

AGENDA ITEM __. PUBLIC HEARINGS

__. Proposed classification of Certain Borough land, pursuant to KPB Code of Ordinances, Chapter 17.10.080.

STAFF REPORT

PC Meeting July 19, 2004

Petitioner: Kenai Peninsula Borough, Alaska.

Basis For Classifications: Borough land must be classified prior to disposal pursuant to (KPB) Code of Ordinances, Chapter 17.10.080. Parcels appropriate for disposal will be considered for the borough's 2004 land sale.

Description of Borough Parcels and Proposed Classifications:

PARCEL No.	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
017-170-35	North Kenai	Government Lot 140, Section 14, T6N, R12W, S.M., AK.	* 2.50	Residential
017-180-06	North Kenai	Government Lot 23, Section 23, T6N, R12W, S.M., AK.	* 2.50	Residential
025-260-13	Gray Cliff	Lot 61, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	6.69	Rural
025-380-06	Gray Cliff	Lot 322, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.52	Rural
025-390-16	Gray Cliff	Lot 331, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.51	Rural
058-011-12	Ridgeway	Lot 3, Block 1, Sevena Lake Meadows Amended, filed as Plat No. 87-27, Kenai Recording District.	1.00	Residential
065-370-18	Sterling	SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T5N, R8W, S.M., AK.	38.48	Residential
139-210-02	Clam Gulch	West 416 feet of the east 1116 feet of the north 312 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, T1N, R12W, S.M., AK.	3.00	Rural
165-180-02	Anchor Point	Government Lot 3, and the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T4S, R14W, S.M., AK.	159.36	Rural
172-360-01	Fritz Creek	Government Lots 3, 4, and the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 5, T5S, R11W, S.M., AK.	160.00	Rural
173-160-54	Diamond Ridge	NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, T6S, R14W, S.M., AK.	40.00	Recreation
to be assigned	K-Beach	Tract A, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	19.185	Residential
to be assigned	K-Beach	Tract B, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	20.672	Residential
to be assigned	K-Beach	Lot 1, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
to be assigned	K-Beach	Lot 2, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
to be assigned	K-Beach	Lot 3, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
to be assigned	Seward	Tract 1, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	10.00	Commercial
to be assigned	Seward	Tract 2, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	10.462	Commercial

to be assigned	Seward	Tract 3, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	20.900	Preservation
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* Parcels 017-170-35 and 017-180-06 were once shown as 1.90 acres but are actually 2.50± acres. The difference in acreage is due to public right of way easements that were dedicated by the borough by deed to create Panorama Avenue and Galankin Street.

Public Notice: Public notice was published in the Peninsula Clarion, June 6 and June 13, 2004. Notice was sent by regular mail to all owners and/or leaseholders of record within one-half mile of the land proposed for classification. The notice consists of a cover letter, map, and list of land classification definitions. Public comments were requested to be returned by 5:00 p.m., June 21, 2004.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
017-170-35	Government Lot 140, Section 14, T6N, R12W, S.M., AK.	2.50	Residential

Overview: This parcel is located in the north Kenai area about a mile north outside the Kenai City limits. Road access is not constructed. Electric and telephone utilities are within 300 feet.

Findings of Fact:

1. **Title / Status:** The borough originally received title by a State patent and currently holds title by statutory warranty deed. This parcel was sold in a borough land sale lottery in 1986, pursuant to Ordinance 85-90 and amended by Ordinance 86-26 and classified as "sale lands." The parcel was subsequently deeded back to the borough by statutory warranty deed. Prior to sale, this parcel would need to be classified under the current KPB code.
2. **Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land.
3. **Ownership:** Surrounding land ownership includes borough and private land.
4. **Access:** A section-line easement runs along the south boundary (known as Panorama Avenue). KPB Resolution No. 85-151, authorized the south 50 feet and east 33 feet of subject parcel to be dedicated as a public right of way. These easements are intended to be reserved at the time of sale. No road has been constructed.
5. **Utilities:** Electric and telephone are within 300 feet. No other utilities are available at this time.
6. **Topography:** The topography is relatively level, spruce trees are predominate with some beetle kill.
7. **Public Comments:** As of the writing of this report no written comments were received.
1. **Agency Comments:** As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential.

Conclusion: A Residential classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
017-180-06	Government Lot 23, Section 23, T6N, R12W, S.M., AK.	2.50	Residential

Overview: This parcel is located in the north Kenai area about a mile north outside the Kenai City limits. Road access is not constructed. Electric and telephone utilities are within 300 feet.

Findings of Fact:

1. **Title / Status:** The borough originally received title by a State patent and currently holds title by clerk's deed. This parcel was sold in a borough land sale lottery in 1986, pursuant to Ordinance

85-90 and amended by Ordinance 86-26 and classified as "sale lands." Subsequently, this parcel became subject to tax foreclosure action. Ordinance 93-17 withheld the parcel from a tax foreclosure sale and retained it for a public purpose as the borough had an underlying interest (Deed of Trust), and classified it as "government". Because the borough has held this parcel for more than ten years it is now being re-offered for sale. Prior to sale, this parcel would need to be classified under the current KPB code.

2. **Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development includes a mobile home with a lean-to.
3. **Ownership:** Surrounding land ownership includes borough and private land.
4. **Access:** A section-line easement runs along the north boundary (known as Panorama Avenue). By deed, the borough granted the north 50 feet and east 33 feet of subject parcel as a public right of way. No road has been constructed.
5. **Utilities:** Electric and telephone are within 300 feet. No other utilities are available at this time.
6. **Topography:** The topography is relatively flat, spruce trees are predominate with some beetle kill.
7. **Public Comments:** As of the writing of this report no written comments were received.
8. **Agency Comments:** As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential.

Conclusion: A Residential classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
025-260-13	Lot 61, Gray Cliff Subdivision, Filed as Plat No. 82-80, Kenai Recording District.	6.69	Rural
025-380-06	Lot 322, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.52	Rural
025-390-16	Lot 331, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.51	Rural

Overview: The parcels are located in a remote area between Captain Cook Park and Point Possession. Gray Cliff Subdivision was originally planned for rural development with large acreage parcels. The predominant use for this area is recreation sites with cabin-type development. No utilities are available. Roads to this subdivision have not been constructed. Access to this area is generally gained by ATVs, snow machines, or off-road vehicles through the extension of the North Kenai Road. This road is unimproved with rudimentary access only. Access to this area is also gained via the Cook Inlet shoreline at low tide.

Findings of Fact:

1. **Title/Status:** The borough originally received title by a State patent and currently holds title by Clerk's Deed. The parcels were sold in a borough land sale lottery in 1986, pursuant to Ordinance 85-90 and amended by Ordinance 86-26 and classified as "sale lands." Subsequently, the parcels became subject to tax foreclosure action. Ordinance 93-17 withheld the parcels from a tax foreclosure sale and retained them for a public purpose as the borough had an underlying interest (Deed of Trust), and classified them as "government". Because the borough has held the parcels for more than ten years they are now being re-offered for sale. Prior to sale, the parcels would need to be classified under the current KPB code.
2. **Land Use:** Surrounding land use includes residential and undeveloped land. Resolution 2003-085 has previously classified such parcels in the Gray Cliff Subdivision as Rural.
3. **Ownership:** Surrounding land ownership includes borough and private land.
4. **Access:** All parcels have a platted right of way that abuts the parcel. No roads have been constructed. The North Kenai Road is a platted right-of-way that runs through the Gray Cliff Subdivision. Although this road is not improved, it will provide the main travel way for arterial

- transportation for this area.
5. Utilities: No utilities are available at this time.
 6. Topography: Soil conditions vary in this area but the Gray Cliff Subdivision was designed to allow at least one home site on each lot. There is a considerable amount of wetlands in this area but it appears from aerial photography that the parcels are mostly upland.
 7. Public Comments: As of the writing of this report no written comment were received.
 8. Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Recreational.

Conclusion: Because of the remote nature of the parcels and the borough previously classifying similar parcels in the area as residential, a Rural classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
058-011-12	Lot 3, Block 1, Sevena Lake Meadows Amended, filed as Plat No. 87-27, Kenai Recording District.	1.00	Residential

Overview: This parcel is located north of the Mackeys Lakes area on the south shore of Sevena Lake. Road access is available. No utilities are available.

Findings of Fact:

1. Title / Status: The borough received title by statutory warranty deed, in lieu of a tax foreclosure deed.
2. Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land.
3. Ownership: Surrounding land ownership is private land.
4. Access: Northern Pike Boulevard is a platted right-of-way that abuts this parcel. Northern Pike Boulevard is a gravel road.
5. Utilities: No utilities are available.
6. Topography: Topography is relatively flat and forested. Ground is soft with an understory of ferns and thick moss. The north end of the parcel (160 ft.±) turns to a wetland grassy area as it approaches the lake.
7. Special Features: This parcel has lake-side frontage on Sevena Lake.
8. Public Comments: As of the writing of this report no written comments were received.
9. Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential/Recreational.

Conclusion: Because of the remote location of this parcel and no utilities available, a Rural classification would be more appropriate than the proposed Residential classification.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
065-370-18	SW¼ SE¼ , Section 2, T5N, R8W, S.M., AK.	* 38.48	Residential
* Acreage has been corrected from 38.48 acres to 40.00 acres.			

Overview: This parcel is located in the Sterling area off of Bear Road, approximately 1½ miles north of the intersection of the Sterling Highway and Adkins Road / Karen Lane. Road access and utilities are available.

Findings of Fact:

1. Title / Status: The borough has received title by a State patent. In the early to mid 1980's the State administered a timber sale for this area. This program encouraged thinning of birch trees as opposed to large scale harvesting.
2. Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential, agriculture, industrial (Gudenrath natural gas compressor site and airstrip), and undeveloped land. KPB Resolution 2003-085 has previous classified similar parcels in this area as Residential.
3. Ownership: Surrounding land ownership includes borough, native, and private parcels.
4. Access: Bear Road is a platted half right-of-way (30 feet wide) and gravel road that abuts the north boundary. An additional 30 feet easement was dedicated by the borough over the north 30 feet of subject parcel, making Bear Road a full 60-foot wide right-of-way. In addition, this parcel will be subject to a 30-foot wide easement for right-of-way on the east and west boundaries. An undeveloped section-line easement runs along the south boundary (Line Avenue). Line Avenue is undeveloped. A maintenance road for the overhead power lines traverses the south boundary of this parcel.
5. Utilities: Electric and telephone are available. No other utilities are available at this time.
6. Topography: The interior topography of this parcel is generally flat with high ground and mostly forested with spruce and alder. A well-defined old logging trail still traverses this parcel.
7. Special Features: This parcel is subject to a 100-foot wide easement for an electric transmission line along the south boundary. This easement is traversed by a utility maintenance road.
8. Public Comments: As of the writing of this report one written comment was received expressing interest in the purchase of this parcel.
9. Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential.

Conclusion: With adjacent land use being residential and the borough previously classifying similar parcels in the area as residential, a Residential classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
139-210-02	West 416 feet of the east 1116 feet of the north 312 feet of the NE¼ NW¼, Section 7, T1N, R12W, S.M., AK.	3.00	Rural

Overview: This parcel is located in the Clam Gulch area near Mile Post 120 of the Sterling Highway. An undeveloped section-line easement abuts the north boundary of this parcel. Electric and telephone utilities are available.

Findings of Fact:

1. Title / Status: The borough received title by a tax foreclosure deed. Because the borough has held this parcel for more than ten years it is now being re-offered for sale.
2. Land Use: No comprehensive land use plan has been developed for this area. Subject parcel includes a 40ft. x 60ft. concrete block building that was used as a cannery. Surrounding land use includes residential and undeveloped land.
3. Ownership: Surrounding ownership is private land.
4. Access: An undeveloped 66-foot wide section-line easement runs from the Sterling Highway to and along north boundary of this parcel. The topography of the section-line appears to be feasible for road construction. An old road crosses the adjacent private properties leading this to this parcel. Permission to use this road would need to be obtained from the property owners.
5. Utilities: Electric and telephone are available.
6. Topography: Except for the building site area, a large portion of this parcel is lowland with gentle slopes. Falls Creek runs through the western end of this parcel.

7. Public Comments: As of the writing of this report no written comments were received.
8. Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential/Recreational.

Conclusion: A Rural classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
165-180-02	Government Lot 3, and the E½ NW¼ and the NE¼ SW¼, Section 30, T4S, R14W, S.M., AK.	* 159.36	Rural
* Acreage has been corrected from 159.36 acres to 159.26 acres.			

Overview: Located in the Anchor Point area, this parcel is a large acreage parcel bordered by large acreage subdivision lots. Road access and utilities are available.

Findings of Fact:

1. Title / Status: The borough received State patent for subject land. A fuel reduction timber harvest was authorized by the borough and completed in 2002 with the replanting of spruce seedlings.
2. Land Use: Surrounding land use includes residential, industrial (gravel extraction), and undeveloped land. Adjacent land to the south is a gravel extraction site. Residential housing exist to the north, east, and west.
3. Ownership: Surrounding land ownership are private land.
4. Access: Access is gained from Cottonwood Lane, a 30-foot wide dedicated right of way and gravel road. Haven Avenue, This Way Road, Pioneer Road, and Otta Street abut this parcel but are undeveloped. An undeveloped section-line easement borders the north and west boundary.
5. Utilities: Electric and telephone are available.
6. Topography: Topography is relatively level with organic remains of the 2002 fuel reduction timber harvest project. The parcel was replanted with spruce seedlings. The North Fork Anchor River crosses the southwest corner of this parcel. An old seismic line crosses the north end of this parcel.
7. Public Comments: As of the writing of this report 2 written comments were received objecting to the proposed Rural classification.
8. Agency Comments
 - Anchor Point Advisory Planning Commission (APAPC): At its January 7, 2003 meeting, the APAPC recommended a Rural classification.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is to hold for future development.

Conclusion: A Rural classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
172-360-01	Government Lots 3, 4, and the S½ NW¼, Section 5, T5S, R11W, S.M., Ak.	160.00	Rural

Overview: This parcel is located in the Fritz Creek area near Mile Post 16 of East End Road. An undeveloped section-line easement borders the west and north boundary. Utilities are not in the immediate area.

Findings of Fact:

1. Title / Status: The borough received State patent for subject land.
2. Land Use: Surrounding land use includes timber/farm, residential, and undeveloped land. An airstrip exists to the east.
3. Ownership: Surrounding land ownership includes borough land to the west, state and native land to the north and private land to the south and east.
4. Access: An undeveloped section-line easement runs along the west and north boundaries. The topography of the section-lines appears to be feasible for road construction. The "Snowmads" snow machine trail crosses the northeast corner of this parcel.
5. Utilities: Electric and telephone are more than 1,000 feet away.
6. Topography: Moderate to gentle slopes with some lowland areas. The parcel is predominately forested with spruce with some beetle kill.
8. Public Comments: As of the writing of this report no written comments were received.
9. Agency Comments:
 - Kachemak Bay Advisory Planning Commission (KBAPC): At its February 7, 2002 meeting, the KBAPC recommended a Rural classification. (minutes are unapproved)

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is to hold for future development.

Conclusion: With the surrounding area having large acreage parcels; mixed with timber/farm, residential, and undeveloped land; a Rural classification would be compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
173-160-54	NW¼NW¼, Section 15, T6S, R14W, S.M., AK	40.00	Recreation

Overview: Located near Mile Post 168.5 of the Sterling Highway, this parcel is situated in the Diamond Ridge area and is border by the Homer City limits. This parcel is subject to section-line easements. Utilities are available.

Findings of Fact:

1. Title / Status: The borough received State patent for subject land. A land use permit was issued by the State to the borough for land fill purposes. The permit was issued in 1979 and expired in 1984. In the late 1970's this parcel was one option for land fill development before the borough sited the Homer land fill at its current location.
2. Land Use: Surrounding land use includes residential, commercial, and undeveloped land. A 10 acre parcel to the southeast was classified as Recreational per KPB Resolution No. 2002-023 and subsequently zoned by the City of Homer as Open Space / Recreational. A 40 acre parcel to the east was classified as Light Industrial per KPB Resolution No. 99-050 and is now being used as an asphalt batch plant and stockpiling of gravel for sale. To the south is a commercial business (Moore & Moore Services) but it is zoned as Rural Residential by the City of Homer. Other surrounding development includes the KPB Homer land fill facility, State maintenance site, RV park, and a gas station with a store.
3. Ownership: Surrounding land ownership includes borough, state, federal, and private land.
4. Access: An undeveloped section-line easement runs along the north and west boundaries. The topography of the north/south section-line appears to be feasible for road construction.
5. Utilities: Electric and telephone are available.
6. Topography: Rolling terrain with moderate to steep slopes. Heavily treed with spruce with some beetle kill. A small area of wetlands exists in the northeast and southeast corners of this parcel.
7. Public Comments: As of the writing of this report 5 written comments were received. Three in favor of the Recreational with one asking for the retention of this parcel, one in favor of the sale of this parcel, and one asking for a Light Industrial classification.
8. Agency Comments:
 - KPB South Peninsula Hospital: The South Peninsula Hospital inquired about the feasibility of using this parcel for a future hospital site.

- KPB Spruce Bark Beetle Office: This parcel was proposed as part of the Baycrest Timber Sale. Because of market conditions this sale did not go forward. At this time there are no plans to reoffer the timber sale.
- Kachemak Bay Advisory Planning Commission (KBAPC): At its January 15, 2000 meeting, the KBAPC recommended a Residential classification for the SW¼ of this parcel with a Recreational classification for the remainder.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential.

Conclusion: There is no predominate land use pattern for this area. Based on public comment and agency review a Commercial classification for the SW¼ of this parcel with a Recreational classification for the remainder would be more appropriate than the proposed Recreational classification for the entire parcel.

* PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
* to be assigned	Tract A, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	19.185	Residential
* to be assigned	Tract B, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	20.672	Residential
* The parent parcel number is 131-070-11. The borough is proposing to subdivide this land (Beach View Subdivision, preliminary plat). After this land is subdivided, a new parcel number will be assigned to each parcel.			

Overview: Located near Mile Post 7.5 of Kalifornsky Beach Road, this parcel is in the Kalifornsky area. Road access and utilities are available.

Findings of Fact:

1. Title / Status: The borough has received State patent for subject land, subject to an oil and gas lease. The underlying parcel was previously classified as Residential per Resolution No. 94-055 and authorized for sale per Ordinance 2001-31. Since then, the borough is proposing to subdivide this land (Beach View Subdivision, preliminary plat).
2. Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes mostly undeveloped land with some residential.
3. Ownership: Surrounding land ownership includes borough, state, and private land.
4. Access: Access is gained from Kalifornsky Beach Road and may require a State driveway permit. The final plat will dedicate a 30-foot wide road right-of-way along the north boundary of Tract A and a 60-foot wide right-of-way along the south boundary of Tract B.
5. Utilities: Electric and telephone are available. A natural gas pipeline (Kenai Kachemak pipeline) runs along the east side of Kalifornsky Beach Road. This pipeline is for transmission purposes only. At this time there are no plans for the construction of a distribution line for residential use.
6. Topography: Topography is relatively flat and forested with spruce and cottonwood. A small portion of wetlands exist in the east end of the parcels. The parcels lie within the Flood Zone C; areas determined to be outside the 500-year flood plain.
7. Special Features: A small unnamed creek traverses Tract A.
8. Public Comments: As of the writing of this report no written comments were received.
9. Agency Comments:
 - KPB Plat Committee held a public hearing on April 12, 2004 and granted preliminary approval of Beach View Subdivision. (Public notice was sent to property owners within 600 feet of the proposed subdivision)

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcels is Residential.

Conclusion: A Residential classification is compatible with the surrounding area.

* PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
* to be assigned	Lot 1, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
* to be assigned	Lot 2, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
* to be assigned	Lot 3, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
* The parent parcel number is 131-070-49. The borough is proposing to subdivide this land (Beach View Subdivision, preliminary plat). After this land is subdivided, a new parcel number will be assigned to each parcel.			

Overview: These are Cook Inlet bluff parcels located at approximately Mile Post 7.5 of Kalifornsky Beach Road. Road access and utilities are available.

Findings of Fact:

1. **Title / Status:** The borough has received a State patent for subject land, subject to an oil and gas lease. The borough is proposing to subdivide this land (Beach View Subdivision, preliminary plat).
2. **Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use includes residential parcels to the north and the Kalifornsky Village to the south. This village is a Kenaitze historic site which includes a church and cemetery. The Kenaitze Village site was classified as Institutional per KPB Resolution No. 98-077. Shore fishery set-net sites are in close proximity.
3. **Ownership:** Surrounding land ownership includes borough and private land.
4. **Access:** Access is gained from Kalifornsky Beach Road and may require a State driveway permit. These lots are subject to a 50-foot wide public easement, upland along the mean high water line of the Cook Inlet.
5. **Utilities:** Electric and telephone are available. A natural gas pipeline (Kenai Kachemak pipeline) runs along the east side of Kalifornsky Beach Road. This pipeline is for transmission purposes only. At this time there are no plans for the construction of a distribution line for residential use.
6. **Topography:** Topography is relatively flat and forested with spruce and cottonwood. The bluff is approximately 40 feet high. A small portion of these lots, along the Cook Inlet side, lie within Flood Zone V, a special flood hazard area inundated by the 100-year flood; coastal floods with velocity hazards (waive action).
7. **Special Features:** Cook Inlet bluff parcels.
8. **Public Comments:** As of the writing of this report no written comments were received.
9. **Agency Comments:**
 - KPB Plat Committee held a public hearing on April 12, 2004 and granted preliminary approval of Beach View Subdivision. (Public notice was sent to property owners within 600 feet of the proposed subdivision)

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcels is Residential for Lots 1 and 2. (Lot 3 was not appraised)

Conclusion: A Residential classification is compatible with the surrounding area.

* PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
* to be assigned	Tract 1, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	10.00	Commercial

* to be assigned	Tract 2, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-_____, Seward Recording District.	10.462	Commercial
* to be assigned	Tract 3, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-_____, Seward Recording District.	20.900	Preservation
* The parent parcel number is 144-010-33. The borough is proposing to subdivide this land (Exit Glacier Subdivision No. 2, preliminary plat). After this land is subdivided, a new parcel number will be assigned to each parcel.			

Overview: The parcels are located in the Seward area. Road access and utilities are available.

Findings of Fact:

1. **Title / Status:** The borough has received a State quit claim deed for subject land as it was originally selected by the borough for a school, solid waste site, and recreation area. The borough is proposing to subdivide this land (Exit Glacier Subdivision No. 2, preliminary plat).
2. **Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use includes commercial, residential, and undeveloped land. Borough land across Old Exit Glacier Road was classified as Recreational per KPB Resolution No. 96-039. Surrounding development includes the Kenai Fjords National Park maintenance facility, two commercial businesses for lodging and the Ididaride (dog sled rides).
3. **Ownership:** Surrounding land ownership includes borough and private land.
4. **Access:** Access is gained from Old Exit Glacier Road, a gravel road.
5. **Utilities:** Electric and telephone service are approximately 300± feet from Tract 1 and 700± feet from Tract 2. Electric service is available for Tract 3.
6. **Topography:** Topography is relatively flat with a ridge running along the eastern side of Clear Creek as it crosses the northeast corner of Tract 3. Wetlands cover a large portion of this area. As shown on the subdivision plat a portion of Tract 3 is located in a mapped flood hazard zone. Tracts 1 and 2 have potential for development along Old Exit Glacier Road.
7. **Public Comments:** As of the writing of this report 2 written comments were received expressing interest in the subdivision and sale of this land.
8. **Agency Comments:**
 - KPB Plat Committee held a public hearing on April 26, 2004 and granted preliminary approval of Exit Glacier Subdivision No. 2. (Public notice was sent to property owners within 600 feet of the proposed subdivision)
 - Seward Bear Creek Flood Service Area is opposed to the sale and development of this land, expressing concern that development of this parcel would be subjected to serious flood problems. (Per letter of June 14, 2004 from David Hayes)

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcels is Residential for tracts 1 and 2. (Tract 3 was not appraised)

Conclusion: Being encumbered by a flood zone and traversed by Clear Creek, a Preservation classification for Tract 3 is appropriate. With portions of Tract 1 and 2 being developable, fronting on a main roadway, and other commercial businesses in the area, a Commercial classification is appropriate for these parcels.

STAFF RECOMMENDATION: Based on the findings of fact, and conclusions, KPB staff recommends that the KPB Planning Commission recommend adoption of the resolution classifying subject parcels as follows:

PARCEL No.	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
017-170-35	North Kenai	Government Lot 140, Section 14, T6N, R12W, S.M., AK.	2.50±	Residential

017-180-06	North Kenai	Government Lot 23, Section 23, T6N, R12W, S.M., AK.	2.50±	Residential
025-260-13	Gray Cliff	Lot 61, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	6.69±	Rural
025-380-06	Gray Cliff	Lot 322, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.52±	Rural
025-390-16	Gray Cliff	Lot 331, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.51±	Rural
058-011-12	Ridgeway	Lot 3, Block 1, Sevena Lake Meadows Amended, filed as Plat No. 87-27, Kenai Recording District.	1.00±	Rural
065-370-18	Sterling	SW¼ SE¼, Section 2, T5N, R8W, S.M., AK.	38.48±	Residential
139-210-02	Clam Gulch	West 416 feet of the east 1116 feet of the north 312 feet of the NE¼ NW¼, Section 7, T1N, R12W, S.M., AK.	3.00±	Rural
165-180-02	Anchor Point	Government Lot 3, and the E½ NW¼ and the NE¼ SW¼, Section 30, T4S, R14W, S.M., AK.	159.36±	Rural
172-360-01	Fritz Creek	Government Lots 3, 4, and the S½ NW¼, Section 5, T5S, R11W, S.M., AK.	160.00±	Rural
173-160-54	Diamond Ridge	NW¼ NW¼, Section 15, T6S, R14W, S.M., AK.	40.00±	Commercial for the SW¼ of this parcel with Recreational for the remainder.
to be assigned	K-Beach	Tract A, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	19.185±	Residential
to be assigned	K-Beach	Tract B, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	20.672±	Residential
to be assigned	K-Beach	Lot 1, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534±	Residential
to be assigned	K-Beach	Lot 2, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534±	Residential
to be assigned	K-Beach	Lot 3, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534±	Residential
to be assigned	Seward	Tract 1, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	10.00±	Commercial
to be assigned	Seward	Tract 2, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	10.462±	Commercial
to be assigned	Seward	Tract 3, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	20.900±	Preservation

End of staff report

**MAPS OF THE SUBJECT
PARCELS ARE INCLUDED
WITH THE SUPPORT
INFORMATION FOR
ORDINANCE 2004-25**

Sweppy, Maria

Sent: Tuesday, July 20, 2004 10:50 AM

To: planning@borough.kenai.ak.us

Subject: Response to South Peninsula Plan

.....
Name: Lorna Reece
Phone_Number: 907-243-1956
Parcel_ID: 16518002
Submitted: Submit

Address:

rreece@customcpu.com

Recommendations:

I request the area to be re-classified as #7 instead of #14 per your land use plan. The parcel and surrounding area once beautiful is now clear cuttings (with excessive grass) gravel pits and private home. Surrounding land is all subdivided into lots. At one time the borough maintained that this lot would be a greenbelt for the community. It was logged lightly in the early 80's and clear-cut by Gates Constuction last year. I was told it would be reforested this area, parellel to maintained road could add aesthetics to the community that is in much need of it.

It was my understanding at the last Anchor Pt. Land Classification Meeting that they recommended #7 and #6 if because of logging it did not fit within the guidelines of #7. Members felt the area was already saturated with lots,pits,etc. and a greenbelt(upon reforestation) would best serve the community.

Comments:

I am a property owner next to this property. It is my understanding that as of KPBs Planning meeting on 7/19/04 this land is to be put up for sale with private ownership. After crossing the Anchor R. you are now met with gravel pits and grass covered clear cut lots. I have requested access across this land which I would respect. I had planned to someday retire here and would enjoy, as would others to see the rest of the area reforested and as is possible restored. Future homes and lifestyles would greatly benefit from this change. Thank you.

FAX to: (907) 262-8618
 Attention: Maria-KPB Planning Dept.

Please distribute to Planning
 Commission Members for

July 19, 2004 - 7:30 a.m. Meeting

Please also to Mayor and Assembly

Regarding:

Proposed classification of
 Borough parcel #173-160-54 - General Location
 Diamond Ridge, Legal Description
 NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 15, T6S, R14W, S.M., Alaska,

we oppose the proposed classification
 of Recreation.

We ask that the parcel be classified as
 Preservation and Recreational.

My family and I are located on land nearby.
 We want the land protected and kept
for preservation and recreational uses.
 We do not want industrial classification
 to come later with persons buying it
 for purposes not compatible with the best
 interests of the people. Thank you.

Please classify the parcel as
 Preservation and Recreational.

Sincerely,

V. Jerral, Ph.D.

V. Jerral Ph.D.
 July 19, 2004

From:
 FAX (907) 235-
 2281
 V. Jerral, Ph.D.
 P.O. Box 938
 Homer, Alaska
 99603

The information depicted hereon is for a graphical representation
 only of best available sources. The Kenai Peninsula Borough
 assumes no responsibility for any errors on this map.

0 0.125 0.25 Miles

N
 A

173-160-54



June 6, 2004

Dear Land Owner or Leaseholder:

Pursuant to Kenai Peninsula Borough (KPB) Code of Ordinances, Chapter 17.10.080, the KPB proposes to classify certain Borough parcels. This notice is being sent to you because you own or are a leaseholder of land within a one-half mile radius of the KPB parcel(s) proposed to be classified. The Borough encourages you to review the land classification, attend meetings, and submit written comments. Maps showing the subject parcel(s) are also available at the KPB Planning Department public counter or on the borough's web site under *Public Notices* at <http://www.borough.kenai.ak.us/planningdept>

PETITIONER: Kenai Peninsula Borough.

BASIS FOR CLASSIFICATIONS: Borough land must be classified prior to disposal pursuant to (KPB) Code of Ordinances, Chapter 17.10.080. Subject parcel(s) is/are being considered for the borough's 2004 land sale.

MEETING SCHEDULE: The public is invited to comment and give testimony at the following meetings. Public meetings will be held as shown unless otherwise advertised.

KPB Planning Commission Public Hearing: July 19, 2004, 7:30 p.m. at the KPB Administration Building, 144 N. Binkley Street, Soldotna, AK 99669-7599.

KPB Assembly Meeting: August 3, 2004, 7:00 p.m. KPB Administration Building, 144 N. Binkley Street, Soldotna, AK 99669-7599.

WRITTEN COMMENTS: Written comments received before 5:00 p.m., **June 21, 2004** will be included in the Planning Commission mail-out packets. Written comments must be received not later than 5:00 p.m., July 19, 2004 to be considered at the Planning Commission public hearing.

Written comments may be sent to the following address:
Kenai Peninsula Borough, Land Management Division
144 N. Binkley Street, Soldotna, AK 99669-7599

DESCRIPTION OF BOROUGH PARCEL(S) AND PROPOSED CLASSIFICATION:

PARCEL	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
172-360-01	Fritz Creek	Government Lots 3, 4, and the S½ NW¼, Section 5, T5S, R11W, S.M., Ak.	160.00	Rural

ADDITIONAL INFORMATION: For further information contact Paul Ostrander or Daniel Conetta, Land Management Division at 907-714-2211, or toll free within the Borough 1-800-478-4441, ext. 2211.

The Kenai Peninsula Borough reserves the right to waive technical defects in this publication.

NORTH 200' 10" LAND BARS

United Tract

4 KHC

KHB

SOUTHEASTLAND CREEK

A-a class 7 WETLAND 116 acres

B class 4 M. WETLAND 136 acre

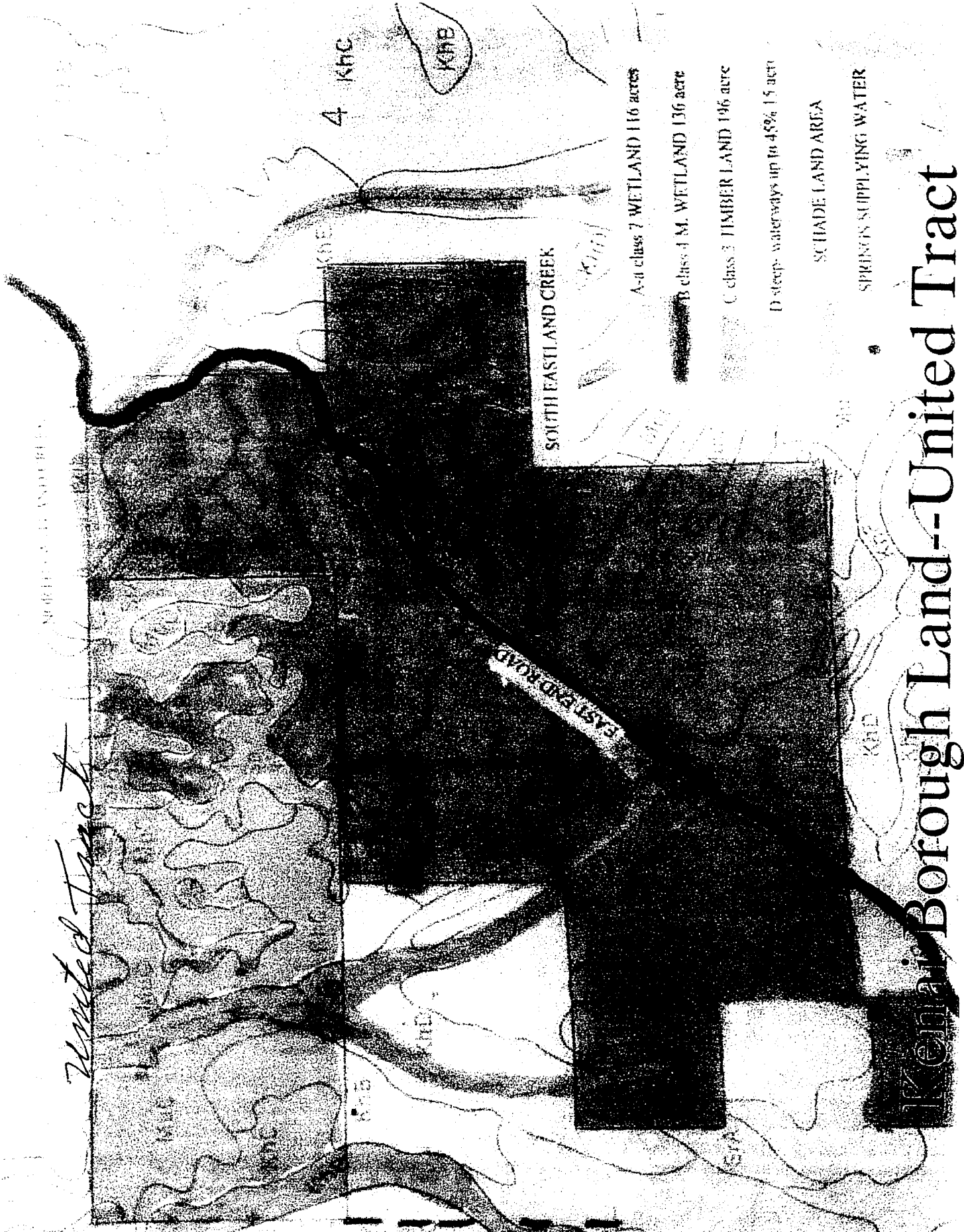
C class 3 TIMBER LAND 196 acre

D steep waterways up to 45% 15 acre

SCHADE LAND AREA

SPRINGS SUPPLYING WATER

Kenair Borough Land--United Tract



Law office of Stephen McAlpine
4141 B Street, Suite 202
Anchorage, AK 99503

Telephone: (907) 277-5542 E-mail: samcalpine@yahoo.com Facsimile: (907) 272-5542

July 19, 2004

Kenai Peninsula Borough, Land Management Division
144 N. Binkley Street
Soldotna, AK 99669-7599

ATTN: Paul Ostrander/Daniel Conetta
REF: Classification of Parcel 172-360-01, Fritz Creek

Dear Messrs. Ostrander and Conetta :

Please be advised that I have been asked to represent Mr. Lloyd Schade. I am writing to comment on the proposed classification of Government Lots 3,4, and the S1/2 NW1/4, Section 5, T5S, R11W, S.M., Parcel 172-360-01, Fritz Creek, located near Homer. It is my understanding from your communication of June 6, 2004, that the Borough proposes to classify that parcel as "Rural". I do not believe that this is an appropriate classification for several reasons.

The subject parcel lies in an area that is adjacent to privately held lands. It provides an important watershed to several downhill and downstream properties. The United States Department of Agriculture, Natural Resource Conservation Service has previously communicated with the Borough through the District Conversationist. His office has offered technical assistance to Borough officials in the development of a comprehensive soil and water conservation plan for both this parcel as well as adjacent lands owned by the Borough. Further study by his office has provided the following information with respect to the parcel which is currently being considered for classification:

This parcel consists of over 90% class 7W soils. These soils have severe limitations for most uses due to extreme wetness. The water table is at or near the surface on these soils continuously and wetland permits from the Corps of Engineers would be Required for any development activities on them. Their primary uses are limited to native woodland, wildlife habitat, recreation And watershed and water source protection areas.

The proposed "rural" classification provides no protection for these considerations. Indeed, if I correctly understand the rural classification, it provides no restrictions. The danger, of course, is that the Borough may believe (and a prospective purchaser may be enticed to believe) that this parcel would be available for unrestricted development such as tract housing,

Kenai Peninsula Borough, Land Management Division

July 19, 2004

Page 2

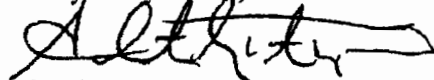
without regard to the effects that it would have on other properties. I would respectfully request that the Land Management Division recommend delaying the classification until a comprehensive analysis can be conducted and presented to the public for its review. Moreover, it appears that the better classification of this property would, under the Borough Code of Ordinances, be "Preservation". That classification means:

Lands needed for stabilization or maintenance of natural features, historic value, known nesting areas of migratory birds or required to maintain the integrity of certain types of easements or as buffers, green belts, water sheds, or other reservations to preserve natural resources and aesthetic qualities. Soils may be of such a nature as to not be usable for construction of buildings.

Borough Code of Ordinances, Title 17 (emphasis added).

If disposal of this parcel is considered by the Borough to be in its best interests, further consideration should be given to classification and disposal of this parcel, only if it is done in conjunction with NE1/4 Section 6, T5S, R11W and E1/2, NW1/4 Section 6, T5S, R11W. Combined, these properties may allow for some measure of development while ensuring that portions of that combined parcel could be preserved for protection purposes. It should not escape notice that only large scale development on the subject parcel would justify the cost of access to the property. Left alone, the subject parcel could only support such development if it was first drained and then subjected to significant excavation. These measures can and should be avoided by either delaying classification or temporarily or permanently classifying the property in a preservation status.

Very Truly Yours,



Stephen McAlpine



Power Search

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Yellow Pages

Classifieds

Story last updated at 4:41 p.m. Thursday, July 15, 2004

Borough land sale taps southcentral Peninsula

BY CARLY BOSSERT

Every year the Kenai Peninsula Borough selects several parcels for sale, and this year's proposed plats in the Homer area have adjacent property owners concerned.

Of the more than 20 plats tentatively identified by the borough Land Management division for sale this fall, three are in the southcentral Peninsula.

One lies roughly 15 miles out East End Road and is comprised of 160 acres of what neighbor Lloyd Schade calls "wasteland."

"That is part of the land that nobody wanted," he said. "That's why the borough ended up with it. That's why my property ends there."

The land is nearly all wetland and is the source of drinking water for the more than 100 homes in the vicinity, Schade said.

Land Management Officer Paul Ostrander, who with Planning Director Max Best identifies land to include in the annual sales, said their sources — the National Wetland Inventory and the US Department of Agriculture soils report — show between 30 and 50 percent wetlands on the 160 acres.

"Our sources indicate that this is a parcel that could be developed," Ostrander said.

The land is part of 155,000 acres designated for community development through the municipal entitlement program when the borough was created.

Theoretically, Ostrander said, the state wouldn't put land up for development if it wasn't viable.

Although the borough has selected some land that turned out not be developable for various reasons, preliminary assessments of the land, which lies to the north of the intersection of Lowbush and East End Roads, looks to be OK, he said.

The land is classified as rural, which means there are no restrictions on what that land can be used for.

This designation was selected based on several criteria — location, surrounding uses, existing and future access, property characteristics including topography, soils and availability of utilities, known encumbrances and comments from the land planning commission.

"Certainly there needs to be responsible development on the parcel," Ostrander said, but "there are regulating agencies that control that environment. Clearly if there's development, any filling or dredging of wetlands," the Corps of Engineers would have permitting responsibilities.

Schade predicts a rude awakening for anyone who buys the land for residential or commercial purposes.

"The Corps of Engineer will shut them down," said Schade, who owns property to the north and

Search

Local Interest

Home
News
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Opinion
Neighbors
Homer Crier
Churches
Obituaries
Activities
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Archives
Classifieds

Features

Photo features
Editorial Cartoon
Tourism Guide
Forum
Archives
Taskan Autos
Explore the Kenai
About us

east of the lot.

He would prefer that the borough designate the land as agricultural or preservation. In either scenario, the corps would have increased jurisdiction.

"I want the country built up and done right. But, water is extremely important in this country. And we have pure water here," Schade said.

Ostrander said he encourages anyone with concerns to present their comments to the borough assembly during a public hearing Aug. 3 or the planning commission July 19.

"They should testify in front of the assembly if they think that their water is coming from there," he said. "If they have a valid concern there, they need to come and explain that. There's information out there that we're not privy to."

The assembly, he said, typically gives strong credence to public testimony.

The ordinance that would approve the parcels for sale was introduced at the assembly's last meeting July 6.

A 160 acre parcel in Anchor Point and a 40 acre lot on Diamond Ridge Road also are included in the sale.

The exact prices of the parcels will be determined by the assembly, although the division suggest fair market value.

For example, the East End parcel is suggested to be sold for \$128,000.

The sale will be open for bids this fall from Sept. 30 to Oct. 27. Highest bidders will be announced Oct. 28.

For more information on the sales visit the borough's land management website at www.borough.kenai.ak.us/LandManagement/default.htm.

Carly Bossert can be reached at carly.bossert@homernews.com.

Discuss this story in our Discussion Forum



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a friend



E-mail a message
to the editor



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e-mailed to you

Comments or questions?

For questions about the website contact the web master at HomerNews.com
For questions or comments about the news Homer News Editorial and Newsroom Content

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ATTACHMENT I

Location: This land is separated from East End Road and other individuals by land controlled by the Schade Family. Without access it has little value to other people.

Watershed. This area supplies the water for the Schade family. As noted by USDA's document and soil map. There is wetland throughout this area. To disturb this land and divert or contaminate our water supply would have a harmful effect and be against the law.

Farm connection: Our present farm area produces a living for 4 families. These families are growing and we need more land to keep going. With the land connected to our present farm, it makes it possible to clean it up and put it into production.

Timber loss: The trees on this land have been dead (bark beetle) for over three years. Their value has deteriorated to almost nothing and it is a costly project to remove them. Once removed, the stumps and roots have to be dug out and removed. Under the present conditions, it is a break even proposition, however, the trees are starting to fall and intertwine (see photo) which will make it cost prohibitive. We are the only ones who have the knowledge and connections to do this now and can put the land into production.

Our family has spent over 40 years building this area from nothing to an asset we can be proud of. The sizable increase in value for tax purposes represents this and the benefit our borough derives therefrom. With this land in our program, we all will win..

MAIL TO:
FINANCIAL SERVICES
550 W 7th AVE., SUITE 1410
ANCHORAGE, AK 99501-3554
PHONE 269-8500

Alaska Department of
NATURAL RESOURCES

DELIVERED TO:
PUBLIC INFORMATION
550 W 7th AVE.
12th FLOOR
ANCHORAGE, AK

COURTESY NOTICE / NOTICE OF AMOUNT DUE

BILLING DATE	ACCOUNT NUMBER	CUST. NO.	BILL DESCRIPTION
03/17/2004	ADL 290182	148278	WATER FEE

AMOUNT FROM PRIOR PERIOD
\$0.00

REGULAR PAYMENT
\$50.00

PAY THIS AMOUNT
\$50.00

BILLING PERIOD: 01/01/2004 TO 12/31/2004

PAYMENT DUE DATE: 03/31/04

ENTER AMOUNT ENCLOSED \$ _____

INDICATE ADDRESS CHANGE
TO THE RIGHT AND SIGN
BELOW.

HARRY J SCHADE
34703 LUSKY ROAD
HOOPER AK 99603

SIGNATURE _____

DATE _____

REMARKS FOR MC/VISA-ANCH BARNDT00, FB# 451-2700, JUNEAU #65-7400 OR
HONOLULU #451-2700 FOR QUESTIONS CALL
ANCHORAGE # 269-8500 JUNEAU # 451-2700 JUNEAU # 455-7400

MAKE CHECKS PAYABLE TO DEPARTMENT OF NATURAL RESOURCES

RETURN THIS COPY WITH YOUR PAYMENT

Conetta, Dan

From: Joey Evensen [jevensen@houston.rr.com]
Sent: Monday, June 21, 2004 1:55 PM
To: dconetta@borough.kenai.ak.us
Cc: jevensen@houston.rr.com
Subject: Diamond Ridge Parcel Reclassification - Land Owner Comment

June 21, 2004

Dr. Joseph Evensen
L2 B2 Bluff Haven Estates
Kenai Penn. Borough

Daniel Conetta
Land Management Div.
Kenai Penn. Borough

Dear Daniel,

Following are comments re. the reclassification of the Borough's 40-acre Diamond Ridge Parcel #173-160-54. I would appreciate if these comments are considered in the Planning Commission's efforts now, and potentially in the future.

SUPPORT FOR SKI- AND HIKING-RELATED "RECREATION" CLASSIFICATION

I grew on Diamond Ridge, and like many folks in the Homer area community, I have utilized and relied heavily on the x-country ski trails on this plot of land. With a rapidly expanding population in the Homer area, the availability of land for such trail use at a proximal location to the city center is a valuable community asset. Reclassifying this land as "recreational" for the use of ski and hiking trails accomplishes three things that I believe are important for strengthening the local economy while preserving a high quality of life:

[1] attracts tourism for easy-to-access nature and sporting trails,

[2] provides a natural region for nature-related events that can be so popular within the Homer community (e.g., bird-watching guides sponsored by the Pratt Museum), and

[3] preserves a large piece of land in an accessible location for continued public community use.

STRONG OPPOSITION AGAINST "COMMERCIAL" CLASSIFICATION

Part 1 - Highway Traffic

As a Homer resident, I have knowledge of legendary traffic accidents that have occurred on the Sterling Highway at this location. Here, the combination of a steep hill, a sharp bend in the road, and a mixture of highway and city traffic (often traveling at different speeds) is a proven recipe for roadway disasters. I feel that utilizing this land for commercial purposes (e.g., a near-roadway facility) will create yet another negative variable at this already dangerous location that will increase the probability for future accidents.

Part 2 - Scenic Land Value for Tourism and Landowners

Some of the land in this region is current among the most beautiful in the Homer area, partly due to the expansive view. One of the favorite tourist stops is the nearby Baycrest Lookout for the same reason. As a landowner, I am deeply worried about the negative impact that commercial/industrial facilities could have on the scenic quality of the Sterling Highway Region comprising Baycrest - Bluff Estates - Diamond Creek. The economy of the greater Homer area is significantly driven by tourism. Our primary objective as a community of landowners should be to maintain the beauty that makes Homer a prized tourist destination.

I appreciate the opportunity to give input, and for your consideration of these points.

Best regards,

Dr. Joseph Evensen
Land Owner, L2 B2 Bluff Haven Estates

Dibble Creek Rock Ltd.

34481 North Fork Road
Anchor Point, Alaska 99556
(907) 235-7126 Fax 235-0682

June 21, 2004

TO: Paul Ostrander
Dan Conetta
Max Best
Dale Bagley, Mayor

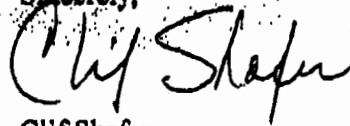
FROM: Clif Shafer

RE: Parcel 173-160-54 Classification.

I ask that this parcel be classified by the borough as light industrial. The majority of property in this area is being used for industry. On the attached map I have identified the surrounding parcels e.g. borough landfill, D.O.T. shop, gas station with quicky mart, batchplant, sawmill, and a truck and equipment yard with large shop.

Thank you.

Sincerely,



Clif Shafer

ATTACHMENT - CLIF SHAFER Letter to Planning
Dept to: Paul Ostrander, Dan Conetta,
Max Best & Dale Bagley

LYLINE HEIGHTS ESTATES

REUBEN CALL HOMESTEAD SUBDIVISION

10

JERRÉL SUBDIVISION
ADD'N. NO 1

U.S.D.

STERLING HIGHWAY

THOMAS SURVEY

ESTATES

SUBJECT PARCEL
↓

Batch Plant
and
Gravel
Sales

Borough
LandFILL

truck/
hand
shop

Sawmill

DOT SHOP
Equipment
Yard
TICE

ROGERS
gas station
Quicky
Mart

15

STERLING HIGHWAY



Attachment A

PLANNER
Oct 11, 1998

Kenai Peninsula Borough

1"=1104'

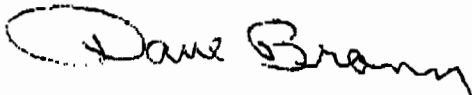
Attention: Dan Conetta
Kenai Peninsula Borough
Land Management Division
144 N. Binkley Street
Soldotna, AK 99669-7599
Fax: 1-907-262-8618
June 18, 2004

To Whom It May Concern,

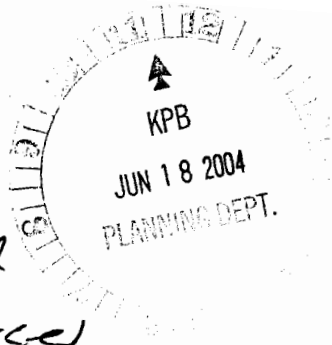
The Kachemak Nordic Ski Club supports classifying parcel #173-160-54 as recreation.

There are existing cross country ski trails in the area that are part of the Baycrest Ski Trail system. Parcel #173-160-54 is just west of the stadium area of the Sterling Highway Trail head. The ski trails on the adjacent parcel owned by Mr. Schaffer will be eliminated due to development of his property. The Baycrest Ski Trail system is maintained by volunteers from the Kachemak Nordic Ski Club. Use is free to all skiers and snowshoers. The recreation classification of parcel 173-160-54 as Recreation would help insure the integrity of this valuable public resource/recreation area.

Sincerely,
Dave Brann



Vice-President
Kachemak Nordic Ski Club
PO Box 1901, Homer, AK 99603
1-907-235-6018
brann@alaska.net



To Whom it may concern,

I strongly object to your proposed classification of "Rural" for parcel # 165-180-02. This is definitely a residential area, with many houses and families. Although the lots may be large (2-5 acres) for a city-type residential area - these are still lots for homes and families.

Please reconsider your proposed zoning. A classification of "Residential" makes more sense - and fits in better with the current uses of the surrounding area.

Sincerely,

Gary Almond
Gary Almond

Owner of 2 tracts adjoining proposed parcel.

*Tried E-mail & not
sure it went through*

6-17-2004

Attn: City Clerk - to be put in assembly packet also. Letter will follow.

FAX 1-907-262-8616

KENAI PENINSULA BOROUGH

In regards to classification of Parcel #173-160-54, General Location Diamond Ridge, SW 1/4 NW 1/4 Section 15, T6S R 1/4W, SM 40 acres. proposed classification--recreation

To: KPB Mayor, Dale Bagley ✓

KPB Assembly Members

KPB Planning Commission % Paul Ostrander and Daniel Canetta

My name is Doris Cabana and my husband is Leoy W. Cabana and we own two parcels backing the subject 40 acres (or in front on Sterling Highway). We are quite concerned what will happen to this property. It mentions being sold for the 2004 land sale. We believe it should be retained by the borough for recreation for all the public to use and not sold or leased. If sold, it could be used for anything for example like a gun range which we already protested years ago for the piece of land next to it. As it is, the piece next to it was traded with light industrial with variances for 20 acres in Anchor Point with a valuation of \$77,000 + down to \$33,000+ to be only \$10,000 difference on trade. Since a cement plant has gone in there and I expect an asphalt plant next on wetlands with two streams crossing that 40 acres into Diamond Creek and out in to Cook Inlet/Katchmak Bay. I thought that this was classified in 2001 when we classified a lot more land in the area. I believe it was made residential at that time for four lots. The rest was recreational. We are for the recreation classification if it is retained for public use by KPB. Recreational lands disposed of to private parties must allow public use, like ski or snow machine use, unless specifically waived by ordinance. If recreational lands are for sale or lease, then restrictions may be imposed for appropriate uses given conditions and surrounding use. Not all activities are not suitable for all sites.

We live there and own are two tracts of almost 10 acres, #173-160-37, #173-160-38 since about 1973. In comes two different asphalt plants and different times and remediation done on connecting DOT land. The asphalt plants were about 1320 feet from my property where I live and I couldn't have my house opened up in summer from all the pollution and dirt and grit. You could write your name on my windows and it still got into the house. The 40 acres traded before is only 310 ~~330~~ feet from my back property line now which sides up to this property towards Anchor Point, that you want to put on the land sale or lease.

I'm giving you this information so you can get the layout of this property. Lloyd Moore's also butts up on that property to this parcel. When all this pollution in the past was been going on my health went down hill fast being allergic and coming down with asthma and lung problems, I had to go on all kinds of medication, a C-Pap machine to pump air into my lungs to open them up and my head is stuffed up all of the time, plus three air machines to help clean the air in my house.

The 5 acres asphalt plants were on of Pelkey's was given over to the DOT I believe and they let the Nordic Ski Club use it. It has three ponds that were put there and this land has been put on the State Contamination list and is probably still is on that list.

The EP and the DEC have not protected the public from all this pollution.

About three weeks ago or so, my husband said "My God there is a fire back on the traded land of Shafer's (Dibble Creek Rock." I said, "No smell it. It is only the cement plant mixing cement for their truck deliveries."

So think of the people around the parcel #173-160-54. Also the air will carry up on Diamond Ridge. So many people complained before but nothing was done for the public's protection, so please be careful what you allow to be done with this property.

The borough was suppose to oversee that last trade and I would like to know if they have. So much of the wetlands wouldn't have been used back there on the trade if it was. I had two old friends die during the time of that land trade that were having lots of problems with breathing and their health.

Assembly members please think, would I like more pollution in this area if it was by my land. All of this has come in since I

http://by18fd.bay18.hotmail.msn.com/cgi-bin/dasp/EN/rte__90801.asp

6/19/2004

owned this land since 1973 plus the borough dump.

Sincerely,

Doris and Leroy Cabana

Box 607, Homer, AK

Phone #907-235-6081 fax 907-235-1311

UNITED STATES
DEPARTMENT OF
AGRICULTURE

NATURAL
RESOURCES
CONSERVATION
SERVICE

P.O. BOX 400
HOMER, ALASKA 99603
(907) 235-8177

Mr. Lloyd Schade
35250 Schade Lane
Homer, Alaska 99603

February 19, 1998

Dear Mr. Schade,

I have reviewed the Homer area soil survey report regarding soil capabilities and limitations for the three parcels you have provided a request through our office for. The legal descriptions for these parcels are as follows:

- Parcel 1 - NW 1/4 Section 5, Township 5S, Range 11W
- Parcel 2 - NE 1/4 Section 6, Township 5S, Range 11W
- Parcel 3 - E 1/2, NW 1/4 Section 6, Township 5S Range 11W

I will provide you with a percentage breakdown of soils and capability ratings for each of these three parcels as well as general comments regarding their relative suitability for natural resource development and conservation. Specifically, their use for agriculture, forestry, woodland, watershed, wildlife, and recreational activities. A complete listing of soil symbol mapping unit names and descriptions of their chemical and physical properties is also attached for your reference.

Parcel 1 - 160 acres

Soil symbol	% of parcel	Acres	Capability Rating
SpB	47%	75.2	7w
SrA	27%	43.2	7w
Sa	19%	30.4	7w
MuC	4%	6.4	3e
SpC	2%	3.2	3w
DoA	1%	1.6	7w

Parcel 2 - 160 acres

Soil symbol	% of parcel	Acres	Capability Rating
MuC	35%	35	3e
KhC	28%	44.8	3e
Sa	10%	16	7w
SrA	10%	16	7w
CkB	9%	14.4	4w
KhD	5%	8	4e
MuB	3%	4.8	3e

Parcel 3 - 80 acres

Soil symbol	% of parcel	Acres	Capability Rating
MuC	38%	30.4	3e
KhB	30%	24	3e
KhC	18%	14.4	3e
CkB	12%	9.6	4w
KhD	2%	1.6	4e

Parcel 1 comments

This parcel consists of over 90% class 7w soils. These soils have severe limitations for most uses due to extreme wetness. The water table is at or near the surface on these soils continuously and wetland permits from the Corps of Engineers would be required for any development activities on them. Their primary uses are limited to native woodland, wildlife habitat, recreation and watershed and water source protection areas.

Parcel 2 comments

Predominant soils on this parcel (66%) are Mutnala and Kachemak silt loams on slopes of 7-12%. Surface runoff is slow to medium and erosion hazard on exposed soils is slight to moderate. These soils are generally suitable for cultivation and most forestry practices. Adapted crop varieties include hardy vegetables and improved grasses grown for pasture and hay. The remainder of the parcel (34%) consists of soils which have severe limitations due to extreme wetness. These soils are generally suitable only for native woodland, wildlife habitat, recreation, and as watershed and water source protection areas.

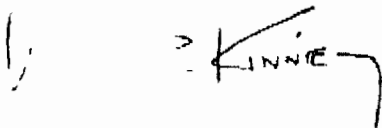
Parcel 3 comments

This parcel is comprised primarily (86%) of relatively well drained soils of the Mutnala and Kachemak silt loam series. Slopes on these soils range from 3-12%. As with parcel 2 surface runoff is slow to medium and erosion hazard on exposed soils of these series is slight to moderate. Potential suitability for agricultural and forestry use is moderately high with adapted crop varieties including hardy vegetables and potatoes, and improved grass varieties grown for pasture and hay. Most of the remainder of the parcel (12%) is classified as hydric with moderate to severe wetland conditions due to seasonal or continuous wetness. These wetlands are best left in their natural state and would require wetlands permits from the Corps of Engineers prior to any development activity. They are again only suitable generally as native woodland, wildlife habitat, recreation, and watershed and water source protection areas.

I would be glad to walk over the subject parcels with you this Spring once the ground has thawed to further evaluate their specific topography and to identify drainage and wetland features we are unable to determine from the soil survey here at the office.

Please let me know if we can provide any additional information regarding the subject parcels.

Since

A handwritten signature in black ink that reads "Mark Kinney". The signature is written in a cursive style with a long horizontal stroke at the end.

Mark Kinney
District Conservationist
Home field office

Kenai Peninsula Service Area
SEWARD/BEAR CREEK FLOOD SERVICE AREA

302 Railway Suite #123
P.O. Box 1554
Seward, Alaska 99664
(907) 224-3340
(907) 224-5197 (Fax)
sbcfsa@arctic.net



June 14, 2004

Kenai Peninsula Borough
Land Management Division
ATTN: Paul Ostrander
144 N. Binkley
Soldotna, AK 99669

RE: Kenai Peninsula Borough (KPB), Land Classification for Exit Glacier Subdivision,
Tracts 1, 2, and 3

Dear Mr. Ostrander:

Thank you for the opportunity to review the KPB land classification proposal described as Exit Glacier Subdivision, Tracts 1, 2 and 3. The Seward/Bear Creek Flood Service Area Board discussed the proposal at the June 7, 2004 meeting. As you may be aware, many of the Flood Service Area Board members have extensive experience with Seward area flood problems. It is this experience that we wish to offer as input into the proposed land classification and sale decisions.

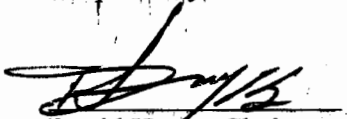
Although it may be less evident during the drier periods of the year, seasonally, the 40+-acre parcel is almost entirely marshy and serves as a "sponge", retaining and slowing runoff that would otherwise intensify flooding in the surrounding area. The entire area is susceptible to overland surge-release flooding from Box Canyon Creek. In addition, the eastern portion of the parcel encompasses the headwater springs and wetlands of Clear Creek.

Although we understand and support the Borough's efforts to make developable land available, we strongly recommend against the sale and subsequent development of any portion of this parcel. Development on this parcel will be continuously subject to serious flood problems and is likely to alter natural flow patterns and increase flood impacts to surrounding properties and infrastructure. The un-subdivided parcel has more long-term value classified as wetland preservation, flood water retention and flood mitigation.

In summary, the Seward / Bear Creek Flood Service Area Board recommends the Borough withdraw the preliminary plat and current land classification proposal. We support instead a preservation classification for the entire 40+-acre parcel. We respectfully request decisions that involve land use and development in the Seward area to be provided to the Service Area board for preliminary review. This will allow flood issues to be identified and precautionary recommendations to be made "up-front" in the process.

Thank you once again for the opportunity to comment and please feel free to contact me if you have any questions or comments.

Respectfully,



David Hayes, Chairman

MU

6/12/04

Dear Sirs,

This is in reference to your letter of June 6, 2004 concerning the proposed classification of Parcel 165-180-2, location in Anchor Pt.

I am very much against your proposal of a "Rural" Classification being Rural "meaning lands which would have "No RESTRICTIONS".

I believe this parcel should be classified as "Residential" due to the fact that the majority of surrounding acreage is also residential & I'm sure all the families in the surrounding subdivisions ~~would~~ ^{would} concur with me on this issue.

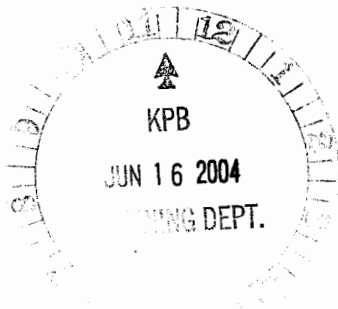
I am certainly anxious to hear of your decision on this matter, please let me know in writing, thank you.

Sincerely,

Dorothy Stutes

P.O. Box 238

Anchor Pt. AR. 99556



Dibble Creek Rock Ltd.

June 8, 2004

34481 North Fork Road
Anchor Point, Alaska 99556
(907) 235-7126 Fax 235-0682

Mr. Paul Ostrander
Kenai Peninsula Borough
Land Management Division
144 N. Binkley Street
Soldotna, AK 99669-7599

Re: Parcel 173-160-54

Dear Paul:

I urge you to offer the above parcel 173-160-54 for sale to the public.

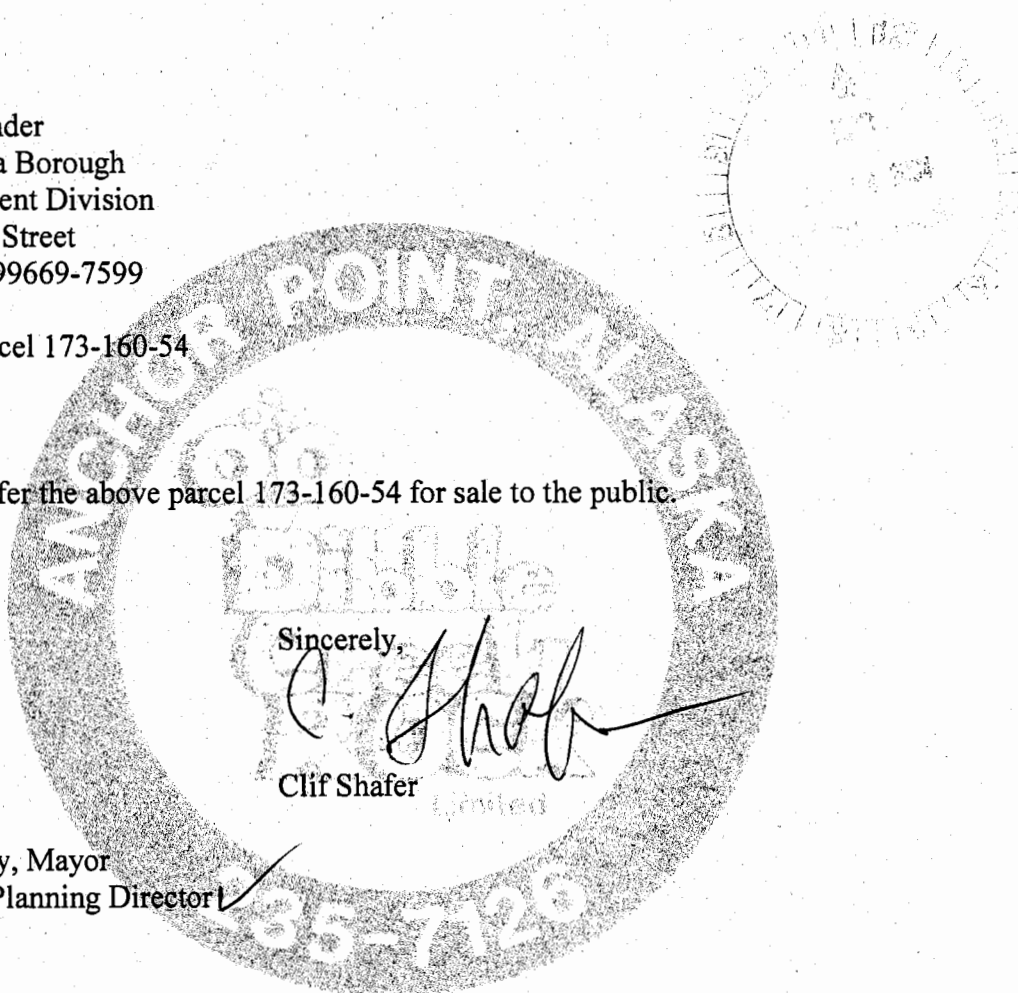
Thank you.

Sincerely,



Clif Shafer

cc: Dale Bagley, Mayor
Max Best, Planning Director ✓



April 19, 2004

Post-It® Fax Note	7671	Date	4/19/04	# of pages	▶
To	Mary Toll	From	Rob Pfisterer		
Co./Dept.	Planning Dept.	Co.			
Phone #		Phone #	907-345-2159		
Fax #	907-262-8618	Fax #			

Mary Toll or Sylvia Vinson-Miller
 Kenai Peninsula Borough Planning Department
 144 N. Binkley Street
 Soldotna, Alaska 99689
 Sent by Fax: (907) 262-8618

Comments on Notice of Subdivision / Replat of Exit Glacier Subdivision No. 02

Dear Ms. Toll or Ms. Vinson-Miller:

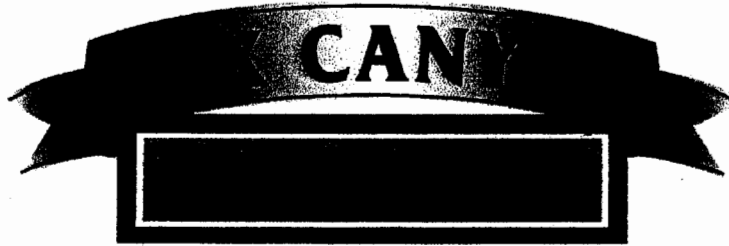
I am writing to support your proposed Exit Glacier Subdivision No. 02 replatting. I am a property owner in the Seward area and support this replatting because it will facilitate the transfer of land into private ownership, where it can be put to constructive use. As you are aware, the terrain in the Seward area does not provide much useable land upon which we can develop a sound economy. I also note that you have wisely chosen to provide fairly large lots, so that owners may subsequently further subdivide the land as appropriate.

Sincerely,



Rob Pfisterer

4/19/2004



**31515 Lois Way, PO Box 1662
Seward, AK 99664
907-224-5046**



August 22, 2003

Mr. Paul Ostrander
Land Management
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

Dear Mr. Ostrander:

I am writing to inquire about purchasing approximately 10 acres of land from parcel #A.S.C.S. 89-143, tax #144-010-33, adjacent to land we currently own and operate as Box Canyon Cabins SW2000018 T01N R01W S22, Gentiles Subdivision No. 2, Van Deusen's replat No. 2 Lot 23C-1, tax ID #14423024.

Our business has been growing rapidly, and we need additional land to expand our cabin development. Please advise us regarding the price and procedures for purchasing this land.

Sincerely,

Cliff & Barbara Young
Cliff & Barbara Young
Box Canyon Cabins

July 26, 2003

Dear Mr. Ostrander:

A few weeks back I came in to see you concerning a piece of property my husband and I are interested in purchasing from the borough. You suggested I write you a letter concerning our interest. The property is in Wilderness View Subdivision on Bear Rd in Sterling AK. It is 065-370-18. If this piece of property comes up for sale we would greatly appreciate the opportunity to purchase it. We can be reached at 262-2434 or 262-9774. Thank you very much



Sincerely,
Neil + Kathy Haines
29340 Bear Rd.
Sterling, AK
99672

AGENDA ITEM F. PUBLIC HEARINGS

6. Proposed classification of Certain Borough land, pursuant to KPB Code of Ordinances, Chapter 17.10.080.

Staff report as reviewed by Paul Ostrander.

PC Meeting July 19, 2004

Petitioner: Kenai Peninsula Borough, Alaska.

Basis For Classifications: Borough land must be classified prior to disposal pursuant to (KPB) Code of Ordinances, Chapter 17.10.080. Parcels appropriate for disposal will be considered for the borough's 2004 land sale.

Description of Borough Parcels and Proposed Classifications:

PARCEL No.	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
017-170-35	North Kenai	Government Lot 140, Section 14, T6N, R12W, S.M., AK.	* 2.50	Residential
017-180-06	North Kenai	Government Lot 23, Section 23, T6N, R12W, S.M., AK.	* 2.50	Residential
025-260-13	Gray Cliff	Lot 61, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	6.69	Rural
025-380-06	Gray Cliff	Lot 322, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.52	Rural
025-390-16	Gray Cliff	Lot 331, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.51	Rural
058-011-12	Ridgeway	Lot 3, Block 1, Sevena Lake Meadows Amended, filed as Plat No. 87-27, Kenai Recording District.	1.00	Residential
065-370-18	Sterling	SW¼ SE¼, Section 2, T5N, R8W, S.M., AK.	38.48	Residential
139-210-02	Clam Gulch	West 416 feet of the east 1116 feet of the north 312 feet of the NE¼ NW¼, Section 7, T1N, R12W, S.M., AK.	3.00	Rural
165-180-02	Anchor Point	Government Lot 3, and the E½ NW¼ and the NE¼ SW¼, Section 30, T4S, R14W, S.M., AK.	159.36	Rural
172-360-01	Fritz Creek	Government Lots 3, 4, and the S½ NW¼, Section 5, T5S, R11W, S.M., AK.	160.00	Rural
173-160-54	Diamond Ridge	NW¼ NW¼, Section 15, T6S, R14W, S.M., AK.	40.00	Recreation
to be assigned	K-Beach	Tract A, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	19.185	Residential
to be assigned	K-Beach	Tract B, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	20.672	Residential
to be assigned	K-Beach	Lot 1, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
to be assigned	K-Beach	Lot 2, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
to be assigned	K-Beach	Lot 3, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential

PARCEL No.	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
to be assigned	Seward	Tract 1, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-___, Seward Recording District.	10.00	Commercial
to be assigned	Seward	Tract 2, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-___, Seward Recording District.	10.462	Commercial
to be assigned	Seward	Tract 3, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-___, Seward Recording District.	20.900	Preservation

* Parcels 017-170-35 and 017-180-06 were once shown as 1.90 acres but are actually 2.50± acres. The difference in acreage is due to public right-of-way easements that were dedicated by the borough by deed to create Panorama Avenue and Galankin Street.

Public Notice: Public notice was published in the Peninsula Clarion, June 6 and June 13, 2004. Notice was sent by regular mail to all owners and/or leaseholders of record within one-half mile of the land proposed for classification. The notice consists of a cover letter, map, and list of land classification definitions. Public comments were requested to be returned by 5:00 p.m., June 21, 2004.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
017-170-35	Government Lot 140, Section 14, T6N, R12W, S.M., AK.	2.50	Residential

Overview: This parcel is located in the North Kenai area about a mile north outside the Kenai City limits. Road access is not constructed. Electric and telephone utilities are within 300 feet.

Findings of Fact:

- Title / Status: The borough originally received title by a State patent and currently holds title by statutory warranty deed. This parcel was sold in a borough land sale lottery in 1986, pursuant to Ordinance 85-90 and amended by Ordinance 86-26 and classified as "sale lands." The parcel was subsequently deeded back to the borough by statutory warranty deed. Prior to sale, this parcel would need to be classified under the current KPB code.
- Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land.
- Ownership: Surrounding land ownership includes borough and private land.
- Access: A section line easement runs along the south boundary (known as Panorama Avenue). KPB Resolution No. 85-151 authorized the south 50 feet and east 33 feet of subject parcel to be dedicated as a public right-of-way. These rights-of-way are intended to be reserved at the time of sale. No road has been constructed.
- Utilities: Electric and telephone are within 300 feet. No other utilities are available at this time.
- Topography: The topography is relatively level. Spruce trees are predominate with some beetle kill.
- Public Comments: As of the writing of this report no written comments were received.
- Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential.

Conclusion: A Residential classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
017-180-06	Government Lot 23, Section 23, T6N, R12W, S.M., AK.	2.50	Residential

Overview: This parcel is located in the north Kenai area about a mile north outside the Kenai City limits. Road access is not constructed. Electric and telephone utilities are within 300 feet.

Findings of Fact:

1. Title / Status: The borough originally received title by a State patent and currently holds title by clerk's deed. This parcel was sold in a borough land sale lottery in 1986, pursuant to Ordinance 85-90 and amended by Ordinance 86-26 and classified as "sale lands." Subsequently, this parcel became subject to tax foreclosure action. Ordinance 93-17 withheld the parcel from a tax foreclosure sale and retained it for a public purpose as the borough had an underlying interest (Deed of Trust), and classified it as "government." Because the borough has held this parcel for more than ten years it is now being re-offered for sale. Prior to sale, this parcel would need to be classified under the current KPB code.
2. Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development includes a mobile home with a lean-to.
3. Ownership: Surrounding land ownership includes borough and private land.
4. Access: A section line easement runs along the north boundary (known as Panorama Avenue). By deed, the borough granted the north 50 feet and east 33 feet of subject parcel as a public right of way. No road has been constructed.
5. Utilities: Electric and telephone are within 300 feet. No other utilities are available at this time.
6. Topography: The topography is relatively flat, spruce trees are predominate with some beetle kill.
7. Public Comments: As of the writing of this report no written comments were received.
8. Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential.

Conclusion: A Residential classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
025-260-13	Lot 61, Gray Cliff Subdivision, Filed as Plat No. 82-80, Kenai Recording District.	6.69	Rural
025-380-06	Lot 322, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.52	Rural
025-390-16	Lot 331, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.51	Rural

Overview: The parcels are located in a remote area between Captain Cook Park and Point Possession. Gray Cliff Subdivision was originally planned for rural development with large acreage parcels. The predominant use for this area is recreation sites with cabin-type development. No utilities are available. Roads to this subdivision have not been constructed. Access to this area is generally gained by ATVs, snow machines, or off-road vehicles through the extension of the North Kenai Road. This road is unimproved with rudimentary access only. Access to this area is also gained via the Cook Inlet shoreline at low tide.

Findings of Fact:

1. Title/Status: The borough originally received title by a State patent and currently holds title by Clerk's Deed. The parcels were sold in a borough land sale lottery in 1986, pursuant to Ordinance 85-90 and amended by Ordinance 86-26 and classified as "sale lands." Subsequently, the parcels became subject to tax foreclosure action. Ordinance 93-17 withheld the parcels from a tax foreclosure sale and retained them for a public purpose as the borough had an underlying interest (Deed of Trust), and classified them as "government." Because the borough has held the parcels for more than ten years they are now being re-offered for sale. Prior to sale, the parcels would need to be classified under the current KPB code.
2. Land Use: Surrounding land use includes residential and undeveloped land. Resolution 2003-085 has previously classified such parcels in the Gray Cliff Subdivision as Rural.
3. Ownership: Surrounding land ownership includes borough and private land.
4. Access: All parcels have a platted right-of-way that abuts the parcel. No roads have been constructed. The North Kenai Road is a platted right-of-way that runs through the Gray Cliff Subdivision. Although this road is not improved at this time, in the future it will provide the main travel way for arterial transportation

for this area.

5. Utilities: No utilities are available at this time.
6. Topography: Soil conditions vary in this area but the Gray Cliff Subdivision was designed to allow at least one home site on each lot. There is a considerable amount of wetlands in this area but it appears from aerial photography that the parcels are mostly upland.
7. Public Comments: As of the writing of this report no written comment were received.
8. Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Recreational.

Conclusion: Because of the remote nature of the parcels and the borough previously classifying similar parcels in the area as residential, a Rural classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
058-011-12	Lot 3, Block 1, Sevena Lake Meadows Amended, filed as Plat No. 87-27, Kenai Recording District.	1.00	Residential

Overview: This parcel is located north of the Mackey Lakes area on the south shore of Sevena Lake. Road access is available. No utilities are available.

Findings of Fact:

1. Title / Status: The borough received title by statutory warranty deed, in lieu of a tax foreclosure deed.
2. Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land.
3. Ownership: Surrounding land ownership is private land.
4. Access: Northern Pike Boulevard is a platted right-of-way that abuts this parcel. Northern Pike Boulevard is a gravel road.
5. Utilities: No utilities are available.
6. Topography: Topography is relatively flat and forested. Ground is soft with an understory of ferns and thick moss. The north end of the parcel (160 feet±) turns to a wetland grassy area as it approaches the lake.
7. Special Features: This parcel has lake-side frontage on Sevena Lake.
8. Public Comments: As of the writing of this report no written comments were received.
9. Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential/Recreational.

Conclusion: Because of the remote location of this parcel and no utilities available, a Rural classification would be more appropriate than the proposed Residential classification.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
065-370-18	SW¼ SE¼, Section 2, T5N, R8W, S.M., AK.	* 38.48	Residential
* Acreage has been corrected from 38.48 acres to 40.00 acres.			

Overview: This parcel is located in the Sterling area off Bear Road, approximately 1½ miles north of the intersection of the Sterling Highway and Adkins Road/Karen Lane. Road access and utilities are available.

Findings of Fact:

1. Title / Status: The borough has received title by a State patent.
2. Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential, agriculture, industrial (Gudenrath natural gas compressor site and airstrip), and undeveloped land. KPB Resolution 2003-085 has previous classified similar parcels in this area as

Residential.

3. Ownership: Surrounding land ownership includes borough, Native, and private parcels.
4. Access: Bear Road and Line Avenue are platted rights-of-way that abut this parcel. Bear Road is a gravel road. Line Avenue is undeveloped. A maintenance road for the overhead power lines traverses the south boundary of this parcel.
5. Utilities: Electric and telephone are available. No other utilities are available at this time.
6. Topography: The interior topography of this parcel is generally flat with high ground and mostly forested with spruce and alder. In the early to mid 1980s, the State administered a timber sale for this area. This program encouraged thinning of birch trees as opposed to large scale harvesting. A well-defined logging trail still traverses this parcel.
7. Special Features: This parcel is subject to a 100-foot wide easement for an electric transmission line along the south boundary and subject to a 30-foot wide public right of way easement along the north boundary.
8. Public Comments: As of the writing of this report one written comment was received expressing interest in the purchase of this parcel.
9. Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential.

Conclusion: With adjacent land use being residential and the borough previously classifying similar parcels in the area as residential, a Residential classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
139-210-02	West 416 feet of the east 1116 feet of the north 312 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, T1N, R12W, S.M., AK.	3.00	Rural

Overview: This parcel is located in the Clam Gulch area. An undeveloped section line easement abuts the north boundary of this parcel. Electric and telephone utilities are available.

Findings of Fact:

1. Title / Status: The borough received title by a tax foreclosure deed. Because the borough has held this parcel for more than ten years it is now being re-offered for sale.
2. Land Use: No comprehensive land use plan has been developed for this area. The subject parcel includes a 40 foot x 60 foot concrete block building that was used as a cannery. Surrounding land use includes residential and undeveloped land.
3. Ownership: Surrounding land ownership is private land.
4. Access: An undeveloped section line easement runs from the Sterling Highway and abuts the northerly boundary of this parcel. Butter Clam Avenue is a dedicated right-of-way that lies within a portion of the section line. The topography of the section line/Butter Clam Avenue appears to be feasible for road construction. An old road crosses the adjacent private properties leading this to this parcel. Permission to use this road would need to be obtained from the property owners.
5. Utilities: Electric and telephone are available.
6. Topography: Except for the building site area, a large portion of this parcel is lowland with gentle slopes. Falls Creek runs through the western end of this parcel.
7. Public Comments: As of the writing of this report no written comments were received.
8. Agency Comments: As of the writing of this report no written comments were received.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is Residential/Recreational.

Conclusion: A Rural classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
165-180-02	Government Lot 3, and the E½ NW¼ and the NE¼ SW¼, Section 30, T4S, R14W, S.M., AK.	* 159.36	Rural
* Acreage has been corrected from 159.36 acres to 159.26 acres.			

Overview: Located in the Anchor Point area, this parcel is a large acreage parcel bordered by large acreage subdivision lots. Road access and utilities are available.

Findings of Fact:

1. Title / Status: The borough received State patent for subject land. A fuel reduction timber harvest was authorized by the borough and completed in 2002 with the replanting of spruce seedlings.
2. Land Use: Surrounding land use includes residential, industrial (gravel extraction), and undeveloped land. Adjacent land to the south is a gravel extraction site. Residential housing exist to the north, east, and west.
3. Ownership: Surrounding land ownership are private land.
4. Access: Access is gained from Cottonwood Lane, a 30-foot wide dedicated right of way. An undeveloped section line easement borders the north and west boundary.
5. Utilities: Electric and telephone are available.
6. Topography: Topography is relatively level with organic remains of the 2002 fuel reduction timber harvest project. The parcel was replanted with spruce seedlings. The North Fork Anchor River crosses the southwest corner of this parcel. An old seismic line crosses the north end of this parcel.
7. Public Comments: As of the writing of this report two written comments were received objecting to the proposed Rural classification.
8. Agency Comments
 - Anchor Point Advisory Planning Commission (APAPC): At its January 7, 2003 meeting, the APAPC recommended a Rural classification.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is to hold for future development.

Conclusion: A Rural classification is compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
172-360-01	Government Lots 3, 4, and the S½ NW¼, Section 5, T5S, R11W, S.M., AK	160.00	Rural

Overview: This parcel is located in the Fritz Creek area near Mile Post 16 of East End Road. An undeveloped section line easement borders the west and north boundary. Utilities are not in the immediate area.

Findings of Fact:

1. Title / Status: The borough received State patent for subject land.
2. Land Use: Surrounding land use includes timber/farm, residential, and undeveloped land. An airstrip exists to the east.
3. Ownership: Surrounding land ownership includes borough land to the west, state and Native land to the north and private land to the south and east.
4. Access: An undeveloped section line easement borders the west and north boundary of this parcel. The topography of these section lines appears to be feasible for road construction. The "Snowmads" snow machine trail crosses the northeast corner of this parcel.
5. Utilities: Electric and telephone are more than 1,000 feet away.
6. Topography: Moderate to gentle slopes with some lowland areas. The parcel is predominately forested with spruce with some beetle kill.
7. Public Comments: As of the writing of this report no written comments were received.
8. Agency Comments:
 - Kachemak Bay Advisory Planning Commission (KBAPC): At its February 7, 2002 meeting, the KBAPC recommended a Rural classification. (Minutes are unapproved)

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcel is to hold for future development.

Conclusion: With the surrounding area having large acreage parcels; mixed with timber/farm, residential, and undeveloped land; a Rural classification would be compatible with the surrounding area.

PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
173-160-54	NW¼NW¼ , Section 15, T6S, R14W, S.M., AK	40.00	Recreation

Overview: Located near Mile Post 168.5 of the Sterling Highway, this parcel is situated in the Diamond Ridge area and is bordered by the Homer City limits. This parcel is subject to section line easements. Utilities are available.

Findings of Fact:

1. **Title / Status:** The borough received State patent for subject land. A land use permit was issued by the State to the borough for landfill purposes. The permit was issued in 1979 and expired in 1984. In the late 1970s this parcel was one option for landfill development before the borough sited the Homer landfill at its current location.
2. **Land Use:** Surrounding land use includes residential, commercial, and undeveloped land. A 10-acre parcel to the southeast was classified as Recreational per KPB Resolution No. 2002-023 and subsequently zoned by the City of Homer as Open Space/Recreational. A 40-acre parcel to the east was classified as Light Industrial per KPB Resolution No. 99-050 and is now being used as an asphalt batch plant and stockpiling of gravel for sale. To the south is a commercial business (Moore & Moore Services) but it is zoned as Rural Residential by the City of Homer. Other surrounding development includes the KPB Homer landfill facility, State maintenance site, RV park, and a gas station with a store.
3. **Ownership:** Surrounding land ownership includes borough, state, federal, and private land.
4. **Access:** An undeveloped section line easement borders the north and west boundary of this parcel. The topography of the north-south section line easement appears to be feasible for road construction.
5. **Utilities:** Electric and telephone are available.
6. **Topography:** Rolling terrain with moderate to steep slopes. Heavily treed with some beetle kill. A small area of wetlands exists in the northeast and southeast corners of this parcel.
7. **Public Comments:** As of the writing of this report five written comments were received. Three commenters were in favor of the Recreational classification, one commenter asked for retention of this parcel, one commenter was in favor of the sale of this parcel, and one commenter asked for a Light Industrial classification.
8. **Agency Comments:**
 - **KPB South Peninsula Hospital:** The South Peninsula Hospital inquired about the feasibility of using this parcel for a future hospital site.
 - **KPB Spruce Bark Beetle Office:** This parcel was proposed as part of the Baycrest Timber Sale. Because of market conditions this sale did not go forward. At this time there are no plans to reoffer the timber sale.
 - **Kachemak Bay Advisory Planning Commission (KBAPC):** At its January 15, 2000 meeting, the KBAPC recommended a Residential classification for the SW¼ of this parcel with a Recreational classification for the remainder.

Highest and Best Use: Per KPB Assessing Department memorandum, the estimated highest and best use of subject parcel is Residential.

Conclusion: There is no predominate land use pattern for this area. Based on public comment and agency review, a Commercial classification for the SW¼ of this parcel with a Recreational classification for the remainder would be more appropriate than the proposed Recreational classification for the entire parcel.

* PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
* to be assigned	Tract A, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	19.185	Residential
* to be assigned	Tract B, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	20.672	Residential
* The parent parcel number is 131-070-11. The borough is proposing to subdivide this land (Beach View Subdivision, preliminary plat). After this land is subdivided, a new parcel number will be assigned to each parcel.			

Overview: The parcels are located near Mile Post 7.5 of Kalifornsky Beach Road. Road access and utilities are available.

Findings of Fact:

1. **Title / Status:** The borough has received State patent for subject land, subject to an oil and gas lease. The underlying parcel was previously classified as Residential per Resolution No. 94-055 and authorized for sale per Ordinance 2001-31. Since then, the borough is proposing to subdivide this land (Beach View Subdivision, preliminary plat).
2. **Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use includes mostly undeveloped land with some residential.
3. **Ownership:** Surrounding land ownership includes borough, state, and private land.
4. **Access:** Access is gained from Kalifornsky Beach Road and may require a State driveway permit. The final plat will dedicate a half right-of-way along the north boundary of Tract A and a full 60-foot wide right-of-way along the south boundary of Tract B.
5. **Utilities:** Electric and telephone are available. A natural gas pipeline (Kenai Kachemak pipeline) runs along the east side of Kalifornsky Beach Road. This pipeline is for transmission purposes only. At this time there are no plans for the construction of a distribution line for residential use.
6. **Topography:** Topography is relatively flat and forested with spruce and cottonwood. A small portion of wetlands exist in the east end of the parcels. The parcels lie within the Flood Zone C; areas determined to be outside the 500-year flood plain.
7. **Special Features:** A small unnamed creek traverses Tract A.
8. **Public Comments:** As of the writing of this report no written comments were received.
9. **Agency Comments:**
 - KPB Plat Committee held a public hearing on April 12, 2004 and granted preliminary approval of Beach View Subdivision. Public notice was sent to property owners within 600 feet of the proposed subdivision.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcels is Residential.

Conclusion: A Residential classification is compatible with the surrounding area.

* PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
* to be assigned	Lot 1, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
* to be assigned	Lot 2, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
* to be assigned	Lot 3, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	5.534	Residential
* The parent parcel number is 131-070-49. The borough is proposing to subdivide this land (Beach View Subdivision, preliminary plat). After this land is subdivided, a new parcel number will be assigned to each parcel.			

Overview: These are Cook Inlet bluff parcels located at approximately Mile Post 7.5 of Kalifornsky Beach Road. Road access and utilities are available.

Findings of Fact:

1. Title / Status: The borough has received a State patent for subject land, subject to an oil and gas lease. The borough is proposing to subdivide this land (Beach View Subdivision, preliminary plat).
2. Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential parcels to the north and the Kalifornsky Village to the south. This village is a Kenaitze historic site, which includes a church and cemetery. The Kenaitze Village site was classified as Institutional per KPB Resolution No. 98-077. Shore fishery set-net sites are in close proximity.
3. Ownership: Surrounding land ownership includes borough and private land.
4. Access: Access is gained from Kalifornsky Beach Road and may require a State driveway permit. Lots 1, 2, and 3 are subject to a 50-foot wide public easement, upland along the mean high water line.
5. Utilities: Electric and telephone are available. A natural gas pipeline (Kenai Kachemak pipeline) runs along the east side of Kalifornsky Beach Road. This pipeline is for transmission purposes only. At this time there are no plans for the construction of a distribution line for residential use.
6. Topography: Topography is relatively flat and forested with spruce and cottonwood. The bluff is approximately 40 feet high. A small portion of these lots lie within Flood Zone V, a special flood hazard area inundated by the 100-year flood; coastal floods with velocity hazards (waive action).
7. Special Features: Cook Inlet bluff parcels.
8. Public Comments: As of the writing of this report no written comments were received.
9. Agency Comments:
 - KPB Plat Committee held a public hearing on April 12, 2004 and granted preliminary approval of Beach View Subdivision. Public notice was sent to property owners within 600 feet of the proposed subdivision.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcels is Residential for Lots 1 and 2. (Lot 3 was not appraised)

Conclusion: A Residential classification is compatible with the surrounding area.

* PARCEL No.	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
* to be assigned	Tract 1, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	10.00	Commercial
* to be assigned	Tract 2, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	10.462	Commercial
* to be assigned	Tract 3, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-____, Seward Recording District.	20.900	Preservation
* The parent parcel number is 144-010-33. The borough is proposing to subdivide this land (Exit Glacier Subdivision No. 2, preliminary plat). After this land is subdivided, a new parcel number will be assigned to each parcel.			

Overview: The parcels are located in the Seward area. Road access and utilities are available.

Findings of Fact:

1. Title / Status: The borough has received a State quit claim deed for subject land as it was originally selected by the borough for a school, solid waste site, and recreation area. The borough is proposing to subdivide this land (Exit Glacier Subdivision No. 2, preliminary plat).
2. Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes commercial, residential, and undeveloped land. Borough land across Old Exit Glacier Road was classified as Recreational per KPB Resolution No. 96-039. Surrounding development includes the Kenai Fjords National Park maintenance facility, two commercial businesses for lodging and the Ididaride (dog sled rides).
3. Ownership: Surrounding land ownership includes borough and private land.
4. Access: Access is gained from Old Exit Glacier Road.
5. Utilities: Electric and telephone service is 300± feet from Tract 1 and 700± feet from Tract 2. Electric service is available for Tract 3.
6. Topography: Topography is relatively flat with a ridge running along the eastern side of Clear Creek as it crosses the northeast corner of Tract 3. Wetlands cover a large portion of this area. As shown on the subdivision plat a portion of Tract 3 is located in a mapped flood hazard zone. Tracts 1 and 2 have

potential for development along Old Exit Glacier Road.

7. Public Comments: As of the writing of this report two written comments were received expressing interest in the subdivision and sale of this land.

8. Agency Comments:

- KPB Plat Committee held a public hearing on April 26, 2004 and granted preliminary approval of Exit Glacier Subdivision No. 2. (Public notice was sent to property owners within 600 feet of the proposed subdivision)
- Seward Bear Creek Flood Service Area is opposed to the sale and development of this land, expressing concern that development of this parcel would be subjected to serious flood problems per a letter of June 14, 2004 from David Hayes.

Highest and Best Use: Per KPB Assessing Department memorandum the estimated highest and best use of subject parcels is Residential for tracts 1 and 2. (Tract 3 was not appraised)

Conclusion: Being encumbered by a flood zone and traversed by Clear Creek, a Preservation classification for Tract 3 is appropriate. With portions of Tract 1 and 2 being developable, fronting on a main roadway, and other commercial businesses in the area, a Commercial classification is appropriate for these parcels.

STAFF RECOMMENDATION: Based on the findings of fact, and conclusions, KPB staff recommends that the KPB Planning Commission recommend adoption of the resolution classifying subject parcels as follows:

PARCEL No.	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
017-170-35	North Kenai	Government Lot 140, Section 14, T6N, R12W, S.M., AK.	2.50±	Residential
017-180-06	North Kenai	Government Lot 23, Section 23, T6N, R12W, S.M., AK.	2.50±	Residential
025-260-13	Gray Cliff	Lot 61, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	6.69±	Rural
025-380-06	Gray Cliff	Lot 322, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.52±	Rural
025-390-16	Gray Cliff	Lot 331, Gray Cliff Subdivision, filed as Plat No. 82-80, Kenai Recording District.	1.51±	Rural
058-011-12	Ridgeway	Lot 3, Block 1, Sevena Lake Meadows Amended, filed as Plat No. 87-27, Kenai Recording District.	1.00±	Rural
065-370-18	Sterling	SW¼ SE¼, Section 2, T5N, R8W, S.M., AK.	38.48±	Residential
139-210-02	Clam Gulch	West 416 feet of the east 1116 feet of the north 312 feet of the NE¼ NW¼, Section 7, T1N, R12W, S.M., AK.	3.00±	Rural
165-180-02	Anchor Point	Government Lot 3, and the E½ NW¼ and the NE¼ SW¼, Section 30, T4S, R14W, S.M., AK.	159.36±	Rural
172-360-01	Fritz Creek	Government Lots 3, 4, and the S½ NW¼, Section 5, T5S, R11W, S.M., AK.	160.00±	Rural
173-160-54	Diamond Ridge	NW¼ NW¼, Section 15, T6S, R14W, S.M., AK.	40.00±	Commercial for the SW¼ of this parcel with Recreational for the remainder.
to be assigned	K-Beach	Tract A, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	19.185±	Residential
to be assigned	K-Beach	Tract B, Beach View Subdivision, filed as Plat No. 2004-____, Kenai Recording District.	20.672±	Residential

PARCEL No.	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
to be assigned	K-Beach	Lot 1, Beach View Subdivision, filed as Plat No. 2004-___, Kenai Recording District.	5.534±	Residential
to be assigned	K-Beach	Lot 2, Beach View Subdivision, filed as Plat No. 2004-___, Kenai Recording District.	5.534±	Residential
to be assigned	K-Beach	Lot 3, Beach View Subdivision, filed as Plat No. 2004-___, Kenai Recording District.	5.534±	Residential
to be assigned	Seward	Tract 1, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-___, Seward Recording District.	10.00±	Commercial
to be assigned	Seward	Tract 2, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-___, Seward Recording District.	10.462±	Commercial
to be assigned	Seward	Tract 3, Exit Glacier Subdivision No. 2, filed as Plat No. 2004-___, Seward Recording District.	20.900±	Preservation

END OF STAFF REPORT

While reviewing the resolution, Mr. Ostrander noted that the borough had received title for the parcels listed in the resolution classifying the properties. Staff received comments for several parcels. A comment for Parcel 165-180-02 (Anchor Point area) was received today regarding access across the parcel. One additional easement will be reserved across the parcel to provide access to the western boundary.

Mr. Ostrander noted that staff recommendations were changed for a parcel. Staff originally recommended the entire parcel in Diamond Ridge area (173-160-54) be classified as recreation. After reviewing public comments and the agency reviews, staff now recommends classifying the SW ¼ of the parcel as commercial with the remainder to be classified as recreational. This change is reflected in the resolution in the mailout packet.

Chairman Bryson opened the meeting for public comment.

1. Lloyd Schade, 35250 Schade Drive, Homer

Mr. Schade said he was a landowner adjacent to Parcel 172-360-01. He submitted a letter and packet of information for the desk packet. There are many discrepancies in the information for this property. Most of the problem is with a wetland situation. This area is part of a 453 block that the borough owns. His property is adjacent to the eastern and northern boundaries.

The classification of rural is totally out of context for the area. Mr. Schade referenced the article in the Homer News, which was included in the desk packet. The newspaper article said the property was 30-50 percent wetland. USDA completed a study in 1998, which showed the property to be more than 90 percent wetland. The borough has a copy of this study. This is an extremely significant factor if the land is to be offered for sale. If the purchaser bought the property believing it was 30-50 percent wetland, the purchaser could encounter many difficulties with Corps of Engineers and Mr. Schade because the subject parcel supplies his water. The large swamp on the property feeds the spring and lower streams throughout the area. It is very critical to Mr. Schade to keep the wetland intact. He and his attorney strongly suggest that the property be classified as agriculture or preservation.

Mr. Schade has been trying to work with the borough for many years to get the parcel cleaned up and the dead timber removed. He requested the USDA to survey the property. It is very important that the wetland is considered. He understood the property was going to be offered for subdivision or the borough might subdivide it. This would be a total disaster for the area. The property is off East End Road. A section line provides access. The section line also crosses wetland. The access to the property, other than Mr. Schade's property, has little value. The watershed is extremely important.

Mr. Schade has been farming in the area since 1958. He knew the country very well. Over the years the area has become a good community. In the beginning he wanted to tie the property with the farm. If the property was classified as agriculture, the Swampbusters Act would come into effect. Cleaning and clearing the land would be monitored to protect the wetland. It is a very good law. Staff knows what to do, and sufficient staff are available to do the job.

Currently, the land has timber; however, it is down and has a negative market value. Last month the Federal Bureau of the Interior requested the local contractors to submit bids to clear the deadfall. About 1000 acres with good access were selected. The low bid was \$859 per acre to clean up the land.

Chairman Bryson asked Mr. Schade to summarize his comments. Mr. Schade commented that an agriculture designation would relieve responsibility from the borough. A preservation classification will retain the borough's responsibility. He believed the land should be cleaned up. The land has poor access. If the land is classified agriculture or preservation, it would help the community.

2. Doris Cabana

Ms. Cabana lived in front of Parcel 173-160-54. Kachemak Bay Advisory Planning Commission recommended a recreation classification in 2001. The parcel is 660 feet off the Sterling Highway. She submitted a letter some time ago. She wanted the parcel to be classified as preservation and recreation. Preservation would preserve the property in the borough's name, not to sell it. She had much information on the Ninilchik soil survey, which was done a long time ago. She read her letter into the record:

My name is Doris Cabana and my husband is Leroy Cabana. We own two parcels backing the subject 40 acres or in front of the Sterling Highway. We are quite concerned about what will happen to this property. It mentions being sold for the 2004 land sale. We believe it should be retained by the borough for recreation and preservation for the public to use and not be sold or leased. If sold, it could be used for anything, for example, a gun range, which we already protested years ago for the piece of land next to it. As it is, the piece next to it was traded with light industrial with variances for 20 acres in Anchor Point with a valuation of \$77,000 down to \$33,000 to be only \$10,000 difference on trade. Since a cement plant has gone in there, I expect an asphalt plant on wetlands with two streams crossing that 40 acres into Diamond Creek and out into Cook Inlet/Kachemak Bay.

I thought that this was classified in 2001 when we classified a lot more land in the area with Kachemak Bay Advisory Planning Commission. I believe it was made residential at that time for four lots. The rest was recreational. We are for the recreation classification if it is retained for public use by KPB. Recreational lands disposed of to private parties must allow public use, like skiing or snowmachine use, unless specifically waived by ordinance. If recreation lands are for sale or lease, then restrictions may be imposed for appropriate uses given conditions and surrounding use. Not all activities are suitable for all sites. I prefer to have it as preservation.

We live there and own two tracts (173-160-37 and 173-160-38) of almost 10 acres since about 1973. Two different asphalt plants come in at different times, and remediation was done on connecting DOT land. The asphalt plants were about 1320 feet from my property where I live, and I couldn't have my house opened up in the summer from all the pollution, dirt, and grit. You could write your name on my windows, and it still got into the house. The 40 acres traded before is only 330 feet from my back property line which sides up to this property toward Anchor Point that you want to put in the land sale or lease.

I'm giving you this information so you can get the layout of this property. Lloyd Moore also abuts this parcel. When all this pollution in the past occurred, my health went downhill fast. I am allergic and have asthma and lung problems. I had to go on all kinds of medication, get a C-Pap machine to pump air into my lungs to open them up, my head is stuffed up all the time, plus I have three air machines to help clean the air in my house. I also use a compression nebulizer system.

The five acres of asphalt plants on Pelkey's were given to DOT. I believe they let the Nordic Ski

Club use it. It has three ponds that were put in. This land has been put on the state contamination list and is probably still on that list. The EPA and DEC have not protected the public from all this pollution. About three weeks ago, my husband said, "My God there is a fire on the traded land of Shafer's (Dibble Creek Rock)." I said, "No smell it. It is only the cement plant mixing cement for their truck deliveries."

So think of the people around Parcel 173-160-54. Also the air will carry upon Diamond Ridge. So many people complained before but nothing was done for the public's protection. So please be careful what you allow to be done with this property.

The borough was supposed to oversee the last trade, and I would like to know if they have. So much of the wetlands would not have been used back there on the trade if it was. Mark Kinney, USDA, figured it was about 85 percent or more on the parcel next to it. The borough was supposed to oversee that. I had two old friends die during the time of that land trade who were having lots of problems with breathing and their lungs.

Assembly members please think, "Would I like more pollution in this area if it was by my land?" All of this has come in since I owned this land since 1973, plus the borough dump.

Ms. Cabana had the Homer/Niniichik paper. SA is Salamatof peat, which is on Lot 55, is described on Page 23. SPB is Spenard Silt Loam (gently sloping) is on Lot 54 and is described on Page 25.

Chairman Bryson asked Ms. Cabana to summarize her comments. Ms. Cabana knew people wanted to use the property for commercial purposes. She was very concerned. This has been a real detriment to her family. She heard there was a well next door. She is trying to protect her water. So far, the EPA and DEC have not protected her. Her health has deteriorated. She was very upset that the property is proposed to be included in the land sale. She asked the commission to keep the property in preservation and recreation with the borough in control.

Vice Chairman Clark asked if Ms. Cabana's property had a sawmill. Ms. Cabana replied yes.

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

MOTION: Commissioner Hutchinson moved, seconded by Commissioner Martin, to recommend adoption of the resolution classifying the land, except to recommend changing the classification of Parcel 172-360-01 to agricultural rather than rural.

FIRST AMENDMENT TO THE MOTION: Commissioner Foster moved, seconded by Commissioner Hohl, to recommend classifying Parcel 173-160-54 all recreation.

Vice Chairman Clark noted staff revised their recommendation to classify the SW ¼ as commercial. He inquired about the reason for the revised recommendation. The parcel does not adjoin the highway. This classification would appear to preclude everyone but one shop from using the property. He asked why the south ½ was not recommended to be classified commercial. Mr. Ostrander replied a portion of the southern ½ is proposed to be used for ski trails. He believed the Anchor Point Advisory Planning Commission recommended that the SW ¼ of the parcel be classified as residential with the remainder as recreational. Staff considered this recommendation. Administration recommended a commercial classification. There is very close access from the Sterling Highway from the southwest corner of the parcel. Vice Chairman Clark asked if there was legal access off the highway to the southwest corner. Mr. Ostrander replied yes.

Commissioner Hutchinson inquired about the ownership of the property that the access to the southwest corner of the borough parcel crossed. Mr. Ostrander replied the access was a section line easement.

Commissioner Foster asked if most comments recommended a recreation or preservation classification. Mr. Ostrander indicated yes.

Commissioner Foster believed the subject parcel adjoined the City of Homer boundaries. He recalled this area

was originally recommended as all recreation; however, there are some existing light commercial, or GC1, in that area. This is a specially zoned area and in the future will be designated as Gateway Zoning because of its importance to the entrance of Homer. He knew a very important recreational area was nearby. He strongly recommended the commission classify the entire parcel recreational.

Vice Chairman Clark disagreed. He observed that the City of Homer is growing. A landfill is nearby. The adjacent 40 acres is batch plant area. A sawmill is in front. A large gravel pad is the location of a previous hot asphalt plant. A Quickie Mart is across the street. He understood the issue of a gateway. It would be nice to have a pristine entrance into the city; however, he did not think the landfill location corresponded to that description. Vice Chairman Clark believed the natural growth of the City of Homer as a commercial area along with the items necessary to accommodate future growth of the city would include the 40 acres to be used like the adjacent parcels, e.g. concrete batch plant, landfill, DOT station. He opposed the amendment. He believed it was logical planning for the subject parcel to be used like the surrounding properties.

Commissioner Hohl asked why the advisory planning commission recommended a portion of the parcel to be classified as residential. Mr. Ostrander said they made it very clear they wanted to reserve the remainder for recreational. The advisory commission believed that a portion of the parcel could be developed, and they believed residential was the most appropriate for that area.

Ms. Sweppy re-stated the amendment.

VOTE: The first amendment failed by a majority vote.

BRYSON YES	CLARK NO	FOSTER YES	GROSS NO	HOHL NO	HUTCHINSON NO	ISHAM NO
JOHNSON ABSENT	MARTIN NO	MASSION YES	PETERSEN NO	TAURIAINEN ABSENT	TROEGER NO	8 NO 3 YES 2 ABSENT

SECOND AMENDMENT TO THE MOTION: Commissioner Foster moved, seconded by Commissioner Hohl, to recommend classifying the southwest ¼ of Parcel 173-160-54 as residential and classifying the remainder as recreational.

Vice Chairman Clark noted that the proposed classifications would allow some residential homes amongst shops on the highway. This mixture did not seem to be compatible. He understood the ski trails were in the area. He supported having easements for the existing trails so the backcountry can continue to be accessed. To have preservation and recreational areas near residential areas as well as commercial uses did not seem to be the best use of the area. He supported administration’s recommendation to have the corner classified as commercial.

Commissioner Gross concurred with Vice Chairman Clark. The area is very much a light industrial area. The area is probably as close to an industrial area that Homer has. It makes sense to make the land available for light industrial uses. She supported the recommendation presented by administration.

Commissioner Hohl asked if administration’s recommendation was commercial. Chairman Bryson replied yes.

Commissioner Foster said the Kachemak Bay Advisory Planning Commission requested the classification be residential. The original recommendation for the City of Homer was for the area to be recreational. Because of the existing commercial uses, the city recommended GC1 and recreation for the area. Just because there are existing commercial uses does not mean the entire area should be commercial. Commissioner Foster recommended the commission approve the amendment.

VOTE: The second amendment failed by a majority vote.

BRYSON YES	CLARK NO	FOSTER YES	GROSS NO	HOHL YES	HUTCHINSON NO	ISHAM NO
JOHNSON ABSENT	MARTIN NO	MASSION YES	PETERSEN NO	TAURIAINEN ABSENT	TROEGER NO	7 NO 4 YES 2 ABSENT

THIRD AMENDMENT TO THE MOTION: Vice Chairman Clark moved, seconded by Commissioner Petersen, to

recommend classifying the southern ½ of the 40-acre Parcel 173-160-54 as commercial.

Commissioner Gross objected to the amendment. She believed the area was a good recreational area. The map indicates the area administration recommended to be classified as recreation by would be a good ski trail category. The front ¼ of the parcel is close to the highway and lends itself to industrial use.

VOTE: The third amendment to the motion failed by a majority vote.

BRYSON NO	CLARK YES	FOSTER NO	GROSS NO	HOHL NO	HUTCHINSON NO	ISHAM NO
JOHNSON ABSENT	MARTIN YES	MASSION NO	PETERSEN NO	TAURIAINEN ABSENT	TROEGER NO	9 NO 2 YES 2 ABSENT

FOURTH AMENDMENT TO THE MOTION: Commissioner Hohl moved, seconded by Commissioner Foster, to recommend the two parcels in Seward with parcel numbers to be assigned be designated preservation in accordance with the Seward/Bear Creek Flood Service Area recommendations.

Commissioner Martin asked if the property had been logged. He asked what the property looked like. Commissioner Hohl replied the property had wetlands, and an anadromous stream went through the property.

Commissioner Hohl re-stated the motion at the request of Commissioner Gross.

Vice Chairman Clark asked if the treed area on both parcels was buildable. Commissioner Hohl replied the parcel might have some buildable area. She supported the recommendation of the Flood Service Area. She knew several members of the board and respected their opinions. One Flood Service Area member is a former planning director for the City of Seward and worked for the city during two floods. He helped survey the flooding damage.

Chairman Bryson inquired about the type of wetlands. He asked if the property had a high water table or if it was in a floodplain. Commissioner Hohl deferred to Commissioner Petersen. Commissioner Petersen did not believe the property was wetland. He believed the property had a high water table. The area had a number of small creeks. The properties to the north and south are approximately the same level, and these parcels all have dwellings.

Chairman Bryson asked if the property was physically similar to the adjacent parcels concerning runoff down the canyon. Commissioner Petersen replied there was a flooding problem in this area, but he believed it was due to the collapse of a side of Box Canyon Creek. As a general rule, he had never seen water flowing over the property.

Commissioner Petersen commented that the Seward area had very little private land available. He supported classifying property that could be developed without upsetting the neighborhood. He believed sufficient area on the parcels could remain undeveloped in order to help retain and slow runoff. He supported placing both parcels on the tax rolls.

Based on the letter from the Seward/Bear Creek Flood Service Area, Commissioner Hutchinson supported the amendment.

Vice Chairman Clark asked if restrictions would be placed on the wet areas of the property if the parcels were sold. Mr. Ostrander replied the only way to place restrictions on the property is through deed restrictions. The assembly has the option to place restrictions on deeds, but generally they do not. Development on the property would be regulated by the appropriate regulating agencies.

Commissioner Hohl pointed out the Seward area does not have Anadromous Stream Habitat Protection setback requirements. The anadromous stream on the property could have qualified to be included in the ordinance and could have benefited from it. Fish are visible in this stream. She voiced concern about the lack of protection for Clear Creek. The salmon fishery is as important to the Seward area as other areas in the peninsula.

Chairman Bryson asked if the creek was at the edge of the trees. Commissioner Hohl replied the stream was between the parcel and the road. Mr. Ostrander said Clear Creek wandered through the area. Clear Creek

generally starts in the southeast corner of the large parent parcel of ASCS 89-143. Primarily the creek is on the large parcel staff is recommending to be classified as preservation. A small portion of the creek meanders about ¼ of the way through the parcel on the southern portion of the northern 10-acre parcel.

VOTE: The fourth amendment to the motion passed by a majority vote.

BRYSON YES	CLARK NO	FOSTER YES	GROSS YES	HOHL YES	HUTCHINSON YES	ISHAM NO
JOHNSON ABSENT	MARTIN NO	MASSION YES	PETERSEN NO	TAURIAINEN ABSENT	TROEGER NO	6 YES 5 NO 2 ABSENT

If the assembly adopts the classifications and the parcels are sold, Commissioner Troeger asked if the classifications would be included as restrictions in the deed so the buyer is restricted to using the parcel in accordance with the classification. Mr. Ostrander replied the assembly had the option to restrict the deeds; restrictions on the deed are not automatic. It is staff's policy to not offer parcels classified as preservation for sale. The Seward parcels are proposed to be included in the fall land sale. If the parcels are classified as preservation, he was confident they would be removed from the list of parcels offered for sale.

Commissioner Hohl asked if the property could be reclassified in the future. Mr. Ostrander replied yes.

VOTE: The motion as amended passed by unanimous consent.

BRYSON YES	CLARK YES	FOSTER YES	GROSS YES	HOHL YES	HUTCHINSON YES	ISHAM YES
JOHNSON ABSENT	MARTIN YES	MASSION YES	PETERSEN YES	TAURIAINEN ABSENT	TROEGER YES	11 YES 2 ABSENT