



# **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:** Dale Bagley, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Mike Navarre, Borough Mayor *mn*

**FROM:** Max Best, Planning Director *mb*

**DATE:** November 12, 2014

**SUBJECT:** Ordinance 2014-32; Authorizing an Exchange with Paula and Timothy Keohane of a 4.3 Acre Drainage Easement At Karluk Avenue for a 1.84 Acre Parcel at Mile 12.1 K-Beach Road which Shall be Subject to the Reservation of a 0.9 acre Drainage Outlet Easement

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance 2014-32 during their regularly scheduled November 10, 2014 meeting. A motion passed by unanimous consent to recommend adoption of the ordinance.

In the Ordinance, please make the following amendment to the last WHEREAS statement:

*WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of November 10, 2014 recommended adoption by unanimous consent.*

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



AGENDA ITEM F. PUBLIC HEARINGS

4. Ordinance 2014-32; Authorizing an Exchange with Paula and Timothy Keohane of a 4.3 Acre Drainage Easement At Karluk Avenue for a 1.84 Acre Parcel at Mile 12.1 K-Beach Road which Shall be Subject to the Reservation of a 0.9 acre Drainage Outlet Easement

Memorandum & Staff Report given by Marcus Mueller

PC Meeting: 11/10/14

During the fall flooding in 2013 it became evident that the Karluk Avenue ditch system had no outlet except a neighboring property immediately adjacent to the lowest extent of the ditch. The administration communicated with the owners, Paula and Timothy Keohane, who permitted use of the property for drainage purposes. The location became known as the "Karluk Basin." A pipe was installed under K-Beach Road making it possible to mechanically pump water to the Cook Inlet once the Karluk Basin on the Keohane property reached its estimated 3 million gallon capacity to store water. That became a very important asset in an area without an outlet.

Since that time, longer term solutions have been discussed with the Keohanes. Those discussions led to the proposal outlined in the letter dated August 1, 2014. This proposal would exchange a 1.84 acre borough-owned parcel for the drainage easement that would make the Karluk Basin a permanent drainage asset for the Karluk Avenue ditch system. The 1.84 acre parcel also has its own drainage functions present, which was the basis for it being classified as "Government" by Resolution 94-055. This proposal would preserve the management intent of the Government classification by reserving a drainage outlet easement that would encumber approximately half of the parcel. In the context of the parcel being used in part as consideration for the 4.3 acre Karluk Avenue drainage easement, the management intent of the borough-owned parcel is expanded to accomplish the larger goals of drainage for the area.

The assessed values of the properties involved are different, though no cash balance is proposed. Currently, the borough assessing department is working to provide estimates of market values associated with each element of the proposal. The non-monetary consideration received by the borough in obtaining two drainage easements is of paramount public value, regardless of the disparity in the values of the parcels involved.

Consideration of this ordinance is appreciated.

END OF MEMORANDUM AND STAFF REPORT

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 Martin moved, seconded by Commissioner Isham to recommend adoption of Ordinance 2014-32.

Commissioner Foster asked if there were plans to harden the drainage easement or just digging it down. Mr. Mueller believed the design of a drainage improvement would require hardening. The soils there are sandy and probably bringing additional water through a drainage feature would cause scouring if not hardened. He stated that any designs could include anything from carrying it by pipe to having it concrete lined. Commissioner Foster asked if the folks were ok with that. Mr. Mueller believed that was the engineering that would happen there.

Chairman Bryson asked if the State was involved in the actual construction of the design. Mr. Mueller replied that there was no actual design. He stated that it was likely that the State would be the one who would build a drainage improvement there.

Commissioner Isham stated that there are quite a few people who are affected by the high water in the area. He asked if the Borough or State hired a hydrologist to assess the area. Mr. Mueller replied that was a complex question. Generally the K-Beach area has a lot of hydrology over a broad flat area that lacks surface outlet with the drainage being primarily underground. He stated that more water management is the key when development occurs so that there are outlets to bring the water to the saltwater. These two locations would provide opportunities to manage water to the salt.

Commissioner Isham asked again if a hydrologist or professional was hired to assess the whole area. Mr. Mueller replied that there has been a broad group that has been working on that including the State Hydrologist as well as the Borough Hydrologist who is stationed in Seward.

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

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

|                 |                  |                |                |                |                |              |
|-----------------|------------------|----------------|----------------|----------------|----------------|--------------|
| BRYSON<br>YES   | CARLUCCIO<br>YES | COLLINS<br>YES | ECKLUND<br>YES | FOSTER<br>YES  | HOLSTEN<br>YES | ISHAM<br>YES |
| LOCKWOOD<br>YES | MARTIN<br>YES    | RUFFNER<br>YES | VENUTI<br>YES  | WHITNEY<br>YES |                | 12 YES       |

AGENDA ITEM F. PUBLIC HEARING

- Ordinance 2014-35; approving Diamond Willow - Fairfield Single-Family Residential (R-1) Local Option Zoning District, and amending KPB 21.46.040

Staff Report given by Bruce Wall

PC MEETING: November 10, 2014

**Location:** Parcels along Belmont Court and Lexington Court, certain parcels along the Pine Cone Way right-of-way, certain parcels along Virginia Drive, parcels along Gary Avenue, and certain parcels along Ciechanski Road.

**BACKGROUND INFORMATION:** A petition has been submitted by property owners of 55 parcels for the formation of an R-1, Single-Family Residential local option zoning district (LOZ), which is more than three-fourths of the 72 parcels within the proposed district. The petition requirements have been met to get the zoning request before the planning commission.

KPB 21.44.050 states that the planning commission shall recommend to the assembly approval, disapproval, or modifications of the proposed local option zoning district.

Tract A2A and lot A2, on the south end of the proposed district, are not included on this petition because they were included on another LOZ petition that has been submitted. That petition will be on the Planning Commission's December agenda. Lot 1A is not a part of either of these two petitions.

On the north end of the proposed district Tract B1, Tract B2-1, Lot B2-6, and Lot 22 are included on another LOZ petition that is still being circulated.

On the west side of the proposed district is Lot 1, J&P Subdivision and Lot 1 thru 7 of the Aurora Addition to the J&P Subdivision. The Borough currently owns the lots in the Aurora Addition. Only 2 of these lots are included in the petition. Marcus Mueller has stated that the Land Management Division takes a neutral position with respect to a local option zoning proposal that involves tax foreclosed properties.

On the south end of the map; Tract A2A, Lot C, D, & E were the subject of a Conditional Land Use Permit Application that was denied by the Planning Commission. That denial has been appealed and will be heard by the Board of Adjustment on January 21, 2015. If the permit had been approved, the applicant would have been required to submit a plat that would have combined these 4 parcels into one. The owner of that property has recently submitted that plat to the planning department. The Plat Committee should see that request in December.

Contents of the commission packet:

- Memo to the Assembly
- Proposed Ordinance 2014-35
- Map showing the acreage of each lot in the proposed LOZ
- Map showing the land use in the vicinity of the proposed LOZ
- Aerial photo of the proposed LOZ
- Map showing the land ownership in the vicinity of the proposed LOZ
- Map showing lots with and without the owner's signature on the petition