



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Borough Mayor *MN*

FROM: *MB* Max J. Best, Planning Director

DATE: December 15, 2011

SUBJECT: Ordinance 2011-42 authorizing a land exchange with the City of Seward in support of the city's public utility services

The Planning Commission reviewed the subject ordinance during their regularly scheduled December 12, 2011 meeting. A motion passed by majority consent to postpone the recommendation for approval. (*Bryson, Absent; Carluccio, Yes; Collins, Yes; Ecklund, Yes; Foster, Absent; Gross, Yes; Holsten, Yes; Isham, No; Lockwood, Yes; Martin, Absent; Parker, Yes; Ruffner, Yes; Tauriainen, No*)

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARINGS

1. Ordinance 2011-42 authorizing a land exchange with the City of Seward in support of the city's public utility services

Memorandum & Staff Report given by Marcus Mueller

PC Meeting: 12/12/11

The City of Seward (City) has developed plans for an office warehouse, electrical extension and realignment of drainage to support its public utility services. The project design would be facilitated by redrawing common property boundaries of City and Borough owned property.

This land exchange proposal as brought to them by the City of Seward. The ordinance would authorize the exchange of lands on an equal area/equal value basis. They are working on developing some facilities around their backup electrical generation facility which is adjacent to the Seward School campus. To best configure their project, they proposed this land exchange basically readjusting the lot lines to create an equal area exchange of about ½ acre on each side of the lines. Each parcel is approximately 0.56 acres. The exchanged lands would be useful to the Kenai Peninsula Borough for school campus purposes. The City's project includes trail and sidewalk improvements which would benefit the school campus. In this project, there is a trail that serves the Seward Elementary school which will be rerouted by this project.

The land that the Borough receives from this land exchange is adjacent to more Borough land. They end up with a configuration that is equal or better for the Borough and a configuration that is right on target for the City of Seward's project. The school district has been in on the loop on this and has expressed no objection to the land exchange.

Your consideration of this ordinance is greatly appreciated.

END OF MEMORANDUM & STAFF REPORT

Pro Tem Chairman Parker opened the meeting for public comment. Seeing and hearing no one wishing to speak, Pro Tem Chairman Parker closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Isham to recommend approval of Ordinance 2011-42.

Commissioner Ecklund asked if this proposal was reviewed by the Seward Planning & Zoning Commission or by the Seward City Council. Mr. Mueller replied he wasn't sure. Commissioner Ecklund thought that there needed to be a public hearing at the city level before a land swap or land sale could be done according to Seward City Ordinance.

Commissioner Tauriainen asked who requested this proposal. Mr. Mueller replied that he has been working with John Foutz, Utility Manager for the Seward Electric Department. He stated that last Spring he walked the property and discussed this project with Mr. Foutz. They put together a proposal to do an equal area value land exchange.

Commissioner Tauriainen asked if this project was brought before the City Council or the School District. Mr. Mueller replied that the Trail in the project has been discussed with the school district who was aware of it and supported the project. He stated that the City has its own process for it to go through and in order for this to take effect then approval from both sides needs to be received.

Commissioner Ruffner asked if this was a time sensitive issue. Mr. Mueller replied that it was not time sensitive for the Borough however there were project funding issues in effect for the City.

Commissioner Tauriainen commented that the commission was recommending approval based on the information that they have. Ultimately, the City of Seward and the Assembly has the say if this project actually

happens.

Commissioner Ecklund asked if she could vote against the motion since she made the motion for approval. Pro Tem Chairman Parker stated that all motions are made in a positive form but could vote against the motion to approve.

ADDENDUM MOTION: Commissioner Ecklund moved, seconded by Commissioner Holsten to postpone the recommendation for approval of Ordinance 2011-42 until the City of Seward reviews it and the Borough Planning Commission has the minutes in support of approval.

Commissioner Holsten supported postponement because she felt the City of Seward needed to review the proposal.

Commissioner Ecklund stated that the School District is in support of the project however she would like to see action taken by the City and that information included in the packet. She would also like to receive information from other school officials in support of the project.

Commissioner Tauriainen felt that this project was something the City would want to have done which would benefit the City so he wanted to get rid of the red tape on their end and recommend approval to the Assembly. He stated he was not in support of the motion.

Commissioner Collins stated she would vote in support of the motion because she felt that the City and the School District should have an opportunity to review the project.

There being no further comments or questions, Pro Tem Chairman Parker called for a roll call vote.

VOTE: The postponement motion passed by majority consent.

BRYSON ABSENT	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER ABSENT	GROSS YES	HOLSTEN YES
ISHAM NO	LOCKWOOD YES	MARTIN ABSENT	PARKER YES	RUFFNER YES	TAURIAINEN NO	8 YES 2 NO 3 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate a portion of the 66-foot section line easement: 33-feet on each side of the line common to Sections 26 and 27, Township 1 North, Range 13 West; as shown on Mead Subdivision (Plat HM 2007-140); Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2011-176; Location: West of Mead Court in Clam Gulch

Staff Report given by Max Best

PC Meeting: 12/12/11

Purpose as stated in petition: The section line dissects property and goes nowhere. Access already exists with east-west section line from highway to the edge of bluff and adjacent properties. It is not used and part of the section line is over the side of the bluff and is unusable.

Petitioners: James H. and Muriel Mead of Alberton, Montana

Public notice appeared in the December 1 and December 8, 2011 issues of the Peninsula Clarion.

All surrounding property owners were notified by certified mailings as required by the code. Five (5) certified notices were mailed; one notice was hand delivered. No return receipts had been returned when the staff report was prepared.

Seventeen (17) regular mailings and were sent to agencies and interested parties. Six notices were sent to KPB Departments. Notices were mailed to the Clam Gulch Post Office and Kasilof Community Library to be