



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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DAVID R. CAREY
BOROUGH MAYOR

M E M O R A N D U M

TO: Milli Martin, Borough Assembly President
Kenai Peninsula Borough Assembly Members

THRU:  Dave Carey, Borough Mayor

FROM:  Max J. Best, Planning Director

DATE: October 30, 2008

SUBJECT: Ordinance 2008-32 Authorizing the Negotiated Sale at Other Than Fair Market Value of Certain Real Property Having Been Leased By Snowshoe Gun Club Containing 186 Acres More or Less to the Snowshoe Gun Club

The Planning Commission reviewed the subject Ordinance during their regularly scheduled October 27, 2008 meeting. A motion to recommend adoption of the Ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARING

7. Ordinance 2008-32 Authorizing the Negotiated Sale at Other Than Fair Market Value of Certain Real Property Having Been Leased By Snowshoe Gun Club Containing 186 Acres More or Less to the Snowshoe Gun Club

Staff Report given by Marcus Mueller

PC Meeting: 10/27/08

The Borough through a municipal entitlement acquired the Snowshoe Gun Club property. The Borough has had management authority on the property for quite some time. There was discussion on whether it was in the Borough's best interest for liability reasons to be an underlining landowner in these types of situations. The conclusion was that it was in the Borough's best interest to pursue ways to get out from underneath these leases while not attempting obstruct the continuation of those land uses.

The Snowshoe Gun Club (SGC), an IRS recognized 501 (c)(7) public purpose non-profit corporation, has operated a public shooting range on 186 acres of leased property across from Beaver Loop Road (see attached map) since 1971; first as a sublease through the City of Kenai (1971-1984), and then from KPB (1985-2005). Since 2006, the SGC operates under a KPB land use permit. To date, the SGC has made \$24,600 in lease payments to KPB. The SGC has submitted an application to process a negotiated sale.

The Snowshoe Gun Club membership uses the range, which are members of the public. In addition, the range is used for public safety services.

The KPB assessing department determined the fee simple fair market value of the property to be \$126,600 on June 26, 2008.

The Ordinance would authorize the Mayor to convey 186 acres to the Snowshoe Gun Club, as its interest in Govt Lot 1 and NE1/4NW/14 Section 30 and Tract B ASLS 2005-7 according to Plat No. 2007-1 Kenai Recording District, and Govt Lot 4 and SE1/4SW1/4 Section 30 all within T6N, R10W, S.M., for \$70,000, which is other than the fair market value of the property, pursuant to KPB 17.10.100 (I) and 17.10.120 (D).

The proposed sale price is the result of negotiations between KPB and Snowshoe Gun Club. This value takes into consideration the public benefits of SGC's continued operations, the affect of the proposed deed restrictions, restricting the use to a shooting range available to the public, and the lease payments already received by the borough. This value is intended to approximate fair market value.

END OF MEMORANDUM

Chairman Bryson opened the meeting for public comment.

1. Phil Nash, 110 Willow #104, Kenai

Mr. Nash has been a 25-year member of the Snowshoe Gun Club and a life member of NRA. He submitted an original application in the fall of 2004 and has been working with staff in the purchase of this property.

Mr. Nash stated the Snowshoe Gun Club has over 500 members. There are also special arrangements with 10 Law Enforcement agencies that use the range. He was available to answer questions.

Chairman Bryson asked if there were questions for Mr. Nash.

Commissioner Johnson appreciated that Mr. Nash gave this his best shot.

Commissioner Isham asked who was excluded from membership. Mr. Nash replied that a member has to be over 18 years of age and not under any federal or state law that were preclude someone from having a firearm.

Seeing and hearing no one else wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Murphy moved, seconded by Commissioner Johnson to recommend to the Assembly the adoption of Kenai Peninsula Borough Ordinance 2008-32.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS ABSENT	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON YES
LOCKWOOD YES	MARTIN YES	MCCLURE YES	MURPHY YES	PETERSEN YES	TAURIAINEN YES	12 YES 1 ABSENT

AGENDA ITEM G. ANADROMOUS STREAM HABITAT PROTECTION (KPB 21.18) - None

AGENDA ITEM H. VACATIONS NOT REQUIRING A PUBLIC HEARING

1. Vacate the 20-foot utility easement centered on the line common to Lots 1 and 2, granted by Cooper Landing Senior Campus (Plat SW 2005-24); and as shown on Cooper Landing Senior Campus 2008 Addition (Plat SW 2008-12); within Section 34, Township 5 North, Range 3 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough. Location: On Snug Harbor Road in Cooper Landing. KPB File 2008-230; KPB PC Resolution 2008-37

Staff Report reviewed by Max Best

PC Meeting: 10/27/2008

Purpose as stated in petition: The existing easement crosses one of the few areas suitable for septic leach field expansion. Proposed replacement easement is not in conflict with future site development.

Petitioners: Marjorie Van Kooten, President for Cooper Landing Senior Citizens, Inc. of Cooper Landing, Alaska.

Notification:

Three notices of vacation mailings were sent by regular mail to owners of property within 300 feet. Notices were mailed to six interested parties and agencies. Notice was mailed to the Cooper Landing Post Office and Cooper Landing Community Library to post in public places. The notice was posted on the Borough web site and on the Borough bulletin board in Soldotna.

Statement(s) of non-objection

Chugach Electric
 Enstar Natural Gas
 TelAlaska Interior Telephone Company
 GCI Cable Company

Findings:

1. Per petition, the easement is not in use.
2. Four affected utility companies have provided written non-objection to the vacation.
3. No surrounding properties will be denied utilities.
4. No letters of objection have been received.
5. Cooper Landing Senior Campus 2008 Addition Plat (SW 2008-12) was recorded on August 12, 2008
6. The utility easement extends into Lot 2A and conflicts with suitable septic leach field expansion.
7. A 20-foot alternate utility easement within Lot 1A will be granted by a separate document.
8. All other utility easements will remain in place.
9. If approved, the vacation will be finalized by resolution.