Introduced by:	Mayor
Date:	02/17/26
Hearing:	03/17/26
Action:	
Vote:	

KENAI PENINSULA BOROUGH
ORDINANCE 2026-08

AN ORDINANCE AUTHORIZING A COMMUNICATIONS SITE LEASE AGREEMENT WITH CHUGACH ELECTRIC ASSOCIATION, INC., IN COOPER LANDING

WHEREAS, since 1992, Chugach Electric Association, Inc. (CEA) has maintained an approximately 1,527 square foot communication tower site on vacant, KPB-owned Parcel No. 11912509 in the Cooper Landing area; and

WHEREAS, in 2014, a temporary land use permit was issued to authorize CEA's now-expired use. A long-term lease agreement is now desired to continue operating this site and supporting CEA's communication needs in Cooper Landing; and

WHEREAS, the site serves CEA as a critical communications and operations link for CEA; and

WHEREAS, CEA has agreed to a five-year lease agreement with renewal options at a monthly rent of $1,000 ($12,000/annually); and

WHEREAS, leasing of this property furthers the following objectives of the 2019 Kenai Peninsula Borough (KPB) Comprehensive Plan:

1. Goal 2, Land Use Objective F: To actively manage Borough-owned lands to meet short and long-term regional goals; and

WHEREAS, the Cooper Landing Advisory Planning Commission reviewed the lease application at its regularly-scheduled meeting on _____, 2026, and recommended _____; and

WHEREAS, the KPB Commission, at its regularly scheduled meeting on March 16, 2026, recommended _____;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That this is a non -code ordinance.

SECTION 2. That pursuant to KPB 17.10.100(I), the Assembly finds that entering into a Communication Tower Site Lease Agreement with Chugach Electric Association,

Inc. on that Leased Premises more particularly described as follows is in the best interests of KPB:

A portion of Tract H, ASLS 2003-2, Plat No. 2005-10, Seward Recording District, Third Judicial District, State of Alaska, more particularly described as an approximately 6,003 square foot area, including a twenty (20) foot wide underground electric power line right-of-way and the air space above such ground space, together with: (i) non-exclusive access beginning directly off of the Sterling Highway right-of-way and across an existing road leading to the Leased Premises, and (ii) subject to a one-hundred (100) foot wide section line easement which bisects the Leased Premises. (Parcel No. 11912509)

Site Name: CEA Sunrise

This finding is based upon the following facts:

1. The property will be used to continue use of an existing communication tower site for the exclusive benefit of CEA communications.

2. KPB will receive the benefit of reserved tower space for emergency and other communication related uses.

SECTION 3. That the Mayor is hereby authorized to negotiate and enter into a lease upon a portion of the property identified in Section 2, subject to all lease conditions required by this ordinance and the applicable provisions of KPB 17.10.

SECTION 4. That the monthly rent will be One-Thousand Dollars ($1,000.00) for exclusive use of the Leased Premises for a five-year term with renewal options. On each anniversary of the effective date, rent will adjust annually by not more than three percent (3%) over the prior year's rent amount.

SECTION 5. Pursuant to KPB 17.10.230, the Assembly authorizes an exception to the requirements of 17.10.110, "Notice of Disposition", based upon the following facts:

1. Special circumstances or conditions exist.

   a. The proposed lease is solely with CEA and for the purpose of operating, and maintaining an existing communication tower site.

   b. The notice requirement is intended to make the public aware of an opportunity to purchase Borough property, which is unnecessary since the intent of the disposal is to lease the property solely to CEA.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.

a. The notice requirement is intended to make the public aware of an opportunity to purchase Borough property, which is not applicable to the lease of property solely to CEA.

2. That the granting of this exception will not be detrimental to the public welfare or injurious to other property in the area.

a. The existing communication tower site is compatible with the surrounding land uses.

SECTION 6. That CEA will have one-hundred twenty (120) days from the date of enactment of this ordinance to execute the lease agreement.

SECTION 7. That the mayor is authorized to execute a lease agreement substantially in the form of the one accompanying this ordinance, and any documents necessary to effectuate this ordinance.

SECTION 8. That rent revenue from the lease shall be submitted to the KPB Finance Department and deposited into Land Management Account No. 250.00000.00000.36316.

SECTION 9. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances will not be affected.

SECTION 10. This ordinance shall become effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2026.

_____
Ryan Tunseth, Assembly President

ATTEST:

_____
Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent: