

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Michele Turner, Deputy Borough Clerk (MT)

DATE: October 25, 2021

RE: Ordinance 2021-36: Adopting an Amendment to the Document Referred to as the "Comprehensive Plan for Moose Pass, 1993" Regarding Municipal Entitlement Land known as Kenai Area Plan Unit 380G(1) (Mayor)

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Conforming to the Moose Pass Advisory Planning Commission's and Planning Commission's actions, the last two Whereas clauses has been updated to read:

"WHEREAS, the Moose Pass Advisory Planning Commission at its regularly scheduled meeting on October 7, 2021 recommended approval of the amended plan.

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of October 11, 2021 recommended approval as amended by unanimous consent."

Thank you.

MEMORANDUM

TO: Brent Hibbert, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor *CP*

FROM: Melanie Aeschliman, Planning Director *MA*

DATE: October 12, 2021

RE: Ordinance 2021-36: An ordinance adopting amendments to the "Comprehensive Plan: Moose Pass, February 1993" an element of the Kenai Peninsula Borough Comprehensive Plan regarding municipal entitlement land know as Kenai Area Plan Unit 380G(1).

The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled October 11, 2021 meeting.

An amendment motion passed by unanimous vote (9-Yes, 0-No, 1-Absent) to recommend amending the 3rd whereas clause of the ordinance to 5 Tracts of Land & 80 acres and amend Section 1 to include Plan Entitled "Comprehensive Plan for Moose Pass, 1993" and to add the date of October 2021.

A motion passed by unanimous vote (9-Yes, 0-No, 1-Absent) to recommend approval of Ordinance 2021-36 as amended.

In the ordinance, please amend the last WHEREAS statement:

WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of October 11, 2021 recommended approval as amended by unanimous vote of the amended plan.

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

support of the building set encroachment permit.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Ruffner moved, seconded by Commission Venuti to adopt PC Resolution 2021-31 granting a building setback encroachment permit for Lot 17, Block 3A, Irons Subdivision portions of Block 3A, 9 & 10 (Plat KN 74-11).

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	9	No	0	Absent	1
Yes	Bentz, Brantley, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
Absent	Chesser				

ITEM E2 – ORDINANCE 2021-36

An ordinance adopting amendments to the “Comprehensive Plan: Moose Pass, February 1993” an element of the Kenai Peninsula Borough Comprehensive Plan regarding municipal entitlement land know as Kenai Area Plan Unit 380G(1).

Staff report by Aaron Hughes.

The borough has selected lands in the Moose Pass area through the State of Alaska Municipal Entitlement Program under AS 29.65. Approximately 40 acres of these selected lands referred to as Kenai Area Plan Unit380G(1) (“Unit 380G(1)”), were conditionally approved through a Final Finding and Decision (FFD) dated February 24, 2015. This FFD required specific conditions satisfied prior to the lands being conveyed from the state to the borough.

The initial deadline identified in the FFD to satisfy said conditions was February24, 2020. At the request of Land Management, that deadline has been extended to February 24, 2022.

Conditional approval under the FFD requires that the borough make amendments to the Moose Pass Comprehensive Plan to address specific concerns only as they relate to Unit 380G(1) lands, including management and future use of these selected lands.

The proposed plan amendments were drafted and sent to the state for approval. The state after their review responded with feedback, final changes were made, and preliminary approval was received.

Mr. Hughes noted the Moose Pass Advisory Planning Commission met on October 7, 2021 to review this amendment and unanimously recommended approval of the plan amendment.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MAIN MOTION: Commissioner Morgan moved, seconded by Commissioner Ruffner to forward to the Assembly a recommendation to adopt Ordinance 2021-36.

Commissioner Ecklund asked staff if there were minutes from the Moose Pass APC meeting. Mr. Hughes replied that he had attended the APC meeting on October 7, 2021 via Zoom where the plan amendment was unanimously approved but the APC has not yet submitted the minutes from the meeting.

Commission Bentz then asked if the commission would need to approve the amendments that were

submitted in the 10-11-21 Assembly memo as well as the ordinance. Mr. Hughes replied yes, the commission would need to recommend approval for the new amendments.

AMENDMENT MOTION: Commissioner Bentz moved, seconded by Commissioner Ecklund to amend the 3rd whereas clause to update it to 5 Tracts of Land & 80 acres and amend Section 1 to include Plan Entitled Comprehensive Plan and to add the date of October 2021.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes	9	No	0	Absent	1
Yes	Bentz, Brantley, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE:

Yes	9	No	0	Absent	1
Yes	Bentz, Brantley, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				

ITEM E3 – ORDINANCE 2021-19-20

An ordinance authorizing the acquisition of real property located at 203 West Pioneer Avenue, Homer Alaska on behalf of South Peninsula Hospital, appropriating \$975,000.00 from the South Peninsula Hospital Plant Replacement & Expansion Fund for the purchase, and authorizing an amendment to the SPH, Inc. Operating Agreement.

Staff report given by Aaron Hughes.

Property currently leased to the Kenai Peninsula Borough ("Borough") on behalf of the South Peninsula Hospital (SPH) located at 203 West Pioneer Avenue, Homer, Alaska has become available for purchase. Acquiring the property would support the South Peninsula Hospital operations by securing an important leased facility through Borough ownership.

The property is currently located in the City of Homer's Central Business District, which provides for this specific use.

The proposed purchase price is \$955,000.00, which is the independently appraised fair market value. Prior to completing the purchase, the property would be inspected for structural and environmental conditions. The purchase agreement provides up to 180 days to close and the Borough is responsible for all buyer related closing costs.

The ordinance would authorize the purchase of the property and appropriate \$975,000.00 from the SPH Plant Replacement and Expansion Fund to cover the costs associated with the purchase. This ordinance also provides for a second amendment to the SPH Operating Agreement to add this property to the list of property leased to SPH, Inc. under the operating agreement.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Ruffner to forward to the Assembly a recommendation to adopt Ordinance 2021-19-20.

Commissioner Venuti stated that he is a Homer resident and understand how important local medical facilities are. He believe that SPH does a great job and that this purchase is a move in the right direction.