. 3068-2019 to prohibit onsite consumption at retail marijuana stores to the Planning and Zoning Commission for consideration and a recommendation. As Council failed the previous Ordinance that would have allowed onsite consumption in retail marijuana stores with a conditional use permit, they are recommending a ban of on-site consumption at this time.

It was staff recommendation that the Planning and Zoning Commission approve Resolution No. PZ2019-16, supporting approval of Ordinance No. 3068-2019.

MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-16 with staff recommendations and Commissioner McIntyre **SECONDED** the motion.

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

It was majority consensus of the Commission that the concern was the lack of ability to test the level of marijuana consumption and intoxication, increasing the threat of safety to others when leaving the establishments.

VOTE:

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

MOTION PASSED.

7. **UNFINISHED BUSINESS** – None.

8. **NEW BUSINESS** – None.

9. **PENDING ITEMS** – None.

10. **REPORTS**

- a. **City Council** – Council Member Molloy reviewed the action agenda from the May 15 City Council Meeting and specifically noted the FY2020 budget was thoroughly discussed, amended and approved.
- b. **Borough Planning** – Vice-Chair Fikes reported the Commission met on May 13 and provided an update on the actions at that meeting.
- c. **Administration** – City Planner Appleby reported on the following:
 - Purchasing of iPads for Planning and Zoning Commission members was approved for the FY2020 Budget and would be on the June 19th City Council agenda with a policy change;
 - The State of Alaska Transportation Alternatives Program approved funding for a bike trail on Bridge Access and from Beaver Loop to the Kenai Spur Highway, and will go before City Council for acceptance of funding and appropriations; the Alaska Department of Natural Resources and the City of Soldotna were also approved funding for their projects;
 - She was working on developing a map of all of the bike trails with the City of Soldotna;
 - The first TRASHercise event is scheduled for Noon tomorrow, May 23 and the events were scheduled through October with the flyer available on the City of Kenai website;
 - The update to the General Fund Lands Code would be coming before the Commission for review when it was completed; and
 - It was a goal to have gravel pit site visits as part of the conditional use permit annual report and application process and there is an opportunity to do so with a recent application, more information to come.

The City Planner requested for input from the Commission in scheduling work session dates.

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

12. **INFORMATIONAL ITEMS** – None.

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

The next sign code work sessions would be scheduled for Tuesday, June 25 and August 13 at 6 p.m.

14. **COMMISSION COMMENTS & QUESTIONS**

Chair Twait expressed interest in reconsideration of Resolution No. PZ2019-16 noting the public

safety issue previously expressed was currently a requirement for a conditional use permit.

MOTION:

Chair Twait **MOVED** to reconsider the vote of Resolution No. PZ2019-16 and Commissioner Springer **SECONDED**.

Chair Twait noted that prohibiting onsite consumption because of lack of demand and for public safety was not justifiable reasons as public safety was part of the permit process through the State of Alaska and the conditional use permitting. It was noted that by not allowing on-site consumption in marijuana establishments, it removes the risks of public safety because individuals are forced to do it in a private setting and less likely to drive, potentially at home or in a place away from higher public volume.

VOTE ON RECONSIDERATION:

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

MOTION FAILED.

15. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:23 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk



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STAFF REPORT

To: Planning & Zoning Commission

Date: June 7, 2019

Subject: Resolution PZ2019-17 – Conditional Use Permit - Surface Extraction of Natural Resources

Applicant: Peninsula Commercial Ventures, LLC
3201 Tamarak Avenue
Wasilla, AK 99654

Submitted By: Glen Martin, Manager
P.O. Box 1389
Soldotna, AK 99669

Requested Action: Conditional Use Permit - Surface Extraction of Natural Resources

Legal Description: Tract C, Hollier Subdivision No. 2

Property Address: 695 Gravel Street

KPB Parcel No: 04904082

Lot Size: 1,285,020 square feet (29.5 acres)

Existing Zoning: Rural Residential (RR)

Current Land Use: Vacant

Land Use Plan: Low Density Residential

GENERAL INFORMATION

Application

The applicant, Peninsula Commercial Ventures, LLC, submitted a conditional use permit application for surface extraction of natural resources in May 2019 on an approximately 29.5-acre parcel of land within the Rural Residential (RR) Zone of the City. The parcel is located at 695 Gravel Street, and further described as Tract C, Hollier Subdivision No. 2 (Kenai Borough

Parcel No. 04904082). The parcels to the immediate south are being mined for sand and gravel by Peninsula Commercial Ventures under a conditional use permit initially granted in 1998 and transferred twice, most recently in 2016 by PZ2016-44. PZ2019-17 would allow for expansion of their current operation. City staff deemed the application materials to be complete. City staff met with the applicant at City Hall on May 21, 2019, and during a site visit on June 3, 2019.

Public Notice, Public Comment

KMC 14.20.150(b) details application requirements for conditional use permits KMC 14.20.151 details application requirements for surface extraction. City staff deemed the application to be complete and the City is in receipt of the application fee. Pursuant to KMC 14.20.280, Public hearing and notifications, City staff published notice of the public hearing twice in the *Peninsula Clarion*, sent notification to real property owners within five-hundred-feet (500') of the affected parcel, and notification was posted on the property. No public comments have been submitted to the City about the application as of June 7, 2019.

ANALYSIS

Kenai Municipal Code 14.20.154 – Issuance of Permit for Surface Extraction of Natural Resources

Criteria for the issuance of conditional use permit applications for surface extraction of natural resources are outlined in KMC 14.20.154.

- *KMC 14.20.154(a)(1) The application is in substantial compliance with the requirements of this chapter;*

Criteria Met: This application is in substantial compliance with the requirements of this chapter. The applicant has demonstrated the proposed use meets the requirements for boundaries of the proposed extraction, back slopes, public safety, and the need for gravel within the City.

- *KMC 14.20.154(a)(2) The boundaries of the proposed excavation at its greatest dimensions, including back slopes, are at least two hundred feet (200') from any road or public right-of-way and at least one hundred fifty feet (150') from other surrounding property lines, except that adjoining permitted surface extraction of natural resources sites are not required to maintain the above one hundred fifty feet (150') excavation between sites;*

Criteria Met: The applicant shows buffers on the site plan. The northern and eastern buffer will be 150 to meet excavation boundaries for property lines. The buffer will be 200 feet from the western property line, which is Gravel Street, to meet the requirement to be 200 feet from any road or public right-of-way. There will not be a southern buffer because the adjacent parcel is a permitted surface extraction of natural resources by the same owner.

- *KMC 14.20.154(a)(3) The buffer strips between the excavation site and roadways and property lines contain sufficient natural screening to obscure the entire excavation from sight of roadways and inhabited areas. If there is not sufficient natural screening, the site plan must provide for artificial screening;*

Criteria Met: The existing parcel is mostly treed. The trees provide sufficient screening to obscure the entire excavation. City staff confirmed the extraction is not visible from Beaver

Loop Road or Cone Avenue. During a City staff site visit, the operator described how movable berms of overburden were placed at the northern edge of the current extraction on Tract B. Similar berms would conceal the proposed extraction on Tract C from view in areas of the parcel where trees did not provide sufficient screening. The applicant will construct a vegetated berm buffer of at least six feet high on the north and west boundaries of the extraction.

The applicant is aware that previous operators breached the buffer at the western requirements of Tract A, or perhaps the extraction was completed prior to more stringent buffer requirements from property lines. The operator has not extended the breach and has met the buffer requirements of their existing conditional use permit. The applicant hired a professional surveyor to stake the buffers on the property and City staff observed flags and stakes in place during the site visit.

- *KMC 14.20.154(a)(4) The surface extraction is outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high-hazard coastal areas;*

Criteria Met: The applicant states that the Kenai Peninsula Borough River Center reported the subject parcel as being outside of the regulatory floodplain. City staff also confirmed the proposed extraction on Tract C as well as the existing extraction on Tract B and Tract C were outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high-hazard coastal areas. The U.S. Army Corps of Engineers concurs that the extraction method is in compliance with federal wetlands regulations.

- *KMC 14.20.154(a)(5) The site plan provides that back slopes be a minimum of a 2:1 slope, except for the contiguous working face;*

Criteria Met: The applicant states that, "Reclamation will be a continuous process including sloping the sides of the excavation 2:1 or flatter along buffer zones and inactive work areas and seeding as necessary to contain erosion". The operator also mentioned the intent to meet the 2:1 slope requirement for back slopes during a site visit with City staff.

- *KMC 14.20.154(a)(6) The site plan does not provide for excavation below the water table except where a reasonable method of drainage is available at the particular site or where the proposed future development plan provides for a lake on the site of the excavation;*

Criteria Met: Proposed future development provides for a lake on the site of the excavation. The applicant states that water levels will be regularly monitored with significant changes reported to the City. The applicants will store fill materials, including concrete and items such as telephone poles, etc., away from areas of the site with an exposed water table.

- *KMC 14.20.154(a)(7) If the excavation is to be below the water table and the site is likely to endanger the public safety, the site plan shall provide for fencing of the work area;*

Criteria Met: The existing road leading to the current excavation would be extended as necessary to reach the new excavation. This road has a gate which may be locked. There are also No Trespassing signs along the road along with the operator's contact information. Adjacent property of the proposed construction is mostly vacant lots. To the south are two parcels with existing extraction that are also owned by Peninsula Commercial Ventures.

Casual access is not likely as there is no amenity (such as the Kenai River or Beaver Creek or residences) that would attract people down the road or near the excavation site.

- *KMC 14.20.154(a)(8) The proposed use of land after extraction is completed is feasible and realistic and is a use permitted in the zone in which the property is located;*

The proposed long-term use of the site is for residential and recreational use. The applicants describes plans to grade and topsoil the area with stockpiles of existing overburden stripping and/or clean fill material from excavation projects. The property would then be subdivided into residential lots and the pit would become a lake.

- *KMC 14.20.154(a)(9) The extraction does not destroy the land for the purposes for which it is zoned;*

The end result of the extraction will be a residential neighborhood. City staff discussed the importance of ensuring a clean water supply in the City and the applicant will take measures to monitor water levels and be mindful of what is allowed near water and sensitive areas of the landscape.

- *KMC 14.20.154(a)(10) The need for the particular natural resource within the City of Kenai outweighs any detrimental effects the operation may have on surrounding property owners;*

The applicant will sell some of the gravel for road projects within the City of Kenai. There are very few surrounding property owners and the benefit of a local gravel source from this location outweighs any potential detrimental effects.

- *KMC 14.20.154(a)(11) The applicant is the owner of the subject property.*

The applicant is the owner of the subject property.

- *KMC 14.20.154(a)(11) Clearing limits shall be delineated on the site plan as well as clearly visible on site and shall be inspected by the City Planner or designee prior to the application being deemed complete.*

City staff conducted a site visit on June 3, 2019. Buffer limits are delineated clearly on the site plan.

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

The requirements of KMC 14.20.154 are specific to conditional use permits for surface extraction of natural resources. KMC 14.20.150 contains requirements that apply to the evaluation of all conditional use permits. The requirements of KMC 14.20.150 are reviewed as follows:

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

The property under consideration is within the Rural Residential (RR) Zone. Pursuant to KMC 14.20.080, the intent of the zone is for low density residential development in an attractive residential environment, to prohibit uses which would violate the residential character of the

environment or generate heavy traffic in a predominantly residential area, and to separate residential structures in order to prevent health hazards and preserve the rural, open quality of the environment. Surface extraction is a permitted use and can be consistent with the intent of the residential zone. The proposed extraction is adjacent to an existing permitted gravel pit and vacant lots. It would not change the character of the neighborhood. This use is consistent with the purposes and intent of the RR Zone.

- *KMC 14.20.150(d)(2) The value of the adjoining property and neighborhood will not be significantly impaired;*

Adjacent property to the south is a permitted gravel pit and vacant land. Once extraction is complete, the developer would construct homes. Adjacent property values will not be affected by the proposed surface extraction. The applicant will not use compression release engine brakes (Jake brakes) to reduce noise.

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

The 2016 *Imagine Kenai 2030 Comprehensive Plan* notes on p. 74 that, areas off of Beaver Loop Road has been a conditional use to obtain economically advantageous local sources of gravel and fill, but that there is potential for conflict between surface extraction and residential uses. The location of this pit minimizes the potential for conflict with neighbors and fits with the pattern of land use along Beaver Loop Road in the City. The surface extraction will support Goals 2 and 3 for economic development and land use that support the fiscal health of Kenai and implement a forward-looking approach to community growth.

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

The surface extraction will be accessed by a dedicated easement to Cone Avenue across adjacent Tracts A and B, which are also owned by the applicant. Cone Avenue and the easement provides access to the parcels from Beaver Loop Road.

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

The applicant notes adequate barriers and screening. The extraction will not be a safety concern or visual impairment. The applicants has plans for reclamation and will be careful about materials stored near water.

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

Recommended conditions are stated at the end of the report.

RECOMMENDATIONS

Staff recommends the Planning and Zoning Commission approve the applications for a conditional use permit for surface extraction of natural resources, subject to the following

conditions:

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. The applicant will properly store fuel oil and hazardous materials away from wetlands or other sensitive areas of the landscape.
3. The applicant will not store fill materials, such as concrete and construction waste, in or near areas with an exposed water table.
4. The applicant will limit noise disturbances and not use compression release engine brakes (Jake brakes).
5. The applicant will ensure the gate that can be used to block access from Cone Avenue is in working order.
6. A vegetated buffer of a minimum of six foot high will be constructed on the north and west boundaries of the extraction.
7. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155.
8. The applicant will meet with City staff for on-site inspections when requested.
9. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).

ATTACHMENTS

- A. Resolution No. PZ2019-17
- B. Application
- C. Map



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Telephone: 907-283-7535 / Fax: 907-283-3014
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CITY OF KENAI PLANNING AND ZONING COMMISSION RESOLUTION NO. PZ2019-17

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A REQUEST FOR A CONDITIONAL USE PERMIT FOR SURFACE EXTRACTION
OF NATURAL RESOURCES:

APPLICANT: PENINSULA COMMERCIAL VENTURES, LLC

USE: SURFACE EXTRACTION

LEGAL DESCRIPTION: TRACT C, HOLLIER SUBDIVISION NO. 2

PHYSICAL ADDRESS: 695 GRAVEL STREET

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04904082

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 and 14.20.151 was submitted to the City on May 22, 2019; and,

WHEREAS, the application affects land zoned as Rural Residential; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on June 12, 2019, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

1. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(1) The application is in substantial compliance with the requirements of this chapter;*

Criteria Met: This application is in substantial compliance with the requirements of this chapter. The applicant has demonstrated the proposed use meets the requirements for boundaries of the proposed extraction, back slopes, public safety, and the need for gravel within the City.

2. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(2) The boundaries of the proposed excavation at its greatest dimensions, including back slopes, are at least two hundred feet (200') from any road or public right-of-way and at least one hundred fifty feet (150') from other surrounding property lines, except that adjoining permitted surface*

extraction of natural resources sites are not required to maintain the above one hundred fifty feet (150') excavation between sites;

Criteria Met: The applicant shows buffers on the site plan. The northern and eastern buffer will be 150 to meet excavation boundaries for property lines. The buffer will be 200 feet from the western property line, which is Gravel Street, to meet the requirement to be 200 feet from any road or public right-of-way. There will not be a southern buffer because the adjacent parcel is a permitted surface extraction of natural resources by the same owner.

3. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(3) The buffer strips between the excavation site and roadways and property lines contain sufficient natural screening to obscure the entire excavation from sight of roadways and inhabited areas. If there is not sufficient natural screening, the site plan must provide for artificial screening;*

Criteria Met: The existing parcel is mostly treed. The trees provide sufficient screening to obscure the entire excavation. City staff confirmed the extraction is not visible from Beaver Loop Road or Cone Avenue. During a City staff site visit, the operator described how movable berms of overburden were placed at the northern edge of the current extraction on Tract B. Similar berms would conceal the proposed extraction on Tract C from view in areas of the parcel where trees did not provide sufficient screening. The applicant will construct a vegetated berm buffer of at least six feet high on the north and west boundaries of the extraction.

The applicant is aware that previous operators breached the buffer at the western requirements of Tract A, or perhaps the extraction was completed prior to more stringent buffer requirements from property lines. The operator has not extended the breach and has met the buffer requirements of their existing conditional use permit. The applicant hired a professional surveyor to stake the buffers on the property and City staff observed flags and stakes in place during the site visit.

4. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(4) The surface extraction is outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high-hazard coastal areas;*

Criteria Met: The applicant states that the Kenai Peninsula Borough River Center reported the subject parcel as being outside of the regulatory floodplain. City staff also confirmed the proposed extraction on Tract C as well as the existing extraction on Tract B and Tract C were outside of the one percent (1%) annual chance flood zone (one hundred (100) year floodplain), one-fifth percent (0.2%) annual chance flood zone (five hundred (500) year floodplain), and high-hazard coastal areas. The U.S. Army Corps of Engineers concurs that the extraction method is in compliance with federal wetlands regulations.

5. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(5) The site plan provides that back slopes be a minimum of a 2:1 slope, except for the contiguous working face;*

Criteria Met: The applicant states that, "Reclamation will be a continuous process including sloping the sides of the excavation 2:1 or flatter along buffer zones and inactive work areas and seeding as necessary to contain erosion". The operator also mentioned the intent to meet the 2:1 slope requirement for back slopes during a site visit with City staff.

6. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(6) The site plan does not provide for excavation below the water table except where a reasonable method of drainage is available at the particular site or where the proposed future development plan provides for a lake on the site of the excavation;*

Criteria Met: Proposed future development provides for a lake on the site of the excavation. The applicant states that water levels will be regularly monitored with significant changes reported to the City. The applicants will store fill materials, including concrete and items such as telephone poles, etc., away from areas of the site with an exposed water table.

7. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(7) If the excavation is to be below the water table and the site is likely to endanger the public safety, the site plan shall provide for fencing of the work area;*

Criteria Met: The existing road leading to the current excavation would be extended as necessary to reach the new excavation. This road has a gate which may be locked. There are also No Trespassing signs along the road along with the operator's contact information. Adjacent property of the proposed construction is mostly vacant lots. To the south are two parcels with existing extraction that are also owned by Peninsula Commercial Ventures. Casual access is not likely as there is no amenity (such as the Kenai River or Beaver Creek or residences) that would attract people down the road or near the excavation site.

8. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(8) The proposed use of land after extraction is completed is feasible and realistic and is a use permitted in the zone in which the property is located;*

The proposed long-term use of the site is for residential and recreational use. The applicants describes plans to grade and topsoil the area with stockpiles of existing overburden stripping and/or clean fill material from excavation projects. The property would then be subdivided into residential lots and the pit would become a lake.

9. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(9) The extraction does not destroy the land for the purposes for which it is zoned;*

The end result of the extraction will be a residential neighborhood. City staff discussed the importance of ensuring a clean water supply in the City and the applicant will take measures to monitor water levels and be mindful of what is allowed near water and sensitive areas of the landscape.

10. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(10) The need for the particular natural resource within the City of Kenai outweighs any detrimental effects the operation may have on surrounding property owners;*

The applicant will sell some of the gravel for road projects within the City of Kenai. There are very few surrounding property owners and the benefit of a local gravel source from this location outweighs any potential detrimental effects.

11. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(11) The applicant is the owner of the subject property.*

The applicant is the owner of the subject property.

12. The applicant meets criteria for surface extraction in *KMC 14.20.154(a)(11) Clearing limits shall be delineated on the site plan as well as clearly visible on site and shall be inspected by the City Planner or designee prior to the application being deemed complete.*

City staff conducted a site visit on June 3, 2019. Buffer limits are delineated clearly on the site plan.

13. The applicant meets criteria for conditional use permits in *KMC 14.20.150(d)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

The property under consideration is within the Rural Residential (RR) Zone. Pursuant to KMC 14.20.080, the intent of the zone is for low density residential development in an attractive residential environment, to prohibit uses which would violate the residential character of the environment or generate heavy traffic in a predominantly residential area, and to separate residential structures in order to prevent health hazards and preserve the rural, open quality of the environment. Surface extraction is a permitted use and can be consistent with the intent of the residential zone. The proposed extraction is adjacent to an existing permitted gravel pit and vacant lots. It would not change the character of the neighborhood. This use is consistent with the purposes and intent of the RR Zone.

14. The applicant meets criteria for conditional use permits in *KMC 14.20.150(d)(2) The value of the adjoining property and neighborhood will not be significantly impaired;*

Adjacent property to the south is a permitted gravel pit and vacant land. Once extraction is complete, the developer would construct homes. Adjacent property values will not be affected by the proposed surface extraction. The applicant will not use compression release engine brakes (Jake brakes) to reduce noise.

15. The applicant meets criteria for conditional use permits in *KMC 14.20.150(d)(3) The proposed use is in harmony with the Comprehensive Plan;*

The 2016 *Imagine Kenai 2030 Comprehensive Plan* notes on p. 74 that, areas off of Beaver Loop Road has been a conditional use to obtain economically advantageous local sources of gravel and fill, but that there is potential for conflict between surface extraction and residential uses. The location of this pit minimizes the potential for conflict with neighbors and fits with the pattern of land use along Beaver Loop Road in the City. The surface extraction will support Goals 2 and 3 for economic development and land use that support the fiscal health of Kenai and implement a forward-looking approach to community growth.

16. The applicant meets criteria for conditional use permits in *KMC 14.20.150(d)(4) Public services and facilities are adequate to serve the proposed use;*

The surface extraction will be accessed by a dedicated easement to Cone Avenue across adjacent Tracts A and B, which are also owned by the applicant. Cone Avenue and the easement provides access to the parcels from Beaver Loop Road.

17. The applicant meets criteria for conditional use permits in *KMC 14.150(d)(5) The proposed use will not be harmful to the public safety, health or welfare;*

The applicant notes adequate barriers and screening. The extraction will not be a safety concern or visual impairment. The applicants has plans for reclamation and will be careful about materials stored near water.

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

Section 1. That a conditional permit for surface extraction is granted to Peninsula Commercial Ventures, LLC.

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

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. The applicant will properly store fuel oil and hazardous materials away from wetlands or other sensitive areas of the landscape.
3. The applicant will not store fill materials, such as concrete and construction waste, in or near areas with an exposed water table.
4. The applicant will limit noise disturbances and not use compression release engine brakes (Jake brakes).
5. The applicant will ensure the gate that can be used to block access from Cone Avenue is in working order.
6. A vegetated buffer of a minimum of six foot high will be constructed on the north and west boundaries of the extraction.
7. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155.
8. The applicant will meet with City staff for on-site inspections when requested.
9. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 12th day of JUNE, 2019.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Resolution PZ2019-17
Page 5 of 6

DRAFT

PENINSULA COMMERCIAL VENTURES LLC
3201 Tamarak Ave. Wasilla AK 99654
(907) 252-5326 akgold16@gmail.com

To: City of Kenai Planning Department
210 Fidalgo Avenue, Kenai, AK 99611

ATTN: Elizabeth Appleby, City Planner

Date: May 22, 2019



Subject: Application for Conditional Use Permit for Extraction of a Natural Resource
Tract C, Hollier S/D No. 2

City of Kenai,

Please find the attached application to extract gravel from the subject lot. Sand and gravel sources are getting increasingly scarce on the Kenai Peninsula, while on-going road construction requires materials sources for increasingly wider roads. Peninsula Commercial Ventures (PCV) bought Tracts A-1, B and C as a group with the intention of extracting gravel to sell for road and other commercial activities, as well as to private land-owners. Tract C is adjacent to an existing active permitted gravel pit (Tracts B and A-1). It lies in swamp land with some spruce forested areas along the east side, and has similar topography with the adjacent Tract B. There are no developed lands adjacent, except for the operating pit on Tract B.

In response to the application instructions for a narrative statement:

We received from your office an existing "Proposed Material Site Survey Project for Aggregate Recovery" authored by Geotechnical Data Systems covering Tracts A, B and C. We have reviewed this and find it is still applicable. Test holes dug in Tracts B and C indicate a water table approximately 10' deep, rising towards the north boundary. PCV will be regularly monitoring water levels as a natural part of the excavation process, and will note significant changes on the annual reports. The Kenai River Center reports that this land is outside of the regulatory flood plain, and the US Army Corp of Engineers concurs that the extraction method is in compliance with federal wetlands regulations.

Extraction is expected to occur on a continuing basis. Assuming 2 feet of overburden and a total 15' excavation depth, we estimate that the 18.9 acres within the buffer zones will provide 400,000 cubic yards of gravelly sand or sandy gravel. Summer hours of operation will be 7 AM to 8 PM, but sometimes expanded to both day and night shifts during major construction projects such as the current Spur Highway Rehabilitation Project (scheduled to end this fall). Otherwise, summer work would be sporadic from 7 AM to 8 PM. As normal in this type of activity, little to no work occurs during winter months, but if there is, it will be restricted to 8 AM to 8 PM.

Access is via a dedicated easement to Cone Avenue, thence onto Beaver Loop Road. The tract is generally in swampy, muskeg area with no trails or other access, and no fencing or barricades are planned outside of the visual buffer and extraction limits buffer. Casual access is not likely. The visual buffer will be a minimum 50 feet of trees left in place on the east. There are no roads or improvements visible across the swamp from the property, but a buffer on the north and west will be built a minimum 6 feet high from overburden strippings from the excavation as it proceeds, vegetated with natural ground cover and/or a mixture of grass seed similar to what DOT uses along highways. The south connects to the existing gravel pits.

Operations will involve excavating and screening the material, using a wide variety of excavators, loaders, trucks, dozers, etc., and will be hauled by truck. Operations are expected to continue indefinitely.

Reclamation will be a continuous process including sloping the sides of the excavation 2:1 or flatter along buffer zones and inactive work areas and seeding as necessary to contain erosion. Fill material, particularly items such as telephone poles, concrete, etc., will not be stored near or allowed into areas with an exposed water table. Fuel oil or similar materials, if on site, will be set back from sensitive areas and handled in compliance with local, state and federal law.

Future (post extraction) use: The long-term plan for the site is to subdivide and sell the property as recreational or residential housing. Once extraction is complete the area will be graded, topsoiled, and subdivided similar to the plan in the Site Survey document referenced above, complete with private lake and park-like areas. Grading and topsoil for this will be from stockpiles of existing overburden stripping on site and/or clean fill material from excavation projects.

Thank you for your consideration in this matter. PCV hopes this project will be accepted as a benefit to the City, the Community, and PCV.



Glen Martin
Manager, Peninsula Commercial Ventures



**CONDITIONAL USE PERMIT APPLICATION
FOR EXTRACTION OF
NATURAL RESOURCE PERMIT
KMC 14.20.150; KMC 14.20.151 & KMC 14.20.154 – 14.20.158**

PZ 2019-17

Reset Form

OWNER	PETITIONER REPRESENTATIVE (IF ANY)
Name: Peninsula Commercial Ventures LLC	Name: Glen Martin
Mailing Address: 3201 Tamarak Ave.	Mailing Address: POB 1389
City, State, Zip: Wasilla, AK, 99654	City, State, Zip: Soldotna, AK 99669
Phone Number: 907-252-5326	Phone Number: 907-252-5326
Fax Number:	Fax Number:
Email: akgold16@gmail.com	Email: akgold16@gmail.com

PROPERTY INFORMATION
Property Tax ID #: 04904082
Site Street Address: 695 GRAVEL ST
Current Legal Description: T 5N R 11W SEC 2 SEWARD MERIDIAN KN 0830053 HOLLIER SUB NO 2 TRACT C
Conditional Use Requested For: (Describe the project, and use additional sheets if necessary) Narratives <u>must</u> include items required in KMC 14.20.151(b)
<p>Section 14.20.151 of the Kenai Municipal code outlines regulations to engage in the surface extraction of natural resources. To qualify for a Conditional Use Permit for Extraction of Natural Resources, you <u>must</u> meet the following criteria:</p> <ul style="list-style-type: none"> • A site plan, drawn to scale containing the following: <ul style="list-style-type: none"> ○ Graphic (and legal) description of the proposed area, including dimensions in feet and number of acres or square feet; ○ Existing topographical contours with not less than ten foot (10') contour intervals; ○ Proposed finished topographical contours (when extraction is completed) with not less than ten foot (10') contour intervals; ○ Existing and proposed buildings and structures on the site; ○ Principal access points which will be used by trucks and equipment, including ingress and egress points and internal circulation, especially the haul road from the public road to the proposed site of the pit; ○ Indication of the existing landscape features, including cleared areas, wooded areas, streams, lakes, marsh areas, and so forth; ○ Location and nature of other operations, if any, which are proposed to take place on the site. • A narrative statement containing the following information: <ul style="list-style-type: none"> ○ Soil surveys with reference to the average year-round water table throughout the entire acreage. Piezometers may be used to determine an average water depth; ○ Estimated amount of material to be removed from the site over the entire period of operation; ○ Estimated length of time to complete the operation, or, if the pit is to be operated on a continuing basis, a statement to that effect; ○ Proposed hours of operation; ○ Method of fencing or barricading the petition area to prevent casual access; ○ Amount and location of natural screening provided by trees and vegetation, if any, between the property lines and the proposed site of the pit; ○ Plans, if any, to construct artificial screening; ○ Description of operations or processing which will take place on the site during and after the time the material is extracted; ○ Plan or program for regarding and shaping the land for future use; ○ Method of backfilling and/or replacing topsoil; ○

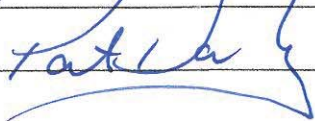
<ul style="list-style-type: none"> ○ Proposed future use of the land after resources are extracted, including a proposed development plan showing location of houses, parks, lakes, etc.; ○ Other information which may pertain to the particular site. ● Proof that the applicant has obtained or is eligible to obtain the necessary licenses required by state or federal agencies. ● Proof that the applicant is the owner of the subject property.
Zoning: <u>RR</u> Acreage: <u>29.5</u>

LAND USE: Describe current use of property covered by this application: Vacant
Surrounding property: (Describe how land adjacent to the property is currently being used) North: Vacant swamp
South: Gravel Pit
East: Vacant swamp/forest
West: Vacant swamp

DOCUMENTATION Required Attachments: Extraction of Natural Resources Application Form Site Plan/KMC 14.20.151(a) \$425 Fee (plus applicable sales tax) KPB Tax Compliance (if applicable) State Business License (if applicable)
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AUTHORITY TO APPLY FOR A CONDITIONAL USE PERMIT:

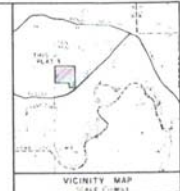
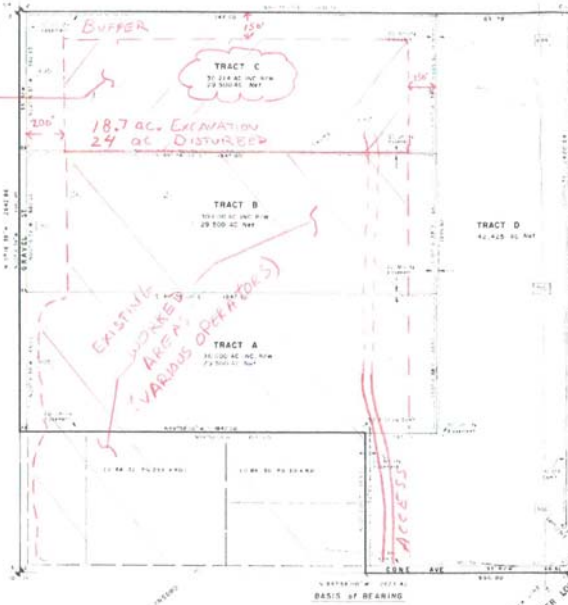
I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a Natural Resources Conditional Use Permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the Conditional Use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff or the Planning and Zoning Commission. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application and if Conditional Use Permit is approved to ensure the operation is operating in compliance.

Date: <u>5/21/19</u>	Signature: 
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APPLICATION FOR
CONDITIONAL USE PERMIT
FOR EXTRACTION OF
NATURAL RESOURCES

ORIGINAL ELEVATION 11.54'
INSIDE BUFFER WORKING ELEV. 36" TO 44" (PROPOSED)

NO EXISTING OR PROPOSED STRUCTURES



- LEGEND AND NOTES
- 1. 1/4" = 100' SCALE
 - 2. 1/4" = 100' SCALE
 - 3. 1/4" = 100' SCALE
 - 4. 1/4" = 100' SCALE
 - 5. 1/4" = 100' SCALE
- All easements, treatment and disposal systems shall comply with existing local laws of construction.
1. 1/4" = 100' STREET ADDRESS



3/23/19
K...
1/4" = 100'
1/4" = 100'

STATE OF ALASKA
NOTARY PUBLIC
MARY HOLLER

NOTARY'S ACKNOWLEDGMENT
I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant and that the same was read to and by the applicant and that the same was signed by the applicant in my presence and in the presence of the witnesses named herein.

CERTIFICATE OF OWNERSHIP AND DEDICATION
We hereby certify that we own the entire lot of property and request the approval of this plat showing such property for public utility, roadway, and/or stream dedicated to us for public use.

Edward C. Holler James M. Holler
OWNER OF TRACTS 1, 2, 3, & 4

PLAT APPROVAL
This plat was approved by the Planning Department Planning Commission on the 19th day of June, 2019.

Kevin Perreault
City Planning Director

PartDaly AK CE 11528

HOLLIER SUBDIVISION NO 2

TRACTS 1, 2, 3, & 4, BEARER LOOP, CANTON, ALASKA

SECTION 10, T4N, R10W, S12E, ALASKA, AND THE CITY OF CANTON

OWNER: MCLANE AND ASSOCIATES, INC.
CANTON, ALASKA

DATE OF SURVEY: 11/14/18
SCALE: 1/4" = 100'

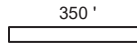


PZ2019-17 Map



LEGEND

- Tract C, Hollier Subd. No. 2
KPB# 04904082
(Subject Parcel Proposed for New Extraction)
- Tract A-1A, Hollier Subd. No. 4
KPB#
- Tract B, Hollier Subd. No. 2
KPB#
(Parcels Currently Permitted for Extraction)



1 inch equals 401 feet



The information depicted is for graphic representation only of the best available sources.

The City of Kenai assumes no responsibility for errors on this map.

Date: 6/3/2019



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STAFF REPORT

To: Planning & Zoning Commission

Date: June 6, 2019

Subject: Resolution PZ2019-18 – Transfer of Conditional Use Permit from Blue Heron Land Co., LLC Transferor, to Blue Heron Enterprises, LLC, Transferee

Applicant: Blue Heron Enterprises, LLC
Hal Westbrook, Jr., Representative
560 Curry Road
Roseburg, OR 97471

Requested Action: Transfer of Conditional Use Permit PZ06-84 (PZ01-11)

Legal Description: Lot 1, Block 2, Anglers Acres Subdivision, Addition No. 1

Property Address: 1230 Angler Drive

KPB Parcel No: 04939049

Lot Size: 70,567 square feet (1.62 acres)

Existing Zoning: Rural Residential (RR)

Current Land Use: Hotel (Short-term Recreational Rentals)

Land Use Plan: Low Density Residential

GENERAL INFORMATION

Hal Westbrook, member of Blue Heron Land Company, LLC holds a conditional use permit to operate a hotel (short-term recreational rentals). The City has received an application to transfer the permit to Blue Heron Enterprises, LLC. The hotel (short-term recreational rentals) is located within the Rural Residential (RR) Zone of the City.

Application, Public Notice, Public Comment

On May 15, 2019, the transferee, Blue Heron Enterprises, LLC, submitted an Application for

Transfer of Conditional Use Permit to follow Kenai Municipal Code (KMC) 14.20.158(a) requiring an application for transfer in writing.

City staff published notice of the application in the *Peninsula Clarion*. No public comments has been received as of June 6, 2019.

ANALYSIS

On March 28, 2001, the Planning and Zoning Commission passed Resolution PZ01-11 for the conditional use of a hotel (short-term recreational rentals). The permit was issued to Brian Lowe, d/b/a Hi-Lo Charters.

The property was sold to Blue Heron Land Company, LLC on November 13, 2006, and Hal Westbrook, member of Blue Heron Land Company, LLC, submitted an Application for Transfer of Conditional Use Permit. On December 13, 2006, the Planning and Zoning Commission reviewed the application and passed Resolution PZ06-84 transferring Conditional Use Permit PZ01-11 to Blue Heron Enterprises, LLC. Mr. Westbrook has filed annual reports, pursuant to Kenai Municipal Code 14.20.150(f). He is current with obligations due to the City of Kenai and the Kenai Peninsula Borough.

Kenai Municipal Code (KMC) 14.20.150(i)(5) states the following on transfers of conditional use permits:

KMC 14.20.150(i)(5) Transferability. 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.

The applicant has provided information to the City showing the current permit holder, Blue Heron Enterprises, LLC, meets current conditions of PZ06-84 (PZ01-11). The new permit holder would continue to operate under the terms and conditions of the PZ06-84 and the original Conditional Use Permit PZ01-11. There would not be a change in use. The following reviews the existing conditions of the permit that would carry over with the transfer:

1. Applicant must comply with all Federal, State and local regulations.

The transferor has complied with all government regulations and the transferee will continue to operate under this condition.

2. Develop water and sewer system as submitted with application to meet DEC standards for the proposed use.

On May 17, 2008, the Transferor received final approval to operate a Community Wastewater Treatment and Disposal System from the Alaska Department of Environmental Conservation (DEC). The transferee will continue to operate under this condition.

3. Prior to implementation of use, the structure must be inspected by the City of Kenai Fire Marshal and meet fire code requirements for proposed use. After initial inspection, as long as the use is active, structures must be inspected every two years thereafter.

The transferor had the premises inspected prior to operating and has continued to have

the Fire Marshal inspect the premises every two years. The transferee will continue to operate under this condition.

4. If food service is provided, must meet DEC requirements for food service.

Transferor has indicated that food service is not provided at this location at this time. The transferee does not have plans to add food service, but will abide by this condition if that would change in the future.

The transferor has met these conditions and the transferee would continue to operate under these conditions.

RECOMMENDATIONS

The transfer of conditional use permit for hotel (short-term recreational rentals) meets the requirements of Kenai Municipal Code 14.20.150(i)(5) and 14.20.157(a). City staff recommends approval of the transfer of Conditional Use Permit PZ06-84 (PZ01-11), subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai, pursuant to Kenai Municipal Code 14.20.321(d).
3. The water and sewer system must meet the standards and have approval to operate from the Alaska Department of Environmental Conservation.
4. If food service is provided, it must meet State of Alaska requirements for food service.
5. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).

ATTACHMENTS

1. Draft Resolution No. PZ2019-18
2. Resolution No. PZ01-11
3. Resolution No. PZ 06-84
4. Application
5. Map



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Telephone: 907-283-7535 / Fax: 907-283-3014
www.kenai.city

**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2019-18**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A REQUEST FOR A TRANSFER OF CONDITIONAL USE PERMIT FOR THE
USE OF HOTEL (SHORT-TERM RECREATIONAL RENTALS) TO:

APPLICANT: BLUE HERON ENTERPRISES, LLC

USE: HOTEL (SHORT-TERM RECREATIONAL RENTALS)

LEGAL DESCRIPTION: LOT 1, BLOCK 2, ANGLERS ACRES SUBDIVISION,
ADDITION NO. 1, PART TWO

PHYSICAL ADDRESS: 1230 ANGLER DRIVE

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04939049

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on May 15, 2019; and,

WHEREAS, the application affects land zoned as Rural Residential; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on June 12, 2019, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

1. The transferor has complied with the conditions of the existing permit (PZ01-11 and PZ06-84); and,
2. The transferee will comply with the conditions of the existing permit (PZ01-11 and PZ06-84); and,
3. The applicant would not change the use of the property allowed under the permit.

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

Section 1. That the conditional permit granted under PZ06-84 (PZ01-11) is transferred to

Blue Heron Enterprises, LLC.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai, pursuant to Kenai Municipal Code 14.20.321(d).
3. The water and sewer system must meet the standards and have approval to operate from the Alaska Department of Environmental Conservation.
4. If food service is provided, it must meet State of Alaska requirements for food service.
5. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 12th day of JUNE, 2019.

ATTEST:

JEFF TWAIT, CHAIRPERSON

JAMIE HEINZ, CMC, CITY CLERK



CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ06-84 (PZ 01-11)
TRANSFER OF CONDITIONAL USE PERMIT
HOTEL
(SHORT-TERM RECREATIONAL RENTALS)

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI GRANTING THE TRANSFER OF A CONDITIONAL USE PERMIT FOR HOTEL (SHORT-TERM RECREATIONAL RENTALS) AS AUTHORIZED BY 14.20.158 OF THE KENAI ZONING CODE FROM:

BRYAN R. LOWE TO HAL WESTBROOK, MEMBER OF BLUE HERON LAND COMPANY, LLC FOR THE PROPERTY KNOWN AS LOT 1, BLOCK 2 ANGLERS ACRES SUBDIVISION, ADDITION NO. 1 PART 2, KENAI, ALASKA.

WHEREAS, the Commission finds:

1. That a Conditional Use Permit was granted to Bryan R. Lowe, Hi-Lo Charters, in 2001 for Hotel (Short-term Recreational Rentals).
2. That KMC 14.20.150 (i)(4) requires that a written request for transfer be submitted.
3. A request to transfer the permit was received on November 20, 2006.
4. That the transfer requires that the permit continue operation under conditions originally outlined.
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 CONDITIONAL USE PERMIT FOR BRYAN R. LOWE DBA HI-LO CHARTERS FOR HOTEL (SHORT TERM RECREATIONAL RENTALS) BE TRANSFERRED TO HAL WESTBROOK, MEMBER OF BLUE HERON LAND COMPANY, LLC. PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, AT THEIR SCHEDULED MEETING DECEMBER 13, 2006.

CHAIRPERSON

ATTEST

**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ01-11
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: Brian Lowe – Hi-Lo Charters

USE Hotel – Short-term Recreational Rentals

LOCATED 1230 Angler Drive – Lot 1, Block 2, Anglers Acres Subdivision, Part 2
(Street Address/Legal Description)

KENAI PENINSULA BOROUGH PARCEL NO: 04939049

WHEREAS, the Commission finds:

1. That an application meeting the requirements of Section 14.20.150 has been submitted and received on: March 7, 2001
2. This request is on land zoned: Rural Residential
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. *See attached.*
 - b.
4. That a duly advertised public hearing as required by KMC 14.20.280 was conducted by the Commission on: March 28, 2001

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI THAT THE APPLICANT **HAS** DEMONSTRATED THAT THE PROPOSED **HOTEL (SHORT-TERM RECREATIONAL 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, MARCH 28, 2001.

CHAIRPERSON: *Ron Specke*

ATTEST: *Kuschall*

3. Additional requirements:

- a. Develop water and sewer system as submitted with application to meet D.E.C. standards for the proposed use.
- b. Prior to implementation of use, the structures must be inspected by the City of Kenai Fire Marshal and meet fire code requirements for proposed use. After initial inspection, as long as the use is active, structures must be inspected every two years thereafter.
- c. If food service is provided, must meet D.E.C. requirements for food service.



APPLICATION FOR TRANSFER OF CONDITIONAL USE PERMIT
 KMC 14.20.150(i)(5) & 14.20.158

CURRENT CUP HOLDER (TRANSFEROR)		NEW CUP HOLDER (TRANSFeree)	
Name:	Blue Heron Land Co, LLC	Name:	Blue Heron Enterprises, LLC
Mailing Address:	560 Curry Rd	Mailing Address:	560 Curry Rd
City, State Zip:	Roseburg, OR 97471	City, State Zip:	Roseburg, OR 97471
Phone Number:	541-430-3522	Phone Number:	541-221-9609
Fax Number:	(888) 286-4619	Fax Number:	(888) 286-4619
Email:	hal.westbrook@gmail.com	Email:	hwestbrook@gmail.com

PROPERTY INFORMATION FOR EXISTING CONDITIONAL USE PERMIT	
Property Tax ID #:	04939049
Current CUP Resolution #:	PZ06-84 (PZ01-11)
Site Street Address:	1230 Angler Dr
Current Legal Description:	Lot 1, Block 2, Anglers Acres Subdivision, Addition No. 1, Part Two, Plat No. 96-70
Zoning:	
Acreage:	1.62 acre
PROPERTY INFORMATION FOR PROPOSED CONDITIONAL USE PERMIT - IF DIFFERENT	
Property Tax ID #:	
Site Street Address:	
Current Legal Description:	
Zoning:	
Acreage:	

CERTIFICATION OF TRANSFeree: 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 PZ 06-85. I agree to operate under the terms and conditions of the original Conditional Use Permit and application. I understand site visits may be required to process this application for purpose of confirming compliance with conditional use permit conditions.

Date: 2019-05-17	Transferee Signature: <i>Hal Westbrook</i>
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ACKNOWLEDGEMENT OF TRANSFEROR: I hereby acknowledge that Henry Westbrook (name of Transferee) has applied for a transfer of Conditional Use Permit PZ 06-84, and consent to the transfer.

Date: 2019-05-17	Transferor Signature: <i>Hal Westbrook</i>
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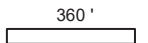
PZ 2019-18
RECEIVED
 CITY OF KENAI
 DATE 5/15/19
 PLANNING DEPARTMENT



**Parcel No:
04939049**

**Lot 1,
Anglers Acres Subd.
Addition No. 1**

Map for PZ2019-18



1 inch equals 417 feet

The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 6/6/2019



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STAFF REPORT

To: Planning & Zoning Commission

Date: June 6, 2019

Subject: Resolution PZ2019-19 – Transfer of Conditional Use Permit from Blue Heron Land Co., LLC, Transferor, to Blue Heron Enterprises, LLC, Transferee

Applicant: Blue Heron Enterprises, LLC
Hal Westbrook, Jr., Representative
560 Curry Road
Roseburg, OR 97471

Requested Action: Transfer of Conditional Use Permit PZ06-85 (PZ05-26)

Legal Description: Lot 6, Anglers Acres Subdivision, Part 3

Property Address: 1105 Angler Drive

KPB Parcel No: 04939034

Lot Size: 43,560 square feet (1 acre)

Existing Zoning: Rural Residential (RR)

Current Land Use: Hotel, Guide Service, and Boat Parking

Land Use Plan: Low Density Residential

GENERAL INFORMATION

Hal Westbrook, member of Blue Heron Land Company, LLC holds a conditional use permit to operate a hotel, guide service, and boat parking. The City has received an application to transfer the permit to Blue Heron Enterprises, LLC. The hotel, guide service, and boat parking is located within the Rural Residential (RR) Zone of the City.

Application, Public Notice, Public Comment

On May 15, 2019, the transferee, Blue Heron Enterprises, LLC, submitted an Application for

Transfer of Conditional Use Permit to follow Kenai Municipal Code (KMC) 14.20.158(a) requiring an application for transfer in writing.

City staff published notice of the application in the *Peninsula Clarion*. No public comments have been received as of June 6, 2019.

ANALYSIS

On May 11, 2005, the Planning and Zoning Commission passed Resolution PZ05-26 for the conditional use of a hotel, guide service, boat parking. The permit was issued to Brian Lowe, d/b/a Hi-Lo Charters and Riverside Lodge.

The property was sold to Blue Heron Land Company, LLC on November 13, 2006, and Hal Westbrook, member of Blue Heron Land Company, LLC, submitted an Application for Transfer of Conditional Use Permit. On December 13, 2006, the Planning and Zoning Commission reviewed the application and passed Resolution PZ06-85 transferring Conditional Use Permit PZ05-26 to Blue Heron Enterprises, LLC. Mr. Westbrook has filed annual reports, pursuant to Kenai Municipal Code 14.20.150(f). He is current with obligations due to the City of Kenai and the Kenai Peninsula Borough.

Kenai Municipal Code (KMC) 14.20.150(i)(5) states the following on transfers of conditional use permits:

KMC 14.20.150(i)(5) Transferability. 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.

The applicant has provided information to the City showing the current permit holder, Blue Heron Enterprises, LLC, meets current conditions of PZ06-85 (PZ05-26). The new permit holder would continue to operate under the terms and conditions of the PZ06-85 and the original Conditional Use Permit PZ05-26. There would not be a change in use. The following reviews the existing conditions of the permit that would carry over with the transfer:

- a. Applicant must comply with all Federal, State and local regulations.

The transferor has complied with all government regulations and the transferee will continue to operate under this condition.

RECOMMENDATIONS

The transfer of conditional use permit for hotel, guide service, and boat parking meets the requirements of Kenai Municipal Code 14.20.150(i)(5) and 14.20.157(a). City staff recommends approval of the transfer of Conditional Use Permit PZ06-84 (PZ01-11), subject to the following conditions:

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

- b. A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai, pursuant to Kenai Municipal Code 14.20.321(d).
- c. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155.
- d. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).

ATTACHMENTS

- 1. Draft Resolution No. PZ2019-19
- 2. Resolution No. PZ05-26
- 3. Resolution No. PZ06-85
- 4. Application
- 5. Map



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**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2019-19**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A REQUEST FOR A TRANSFER OF CONDITIONAL USE PERMIT FOR THE
USE OF HOTEL, GUIDE SERVICE, AND BOAT PARKING TO:

APPLICANT: BLUE HERON ENTERPRISES, LLC

USE: HOTEL, GUIDE SERVICE, AND BOAT PARKING

LEGAL DESCRIPTION: LOT 6, ANGLERS ACRES SUBDIVISION PART 3

PHYSICAL ADDRESS: 1105 ANGLER DRIVE

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04939034

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on May 15, 2019; and,

WHEREAS, the application affects land zoned as Rural Residential; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on June 12, 2019, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

1. The transferor has complied with the conditions of the existing permit (PZ05-26 and PZ06-85); and,
2. The transferee will comply with the conditions of the existing permit (PZ05-26 and PZ06-85); and,
3. The applicant would not change the use of the property allowed under the permit.

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

Section 1. That the conditional permit granted under PZ06-85 (PZ05-26) is transferred to Blue Heron Enterprises, LLC.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai, pursuant to Kenai Municipal Code 14.20.321(d).
3. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155.
4. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 12th day of JUNE, 2019.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ06-85 (PZ 05-26)
TRANSFER OF CONDITIONAL USE PERMIT
HOTEL AND GUIDE SERVICE

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI GRANTING THE TRANSFER OF A CONDITIONAL USE PERMIT FOR HOTEL, GUIDE SERVICE AND BOAT PARKING AS AUTHORIZED BY 14.20.158 OF THE KENAI ZONING CODE FROM:

BRYAN R. LOWE TO HAL WESTBROOK, MEMBER OF BLUE HERON LAND COMPANY, LLC FOR THE PROPERTY KNOWN AS LOT 6, ANGLERS ACRES SUBDIVISION, PART 3, KENAI, ALASKA.

WHEREAS, the Commission finds:

1. That a Conditional Use Permit was granted to Bryan R. Lowe, Hi-Lo Charters, in 1988 for Guide Service with Boat Parking.
2. That in 2005, Mr. Lowe's permit was amended to include Hotel.
3. That KMC 14.20.150 (i)(4) requires that a written request for transfer be submitted.
4. A request to transfer the permit was received on November 20, 2006.
5. That the transfer requires that the permit continue operation under conditions originally outlined.
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 CONDITIONAL USE PERMIT FOR BRYAN R. LOWE DBA HI-LO CHARTERS FOR HOTEL, GUIDE SERVICE AND BOAT PARKING BE TRANSFERRED TO HAL WESTBROOK, MEMBER OF BLUE HERON LAND COMPANY, LLC PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, AT THEIR SCHEDULED MEETING DECEMBER 13, 2006.

CHAIRPERSON

Phil Bryson

ATTEST

[Signature]



CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ05-26 (PZ96-9)
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: Bryan Lowe dba Hi Lo Charters & Riverside Lodge

USE Hotel, Guide, & Boat Parking

LOCATED 1105 Angler Drive – Lot 6, Angler Acres Subdivision Part 3

(Street Address/Legal Description)

KENAI PENINSULA BOROUGH PARCEL NO: 04939034

WHEREAS, the Commission finds:

1. That an application meeting the requirements of Section 14.20.150 has been submitted and received on: April 20, 2005
2. This request is on land zoned: RR – Rural Residential
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. Provide DEC certification for on-site septic system.
4. That the Commission conducted a duly advertised public hearing as required by KMC 14.20.280 on: May 11, 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 **HOTEL, GUIDE, & BOAT PARKING** 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 11, 2005.

CHAIRPERSON: *[Signature]*

ATTEST: *[Signature]*



APPLICATION FOR TRANSFER OF CONDITIONAL USE PERMIT
KMC 14.20.150(i)(5) & 14.20.158

CURRENT CUP HOLDER (TRANSFEROR)		NEW CUP HOLDER (TRANSFeree)	
Name:	Blue Heron Land Co, LLC	Name:	Blue Heron Enterprises, LLC
Mailing Address:	560 Curry Rd	Mailing Address:	560 Curry Rd
City, State Zip:	Roseburg, OR 97471	City, State Zip:	Roseburg, OR 97471
Phone Number:	541-430-3522	Phone Number:	541-221-9609
Fax Number:	(888) 286-4619	Fax Number:	(888) 286-4619
Email:	hal.westbrook@gmail.com	Email:	hwestbrook@gmail.com

PROPERTY INFORMATION FOR EXISTING CONDITIONAL USE PERMIT	
Property Tax ID #:	04939034
Current CUP Resolution #:	PZ06-85 (PZ05-26)
Site Street Address:	1105 Angler Dr
Current Legal Description:	Lot 6, Angler's Acres, Sub Part 3, Plot No. 78-168
Zoning:	
Acreage:	1 acre
PROPERTY INFORMATION FOR PROPOSED CONDITIONAL USE PERMIT - IF DIFFERENT	
Property Tax ID #:	
Site Street Address:	
Current Legal Description:	
Zoning:	
Acreage:	

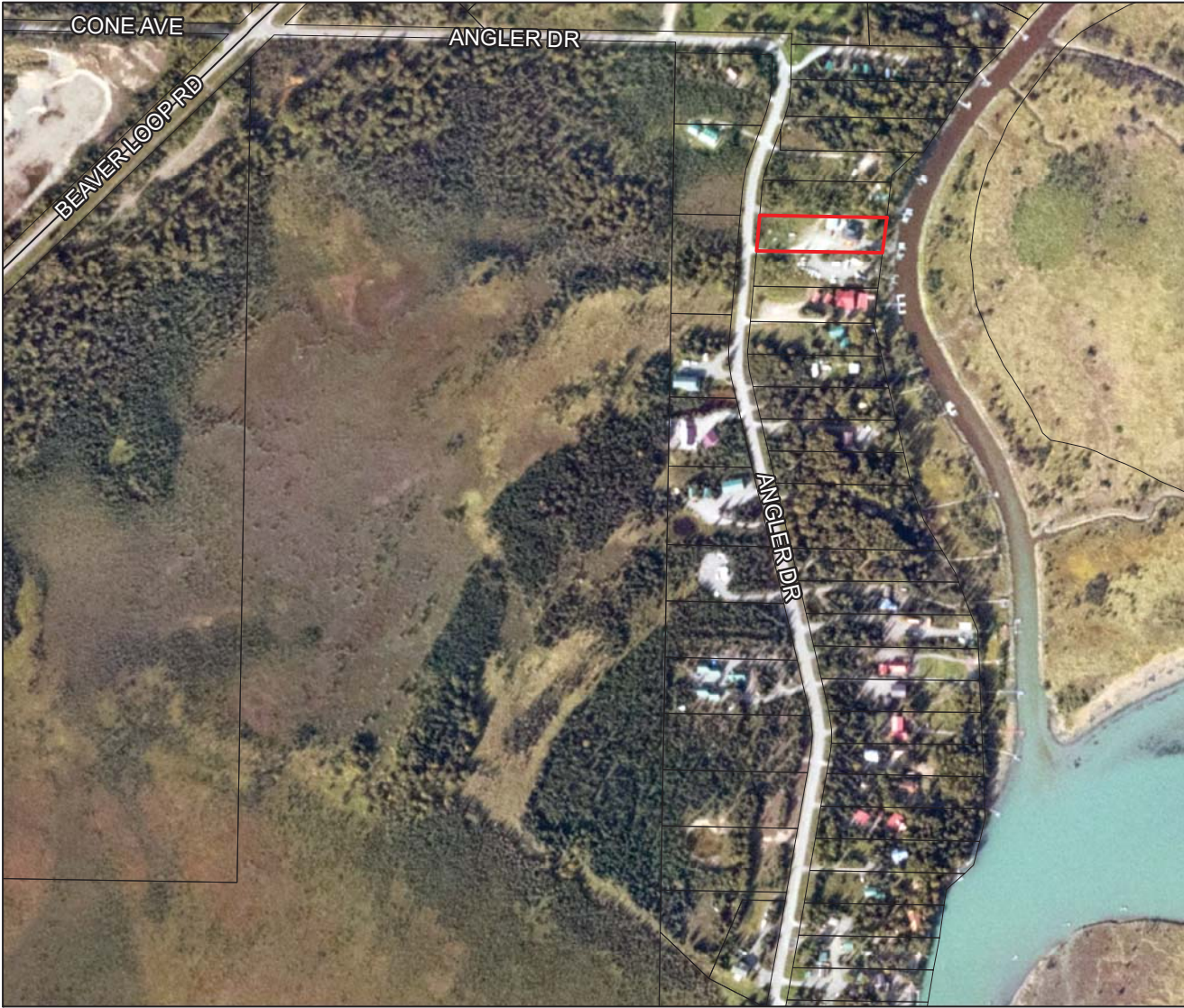
CERTIFICATION OF TRANSFeree: I hereby certify that I am the property owner (transferee), or have been authorized to act on behalf of the property owner¹, and hereby apply for a transfer of Conditional Use Permit PZ 06-85. I agree to operate under the terms and conditions of the original Conditional Use Permit and application. I understand site visits may be required to process this application for purpose of confirming compliance with conditional use permit conditions.

Date: 2019-05-17	Transferee Signature: <i>Henry Westbrook</i>
------------------	--

ACKNOWLEDGEMENT OF TRANSFEROR: I hereby acknowledge that Henry Westbrook (name of Transferee) has applied for a transfer of Conditional Use Permit PZ 06-85, and consent to the transfer.

Date: 2019-05-17	Transferor Signature: <i>Henry Westbrook</i>
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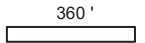
PZ 2019-19
RECEIVED
CITY OF KENAI
DATE 5/15/19
PLANNING DEPARTMENT



**Parcel No:
04939034**

**Lot 6,
Anglers Acres Subd.
Part 3**

Map for PZ2019-19



1 inch equals 417 feet

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Date: 6/6/2019

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MEMORANDUM

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: June 12, 2019
SUBJECT: Plat for Kee's Tern Subdivision – Time Extension

On May 24, 2019, the Kenai Peninsula Borough notified the City of request from the surveyor for a one-year time extension for the finalization of the plat of Kee's Tern Subdivision. The Kenai Peninsula Borough requires concurrence from the City of Kenai before granting the extension request.

The proposed subdivision received preliminary plat approval by the Kenai Peninsula Borough Planning Commission on February 11, 2013. The City of Kenai Planning and Zoning Commission recommended approval of the preliminary plat on December 11, 2013 (PZ13-41). Several time extensions and the recording of Phase 1 on May 12, 2015, under Plat Number 2015-25 have extended preliminary approval to June 12, 2019.

If the Planning and Zoning Commission approves, City staff would sign the attached letter of non-objection to the time extension. City staff have no issues with the time extension request and recommend approval. Please note that the same conditions from PZ13-41 would still apply to the approval of the plat with the time extension. A copy of PZ13-41 and the plat are attached for reference.

Thank you for your consideration.





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June 13, 2019

Jordan Reif, Platting Technician
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

RE: Kee's Tern Subdivision
Time Extension Request
KPB File 2013-023

Dear Mr. Reif:

This letter is in response to the letter that you submitted to the City of Kenai on May 24, 2019, requesting that the Kenai Planning and Zoning Commission concur with a one-year time extension to finalize the plat for Kee's Tern Subdivision. The Planning and Zoning Commission held their regularly scheduled meeting on June 12, 2019, and authorized me to draft and send a letter to you supporting the request by the developers of Kee's Tern Subdivision for a one-year time extension to finalize the plat. I have enclosed a draft of the minutes from this meeting for your reference. Please be advised that the Kenai Planning and Zoning Commission does not object to the one-year time extension for Kee's Tern Subdivision.

If you have any further questions regarding the time extension, please feel free to contact me at 907-283-8235 or eappleby@kenai.city.

Sincerely,

Elizabeth Appleby
City Planner

Enclosure



CITY OF KENAI
PLANNING AND ZONING COMMISSION
AMENDED RESOLUTION NO. PZ13-41
SUBDIVISION PLAT

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDING THAT THE ATTACHED SUBDIVISION PLAT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

WHEREAS, the attached plat KEE'S TERN SUBDIVISION was referred to the City of Kenai Planning and Zoning Commission on December 11, 2013, and received from Segesser Surveys.

WHEREAS, the City of Kenai Planning and Zoning Commission finds:

1. Plat area is zoned RR – Rural Residential and therefore subject to said zone conditions.
2. Water and sewer: Not available.
3. Plat does not subdivide property within a public improvement district subject to special assessments. There is not a delinquency amount owed to the City of Kenai for the referenced property.
4. Installation agreement will be required if lots are sold prior to construction of all required improvements.
5. Status of surrounding land is shown.
6. Utility easements must be shown on the final plat.
7. Plat shall verify that no encroachments exist. If an encroachment exists; plat does not create nor increase the encroachment.
8. Receive approval from the Kenai Peninsula Borough on exception to requirements in KPB 20.20.200 referencing Street names.
9. CONTINGENCIES:
 - a. See Page 2.

NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDS THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVE KEE'S TERN SUBDIVISION SUBJECT TO ANY NEGATIVE FINDINGS AS STATED ABOVE.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, December 11, 2013.

CHAIRPERSON: _____

ATTEST: _____

Recommend approval of the revised preliminary plat subject to the following:

1. Per KMC 14.10.080(b) if lots are desired to be sold prior to construction of all required improvements an installation agreement will be required.
2. Roads must be constructed to standards per plat notes prior to final plat unless and installation agreement is in place.
3. Road design must be stamped by an engineer licensed in the State of Alaska.
4. Signage including but not limited to stop signs, speed limit signs and street signs.
5. As-built drawings prepared by the design engineer responsible for observation must be submitted to the City in both paper and digital format (Adobe & AutoCAD).
6. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
7. City must be notified if gates are intended to be placed on the road way and approve plan for gates that assure adequate emergency vehicle access.
8. Homeowners Association must be formed by developer and approved by the City of Kenai Planning & Zoning Commission prior to plat being finalized.
9. Receive approval from the Kenai Peninsula Borough on exception to requirements in KPB 20.20.180 and 20.20.200.
10. City requests opportunity to consider and comment on any new changes and/or additions added to plat.
11. The following plat notes must be sufficiently modified as follows:
 - a. Plat Note 2. States "Tract A is a parcel whose use and access is limited solely to the owners of ..." This entails that others; mail carriers, guests, utility companies, etc. (anyone who is not an owner or emergency service vehicle) cannot use and access. Should be revised to reflect that use is limited for benefit of lot owners as provided in Plat Note 5.
 - b. Plat Note 2 needs to be revised as to correct either punctuation or add words in the following "and to the mandatory payment of assessment, insurance dues."
 - c. Plat Note 3 should explain/clarify who responsible for the prior review of site plans and construction other than City code enforcement (building/zoning code).
 - d. Plat Note 5. Replace last sentence with "Roadways constructed to Kenai Peninsula Borough Category III standards do not meet minimum standards required by City of Kenai and therefore if at any future time the City takes over ownership and/or maintenance responsibilities of roadways within the subdivision roadways will have to be improved to meet City of Kenai Standards in effect at time of acceptance. The cost of roadway improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.
12. Pursuant to KMC 14.10.090, recommend City Council approve exception to KMC 14.10.070(e)(3) and KMC 14.24.020 which require all lots in this zoning district to have a minimum width of 90 feet and Tract A is only 60 feet

based on the following: allowing Tract A to have a width of 60 feet allows reasonable development of the subdivision given that Tract A is intended to be used for roadway purposes only and such an exception preserves public welfare and interests of the City and the general intent and spirit of the City's subdivision regulations.

LEGEND:

- 30' ROW dedication
- 30' ROW dedication
- 30' ROW dedication
- () ACCESS EASE

LINE	BEARING	LENGTH
1	N 89° 59' 54" W	100.00
2	S 89° 59' 54" E	100.00
3	N 00° 00' 00" E	100.00
4	S 00° 00' 00" W	100.00

AREA	ACRES	AREA	ACRES	AREA	ACRES	AREA	ACRES
1	1.000	2	1.000	3	1.000	4	1.000
5	1.000	6	1.000	7	1.000	8	1.000
9	1.000	10	1.000	11	1.000	12	1.000
13	1.000	14	1.000	15	1.000	16	1.000
17	1.000	18	1.000	19	1.000	20	1.000
21	1.000	22	1.000	23	1.000	24	1.000
25	1.000	26	1.000	27	1.000	28	1.000
29	1.000	30	1.000	31	1.000	32	1.000
33	1.000	34	1.000	35	1.000	36	1.000
37	1.000	38	1.000	39	1.000	40	1.000
41	1.000	42	1.000	43	1.000	44	1.000
45	1.000	46	1.000	47	1.000	48	1.000
49	1.000	50	1.000	51	1.000	52	1.000
53	1.000	54	1.000	55	1.000	56	1.000
57	1.000	58	1.000	59	1.000	60	1.000
61	1.000	62	1.000	63	1.000	64	1.000
65	1.000	66	1.000	67	1.000	68	1.000
69	1.000	70	1.000	71	1.000	72	1.000
73	1.000	74	1.000	75	1.000	76	1.000
77	1.000	78	1.000	79	1.000	80	1.000
81	1.000	82	1.000	83	1.000	84	1.000
85	1.000	86	1.000	87	1.000	88	1.000
89	1.000	90	1.000	91	1.000	92	1.000
93	1.000	94	1.000	95	1.000	96	1.000
97	1.000	98	1.000	99	1.000	100	1.000



- NOTES:**
- 1) State of recording other than multiple single Subdivision Part 2, Part 40-150, State Recording Statute.
 - 2) Building setbacks - a setback of 30 feet is required from all street right-of-way unless a lesser setback is approved by resolution by the appropriate Planning Commission.
 - 3) No water disposal systems shall comply with existing laws of the State of Alaska.
 - 4) Easement shall extend the depth and width of easements identified by this Subdivision, in order to be consistent with the subdivision and include in the drainage and maintenance program.
 - 5) Front 10 feet of the 30 foot building setback and the entire setback within 3 feet of the site to be used for utility purposes. Any permanent structure shall be constructed at least 10 feet from the setback which shall interfere with the utility of a utility to use the setback.
 - 6) **UNSATURATED AREAS:** Wet conditions, water table levels, and other factors in this subdivision may affect the stability of construction. All construction shall comply with the regulatory requirements of the State of Alaska. The State of Alaska Department of Environmental Conservation and Federal agencies shall be contacted at least 30 days prior to construction, regarding any projects in areas, and the design shall be approved by the Alaska Department of Environmental Conservation.



SURVYOR'S CERTIFICATE

I hereby certify that I am a duly registered and licensed surveyor in the State of Alaska, and that the foregoing map represents a survey made by me or under my direct supervision, the measurements shown therein were made in accordance with the laws and other Acts of the State of Alaska.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ACCEPT THIS PLAN OF SUBDIVISION AND BY OUR FILED SIGNATURE HEREBY DEDICATE TO THE PUBLIC USE AND GRANT ALL EASEMENTS TO THE PUBLIC.

ESTERLY A. SMITH
123 12th St
COOPER Landing, AK 99573

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN before me this ____ day of _____, 2013.

NOTARY PUBLIC FOR ALASKA
BY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAN WAS APPROVED BY THE KEEN POKSILLA BROSIG PLANING COMMISSION AT THE MEETING OF _____

KEEN POKSILLA BROSIG
APPROVED OFFICIAL

SPB FILE No. 2013-023

Kee's Tern Subdivision	
<small>Location within Subdivision Lot 6 and the 30' ROW SPB File 2013-023, 2008 S.W. City of Kenai, State of Alaska, Coastal Planning District, Coastal Planning District, Alaska</small>	
<small>Containing 21.822 Ac.</small>	
SEGESSER SURVEYS	
35485 Resound St.	
SOLDOTNA, AK 99580	
DATE: 12/11/13	SCALE: 1"=100'
SURVEYED: June 2013	BY: J.E.S.
FIELD BOOK: 12-1	SHEET: 1 of 1

ACTION AGENDA
KENAI CITY COUNCIL – REGULAR MEETING
JUNE 5, 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*)

1. **LTJG Scott Peters** – U.S. Coast Guard involvement in the Kenai River Dip Net Fishery.

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. 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)
 - **Substitute Ordinance No. 3066-2019** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds, Accepting and Appropriating a Grant from the Federal Aviation Administration, and Awarding a Construction Contract for Completion of the 2019 Airfield Marking, Crack Sealing, and Minor Pavement Repair Project. (Administration)
2. **ENACTED UNANIMOUSLY. 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)

3. **POSTPONED AS AMENDED. 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 Glendening)
4. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2019-34** – Amending its Comprehensive Schedule of Rates, Charges, and Fees to Incorporate Changes included in the FY2020 Budget to include Adjusting the Kenai Municipal Airport Apron Rental Rates, Airport Reserve Land Annual Lease Rates, Animal Control Fees, Adjusting the Monthly Rental Rates at Vintage Pointe, Increasing Water/Sewer Rates, and Ambulance Fees, and Implementing a New Library Fee, and Increasing Senior Center Rental Fees. (Administration)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2019-35** – Authorizing Budget Adjustments in the Airport Fund for Costs in Excess of Budgeted Amounts. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2019-36** – Accepting a Donation from Kenai Senior Connections, Inc. for \$50,000 to the FY2019 Budget. (Administration)

E. MINUTES – None.

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 Exceeding \$15,000. (Administration)
3. **INTRODUCED BY THE CONSENT AGENDA/ PUBLIC HEARING SET FOR 6/19/19 *Ordinance No. 3069-2019** – Appropriating FY2019 Budgeted Funds for Municipal Roadway Improvements in the Municipal Roadway Improvements Capital Project Fund for Future Roadway Projects. (Administration)
4. **INTRODUCED BY THE CONSENT AGENDA/ PUBLIC HEARING SET FOR 6/19/19 *Ordinance No. 3070-2019** – Authorizing a Budget Transfer in the General Fund, Decreasing Estimated Revenues and Appropriations in the Senior Citizen Special Revenue Fund and Appropriating FY2019 Budgeted Amounts in the Senior Center Improvement Capital Project Fund for Carpet Replacement. (Administration)
5. **APPROVED UNANIMOUSLY. Action/Approval** – Second Amendment to Agreement for Janitorial Services for the City of Kenai City Hall, Airport, Community Library, and Police Department. (Administration)

6. **APPROVED UNANIMOUSLY. Action/Approval** – City Sponsorship of \$1,000 to Alaska Municipal League for the 2019 Summer Legislative Conference Being Held in Soldotna. (Vice Mayor Tim Navarre)
7. **APPROVED UNANIMOUSLY. Action/Approval** – City Donation of a Memorial Plaque Honoring Ron Malston to be Placed at Leif Hanson Memorial Park. (Vice Mayor Tim Navarre)

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

1. Discussion of Kenai Visitor Center Management and Potential Staffing Changes, a Matter of Which the Immediate Knowledge may have an Adverse Effect upon the Finances of the City [AS44.62.310(c)(1)] and a Subject that Tends to Prejudice the Reputation and Character of a Person or Persons Currently Employed by the City [AS44.62.310 (c)(2)]

M. PENDING ITEMS – None.

N. ADJOURNMENT

INFORMATION ITEMS

1. Purchase Orders between \$2,500 and \$15,000 for Council Review
2. Celebration of Birds Article and Events Information

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.



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 28, 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 -None**

***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 10-foot-wide utility easement adjoining the west lot line of Lots 1, 2, and 3, Block 3, Denise Lake Subdivision, within Section 14, Township 5 North, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-051V. Petitioner: Sondra and Clifford Hugg of Soldotna, Alaska.

b. Vacate the 10 foot by 710 foot utility easement within Tract A-1 Birch Forest No. 1 (Plat KN 2005-13. Vacate that portion of the 20 foot by 310 foot utility easement lying within Tract A-1 Birch Forest No. 1 (Plat KN 2005-13), within Section 30, Township 5 North, Range 9 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-058V. Petitioner: Poppin Family Revocable Community Property Trust of Soldotna, Alaska.

***7. Commissioner Excused Absences**

- a. Virginia Morgan, East Peninsula
- b. Vacant, Ridgeway

***8. Minutes**

- a. May 13, 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 Section Line Easement, a Right-of-Way, and an associated utility easement in the Funny River area. Location and request: Vacate a 13 foot by 54.88 foot portion of the section line easement within Lot 1C Block 3 Pilot's Bend Replat (KN 2008-55); Vacate the westerly 23 feet by the southerly approximately 285 feet of the Glenmore Circle right-of-way as dedicated on Pilot's Bend Subdivision Part Three, Plat KN 86-71; Vacate the 10 foot utility easement adjoining the portion of the Glenmore Circle right-of-way to be vacated within Lot 1C Block 3 Pilot's Bend Replat (KN 2008-55). The right-of-way being vacated is unconstructed. The proposed vacations are located within the SE ¼ of Section 21, Township 5 South, Range 9 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File: 2019-056V. Petitioners: Colin Tom and Vanessa Tom of Aipea, Hawaii
- 2. Resolution SN 19-01; A Street Naming Resolution to rename a private road in the Nikiski area. Location: Tesoro Road is a private road originally named by SN 93-02; Sections 21 & 22, Township 7 North, Range 12, West, Seward Meridian, Kenai Peninsula Borough, Alaska; in the Nikiski Community; ESN 501. Petitioner(s): Shawn Smith, Site Enhancement Services, of South Bend, Indiana (on behalf of Tesoro Alaska Company LLC).

G. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT (21.18) - None**H. VACATIONS NOT REQUIRING A PUBLIC HEARING - None****I. SPECIAL CONSIDERATIONS**

- 1. Request to Review the April 22, 2019 Plat Committee's Conditional Preliminary Approval of AA Mattox Subdivision Gwen's 2019 Addition
KPB File 2019-026 [Seabright Surveying / Echo Trading Company LLC]

Location: on Nelson Avenue, off Kallman Road, City of Homer

J. SUBDIVISION PLAT PUBLIC HEARINGS

- 1. The Plat Committee will review 7 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

Q. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, June 10, 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

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
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

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



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

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Franco Venuti – City of Homer • Paul Whitney – City of Soldotna*

June 10, 2019

7:30 p.m.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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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 - None**
- *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 - None**
- *7. Commissioner Excused Absences**
 - a. Virginia Morgan, East Peninsula
 - b. Robert Ruffner, Kasilof / Clam Gulch
 - c. Vacant, Ridgeway
- *8. Minutes**
 - a. May 28, 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. Ordinance 2019-13; An Ordinance Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings.
2. Ordinance 2019-12; An Ordinance Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose.
3. Continuance of the March 25, 2019 public hearing on a conditional land use permit application for material extraction on a parcel in the Anchor Point area that has been remanded on appeal to the Planning Commission. **Applicant / Landowner:** Beachcomber LLC. **Parcel Number:** 169-010-67. **Legal Description:** Tract B, McGee Tracts – Deed of Record Boundary Survey (Plat 80-104) – Deed recorded in Book 4, Page 116, Homer Recording District. **Location:** 74185 Anchor Point Road. **Proposed Land Use:** The applicant wishes to obtain a permit for sand, gravel, and peat extraction on a portion of the parcel listed above.

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

H. VACATIONS NOT REQUIRING A PUBLIC HEARING - None

I. SPECIAL CONSIDERATIONS - None

J. SUBDIVISION PLAT PUBLIC HEARINGS

1. The Plat Committee will review 4 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

Q. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, June 24, 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

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Anchor Point Chamber of Commerce	July 10, 2019	7:00 p.m.
Cooper Landing	Cooper Landing Community Hall	July 10, 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.			

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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 28, 2019
6:00 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. May 13, 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. Back Country Estates
KPB File 2019-045 [Geovera LLC / Arno]
Location: on Ohlson Mountain Road, Diamond Ridge
Kachemak Bay APC
2. James 2019
KPB File 2019-054 [Geovera LLC / Haines]
Location: on Halftrack Road, off Hematite Avenue, off Old East End Road, Fritz Creek
Kachemak Bay APC
3. Skyline Drive Subdivision 2019 Replat
KPB File 2019-055 [Orion Surveys / Busby, Sandoval, Mullen]
Location: on Claudia Street, Blue Sky Avenue, and West Hill Road, City of Homer
4. Lake Land Subdivision Barkman Replat
KPB File 2019-049 [Segesser Surveys / Barkman]
Location: on Tote Road and Paris Circle, Kalifornsky

- 5. Mayfield Subdivision
KPB File 2019-052 [Fineline Surveys, Inc. / Mayfield]
Location: off the Sterling Highway near MP 105, Kalifornsky

- 6. Bremond Farm Estates Norris Addition #2
KPB File 2019-053 [Johnson Surveying / Norris]
Location: on Bonita Avenue and Poppy Ridge Road, Kalifornsky

- 7. Welaka Lake Boatright Addition
KPB File 2019-057 [McLane Consulting Group / Boatright]
Location: on Duke Street, Daisy Mae Avenue, and Island Lake Road, Nikiski

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 **Monday, June 10, 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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**June 10, 2019
6:30 p.m.**

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C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

1. Agenda
2. Member/Alternate Excused Absences
3. Minutes
 - a. May 28, 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. Stanley's Meadow No. 18 Jones Addition 2019 Replat
KPB File 2019-062 [Seabright Surveying / Jones, Whaley]
Location: on Jones Drive off East End Road, Fritz Creek
Kachemak Bay APC
2. Gentles Subdivision McEldowney Addition
KPB File 2019-061 [Edge Survey & Design, LLC / Ascension Properties LLC]
Location: on Old Exit Glacier Road, off Herman Leirer Road, Bear Creek
3. Pilot's Bend Subdivision Tom Addition Section Line Easement Vacation
KPB File 2019-056 [Edge Survey & Design, LLC / Tom]
Location: on Glenmore Circle and Funny River Road, Funny River
Funny River APC
4. Aggregate Subdivision 2019 Replat
KPB File 2019-060 [McLane Consulting Group / Dickinson Properties LLC, North Star Paving and Construction Inc.]
Location: on Frontier Avenue and the Kenai Spur Highway, Ridgeway

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 **Monday, June 24, 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

Phone: 907-714-2215 Fax: 907-714-2378

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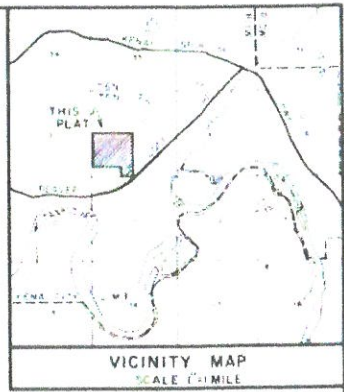
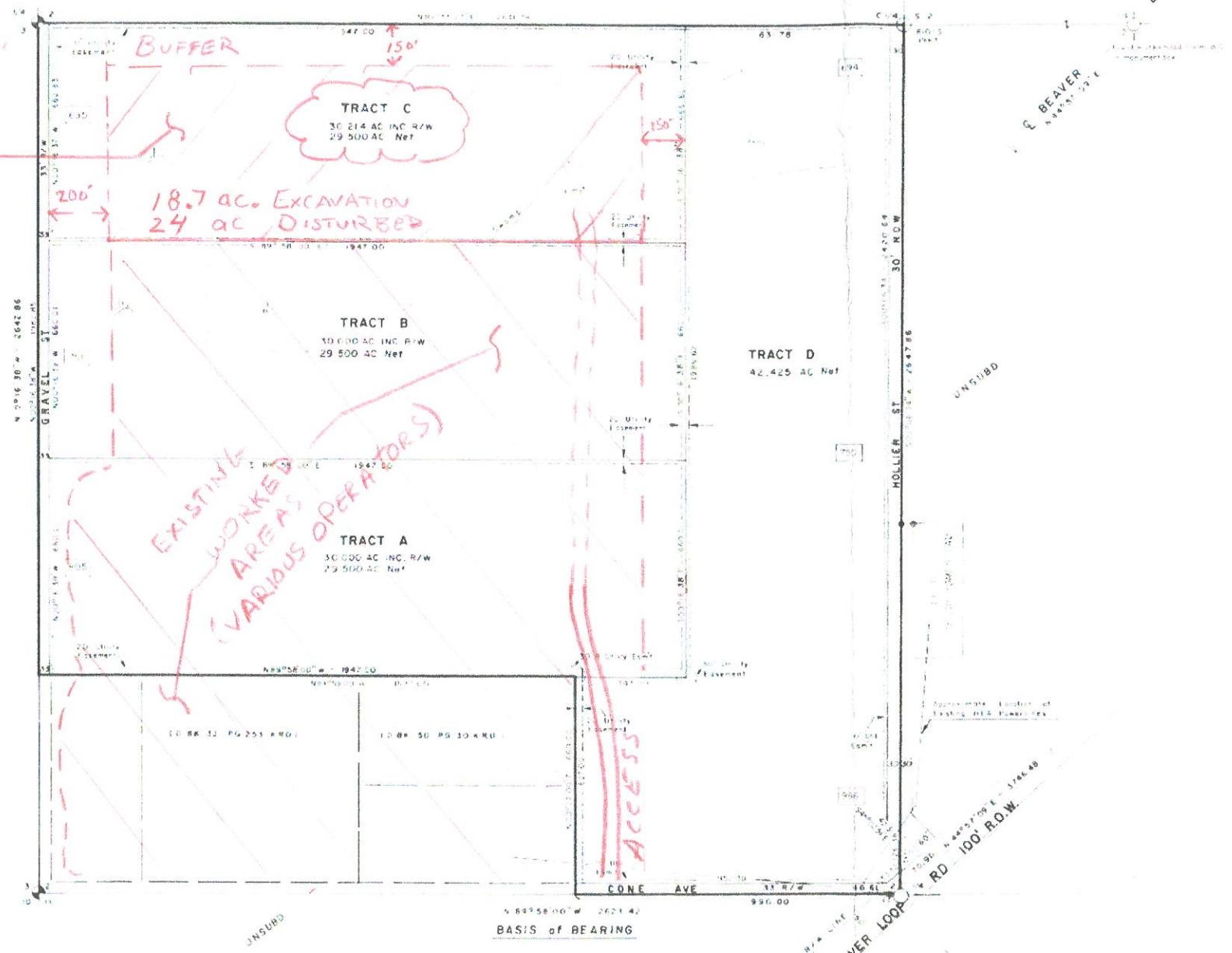
e-mail address: planning@kpb.us

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

APPLICATION FOR
CONDITIONAL USE PERMIT
FOR EXTRACTION OF
NATURAL RESOURCES

ORIGINAL ELEVATION +/- 54'
INSIDE BUFFER WORKING ELEV. 36' to 44' (PROPOSED)

NO EXISTING OR PROPOSED STRUCTURES



LEGEND AND NOTES

- Found 5/8" brass cap monument (132)
 - Found Alaska Road Commission 2 1/2" brass cap in monument box
 - Set 3 1/2" Al Cap (Berntsen monument) (to be in place by 2/1/83) 610-5)
 - Found 1" Al Cap
 - Set 1/2" x 24" steel rebar at all other property corners
- All bearings refer to the G.D. datum of N 89° 50' W for the south line of Section 2, as shown.
- All wastewater treatment and disposal systems shall comply with existing law at time of construction.
- 100' Typ. col. street address



83-53
Koban
4-8
1-3-83
M. Kent-Russell

STATE OF ALASKA
NOTARY PUBLIC
MARY TOLL
My Commission Expires 9-10-84

NOTARY'S ACKNOWLEDGEMENT
I, Edward E. Hollier, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the undersigned.
Subscribed and sworn before me this 11th day of February, 1983.
My commission expires 9-10-84.
Notary Public for Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION
We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated by us for public use.
Edward E. Hollier
Joanna M. Hollier

PLAT APPROVAL
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of FEBRUARY 28, 1983.
Kenai Peninsula Borough
By: Alan Thompson
Authorized Official

HOLLIER SUBDIVISION NO. 2
Edward E. and Joanna M. Hollier, owners
Box 368
Kenai, AK 99611
LOCATION
125 DWS AC. M.L. SITUATED NSW 1/4 SEC. 15 N., R. 1 W., S. 4 M., ALASKA, AND THE CITY OF KENAI.
Surveyed by: McLANE and ASSOCIATES, INC., Seldovia, Alaska 99669

Pat Daly AK CE 11528

DATE OF SURVEY 10/18/82 to 12/5/83
SCALE 1" = 200'
BOOK NO. 82-70
P. 85-1502