

## **E. NEW BUSINESS**

### **ITEM E5 – RESOLUTION 2022-\_\_:**

**A resolution classifying certain parcel of borough owned land in the Diamond Ridge area.**

# Kenai Peninsula Borough

## Planning Department – Land Management Division

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor  
Melanie Aeschliman, Planning Director  
Marcus Mueller, Land Management Officer

**FROM:** Julie Denison, Land Management Technician

**DATE:** March 31, 2022

**RE:** Resolution 2022-\_\_\_\_\_, Classifying Certain Parcels of Borough Owned Land in the Diamond Ridge Area (Mayor)

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Pursuant to KPB 17.10.080, classification provides direction on how the Borough should manage its land. An application has been received to lease a 5-acre portion of borough land in the Diamond Ridge area. The Watermelon Trailhead is to the east of the subject area and is managed by Snomads, Inc. through a Community Trails Management Agreement. Land Management proposes to additionally classify the trailhead to reflect the current uses. The remainder of the parcels are not being proposed for classification.

Notification was sent by US mail on February 23, 2022, to all owners/leaseholders of record within a one-half mile radius of the parcels proposed for classification. Notice was also sent to KPB and state agencies. The notice consists of a cover letter, map and list of land classification definitions. Public notice will be published in the Peninsula Clarion and Homer News on March 23 and 30, 2022.

The attached staff report provides information regarding the classification process and detailed information regarding the parcel proposed for classification. This resolution would classify 7.3-acres consistent with the findings contained in the staff report.

Your consideration of this Resolution is appreciated.

Introduced by: Mayor  
 Date: 04/19/22  
 Action:  
 Vote:

**KENAI PENINSULA BOROUGH  
 RESOLUTION 2022 -**

**A RESOLUTION CLASSIFYING CERTAIN PARCELS OF BOROUGH OWNED LAND  
 IN THE DIAMOND RIDGE AREA**

**WHEREAS,** the Kenai Peninsula Borough has received title to the subject lands described below; and

**WHEREAS,** pursuant to KPB 17.10.080 classification provides guidance for the management of borough owned land; and

**WHEREAS,** public notice was published and notification was sent to land owners and/or leaseholders of record within a one-half mile radius of the land proposed for classification, including applicable departments, agencies, and interested parties; and

**WHEREAS,** the Kachemak Advisory Planning Commission at its regular scheduled meeting held on April 7, 2022 recommended \_\_\_\_\_; and

**WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of April 11, 2022 recommended \_\_\_\_\_.

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That based on the findings of fact, analysis, and conclusions contained in the staff report of April 11, 2022 the borough owned lands described below shall be classified as follows:

<b>Description of Borough Land Proposed Lease</b>				
<b>Parcel ID No.</b>	<b>General Location</b>	<b>Legal Description</b>	<b>Acres + / -</b>	<b>Proposed Classification</b>
17113141	Diamond Ridge	Portion of Tract A, ASLS 2003-6, Plat No. 2004-108, Homer Recording District, Third Judicial District, State of Alaska	4.3	Recreational

17113106	Diamond Ridge	Portion of SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , S <sup>1</sup> / <sub>2</sub> NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , Section 27, Township 05 South, Range 13 West, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska	3.0	Recreational
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**SECTION 2.** This resolution shall be effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Brent Johnson, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

AGENDA ITEM E5. PUBLIC HEARINGS

\_\_\_ Proposed Classification of Certain Borough Land, Pursuant to KPB Code of Ordinances, Chapter 17.10.080.

STAFF REPORT

PC Meeting April 11, 2022

**Basis for Classification:** Subject parcels are being considered for future disposal or lease. Homer Rope Tow is requesting a lease of borough land for the construction/maintenance of a parking area for its visitors. Classification provides guidance for the management of borough land. KPB land must be classified prior to disposal or leasing pursuant to KPB Code of Ordinances, Chapter 17.10.090.

Description of Borough Land Proposed for Classification					
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Proposed Classification	Zoning
17113141	Diamond Ridge	Portion of Tract A, ASLS 2003-6, Plat No. 2004-108, Homer Recording District, Third Judicial District, State of Alaska	4.3	Recreational	Rural District
17113106	Diamond Ridge	Portion of SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , S <sup>1</sup> / <sub>2</sub> NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , Section 27, Township 05 South, Range 13 West, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska	3	Recreational	Rural District

**Public Notice:** Public notice was published in the Peninsula Clarion and Homer Newspaper on March 23 and March 30, 2022. Public notice is sent to all land owners and/or leaseholders within a one-half mile radius of the land proposed to be classified, applicable agencies, and interested parties. The notice consists of a cover letter, map, and list of land classification definitions. Written public comments were requested to be returned by 4:00 p.m., April 6, 2022.

Description of Borough Land Proposed for Classification					
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Proposed Classification	Zoning
17113141	Diamond Ridge	Tract A, ASLS 2003-6, Plat No. 2004-108, Homer Recording District, Third Judicial District, State of Alaska	4.3	Recreational	Rural District
Classification Definition(s):	<p><b>"Recreational"</b> means land located in an area where the potential for recreational use exists. This may include both indoor and outdoor uses such as gun ranges, archery ranges, camping, golf courses, snow machine trails, cross country trails, skiing, boating, fishing or which may provide access to those activities. Recreational does not include use of lands for amusement parks. Site conditions for any authorized use must be appropriate and suited for such uses. Recreational lands disposed of to private parties must allow public 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 suitable for all sites.</p>				
Zoning:	Land use in the Rural District shall be unrestricted except as otherwise provided in KPB Title 21.				

**Overview:** A portion of a large acre parcel in the Diamond Ridge area near Mile Post 2 and along the north side of Ohlson Mountain Road. This parcel will be managed in combination with Parcel 17113106. Homer Rope Tow has applied for lease of five acres west of the Watermelon Trailhead.

**Findings of Fact:**

1. Property Status: The Borough received title by State Patent. The parcel is not classified (undesignated). The parcel is subject to several easements including a public parking area easement for the Watermelon trailhead, currently managed by Snomads, Inc. under a Community Trails Management Agreement serialized as CTMA 2021-01. Homer Rope Tow has applied for a lease of a 2-acre portion located west of the Watermelon Trailhead. This parcel is within Kenai Area Plan (KAP) Unit 209A. Per the KAP, conveyances will reserve legal access along the east side to provide access from Ohlson Mountain Road to top of the ski area, and Watermelon and Ohlson Mountain trails are reserved for access. This parcel does not have a South Peninsula Plan recommendation.

2. Zoning: The property is within the Rural District pursuant to KPB 21.04.010(B).

3. Topography: Subject parcel is generally level with rolling uplands and is partially wooded (~30%) with mostly spruce mixed with some birch and alder.

4. Soil: 8.6% of parcel is classified as **565 “Iliamna Silt Loam”**, sandy substratum, 4 to 15 percent slopes, well-drained with a depth to water table at more than 201 inches, somewhat limited for dwellings with and without basements, very limited for septic tank absorption, based on seepage, bottom layer.

28.7% of parcel is classified as **573 “Kachemak Silt Loam”**, sandy substratum, 4 to 8 percent slopes, well-drained with a depth to water table at more than 201 inches, not limited for dwellings with and without basements, very limited for septic tank absorption, based on seepage, bottom layer.

62.7% of parcel is classified as **575 “Kachemak Silt Loam”**, sandy substratum, 15 to 25 percent slopes, well-drained with a depth to water table at more than 201 inches, very limited for dwellings with and without basements, very limited for septic tank absorption, based on seepage, bottom layer.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [Jan/19/2022].

(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. The general area serves a wide variety of outdoor uses. Snomads, Inc. manages the Ohlson Mountain and Watermelon Trails and trailhead along the north side of Ohlson Mountain Road. Kachemak Nordic Ski Club, Inc. manages a system of trails and an event area on the south side of Ohlson Mountain Road. The Homer Rope Tow owns and operates a downhill skiing and snowboarding instructional program within close proximity.

6. Surrounding Land Ownership: The State of Alaska owns one parcel to the south of Ohlson Mountain Road. The surrounding land is primarily in private and borough ownership.

7. Access: The parcel has dedicated access along the south and west boundary. A 50-foot wide section-line easement exists along the west boundary of this parcel. The west side of the parcel also has a

gravel road built into it from Ohlson Mountain Road, a paved, AK DOT maintained road.

8. Utilities: Electric and telephone services are available.
9. Public Comment: As of the writing of this report **no written comments have been received**. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Kachemak Bay Advisory Planning Commission (KAPC) Review: On April 7, 2021 the KPAPC held a public meeting and recommended \_\_\_\_\_.
11. Department / Agency Comments: As of the writing of this report **three agencies responded with either no comment / no objection or had no issues**.

**Analysis:**

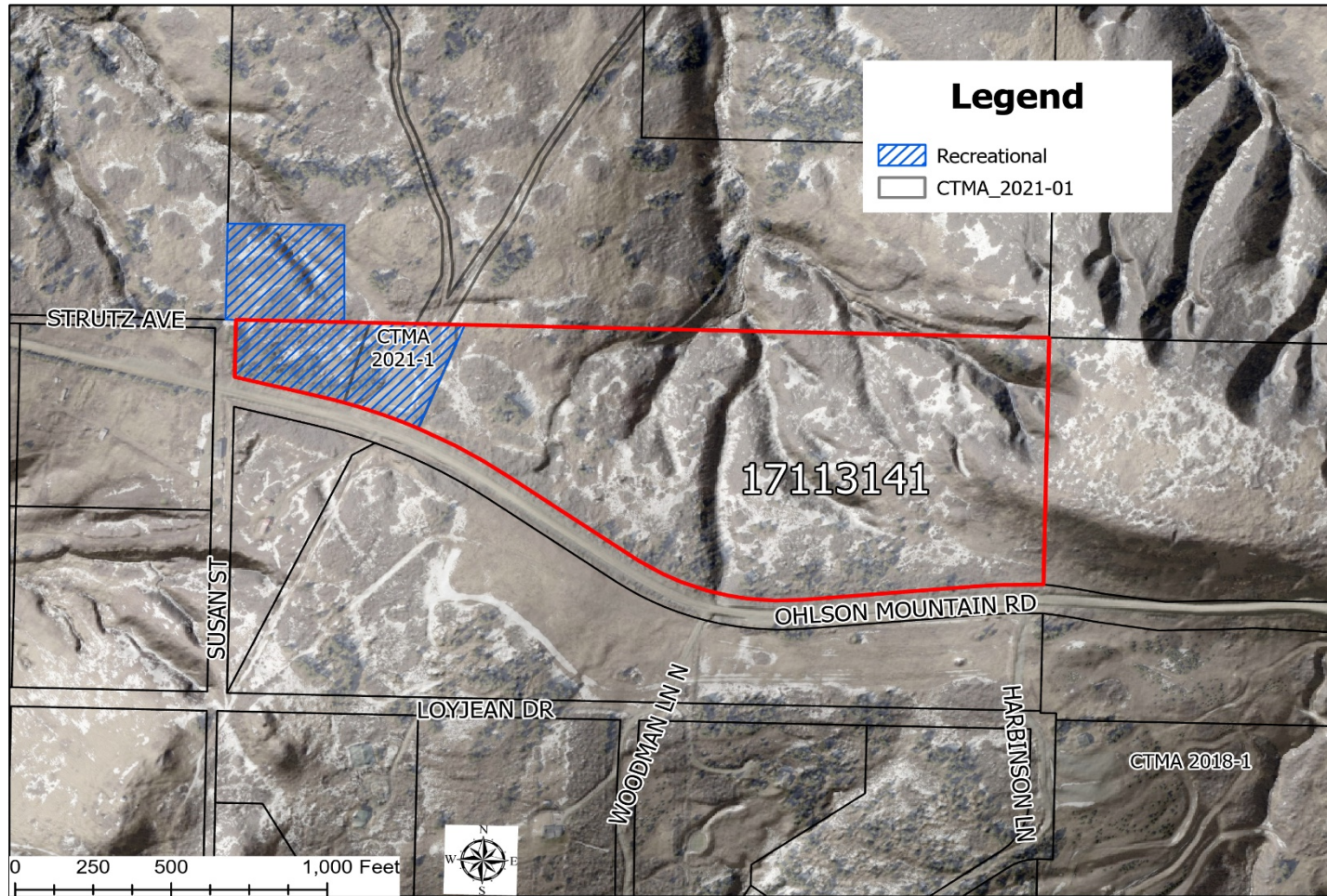
Several factors limit the development potential of this parcel including its shape and topography, wetlands, easements, and the existing road. The general area has historically served a variety of recreational public uses. The Watermelon Trailhead is actively managed by Snomads, Inc. and serves as a staging/parking area for accessing the Watermelon and Ohlson Mountain trails. Parking for visitors of the Homer Rope Tow is currently located to the west in a small pull-out along Ohlson Mountain Road. The pull-out is often full resulting in visitors parking along Ohlson Mountain Road and creating a safety concern within the right-of-way. Classifying subject parcel as Recreational is supported by Goal 1 (Focus Area: Tourism and Recreation), Objective B, Strategy 3, Goal 2 (Focus Area: Land Use), Objective A, Strategy 1.c, Objective C, Strategy 2.c, and Objective F, Strategy 1.c, Goal 3 (Focus Area: Housing), Objective D, Strategy 4 and Goal 4 (Focus Area: Transportation), Objective C, Strategy 1.g of the Kenai Peninsula Borough Comprehensive Plan.

**Conclusions:**

A recreational classification is compatible with the existing uses and the proposed new use.

**Recommendation:**

Based on the findings of fact, analysis, and conclusions, a Recreational classification is recommended.





Description of Borough Land Proposed for Classification					
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Proposed Classification	Zoning
17113106	Diamond Ridge	Portion of SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , S <sup>1</sup> / <sub>2</sub> NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , Section 27, Township 05 South, Range 13 West, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska	3	Recreational	Rural District
Classification Definition(s):	<p><b>"Recreational"</b> means land located in an area where the potential for recreational use exists. This may include both indoor and outdoor uses such as gun ranges, archery ranges, camping, golf courses, snow machine trails, cross country trails, skiing, boating, fishing or which may provide access to those activities. Recreational does not include use of lands for amusement parks. Site conditions for any authorized use must be appropriate and suited for such uses. Recreational lands disposed of to private parties must allow public 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 suitable for all sites.</p>				
Zoning:	Land use in the Rural District shall be unrestricted except as otherwise provided in KPB Title 21.				

**Overview:** Large acre parcel in the Diamond Ridge area access off of Ohlson Mountain Road by way of Susan Street and a section line easement. This parcel will be managed in combination with Parcel 17113141. Homer Rope Tow has applied for a lease of five acres west of the Watermelon Trailhead.

**Findings of Fact:**

Property Status: The Borough received title by State patent. This parcel is not classified (undesignated). The parcel is subject to a public access and a public travelway easement for the Watermelon and Ohlson Mountain trails, each which are managed by Snomads, Inc., under a Community Trails Management Agreement serialized as CTMA 2021-01. The final recommendation of the South Peninsula Plan was for residential with a recreation corridor centered on existing trail, and possible Grazing overlay on the south end of the parcel.

1. Zoning: The property is within the Rural District pursuant to KPB 21.04.010(B).
2. Topography: This parcel is relatively level and mostly forested with spruce trees.
3. Soil: 46.4% of this parcel is classified as **573 "Kachemak Silt Loam"**, sandy substratum, 4 to 8 percent slopes, well-drained with a depth to water table at more than 201 inches, not limited for dwellings with and without basements, very limited for septic tank absorption, based on seepage, bottom layer.

53.6% of this parcel is classified as **575 "Kachemak Silt Loam"**, sandy substratum, 15 to 25 percent slopes, well drained with a depth to water table at more than 201 inches, very limited for dwellings with and without basements, very limited for septic tank absorption, based on seepage, bottom layer.

19.9% of this parcel is classified as **577 "Kachemak Silt Loam"**, sandy substratum, 35 to 45 percent

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [Jan/19/2022].

(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

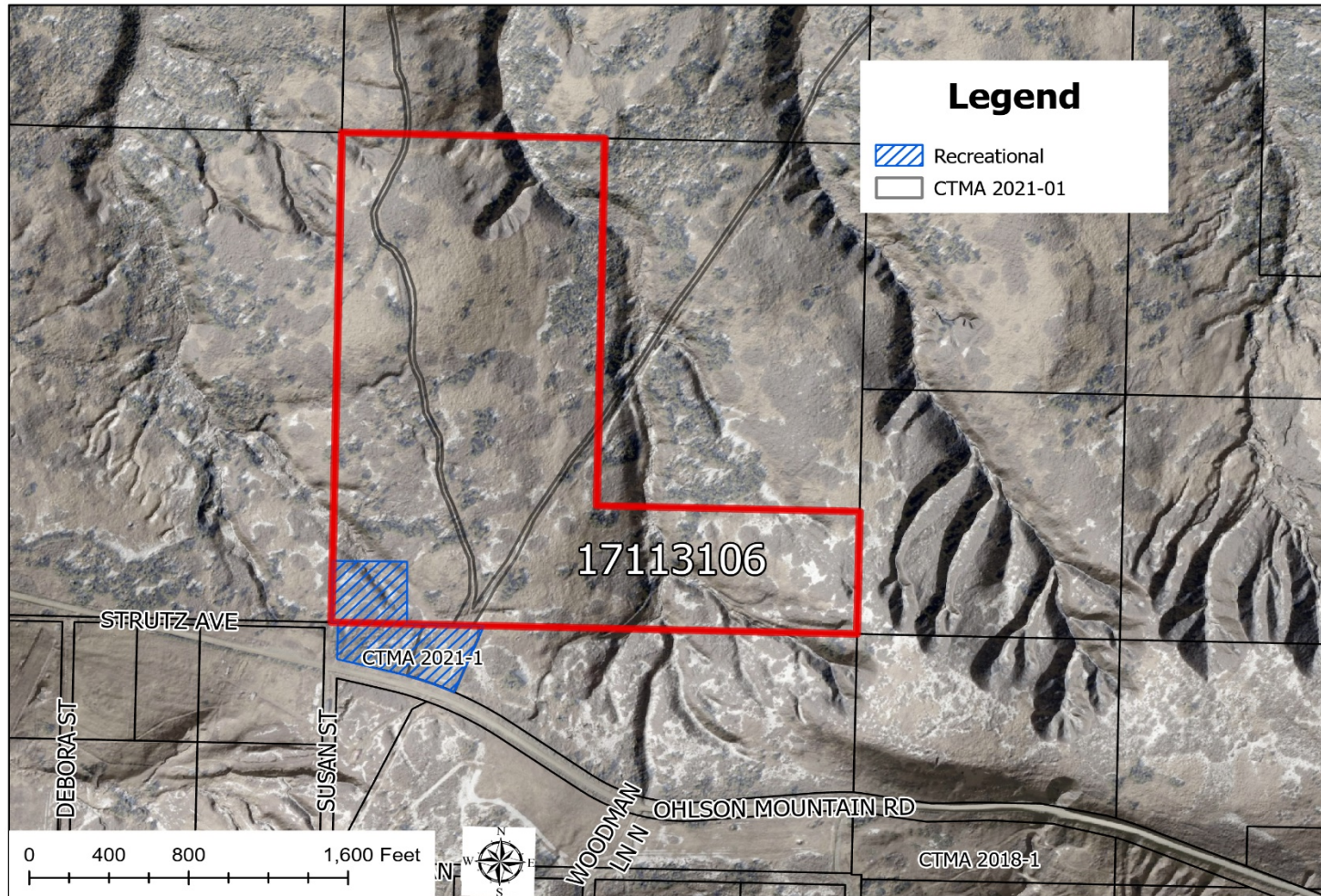
4. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. The Watermelon and Ohlson Mountain trails and trailhead are located in the area and are currently managed by Snomads, Inc. under a Community Trails Management Agreement serialized as CTMA 2021-01. Borough lands managed by the Kachemak Nordic Ski Club, Inc. under CTMA 2018-01 and east of Harbinson Lane have been classified as Recreational pursuant to KPB Resolution 2009-099.
6. Surrounding Ownership: Surrounding land ownership is primarily in private and borough ownership, with one parcel to the south of Ohlson Mountain Road being owned by the State of Alaska.
7. Access: The parcel is accessed from Susan Street located at approximately Mile Post 2.5 of Ohlson Mountain Road. There is an undeveloped 50-foot wide section line easement along the west parcel boundary. The parcel is subject to a 60-foot wide Public Access Easement shown on Plat No. 88-12, Homer Recording District (Watermelon Trail) and a 60-foot wide Public Travelway Easement (Ohlson Mountain Trail) recorded as document number 2016-001878-0 in the Homer Recording District.
8. Utilities: Electric and telephone services are available.
9. Public Comments: As of the writing of this report **one written comment has been received**. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Department / Agency Comments: As of the writing of this report **three agencies responded with either no comment / no objection or had no issues**.

**Analysis:**

With dedicated access, a section line easement, developed and maintained trails providing access to and through this parcel, suitable topography, and availability of utilities, this parcel has potential for economic development. Classifying the subject parcel as Recreational is supported by Goal 1 (Focus Area: Tourism and Recreation), Objective B, Strategy 3; Goal 2 (Focus Area: Land Use), Objective A, Strategy 1.c, Objective C, Strategy 2.c, and Objective F, Strategy 1.c; Goal 3 (Focus Area: Housing), Objective D, Strategy 4; and Goal 4 (Focus Area: Transportation), Objective C, Strategy 1.g of the Kenai Peninsula Borough Comprehensive Plan.

**Conclusions:**

A Recreational classification is compatible with the attributes and existing or future uses of the parcel and does not restrict future overlapping classifications.



**STAFF RECOMMENDATION:** Based on the findings of fact, analysis, and conclusions that the KPB Planning Commission finds that it is in the borough’s best interest to recommend adoption of a Resolution classifying subject land as follows:

		<b>Description of Borough Land Proposed for Classification</b>			
<b>Assessor’s Parcel No.</b>	<b>General Location</b>	<b>Legal Description</b>	<b>Acres+/-</b>	<b>Classification</b>	<b>Zoning</b>
17113141	Diamond Ridge	Portion of Tract A, ASLS 2003-6, Plat No. 2004-108, Homer Recording District, Third Judicial District, State of Alaska	4.3	Recreational	Rural District
17113106	Diamond Ridge	Portion of SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , S <sup>1</sup> / <sub>2</sub> NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , Section 27, Township 05 South, Range 13 West, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska	3	Recreational	Rural District

END OF STAFF REPORT

