



# **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

**PHONE:** (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

**MIKE NAVARRE**  
**BOROUGH MAYOR**

## **MEMORANDUM**

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

**THRU:** <sup>P.O.</sup> <sub>for</sub> Mike Navarre, Borough Mayor

**FROM:** <sup>MB</sup> Max Best, Planning Director

**DATE:** July 19, 2012

**SUBJECT:** Ordinance 2012-19-16; Approving the acquisition of real property along Salmon Creek for flood mitigation and appropriating \$27,700 from Seward Bear Creek Flood Service Area for the acquisition of four parcels and approving contributions from The Conservation Fund for the acquisition of five additional parcels

The Planning Commission reviewed the subject Ordinance during their regularly scheduled July 16, 2012 meeting. A motion passed by unanimous consent to recommend approval of the ordinance.

In the ordinance, please make the following amendment to the last WHEREAS:

*WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of July 16, 2012, recommended approval by unanimous consent.*

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

AGENDA ITEM F. PUBLIC HEARINGS

2. Ordinance 2012-19-16; Approving the acquisition of real property along Salmon Creek for flood mitigation and appropriating \$27,700 from Seward Bear Creek Flood Service Area for the acquisition of four parcels and approving contributions from The Conservation Fund for the acquisition of five additional parcels

Memorandum reviewed by Marcus Mueller

PC Meeting: 7/16/12

The Seward Bear Creek Flood Service Area (SBCFSA) has identified nine parcels of land in common ownership to acquire for the purposes of flood mitigation. Land Management has negotiated a Purchase Agreement for these parcels at their assessed values.

The SBCFSA board at its October 3, 2011 meeting unanimously passed a motion recommending spending up to \$30,000 to purchase property along Salmon Creek. Subsequent discussions with the Army Corp of Engineers unveiled additional monies, known as in-lieu fee monies for wetland mitigation that is available through The Conservation Fund. The property owners were contacted and an offer was made at the assessed value for all nine properties for a total of \$241,000. The Conservation Fund, which is a non-profit organization, will contribute \$215,700 to purchase an additional five parcels with SBCFSA contributing \$27,700 towards this project. These parcels will have restrictions that ensure the protection of wetland habitat. The four parcels purchased with SBCFSA funds will have an unrestricted title.

The ordinance appropriates \$27,700 from the SBCFSA for this acquisition and approves the purchase of four parcels with SBCFSA funds and five parcels to be purchased with The Conservation Fund's in-lieu fee monies. Consideration of this ordinance is appreciated

END OF MEMORANDUM

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

**MOTION:** Commissioner Carluccio moved, seconded by Commissioner Ecklund to recommend approval of KPB Ordinance 2012-19-16; an ordinance approving the acquisition of real property along Salmon Creek for Flood Mitigation and appropriating \$27,700 from Seward Bear Creek Flood Service Area for the acquisition of four parcels and approving a contribution from the Conservation Fund for the acquisition of five additional parcels along Salmon Creek.

Commissioner Ecklund asked if there was a topography map available of the area. Mr. Mueller replied that he does not have a topography map available on hand but could produce one. He stated they have inspected the properties and found that those areas that are treed are subject to inundation. There is minimal potential for those properties being a building site. The restrictive deeds placed on those properties would prevent them from having any development use.

Commissioner Holsten asked what the total cost would be to the Borough taxpayers. She asked if the Borough would end up owning these properties. Mr. Mueller replied that the purchase agreement authorizes up to \$2,500 for closing costs however it should come in at about \$1,500. He stated that the Borough will own all the properties.

Commissioner Tauriainen asked if there were restrictive deeds on the properties now. Mr. Mueller replied that the properties purchased from The Conservation Fund will have deed language similar to the language used when working with the USDA and RCS in the Old Mill Subdivision buyout project. Commissioner Tauriainen asked if the restriction would be put on the properties as they are purchased. Mr. Mueller replied that was correct.

Commissioner Tauriainen asked about the property that appears to get inundated with flooding. He wanted to make sure they wouldn't be buying property that they don't need to buy. Mr. Mueller replied that all properties are subject to flooding. The flood data that they have shows coverage across all the parcels from previous

floods.

Commissioner Foster asked if all the property to the south of Nash Rd was in a flooded area. Mr. Mueller replied yes, everything that was not built up on developed pads was wet.

There being no further comments or questions, the commission proceeded to vote.

**VOTE:** The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES		12 YES

**AGENDA ITEM F. PUBLIC HEARINGS**

3. Resolution 2012-\_\_\_\_ Authorizing the Lease of Real Property Located at 3800 Sterling Highway in the Diamond Ridge Area for a Temporary Kachemak Emergency Services Fire Station Facility

Memorandum reviewed by Marcus Mueller

PC Meeting: 7/16/12

Kachemak Emergency Service Area (KESA) has a need for housing fire apparatus until the proposed Diamond Ridge Fire Station is complete. Currently this is projected to be 16-18 months.

KESA has identified a suitable facility that can be leased on the Sterling Highway. KESA believes that this location will provide for proper emergency response in the western portion of the service area. The property contains a 2,400 square foot Quonset style garage facility with parking pad ingress/ egress. The building has been inspected by KESA personnel and determined to be readily suitable for fire station purposes. A one-year lease followed by a month to month until terminated has been negotiated with the owner of the property by KESA. The rental cost in the lease would be \$,1,500 per month.

The resolution would authorize the lease of certain real property from Daniel Stanislaw for fire station purposes on behalf of KESA. Consideration is appreciated.

END OF MEMORANDUM

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

**MOTION:** Commissioner Gross moved, seconded by Commissioner Carluccio to recommend approval of Resolution 2012-\_\_\_\_; Authorizing the Lease of Real Property Located at 3800 Sterling Highway in the Diamond Ridge Area for a Temporary Kachemak Emergency Services Fire Station Facility

Commissioner Ecklund expressed concern regarding the site triangles on entrance to the highway. Mr. Mueller replied that the curve was looked at with the ingress and egress being on the inside bend of the Sterling Highway. The Fire Chief has spoken with DOT who has offered to install lighted flashing signs at this location to assist with the safety of ingress and egress. Commissioner Ecklund asked if the signs would be lighted and flashed only at a certain times or all the time. Mr. Mueller replied he was not sure but assumed that it would probably be similar to the sign that is posted in Seward near the Bear Creek Fire Station.

Commissioner Tauriainen asked if this falls in the regular rents of the area. Mr. Mueller replied that \$1,500 per month is what KES was currently paying their Ruth Way location. That location does not house all their apparatus so this provides an operational advantage to them at the same cost.

Commissioner Holsten asked if the rental cost includes utilities. Mr. Mueller replied that the rental cost would include snow removal and maintenance but utilities would be separately metered.