



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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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 2014-31; Authorizing the Release of a Deed Restriction at the Request of the Homer City Council on a Parcel of Land Containing the Former Homer Intermediate School that was Deeded to the City of Homer by the Kenai Peninsula Borough

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance 2014-31 during their regularly scheduled November 10, 2014 meeting. A motion passed by unanimous consent to recommend approval of the ordinance authorizing the release of a deed restriction of the Homer City Council.

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 approval by unanimous consent.

Also in the Ordinance, please amend the following statement under Section 1(g) to read:

The planning commission considered the petition in accordance with KPB 17.140.130(F)(3), and recommended approval.

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



AGENDA ITEM F. PUBLIC HEARINGS

3. Ordinance 2014-31; authorizing the Release of a Deed Restriction at the Request of the Homer City Council on a Parcel of Land Containing the Former Homer Intermediate School that was Deeded to the City of Homer by the Kenai Peninsula Borough

Memorandum & Staff Report given by Marcus Mueller

PC Meeting: 11/10/14

Parcel No. 175-100-70 was deeded to the City of Homer in 2000 after the property was deemed surplus to borough and school district needs under KPB Ordinance 98-42. The deed was made subject to a restriction requiring the property to be owned by the city and used for public purposes in perpetuity. This property contains the former Homer Intermediate School which has since been used for KPC Kachemak Bay Campus, Boys and Girls Club, and other generally beneficial public uses.

The Homer City Council adopted Resolution 13-096 which served to request the borough to remove the deed restriction to permit the city to sell the property and dedicate the proceeds for the use and benefit of the general public. In that resolution the city cites concerns of sustainability of operation and maintenance costs of the existing facilities on the property and additionally cites goals of providing for a new public safety building.

Since the adoption of Resolution 13-096, the Homer City Council met and discussed the resolution. There was a general agreement that it would be useful to clarify its current thinking on the matter. The situation has changed significantly since the resolution was adopted. This site has now been identified as a likely location for the proposed new public safety building so the option of selling the property was not an option anymore.

Proposed KPB Ordinance 2014-31 would remove the deed restriction thereby allowing the city to consider any management decisions for the property under its authority and financial interests. The City of Homer, as a first class city in the borough, has public decision making processes with citizen involvement which will ensure that the public property and any proceeds are used for public purposes appropriate for the area.

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.

Commissioner Venuti expressed a possible conflict of interest. He is a member of the Homer Advisory Planning Commission where this ordinance was discussed. Chairman Bryson asked if the commission voted on the recommendation of the ordinance. Commissioner Venuti replied that they did not vote on it but it was discussed at length. Chairman Bryson determined that there was not a conflict of interest.

MOTION: Commissioner Holsten moved, seconded by Commissioner Whitney to recommend approval of Ordinance 2014-31, authorizing the Release of a Deed Restriction on a Homer parcel.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER YES	HOLSTEN YES	ISHAM YES
LOCKWOOD YES	MARTIN YES	RUFFNER YES	VENUTI YES	WHITNEY YES		12 YES

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

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