

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor *ch*

FROM: Marcus A. Mueller, Interim Planning Director *MAM*

DATE: May 14, 2020

RE: Ordinance 2020-23, Authorizing a one-time extension of KPB 20.70.130 which sets a one-year deadline to record a final plat following a vacation approval.

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled May 11, 2020 meeting.

A motion passed by unanimous consent (11 Yes, 0 No, 1 absent) to recommend approval of Ordinance 2020-23.

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

WHEREAS, at its meeting held on May 11, 2020, the Kenai Peninsula Borough Planning Commission recommended approval by unanimous consent.

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

AGENDA ITEM E. PUBLIC HEARINGS

- 3. Ordinance 2020-23, Authorizing a One-Time Extension of KPB 20.70.130 Which Sets a One-Year Deadline to Record a Final Plat Following Vacation Approval

Staff Report was given by Scott Huff

KPB 20.70.130, Vacation Plats, establishes a one-year deadline to record a final plat following vacation approval. Due to unavoidable no-fault delays related to the current COVID-19 public disaster emergency it is in the best interest of the borough to extend the deadline established under KPB 20.70.130.

This uncodified one-time extension ordinance applies to all plats where the one-year deadline expired after April 1, 2020. Due to the fact that the deadline cannot be extended administratively, assembly action is required.

END OF STAFF REPORT

Chairman Martin asked if anyone from the public wished to comment on this item. Seeing and hearing no one wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission

MOTION: Commissioner Carluccio moved, seconded by Commissioner Ruffner to forward to the Assembly a recommendation to approve Ordinance 2020-23, authorizing a One-Time Extension of KPB 20.70.130 Which Sets a One-Year Deadline to Record a Final Plat Following Vacation Approval

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM E. PUBLIC HEARINGS

- 4. Ordinance 2020-17, Authorizing a Lease to New Cingular Wireless PCS LLC for Approximately 1,600 Square Feet of Borough Land in Kenai for a Communications Site

Staff Report was given by Bryan Taylor

New Cingular Wireless PCS, LLC (New Cingular), a Delaware Limited Liability Company, has submitted an application for a negotiated lease of a 1,600 square-foot area located within S1/2SE1/4NW1/4, Section 31, T. 6N., R. 11W., S.M. Kenai Recording District, Third Judicial District, State of Alaska for construction and maintenance of a communications tower. The eastern half of this parcel contains the campus of Kaleidoscope Elementary School. The lease agreement includes the following terms:

- An option term of one year in which the lessee may investigate the site and pursue any needed authorizations. The lessee may choose to exercise the option to lease at any time during the option term. Consideration for the option is \$3,500.
- For the lease, there is an initial rental rate of \$1,400 per month that will increase annually by 2.5%.
- An initial term of five years, with the option to renew the lease for four additional five-year terms.
- For any sublessees, a revenue share of 33% of sublease rent to KPB.
- Requirements for a perimeter fence and gate installation around leased area with buffer landscaping.
- An easement to the tower for 24-hour site access for maintenance and emergency purposes.

New Cingular originally requested a location directly adjacent to the Kaleidoscope Elementary School campus. The KPB coordinated with the school principal and KPBSD staff regarding the location. New Cingular agreed to move the site to the west into the forested area to provide a buffer between the site and