


Kenai Peninsula Borough  
Planning Department

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, Borough Mayor

**FROM:** Melanie Aeschliman, Planning Director 

**DATE:** June 30, 2021

**RE:** Resolution 2021-054: A Resolution Classifying Certain Parcels of Borough Owned Land in the Nikiski, Soldotna, Sterling, Hope, Homer, Skilak Lake, Cooper Landing and Beluga areas.

The Kenai Peninsula Borough Planning Commission reviewed the subject resolution during their regularly scheduled June 28, 2021 meeting.

An amendment motion passed by majority vote to recommend amending the resolution to remove parcel 035-290-33 and direct borough administration to move forward with the process of adding this parcel to the Percy Hope LOZD, mixed residential zone. (7-Yes, 2-No, 2-Absent)

An amendment motion passed by majority vote to recommend amending the resolution to change the classification of the five lots in the Cooper Landing area to residential. (8-Yes, 1-No, 2-Absent)

An amendment motion passed by majority vote to recommend amending the resolution to change the classification of parcels 063-011-11 & 063-043-29 to agricultural. (7-Yes, 2-No, 2-Absent).

An amendment motion passed by unanimous vote to recommend amending the resolution to remove the 10 properties in the Homer area that are zoned East End Mixed Use. (9-Yes, 0-No, 2-Absent).

A motion passed by unanimous vote to recommend approval as amended to Resolution 21-054, A Resolution Classifying Certain Parcels of Borough Owned Land in the Nikiski, Soldotna, Sterling, Hope, Homer, Skilak Lake, Cooper Landing and Beluga areas. (9-Yes, 0-No, 2-Absent)

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

*WHEREAS, the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of June 28, 2021 recommended approval as amended by unanimous vote.*

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

ingress/egress/parking plan and determined there is enough room. The Borough and the State do not have any requirements related to visual buffering or lighting, and the site plans does not have anything proposed in these areas. He again noted that is not a retail facility so the traffic would consist of delivery trucks and employee vehicles. The road to this facility is not Borough maintained so the maintenance will have to be address by private contractors.

Ms. Tideswell then asked where she could get copy of the site plan. Chairman Martin stated that it was available online and that she could contact Mr. Taylor directly and he could assist her in locating it.

Commissioner Venuti asked staff if the Borough has any data regarding problems related to marijuana cultivation facilities and retail operations. Mr. Taylor replied the borough does not keep a database specific to those type of complaints. He noted the Borough does has a code compliance office who may have information related to any code violations.

Commission Fikes noted the applicant states in his application that no signs are anticipated to be posted at their establishment. They do however reserve the option to place a sign not to exceed 4800 square inches on the front of their building if they choose.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

|        |   |    |   |        |   |
|--------|---|----|---|--------|---|
| Yes    | 9   | No | 0 | Absent | 2 |
| Yes    | Bentz, Brantley, Carluccio, Ecklund, Fikes, Gillham, Martin, Morgan, Venuti |    |   |        |   |
| No     |   |    |   |        |   |
| Absent | Chesser, Ruffner  |    |   |        |   |

**AGENDA ITEM E. NEW BUSINESS**

5. Resolution 2021-054: A resolution classifying certain parcels of Borough owned land in the Nikiski, Soldotna, Sterling, Hope, Homer, Skilak Lake, Cooper Landing and Beluga areas.

Staff report given by Marcus Mueller.

KPB Land Management proposes to classify 28 parcels of borough owned land. ]

**Basis for Classification:** Subject parcels are being considered for future management decisions including disposal or lease. 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.

Land Management is proposing two classifications for these parcels, Rural & Commercial. There a number of parcels from all around the borough, from Beluga to Hope to Nikiski, Sterling, Cooper Landing, Diamond Ridge areas that we are proposing a classification of Rural. The Rural classification definition has two-parts. Part one, states the land is remote and part two stated that the use is unrestricted. When borough land goes up for sale and purchased, the land classification does not go with it. Land Management chose to classify these parcels with that in mind – the rural classification reflects most closely to the current zoning district on these parcels which is rural unrestricted. Land Management wanted to be as clear as possible with these classifications.

| Assessor's Parcel No. | General Location | Legal Description  | Acres | Proposed Classification | Zoning         |
|-----------------------|------------------|--|-------|-------------------------|----------------|
| 013-216-01            | Nikiski Wik Lake | Government Lot 4, Section 8, Township 7 North, Range 11 West, Seward Meridian, Alaska (Pending Record of Survey) | 14    | Rural                   | Rural District |

|  |                     |  |      |       |                   |
|--|---------------------|--|------|-------|-------------------|
| 013-212-48   | Nikiski<br>Wik Lake | Government Lot 12, Section 5, Township 7 North,<br>Range 11 West, Seward Meridian, Alaska. (Pending<br>Record of Survey) | 5.79 | Rural | Rural<br>District |
| Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(DD)]        |                     |  |      |       |                   |
| Rural Zoning District: ...Land use in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)] |                     |  |      |       |                   |

**Overview:** Subject properties are located approximately 4 miles Northeast of Nikiski on the South shore of Wik Lake. Properties are contiguous, sharing one common boundary (North / South). Parcel 013-212-48 is bound on three sides by Wik Lake. Parcel 013-216-01 is bound by Wik Lake on two sides (East and West), KPB owned parcel 013-212-48 to the North and a private parcel to the South. Parcels are unique to this area due to their larger size and total amount of Wik Lake frontage.

**Findings of Fact:**

1. **Property Status:** Borough received title by State of Alaska Patent No. 4456 and 6176 subject to reservations and platting requirements. Parcels are subject to a 50 foot wide public access easement along the ordinary high watermark of Wik Lake and are required to be surveyed prior to sale. A 50 foot wide section line easement runs East–West along the respective North / South boundary of the subject parcels (total easement width of 100’). This parcel is currently not classified (undesignated).
2. **Zoning:** Rural District pursuant to KPB 21.04.010(B).
3. **Topography:** Parcel topography is broken, rolling terrain of varying slopes with a dense stand of birch and spruce.
4. **Soil:** 100% of this parcel is classified as “Soldotna Silt Loam”, strongly sloping and gently sloping, 7-12 percent slopes, well-drained with a depth to water table at more than 80 inches, somewhat limited for dwellings without basements but very limited for septic tank absorption, based on seepage, bottom layer and slope.

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 [May 19, 2021].

(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. Jacque Street is the nearest platted, undeveloped road located to the South of the both subject parcels. Surrounding land use includes residential single-family homes (lakefront and non-lake front), and undeveloped land of varying parcel sizes. Subject parcels are unique in size and amount of lake frontage when compared to adjacent parcels.
6. **Surrounding Land Ownership:** Surrounding land is primarily in private ownership with one State owned parcel located Northwest of subject parcels, on the West shore of Wik Lake.
7. **Access:** Parcels are accessible by water from Wik Lake, a public waterbody with floatplane capabilities and undeveloped section line access to the lake. There is no documented physical overland access to subject parcels. Potential physical access could be gained by obtaining easements through adjacent private property to the South in order to connect to Jacque Street (platted undeveloped road). Jacque Street could potentially provide access to Grayson Avenue a platted and developed road. A 50 foot wide section line easement runs East–West along the respective North / South boundary of the subject parcels (total easement width of 100’). A 50 foot wide perpetual public easement along the ordinary high water mark was retained in State Patent and will be defined and depicted in pending Record of

Survey.

- 8. Utilities: Gas and electric utility are in the area.
- 9. Public Comment: One public comment was received expressing concern in future development of these parcels, potential impacts on residents, wildlife and the atmosphere the area provides. Requested properties be retained in a preserved status.
- 10. Advisory Planning Commission Review: No APC exists for this area.
- 11. Department / Agency Comments: None provided

**Analysis:**

Due to the lack of developed physical access to subject properties and without documented easements from adjacent private property owners, the development potential for subject should be reviewed when considering future management actions. While soil conditions are somewhat favorable for dwellings without a basement, an advanced engineered septic system may be required to overcome adverse soil conditions as they relate to septic tank absorption fields. Due to soil conditions and proximity of this property to Wik Lake, special consideration to runoff and septic leachate should be a consideration in any future management decisions. While the reservations contained in State patent provide public access along the shoreline of subject parcels, the closest access to said public easement is obtained by way of section line easement running East–West from the southerly termination of Chickadee Street to the West shore of Wik Lake. KPB land records indicate prior interest in subject properties for ground based radar systems. Those interests have never been acted on or further investigated. Additional management options may be available if physical access was obtained through adjacent properties. Potentially increasing the use potential and associated value of subject parcels.

**Conclusions:**

This parcel is surplus to borough needs. A Rural classification would be appropriate for this parcel and would be consistent with the Rural District zoning and compatible with the existing uses in the surrounding area.

Mr. Mueller noted that there was one comment received, which is in the desk packet from the Johnsons. They expressed concerns with this land being designated as rural with no restrictions. They stated these parcels should be kept as land that should be preserved as the best and highest use of the land, taking into account the concerns of the residents to maintain the atmosphere that the lake current provides.

| Assessor's Parcel No.   | General Location | Legal Description  | Acres | Proposed Classification | Zoning         |
|---|------------------|--|-------|-------------------------|----------------|
| 035-290-33  | Hope             | Lot 7 of Percy Hope Subdivision as shown on Plat No. 2010-8, Seward Recording District, State of Alaska. | 2.24  | Rural                   | Rural District |
| Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(DD)]<br>Rural Zoning District: ...Land use in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)] |                  |  |       |                         |                |

**Overview:** Subject parcel is located approximately 1 mile East of Hope along the Hope Highway. Parcel contains 283 feet of Hope Highway frontage in a location that provides good visibility to the highway and vehicle approaches to the Highway. Due to parcel size and proximity to Hope, property is potentially desirable to a variety of future uses.

**Findings of Fact:**

- 1. Property Status: KPB received title by State of Alaska Patent No 21794 subject to reservations.

Hope/Sunrise Land Use plan designates Land Use Recommendations for subject property as Residential. Ordinance 2009-43 (page 2, paragraph 7) states Hope/Sunrise APC voted unanimously to request that the assembly modify the proposed Percy Hope R-M LOZ to approve Lot 7 for potential commercial use. Ordinance 2009-43 specifically excludes Lot 7 from the Percy Hope LOZ. This parcel is encumbered by a 10' utility easement along the North and West property lines. This parcel is not currently classified (undesignated).

2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: The property consists of slightly rolling topography with a fairly dense stand of smaller diameter spruce and birch trees.
4. Soil: Although no USDA Soils Survey data is available for the Hope area, physical inspection of the property indicates subject property is similar to adjacent parcels. Property appears to have adequate drainage and stable soils.
5. Surrounding Land Use: This property is within the Hope/Sunrise Land Use Plan area. Surrounding land use includes residential single family homes, undeveloped, commercial and waste management land uses.
7. Surrounding Ownership: Surrounding land ownership includes private, Borough, State and Federal.
8. Access: Access to subject property is provided by the Hope Highway. Any future access to the Highway is subject to approval by the State of Alaska and any terms, provisions and conditions that may be required by the State of Alaska.
9. Utilities: Electric utility service is available in the area.
8. Public Comments: None
9. APC Review: The Hope/Sunrise APC at the June 17, 2021 meeting recommended that parcel 03529033 not designated as rural but be sold with restrictions of the Percy Hope Local Option Zone.
10. Department / Agency Comments: None

**Analysis:**

Subject parcel size and location in relation to the townsite of Hope, contribute to the use potential of this property. Frontage and access to the Hope Highway make this property desirable for a number of potential future uses. Parcel size is somewhat larger than adjacent parcels. Land Management records indicate interest from Hope/Sunrise APC to utilize the lot for potential commercial use (Ordinance 2009-43). The size of this parcel in addition to its highway frontage provides for a wide variety of potential future use. Future management considerations should include State approval of approaches to the Hope Highway and reference Ordinance 2009-43 for desired potential uses.

**Conclusions:**

This parcel is surplus to borough needs. A Rural classification would be appropriate for this parcel and would be compatible with the existing adjacent uses and consistent with Rural District zoning and specific exclusion from the Percy Hope LOZ.

| Assessor's Parcel No. | General Location | Legal Description  | Acres | Proposed Classification | Zoning         |
|-----------------------|------------------|--|-------|-------------------------|----------------|
| 131-320-31            | Soldotna         | Lot 13, Journey's End Subdivision No. 4, according to the official plat thereof, fled under Plat Number 76-24, Kenai Recording District, Third Judicial District, State of Alaska. | 0.9   | Rural                   | Rural District |

|  |          |  |     |       |                |
|--|----------|--|-----|-------|----------------|
| 131-320-32   | Soldotna | Lot 37, Journey's End Subdivision No. 4, according to the official plat thereof, fled under Plat Number 76-24, Kenai Recording District, Third Judicial District, State of Alaska. | 0.9 | Rural | Rural District |
| Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(DD)]        |          |  |     |       |                |
| Rural Zoning District: ...Land use in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)] |          |  |     |       |                |

**Overview:** Subject parcels consist of two contiguous lots located Southwest of Soldotna in the Kalifornsky Beach area off of Gas Well Road. They are located approximately 2.7 miles directly West of the Sterling Highway. Parcels share a common East–West boundary.

**Findings of Fact:**

- Property Status: KPB received title to subject parcels by Clerk’s Deed recorded December 14, 2010 as a result of 2008 delinquent real property tax foreclosure action. Parcels are substandard in size (.9 acre) and as a result were retained for public purpose through Ordinance 2012-23. As these parcels have been retained by the borough in excess of 10 years, marketable or clear title to subject parcels should now be available and properties can be considered for future management actions. Although consistent in size with adjacent properties, both parcels are substandard (less than 40,000 square feet) in size. As a result, future development may require the use of an advanced wastewater treatment system. A 10-foot wide utility easement runs along the entire shared East/West boundary (20-foot total width). An undeveloped 33-foot wide section-line easement runs along the South boundary or both parcels. These parcels are currently not classified (undesigned).
- Zoning: Rural District pursuant to KPB 21.04.010(B).
- Topography: Parcels are relatively level with smaller diameter spruce being present.
- Soil: 100% of this parcel is classified as “Soldotna Silt Loam”, undulating, 0-4 percent slopes, well-drained with a depth to water table at more than 80 inches, not limited for dwellings without basements but very limited for septic tank absorption, based on seepage, bottom layer, filtering capacity and depth to saturation zone.  
  
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 [June 3, 2021]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
- Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential single family homes and undeveloped parcels of similar size.
- Surrounding Ownership: Surrounding land ownership consists of privately owned parcels.
- Access: Potential access to parcels by way of Gas Well Road (developed) to Rustic Avenue (undeveloped).
- Utilities: Gas and electric utility are in the area.
- APC Review: No APC is established in this area.
- Public Comments: None
- Department / Agency Comments: None

**Analysis:**

Parcel size (substandard) is consistent with adjacent developed and undeveloped properties. Potential use

of an engineered septic absorption system may be necessary to overcome soil limitations. Both parcels were acquired through Clerks Deed as the result of a tax foreclosure action and retained by ordinance due to being substandard in size. KPB has retained ownership of parcels in excess of 10 years, marketable or clear title to subject parcels should now be available to subject properties without exception. Future management decisions should take into consideration original platted intention of the property and adjacent parcel use.

**Conclusions:**

Parcels are surplus to borough needs. A Rural classification would be appropriate for this parcel and would be compatible with the existing uses in the surrounding area and consistent with Rural District zoning.

| Assessor's Parcel No.  | General Location | Legal Description   | Acres | Proposed Classification | Zoning         |
|--|------------------|---|-------|-------------------------|----------------|
| 063-011-11   | Sterling         | The SW¼NE¼ of Section 4, Township 5 North, Range 9 West, situated in the Kenai Recording District, Seward Meridian, Alaska. | 40    | Rural                   | Rural District |
| Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(DD)]        |                  |   |       |                         |                |
| Rural Zoning District: ...Land use in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)] |                  |   |       |                         |                |

**Overview:** Subject parcel is 40 acres in size, located in the Sterling Area approximately 1.2 Miles directly North of the Sterling Highway. Access may be gained from the Sterling Highway, thence North on Robinson Loop Road.

**Findings of Fact:**

1. **Property Status:** The Borough received title to subject property by State of Alaska Patent No. 18705, subject to reservations. KPB land records indicate a history of trespass issues on property. State Patent references a subject to for early entry authorization for a utility easement, 20 feet in width under ADL 228070. Land records indicate additional interest in obtaining right of way easements from Homer Electric. KPB Land management Division has retained engineering services to conduct soils analysis on subject parcels to provide additional information to be used in future potential management decisions. This parcel is not classified (undesigned).
2. **Zoning:** Rural District pursuant to KPB 21.04.010(B)
3. **Topography:** Parcels consist of slightly broken and rolling topography with dense stands of medium to small diameter spruce, aspen and birch.
4. **Soil:**  
17.3% ± of this parcel is classified as "Soldotna Silt Loam", 8 to 15 percent slopes, well drained with a depth to water table at more than 80 inches, somewhat limited for dwellings without basements and very limited for septic tank absorption, based on seepage, slope, slow water movement and depth to saturated zone.

82.7%± of this parcel is classified as "Soldotna Silt Loam, sandy substratum undulating", 0 to 4 percent slopes, well drained with a depth to water table at more than 80 inches, not limited for dwellings without basements and very limited for septic tank absorption, based on seepage bottom layer, slow water movement, depth to saturated zone, and filtering capacity.

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 [5/19/2021].  
(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 developed and undeveloped land. Development in this area is of lower density but includes single family residences, private airstrip and agricultural lands.
6. Surrounding Land Ownership: Includes private and Native land, consisting of a mix of similar and smaller parcel acreages.
7. Access: Potential access may be by way of Robinson Loop road, Oomingnak Street to Watkins Avenue. Potential access route contains a variety of developed and undeveloped roads.
8. Utilities: Electric and gas utility are in the area.
9. Public Comment: None
10. APC Review: No APC is established in this area.
11. Department / Agency Comments: None

**Analysis:**

Subject parcel is consistent to or larger than the majority of other parcels in the area. A substantial amount of timber exists on the property resulting in additional management considerations. Adjacent uses consists of residential, agricultural and private air strip. Findings from soils samples when complete will assist in providing management direction for subject parcel.

**Conclusions:**

This parcel is surplus to borough needs. KPB retained soil sample tests are pending. A Rural classification is appropriate for this parcel and is compatible with the surrounding area and zoning.

| Assessor's Parcel No.   | General Location | Legal Description  | Acres | Proposed Classification | Zoning |
|---|------------------|--|-------|-------------------------|--------|
| 063-043-29  | Sterling         | The SW¼NW¼ of Section 3, Township 5 North, Range 9 West, situated in the Kenai Recording District, Seward Meridian, Alaska | 40    | Rural                   | Rural  |
| Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(DD)]         |                  |  |       |                         |        |
| Rural Zoning District: ... Land use in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)] |                  |  |       |                         |        |

**Overview:** Subject parcel is 40 +/- acres in size, located in the Sterling Area approximately 1.2 Miles directly North of the Sterling Highway.

**Findings of Fact:**

1. Property Status: KPB received title to subject property by State of Alaska Patent No. 18705 subject to reservations. Property is subject to a 50 foot wide section line easement running along the entire West boundary as stated in State Patent. Physical inspection has revealed a potential encroachment of an agricultural field along the East property line. Land records indicate this clearing (agricultural field) may have been the result of prior lease that expired in 1982. No rights to prior lessee currently exist on subject parcel. KPB Land management Division has retained engineering services to conduct soils analysis on subject parcels to provide additional information for future potential management decisions. *This parcel is not classified (undesignated).*



2. Zoning: Rural District pursuant to KPB 21.04.010(B)
3. Topography: Parcels consists of slightly broken and rolling topography with a dense stands of medium to small diameter spruce, aspen and birch.
4. Soil:  
 44.8% ± of this parcel is classified as “Naptowne Silt Loam”, 15 to 25 percent slopes, well drained with a depth to water table at more than 80 inches, very limited for dwellings without basements and very limited for septic tank absorption, based on seepage bottom layer, slope, depth to saturated zone, and too sandy.  
  
 48.6%± of this parcel is classified as “Soldotna Silt Loam, sandy substratum”, 8 to 15 percent slopes, well drained with a depth to water table at more than 80 inches, somewhat limited for dwellings without basements and very limited for septic tank absorption, based on seepage bottom layer, too sandy, depth to saturated zone, and organic matter.  
  
 6.6%± of this parcel is classified as “Soldotna Silt Loam, Sandy Substratum, Undulating”, 0 to 4 percent slopes, well drained with a depth to water table of more than 80 inches, not limited for dwellings without basements, very limited for septic tank absorption based on seepage bottom layer, depth to saturated zone, filtering capacity and slow water movement.  
  
 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 [6/04/2021]. (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. Development in this area is of lower density but includes single family residences, private airstrips and agricultural lands.
7. Access: Potential access may be by way of Robinson Loop road to Red Hill Street. Potential access route is comprised of developed gravel roads.
8. Utilities: Electric and gas utility are in the area.
9. Public Comment: None
10. APC Review: No APC is established in this area.
11. Department / Agency Comments: None

**Analysis:**

Subject parcel is consistent or larger in size to the majority of other parcels in the area. Adjacent use consists of residential, agricultural and a private air strip. Findings from soils samples when complete will assist in providing management direction for subject parcel.

**Conclusions:**

This parcel is surplus to borough needs. KPB retained soil sample tests are still pending. A Rural classification is appropriate for this parcel and is compatible with the surrounding area and zoning.

| Assessor's Parcel No. | General Location | Legal Description   | Acres | Proposed Classification | Zoning |
|-----------------------|------------------|---|-------|-------------------------|--------|
| 119-071-05            | Cooper Landing   | Lot 16A of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward | 0.98  | Rural                   | Rural  |

|            |                |   |      |       |       |
|------------|----------------|---|------|-------|-------|
|            |                | Recording District, State of Alaska.  |      |       |       |
| 119-070-08 | Cooper Landing | Lot 19 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska. | 1.69 | Rural | Rural |
| 119-070-09 | Cooper Landing | Lot 20 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska. | 1.54 | Rural | Rural |
| 119-070-07 | Cooper Landing | Lot 18 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska. | 1.83 | Rural | Rural |
| 119-070-06 | Cooper Landing | Lot 17 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska. | 1.7  | Rural | Rural |

Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(DD)]

Rural Zoning District: ... Land use in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)]

**Overview:** Subject parcels are located North of the Kenai River off of Bean Creek Road in Cooper landing. Parcels vary in size from .98 to 1.83 +/- acres. Parcels are similar in size to adjacent properties. Parcel 119-071-05 has a small creek flowing in a North/South direction across the lot.

**Findings of Fact:**

1. **Property Status:** KPB received title to subject property by State of Alaska Patent No. 15264 subject to reservations. Property is subject to a 10 foot wide Telecommunications Easement located along the southerly boundary of all subject parcels. Parcel 119-071-05 is also subject to a water line easement granted under USDA Forest Service Special Use Permit 2710 for access to the flowing creek referenced above. Physical inspection discovered abandoned concrete foundation located near the East/West shared boundary of parcels 119-071-05 and 119070-06. KPB Land Management Division has retained survey services to generate record of survey in preparation of future management decisions. This parcel is not classified (undesignated).
2. **Zoning:** Rural District pursuant to KPB 21.04.010(B)
3. **Topography:** Parcels are comprised of broken terrain with slopes and benches. A dense stand of small to medium diameter spruce and birch exist on the parcel. Mountain and River views to the South are possible from all lots. All parcels have a Sothern exposure. A small flowing creek runs across parcel 119-071-05 creating a small ravine along the creek bed.
4. **Soil:** 100% ± of this parcel is classified as “Homestead Very Fine Loam”, 35 to 65 percent slopes, well drained with a depth to water table at more than 80 inches.

Source Data: Soil Survey Cooper Landing Area Alaska, 1984, U.S.D.A. Soil Conservation Service, (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and

sampling).

5. Surrounding Land Use: These parcels are within the Cooper Landing Land Use Plan 1992/1996 area, however the plan does not make specific recommendations regarding these parcels. Surrounding land use includes residential, recreational, commercial and undeveloped land. KPB parcels are consistent in size to adjacent and surrounding parcels.
6. Surrounding Land Ownership: Includes private and State, and KPB owned land.
7. Access: Potential access may be by way of Sterling Highway to Bean Creek Road. Bean Creek Road is a state maintained road. Direct access would be subject to driveway encroachment permitting from Alaska DOT.
8. Utilities: Electric utility is in the area.
9. Public Comment: two public comments were received, one supporting the proposed Rural Classification and another recommending the classification of Residential.
10. APC Review: Recommended the parcels are classified as residential and if the parcels are sold by the borough they should be zoned within a local option zoning to allow for residential use. If these criteria cannot be met the parcels should not be sold.
11. Department / Agency Comments: None

**Analysis:**

Subject parcels are consistent in size and use to others in the immediate area. Adjacent property use includes, residential, vacant and recreational properties. Proximity to Cooper Landing and the Kenai River enhances the desirability and future management options for parcels. Properties Southern exposure, potential mountain and river views and local real estate market demands should be considered when reviewing future management decisions for subject parcels.

**Conclusions:**

These parcels are surplus to borough needs. A Rural classification is appropriate for this parcel and is compatible with the surrounding area and zoning.

| Assessor's Parcel No.   | General Location | Legal Description  | Acres | Proposed Classification | Zoning |
|---|------------------|--|-------|-------------------------|--------|
| 173-040-14  | Homer            | Government Lot 18, excepting therefrom Diamond Ridge Road, within Section 12, Township 6 South, Range 14 West, Seward Meridian, in the Homer Recording District, Third Judicial District, State of Alaska. | 2.05  | Rural                   | Rural  |
| Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(DD)]         |                  |  |       |                         |        |
| Rural Zoning District: ... Land use in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)] |                  |  |       |                         |        |

**Overview:** Subject parcel is 2.05 +/- acres in size, located in a residential area, North of Homer off of Diamond Ridge Road. Parcel is located outside the city limits of Homer. The parcel contains a steep ravine containing Diamond Creek making the parcel difficult to access directly from Diamond Ridge Road.

**Findings of Fact:**

1. Property Status: KPB received title to subject parcel by Quitclaim Deed from Fred Sturman and Mac

Chesney on July 26, 1982 recorded as Book 129, Page 246. Property is subject to a 33 foot wide section line easement running along the entire Southerly boundary. Access to property may be difficult due to the steep topography on the North half of parcel adjacent to Diamond Ridge Road. Due to property being acquired from a private party, there is the potential for additional matters to be uncovered by a complete search of the real property records. This parcel is not classified (undesigned).

2. Zoning: Rural District pursuant to KPB 21.04.010(B)
3. Topography: Parcel topography is broken with a steep ravine running East–West along the North half of the property to its northerly boundary along Diamond Ridge Road. The highest elevation on the parcel is located near the southern property boundary which possess potential views to the South. Dense brush is found on approximately 2/3 of the property and along the Diamond Creek. Small to medium diameter spruce stand is located in the SE¼ corner of parcel.
4. Soil:  
68.1% ± of this parcel is classified as “Qutal Silt Loam”, 4 to 8 percent slopes, somewhat poorly drained with a depth to water table of 20 to 30 inches, somewhat limited for dwellings without basements, very limited for septic tank absorption, based on depth to saturation zone, seepage bottom layer, and slow water movement.  
  
22.7%± of this parcel is classified as “Kachemak Silt Loam”, 8 to 15 percent slopes, well drained with a depth to water table at more than 80 inches, somewhat limited for dwellings without basements, very limited for septic tank absorption, based on slow water movement, depth to saturation zone, seepage bottom layer, and slope.  
  
9.2%± of this parcel is classified as “Coal Creek Silt Loam”, 8 to 15 percent slopes, poorly drained with a depth to water table of 6 to 24 inches, very limited for dwellings without basements, very limited for septic tank absorption based on depth to saturation zone, slow water movement, seepage bottom layer and slope.  
  
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 [6/08/2021]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
5. Surrounding Land Use: Property is part of the South Peninsula Plan area. Surrounding land use consists of residential and vacant parcels of similar size.
6. Surrounding Land Ownership: Predominately privately owned parcels with some larger parcels owned by the State of Alaska to the West.
7. Access: Potential access may be by way of West Hill Road to Diamond Ridge Road. Potential access route is comprised of developed paved roads. Access to subject parcel may be difficult due to topography of parcel along Diamond Ridge Road.
8. Utilities: Electric and gas utility are in the area.
9. APC Review: The Kachemak Bay Advisory Planning Commission met on 6/10/21 however a quorum was not present. An informational meeting was held wherein no official actions were taken.
10. Public Comment: One public comment was received against the proposed classification due to potential impacts on adjacent properties and tributary of Diamond Creek. It was requested the property be classified as preservation and if sold, conveyed with a deed restriction on the easterly two thirds of the property. Two more comment were received opposing the rural classification
11. Department / Agency Comments: None

**Analysis:**

Subject parcel is consistent in size to the majority of parcels in the immediate area. Adjacent land use consists of residential, and vacant parcels. Property is part of the South Peninsula Plan, Diamond Ridge Planning Area. The South Peninsula Plan was not adopted, however records indicate that during the 1999 planning process the APC commented "This parcel is too steep, not possible to fill or use. Access from Diamond Ridge Road too dangerous, from Section Line not possible due to terrain. Land is not suitable for any other use" and recommended a preservation classification. Additional notes from the Planning Department discuss the potential to dispose of property including the possibility of sale to a neighboring property owner.

**Conclusions:**

This parcel is surplus to borough needs. Parcel is consistent in size with those in the immediate area. Potential access for future development could be difficult based on topography and should be a consideration in future management decisions. A Rural classification is appropriate for this parcel and is compatible with the surrounding area and zoning.

| Assessor's Parcel No. | General Location | Legal Description  | Acres | Proposed Classification | Zoning           |
|-----------------------|------------------|--|-------|-------------------------|------------------|
| 179-080-17            | Homer            | Government Lot 19 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska. | 2.5   | Commercial              | East End Mix Use |
| 179-080-16            | Homer            | Government Lot 20 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska. | 2.5   | Commercial              | East End Mix Use |
| 179-080-18            | Homer            | Government Lot 18 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska. | 2.5   | Commercial              | East End Mix Use |
| 179-080-03            | Homer            | Government Lot 7 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.  | 2.5   | Commercial              | East End Mix Use |
| 179-080-04            | Homer            | Government Lot 6 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.  | 2.5   | Commercial              | East End Mix Use |
| 179-080-10            | Homer            | Government Lot 11 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska. | 2.5   | Commercial              | East End Mix Use |
| 179-080-11            | Homer            | Government Lot 12 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska. | 2.5   | Commercial              | East End Mix Use |
| 179-080-12            | Homer            | Government Lot 13 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska. | 2.5   | Commercial              | East End Mix Use |
| 179-080-23            | Homer            | Government Lot 22 in Section 14, Township 6 South, Range 13 West,  | 2.5   | Commercial              | East End Mix Use |

|  |       |  |     |            |                  |
|--|-------|--|-----|------------|------------------|
|  |       | situated in the Homer Recording District, Seward Meridian, Alaska.   |     |            |                  |
| 179-080-24   | Homer | Government Lot 23 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska. | 2.5 | Commercial | East End Mix Use |
| <p>Commercial Classification Means lands suitable for development or location of service oriented facilities such as stores, offices, medical clinics, restaurants, lodges, vehicular service stations, hotels, and camper parks. Lands must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, near public utilities and be in proximity to residential areas. [KPB 17.10.250(DD)]</p> <p>City of Homer East End Mix Use: The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services, and the airport; and to ensure such uses, which are important to Homer's economy, continue to have a viable location. (Homer Comprehensive Plan, A-7)</p> |       |  |     |            |                  |

**Overview:** Parcels are located in the east end of the city of Homer, lying approximately 470 feet West of Kachemak Drive and South of the Homer Boat Yard. Ten contiguous 2.5+/- acre parcels for a total of approximately 25 +/- acres comprise this group of parcels. The parcels are zoned by the City of Homer as Mixed Use allowing for commercial development. The land hosts an active surface hydrology and is described on one map as being part of the East Beluga Discharge. The land is also commonly recognized as having important winter moose habitat.

**Findings of Fact:**

1. **Property Status:** KPB received title to parcels by State of Alaska Patent No. 17501 on March 15, 2000, subject to reservations. The Northerly two parcels are subject to a 50 foot wide section line easement along the entire North boundary. KPB has retained pending survey services to generate a record of survey for subject parcels to be used in future management decisions. These parcels are not currently classified (undesignated), but are subject to the City of Homer East End Mix Use zoning.
2. **Zoning:** Subject parcels are located within the Homer city limits and subject to the City of Homer East End Mix Use. (Homer Comprehensive Plan, A-7)
3. **Topography:** Parcels generally have a low grade slope southward. Majority of subject parcels contain a mixed stand of spruce and birch in addition to areas of peat and standing / surface water. A substantial amount of down and decomposing trees exist throughout the parcels.
4. **Soil:**

94.6% ± of this parcel is classified as "Beluga Silt Loam", 0 to 4 percent slopes, very poorly drained with a depth to water table of 0 to 16 inches, very limited for dwellings without basements, very limited for septic tank absorption, based on depth to saturation zone, slow water movement, flooding, and ponding.

5.4%± of this parcel is classified as "Salamatof Peat", 0 to 4 percent slopes, very poorly drained with a depth to water table of 0 inches, very limited for dwellings without basements, very limited for septic tank absorption, based on ponding, depth to saturated zone, filtering capacity, and subsidence.

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 [6/08/2021]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. **Surrounding Land Use:** Property use to the North of subject parcels is commercial in the form of the Homer Boat Yard (Zoned East End Mix Use). Use to the East is comprised of vacant and residential lands (Zoned Rural Residential). Land use to the West consists of vacant commercial use properties

(Zoned East End Mix Use). Those parcels directly to the South being vacant (Zoned East End Mix Use). Parcels are unique in size when compared to adjacent properties.

6. Surrounding Land Ownership: Surrounding land ownership is private.
7. Access: Potential access may be by way of Kachemak Drive to the West or East End Road to the East, followed by the use of platted developed, platted undeveloped roads and section line easements. A plan has been created to reserve public road easements along certain boundaries to ensure legal access to each parcel.
8. Utilities: Electric and gas utility are in the area.
9. Public Comment: One comment was received noting these lands are heavily vegetated, used by moose and has a lot of water running through it. Concerns regarding water management, habitat & peat disruption had not been given appropriate consideration.
10. Department / Agency Comments:  
Comments from the Kenai Peninsula Borough River Center:  

(179-080-17) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.

(179-080-16) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.

(179-080-18) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.

(179-080-03) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.

(179-080-04) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.

(179-080-10) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.

(179-080-11) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.

(179-080-12) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.

(179-080-23) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.

(179-080-24) Parcel is within a D Zone of the floodplain. This zone has an undetermined flood risk and is non-regulatory.
11. Comments from the City of Homer: *"Conclusion: In keeping with these goals, the City suggests that some of the Borough Lands may be ideal for commercial development, while other parcels may be better suited for sale for mitigation measures. Additionally, infrastructure such as roads, water, sewer and storm water connectivity are tangible development considerations, and affect multiple property owners in this area. The City is also working on a storm water master plan. It may be appropriate to integrate the findings of that plan with future land use in this wetlands area. The City welcomes the opportunity for a larger neighborhood conversation on the future development these lands."*

**Analysis:**

Subject parcels are somewhat unique in size, contiguous boundaries and common ownership when

compared to other properties in the area. Access considerations must be address in the event of any future management action as to not impact or restrict access to remaining lots.

KPB land records discloses the following:

- Powers granted to the City of Homer to provide zoning regulation within the city (KPB Ordinance 83-25).
- Letter from the City of Homer requesting classification for public use, to meet recreational needs of the city (City of Homer letter dated August 13, 1982).
- City of Homer Resolution 89-34(a), reserving 10 acres of city owned land for public purposes and requesting KPB deed 25 acres of land to the City of Homer for public use. Resolution also makes reference to City of Homer Resolution 82-39, 84-25 and 87-84 which identify interest in subject parcels. (no documentation found in land records as to follow-up on these resolutions).
- Letter from the City of Homer received November 21, 1989, requesting follow-up on resolution 89-34(a) requesting KPB to deed 25 acres to the City of Homer for public use. (no documentation found in land records as to follow-up on these resolutions).
- Minutes from City of Homer Parks and Recreation Commission meeting November 16, 1989 (Session 89-12), concern was noted as to status of prior resolutions expressing interest in subject parcels.
- Department of the Army, U.S. Army Engineering District Wetland Determination dated June 1, 2005. Property defined as wetlands. However due to the size of the property they were unable to provide a definitive delineation of the wetlands.

Additional management consideration should be given to the information contained in document “Homer Wetland Complexes and Management Strategies”, prepared by Mike Gracz, Kenai Watershed Forum (February 4, 2011). Wherein the author identifies two unique wetlands located on subject parcels, East Beluga Discharge and East Homer Drainageway as defined below:

- *East Beluga Discharge: Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Site design should include hydrologic connectivity to upstream and downstream parcels. Moose habitat values are high throughout. Moose habitat should be preserved or mitigated. Development along the border with the East Homer Drainageway Complex should maintain an 85 ft buffer of natural vegetation.*
- *East Homer Drainageway: This area should be targeted for preservation and restoration. Encourage purchasing of private lots by Kachemak Heritage Land Trust, Moose Habitat Incorporated and others. If possible, restore hydrology and repair or implement suitable storm water management measures along Kachemak Drive. Some fill may be allowed along Kachemak Drive.*

Parcels have a number of potential future management directions due to size, contiguous arrangement, proximity to Homer and adjacent commercial development, hydrologic functions, and habitat values. See attached “Exhibit A” for copies of above referenced documentation.

**Conclusions:**

These parcels are surplus to borough needs. Parcels are unique in size and contiguous ownership when compared to adjacent parcels. Future management decisions should consider impacts on access to adjacent KPB owned parcels and potential impacts on sensitive Homer wetlands and natural drainage systems. A commercial classification is appropriate for this parcel and is compatible with the surrounding area and City of Homer East End Mix Use Zoning designation.

| Assessor's Parcel No. | General Location | Legal Description | Acres | Proposed Classification | Zoning |
|-----------------------|------------------|-------------------|-------|-------------------------|--------|
|-----------------------|------------------|-------------------|-------|-------------------------|--------|



|  |        |   |      |       |                |
|--|--------|---|------|-------|----------------|
| 211-280-12   | Beluga | Tract C, Block 4 of Three Mile Creek Subdivision Amended, according to the official plat thereof, filed under Plat Number 72-7, Anchorage Recording District, Third Judicial District, State of Alaska. | 3.14 | Rural | Rural District |
| 211-280-48   | Beluga | Tract E, Block 8 of Three Mile Creek Subdivision Amended, according to the official plat thereof, filed under Plat Number 72-7, Anchorage Recording District, Third Judicial District, State of Alaska. | 3.3  | Rural | Rural District |
| <p>Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(DD)]</p> <p>Rural Zoning District: ...Land use in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)]</p> |        |   |      |       |                |

**Overview:** Two individual remote lots located on the Beluga Highway in the Three Mile Creek Subdivision of Beluga, on the west side of the Cook Inlet.

**Findings of Fact:**

1. **Property Status:** Subject properties were acquired by State of Alaska Patent No. 1369, recorded March 22, 1972, with reservations. Both parcels are subject to a 20 foot building setback from exterior lot boundaries. Parcel 211-280-48 is subject to a 10 foot wide utility easement along the entire North and West property lines. KPB Land Records reference a letter dated June 20, 1988 from the Kenai Peninsula Borough School District requesting to identify parcel 211-280-12 as a parcel of interest for future school use. No additional documentation regarding this request exists in the file. This parcel is currently not classified (undesignated).
2. **Zoning:** Rural District pursuant to KPB 21.04.010(B).
3. **Topography:** Parcels are relatively flat with some areas of rolling terrain. Both parcels are densely covered with a stand of birch and spruce.
4. **Soil:** 100% of this parcel is classified as “Nancy-Kashwitna Complex”, 2-7 percent slopes, well-drained with a depth to water table at more than 80 inches, not limited for dwellings without basements but very limited for septic tank absorption, based on seepage bottom layer, filtering capacity, and slow water movement.

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 [June 9, 2021]. (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 is predominately remote residential with some limited commercial use. Parcels are consistent in size to that of adjacent lots.
6. **Surrounding Land Ownership:** Surrounding land is primarily under KPB or private ownership.
7. **Access:** The Beluga area is primarily accessed from the Beluga airstrip, which is privately maintained. Both parcels front the Beluga Highway a developed gravel road. Several other platted developed and undeveloped roads exist in the area.
8. **Utilities:** Electric utility is available in the area.
9. **Public Comment:** None

10. Advisory Planning Commission Review: No APC exists for this area.

11. Department / Agency Comments: None

**Analysis:**

Subject properties are semi-remote with limited air options for direct access to Beluga. KPB land records reference potential uses for parcels to include residential, government facilities or future schools and emergency services. KPB retains ownership of a substantial amount of land adjacent to Three Mile Subdivision. Future management activity should take into account the remote nature of lots and uses referenced in the file.

**Conclusions:**

These parcels are surplus to borough needs considering the amount of undeveloped KPB land in close proximity. A Rural classification would be appropriate for these parcels and would be consistent with the Rural Zoning District and compatible with the existing uses in the surrounding area.

| Assessor's Parcel No. | General Location | Legal Description  | Acres | Proposed Classification | Zoning         |
|-----------------------|------------------|--|-------|-------------------------|----------------|
| 135-053-34            | Caribou Island   | Lot 4A of Block 4, Caribou Island Subdivision KPB 2020 Replat, as shown on Plat No. 2020-9, Seward Recording District, State of Alaska | 1.23  | Rural                   | Rural District |
| 135-053-35            | Caribou Island   | Lot 6A of Block 4, Caribou Island Subdivision KPB 2020 Replat, as shown on Plat No. 2020-9, Seward Recording District, State of Alaska | 1.18  | Rural                   | Rural District |
| 135-052-24            | Caribou Island   | Lot 2A of Block 1, Caribou Island Subdivision KPB 2020 Replat, as shown on Plat No. 2020-9, Seward Recording District, State of Alaska | 1.33  | Rural                   | Rural District |

Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(DD)]

Rural Zoning District: ...Land use in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)]

**Overview:** Caribou Island properties are in a remote location within Skilak Lake, accessible only by boat, plane, or snow machine. Two of the parcels listed are interior lots with one lot having 200 feet of Skilak Lake frontage. The parcels were acquired through various tax foreclosures actions ultimately conveyed to KPB by Clerks Deed under the original platted legal descriptions. Parcels were retained by KPB due to being substandard in size. In 2020 KPB Land Management Division retained survey services to combine the parcels into three lots, each in excess of one acre in size, curing the substandard deficiency.

**Findings of Fact:**

1. Property Status: Parcels 135-053-34 and 135-053-35 were conveyed to KPB by Clerks Deed, recorded January 2, 2002 as a result of tax foreclosure. Parcel 135-052-24 was conveyed to KPB by Clerks Deeds recorded June 2, 1997 and August 8, 2000 as the result of tax foreclosure. Original parcels were retained by KPB due to being substandard in size through Ordinances 99-32, 2002-25, and 2001-15. In 2020 KPB cured the substandard lot size deficiency by combining parcels through a recorded replat of Caribou Island Subdivision. As parcels have been retained by KPB in excess of 10 years, marketable or clear title to subject parcels should now be available and properties can be considered for future management decisions. Properties are subject to a 20 foot wide building setback along platted road right of ways and bound by recorded covenants, conditions and restrictions. A portion of Parcel 135-052-24 is within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. This parcel is currently not classified (undesignated).

2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcels 135-053-34 and 135-0523-35 consist of broken rolling terrain with a slope running up from the shoreline. Parcel 135-052-24 has a substantial slope rising up from the shoreline. Parcels contain a thick stand of birch and spruce, with many of the standing spruce have been impacted by spruce bark beetle.
4. Soil: No USDA Soil Survey data is available for this area. However, parcels have similar topography and vegetation cover to adjacent parcels indicating likelihood of consistent soils to similar developed and undeveloped parcels.
5. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use is predominately remote residential and vacant land. Parcels are larger in size when compared to other lots on the island.
6. Surrounding Land Ownership: The majority of the surrounding parcels on the island are in private ownership.
7. Access: Properties are remote with limited means of access to Caribou Island within Skilak Lake. All parcels abut platted, undeveloped roadways.
8. Utilities: Properties are remote with no utilities available.
9. Public Comment: None
10. Advisory Planning Commission Review: No APC exists for this area.
11. Department / Agency Comments:  
 Kenai Peninsula Borough River Center comments are as follows:  
 (135-052-24) Parcel lies within the 50-foot Habitat Protection District and is subject to KPB 21.18 Anadromous Waters Habitat Protection.

**Analysis:**

Subject properties are remote with limited options for access to Caribou Island. All parcels were obtained by Clerks Deed through a tax foreclosure process and retained by KPB due to original platted lots being substandard in size. KPB has cured this issue by combining 6 substandard lots to create 3 parcels though a 2020 recorded replat of Caribou Island Subdivision. Parcels have been retained by KPB in excess of 10 years and can now be considered for future management decisions. Parcels are bound by recorded CCR's, and plat restrictions. A portion of the lakefront lot is subject to the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. All parcels are consistent in use and larger in size when compared to other parcels in the general area.

**Conclusions:**

These parcel are surplus to borough needs. A Rural classification would be appropriate for this parcel and would be consistent with the Rural Zoning District and compatible with the existing uses in the surrounding area.

**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 Resolution 2021-\_\_\_ classifying subject land as follows:

| Assessor's Parcel No. | General Location | Legal Description | Acres | Proposed Classification |
|-----------------------|------------------|-------------------|-------|-------------------------|
|-----------------------|------------------|-------------------|-------|-------------------------|

|            |                     |  |      |            |
|------------|---------------------|--|------|------------|
| 013-216-01 | Nikiski<br>Wik Lake | Government Lot 4, Section 8, Township 7 North, Range 11 West, Seward Meridian, Alaska (Pending Record of Survey)   | 14   | Rural      |
| 013-212-48 | Nikiski<br>Wik Lake | Government Lot 12, Section 5, Township 7 North, Range 11 West, Seward Meridian, Alaska. (Pending Record of Survey)   | 5.79 | Rural      |
| 035-290-33 | Hope                | Lot 7 of Percy Hope Subdivision as shown on Plat No. 2010-8, Seward Recording District, State of Alaska.   | 2.24 | Rural      |
| 131-320-31 | Soldotna            | Lot 13, Journey's End Subdivision No. 4, according to the official plat thereof, filed under Plat Number 76-24, Kenai Recording District, Third Judicial District, State of Alaska.  | 0.9  | Rural      |
| 131-320-32 | Soldotna            | Lot 37, Journey's End Subdivision No. 4, according to the official plat thereof, filed under Plat Number 76-24, Kenai Recording District, Third Judicial District, State of Alaska.  | 0.9  | Rural      |
| 063-011-11 | Sterling            | The SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 5 North, Range 9 West, situated in the Kenai Recording District, Seward Meridian, Alaska.   | 40   | Rural      |
| 063-043-29 | Sterling            | The SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 5 North, Range 9 West, situated in the Kenai Recording District, Seward Meridian, Alaska.   | 40   | Rural      |
| 119-071-05 | Cooper<br>Landing   | Lot 16A of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska. | 0.98 | Rural      |
| 119-070-08 | Cooper<br>Landing   | Lot 19 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska.  | 1.69 | Rural      |
| 119-070-09 | Cooper<br>Landing   | Lot 20 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska.  | 1.54 | Rural      |
| 119-070-07 | Cooper<br>Landing   | Lot 18 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska.  | 1.83 | Rural      |
| 119-070-06 | Cooper<br>Landing   | Lot 17 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska.  | 1.7  | Rural      |
| 173-040-14 | Homer               | Government Lot 18, excepting therefrom Diamond Ridge Road, within Section 12, Township 6 South, Range 14 West, Seward Meridian, in the Homer Recording District, Third Judicial District, State of Alaska.   | 2.05 | Rural      |
| 179-080-17 | Homer               | Government Lot 19 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.   | 2.5  | Commercial |

|            |                |   |      |            |
|------------|----------------|---|------|------------|
| 179-080-16 | Homer          | Government Lot 20 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.  | 2.5  | Commercial |
| 179-080-18 | Homer          | Government Lot 18 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.  | 2.5  | Commercial |
| 179-080-03 | Homer          | Government Lot 7 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.   | 2.5  | Commercial |
| 179-080-04 | Homer          | Government Lot 6 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.   | 2.5  | Commercial |
| 179-080-10 | Homer          | Government Lot 11 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.  | 2.5  | Commercial |
| 179-080-11 | Homer          | Government Lot 12 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.  | 2.5  | Commercial |
| 179-080-12 | Homer          | Government Lot 13 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.  | 2.5  | Commercial |
| 179-080-23 | Homer          | Government Lot 22 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.  | 2.5  | Commercial |
| 179-080-24 | Homer          | Government Lot 23 in Section 14, Township 6 South, Range 13 West, situated in the Homer Recording District, Seward Meridian, Alaska.  | 2.5  | Commercial |
| 211-280-12 | Beluga         | Tract C, Block 4 of Three Mile Creek Subdivision Amended, according to the official plat thereof, filed under Plat Number 72-7, Anchorage Recording District, Third Judicial District, State of Alaska. | 3.14 | Rural      |
| 211-280-48 | Beluga         | Tract E, Block 8 of Three Mile Creek Subdivision Amended, according to the official plat thereof, filed under Plat Number 72-7, Anchorage Recording District, Third Judicial District, State of Alaska. | 3.3  | Rural      |
| 135-053-34 | Caribou Island | Lot 4A of Block 4, Caribou Island Subdivision KPB 2020 Replat, as shown on Plat No. 2020-9, Seward Recording District, State of Alaska  | 1.23 | Rural      |
| 135-053-35 | Caribou Island | Lot 6A of Block 4, Caribou Island Subdivision KPB 2020 Replat, as shown on Plat No. 2020-9, Seward Recording District, State of Alaska  | 1.18 | Rural      |
| 135-052-24 | Caribou Island | Lot 2A of Block 1, Caribou Island Subdivision KPB 2020 Replat, as shown on Plat No. 2020-9, Seward Recording District, State of Alaska  | 1.33 | Rural      |

**END OF STAFF REPORT**

Chair Martin opened the meeting for public comment.

Comments on parcel classifications were taken by geographical areas.

Areas with no public testimony: Nikiski, Soldotna, Cooper Landing, Beluga & Caribou Island

**HOPE AREA**

1. Annette Cartier: 25253 Mathison Road, Hope AK, 99605: Ms. Cartier wanted to know if the rural classification goes with the Percy Hope LOZD. They purchased their parcel in the Percy Hope Subdivision in 2010. In 2010 all 13 parcels in the subdivision were zoned mixed residential except for Lot 7. To classify this neighboring lot 11 years later as rural goes against the mixed residential zoning. Many of the lots in the area have put in septic systems, gas and electric and to classify

this one lots as rural does not match the development in the area. She is very concern about this lot being zoned unrestricted. When this lot it is sold, will it be zoned rural or mixed residential. Mr. Mueller replied that outside of city limits and outside local option zone areas the zoning is the rural district, which is unrestricted with the exception of requiring permits for activities such as material sites, confined animal feeding operations, floodplains and sanitariums. Ms. Cartier replied that she does not support the rural classification and believes that this lot should have the same zoning as the Percy Hope Subdivision.

2. Howard Levine; 25253 Mathison Road, Hope AK, 99605: He supports the unanimous recommendation of the Hope/Sunrise APC requesting that the Planning Commission adopt the Percy Subdivision LOZD for this lot. He believes it would be a mistake to jeopardize the values of all the surrounding properties, with the sale of this one lot zoned unrestricted. The appraised value of this unrestricted lot in 2010 was less than 10% more than all the other lots in the Percy Hope Subdivision.
3. Jim Skogstad; P.O. Box 8, Hope AK, 99605: Mr. Skogstad is the chair of the Hope/Sunrise APC and has lived in the area for 46 years. He noted that the Hope/Sunrise APC recommended keeping Lot 7 within the land use restrictions of the Percy Hope LOZD. The APC is looking at where they can put properties that are more commercial. The APC would like to look at this a little more and discuss whether they wish to keep the properties along the Hope Hwy as unrestricted. They do not want to see commercial strip type development along the highway and would like to opportunity to discuss this more. They would ask that the commission either pull this lot or zone it within the Percy Hope LOZD.

#### STERLING AREA

1. Frank Christensen; 39610 Sterling Air Park Street, Sterling AK 99672: He is a neighboring landowner to one of these lots. He would like to see more land that is suitable for agriculture protected. He noted many large homesteads have been subdivided and developed causing agriculture land to be lost. About 20 acres of this land is farmable. He has been farming in the area for over 30 years. He has attempted to lease this land several times but has not been successful. He really does not wish to buy this land; he would like to see it available for agricultural leasing. He would like to see the two 40 acre lots off the land sale. He does not want to see this land turn into a big junky subdivision.
2. Kyle Kanekeberg; 39431 Oomingnak St., Sterling AK 99672: His parcel is adjacent to parcel 063-011-11. Oomingnak is a very small narrow gravel road and they are worried that heavy industrial development could come into the area under a rural classification. He would ask that the commission classify this a residential and/or agriculture. If heavy industrial development comes in it will destroy the property values in the area. He knows several people who want to develop gravel pits in this area. He is very worried that it could happen. Industrial development would bring in heavy trucks and lots of dust, which would damage the area roads and would not be good for the health of his chickens.
3. Scott Vermilya; 39430 Missouri St., Sterling AK, 99672: He concerns mirror what both Frank and Kyle have stated. He has three dogs, which are like his children, and he is very concerned that industrial development will bring heavy truck traffic up and down his road. He does not support the rural classification because it would place no restrictions on how the land could be developed. Most of the land in this area is agricultural or residential, with no industrial development and he would like to keep it that way. He would like this land to be classified agricultural/residential. He would like to keep his quiet neighborhood. He bought his land with the intentions of retiring on it. If someone puts in a heavy industrial development, he believes that it would ruin the area and he would have to move.

#### HOMER AREA

1. Jan Needham; 4350 Kachemak Dr., Homer AK, 99603: Ms. Needham lives in this area. In looking

at the map in the packet, she noted several lots, 179-080-04, 12 & 18 all backup on lots, which are being developed with homes on them, off Kachemak Dr. Most of these lots are very wet, and are great habitat for moose and other creatures. She does not agree with these lots being classified as commercial. She cannot imagine any business being able to be developed in this area, as it is very wet. She would ask that the commission not classify these lots as commercial.

2. Dale Banks; 5011 Alder Lane, Homer AK, 99603. Mr. Banks has served on the Kachemak Bay APC as well as on the City of Homer Planning Commission. He currently sits on the steering committee for Homer Drawdown, which is undertaking a community based peatland protection project. When he sat on the Kachemak Bay APC, he sat in on numerous hearings on land classifications and has heard a lot of public testimony on the topic. He recognizes that there are many different perspectives when it comes to this topic. What he learned is that it is very important to consider the uses and classifications when considering each lot. He believes you must hear and respect the opinions expressed and then make decisions that are the best for the borough and her residents, including all different type of species, and her future. He lives in and is a business owner in this area. He recognizes there is definitely a limited amount of commercial property within the city limits, and understands the desire to sell these lots for commercial uses. However, he believes these lots need a closer look before applying a broad-brush classification of commercial. He believe parcels 179-080-23 & 24 would be good candidates for a classification of preservation. They are very wet, are prime moose habitat and are adjacent to a large undeveloped lot. He has looked at these lots from Kachemak Dr. and has seen pictures indicating moose paths and beds as well as steams and pools of water. It is quite close to a mapped drainage way peatlands and with further survey and analysis could be determined that all of these lots are actual peatlands. Peatlands store an incredible amount of carbon, which is released upon excavation. Peatlands are also massive sponges that help recharge ground water and reduce surface water flooding. He would recommend a measured approach in this situation, taking into consideration the need of commercial marine trade development as well as acknowledging the sensitive nature of land and its' high value as a moose habitat. He hopes that the Planning Commission would be compelled to take a more thorough look at these and come up with a strategy of classification that is not just a develop all at once solution. Rather a thoughtful solution that will help mitigate and balance some of the impacts of development by preserving some of these lots as high value moose habitat, while allowing some of them to be classified as commercial. He noted that back in the 1980s the city requested that these lots be deemed public use lands. There was also a letter from 2015, in the packet from Thomas McDunna of US Fish & Game that pointed out the importance of the lands around Beluga Lake for wintering moose habitat. It is true that these lands are prime moose habitat and that there are many moose that rely on these lands. These lands are different from talking about an area, way out in some place like the Caribou Hills, where there is tons of space. Moose habitat in this area is being squeezed and there is not a lot of it. Most of the comments in the analysis section of the staff report seem to acknowledge that it is wetlands with varied habitats that should be protected yet the conclusion simply states that a commercial classification is appropriate for all the lots. If you think these lots are worthy of further investigation it would be prudent to remove them all and gather more expert opinions on what lots would be best to preserve. At a minimum he would recommend to classify at least, parcel 179-080-23 & 24 as preservation. There is no emergency here requiring that these lots be classified right away. He hopes that the commission will take the time and consider that preservation of certain parcels, as critical lands can be a valuable partner and enhancement to economic development.
3. Marika Mouw; 2975 Kachemak Dr., Homer AK, 99603 Ms. Mouw stated that she agrees with everything that Ms. Needham and Mr. Banks stated. Particularly Mr. Bank's commentary was exactly what she wanted to say. Ms. Mouw stated that she had walked this land this last Saturday and can testify that it is indeed very wet. There are springs and old growth birch everywhere. She crossed moose beds and trails. One of her great concerns in this area is water management. She does not know where or how this water can be channeled. The bluff above East End Rd. is outside of city limits and all the houses have septic systems and hauled water. All that water comes down into the wetlands and needs to filter and go out, either through Beluga Lake or across Kachemak Dr. Some of the residential lots in this area on Kachemak Dr. are eroding so fast between the groundwater, surface water and high tides. She believe there needs to be a bigger neighborhood

conversation about these lots. This land is incredibly valuable for water storage and wildlife habitat. It is very hard imagining these lots being developed at all. She is also concerned about roads being built in the area; you would be destroying the hydrology. Commercial development bring impermeable surfaces that would channel water faster and more directly causing more erosion. She would urge the Borough to think about hydrology and the residents on the other side of Kachemak Dr. with the infrastructure that already exists that would be damaged. She is also a member of the peatland group and the value of peatland, carbon sequestration is so important, and she hopes that the commission listens to their comments and takes another look this and does not classify these lands as commercial.

4. Nate Whitmore; P.O. Box 355, Anchor Point, AK 996: Mr. Whitmore is the president of the board of directors Moose Habitat Inc. and he has been involved with moose habitat for over 20 plus years. He heard that these properties were going up for sale and that the boat yard was instrumental in making this happen so that they could expand their business. He made a presentation to the Assembly on the needs of his organization. He understands that there are powers within the borough that want development and he understands that the boatyard desires to expand. If these properties were to be sold, his non-profit would like to express their interest in obtaining them for mitigation purposes. He would like the boatyard people, his group and the borough to sit down and discuss what each other's needs are for these properties. They have not had the opportunity to meet yet to discuss this. He would like to see some of this property set aside for habitat.

Hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

**MAIN MOTION:** Commissioner Ecklund moved, seconded by Commission Carluccio to forward to the assembly a recommendation to approve Resolution 2021-054: Classifying certain parcels of borough owned land in the Nikiski, Soldotna, Sterling, Hope, Homer, Skilak Lake, Cooper Landing & Beluga areas.

Commissioner Ecklund recommended that the commission discuss the parcels for classification systematically in the same order as was done with the staff report and public comment.

Nikiski – Wik Lake: Commission had no comment

#### HOPE AREA

Commissioner Ecklund asked Mr. Mueller if Percy Hope LOZD was put in place before the borough sold those parcels. Mr. Mueller replied yes, the borough formed the LOZD prior to the lots being sold. Commissioner Ecklund then asked if Lot 7 was a part of that LOZD at the time of that sale. Mr. Mueller replied that Lot 7 was not included in the Percy Hope LOZD. He noted that Lot 7 was included in the original LOZD proposal and during the public process was removed. Commissioner Ecklund then asked if it would be possible to add Lot 7 into the Percy Hope LOZD by the commission taking action on it tonight. Mr. Mueller replied that he believed that it would be possible to amend the Percy Hope LOZD to include Lot 7 but it would not be able to be done by the commission tonight. The process to add Lot 7 to the LOZD would be similar to the process of forming a LOZD; it would require noticing and a public hearing process. It could not be accomplished in time for the upcoming land sale but it could be achieved within the next year.

**AMENDMENT A:** Commissioner Ecklund moved, seconded by Commissioner Morgan to pull the Hope property, 035-290-33 from the classification resolution and to direct Borough Administration to move forward with the process of adding this parcel to the Percy Hope LOZD, Mixed Residential Zone.

Commissioner Carluccio stated that she is in favor of this amendment. She does not remember why this Lot 7 was originally pulled from the subdivision, but she believes that it makes sense that it should be included now. It will keep the value of the surrounding properties for it to be zoned residential.

Commissioner Brantley stated that he disagreed with this amendment. This parcel has frontage on the Hope Hwy. as well as access on Mathison Road. In his opinion, it does not fit within the LOZD.



Commissioner Ecklund stated that she appreciates the input for the Hope/Sunrise APC and believes that this amendment reflects their recommendation.

Commissioner Morgan agrees with Commissioner Ecklund, she appreciates the time, and effort of the Hope/Sunrise APC in bring forth their recommendation. She values local input and will be supporting this amendment.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**AMENDMENT A PASSED BY MAJORITY VOTE:**

|        |   |    |   |        |   |
|--------|---|----|---|--------|---|
| Yes    | 7   | No | 2 | Absent | 2 |
| Yes    | Bentz, Carluccio, Ecklund, Fikes, Gillham, Morgan, Venuti |    |   |        |   |
| No     | Brantley, Martin  |    |   |        |   |
| Absent | Chesser, Ruffner  |    |   |        |   |

**COPPER LANDING AREA**

Commissioner Ecklund asked for clarification on why some of these lots are being classified as Rural. They do not seem to be remote. For instance, she does agree that the Beluga lots are remote, but these lots and the lots in Soldotna are not, yet they are both being classified as Rural. Many of these lots have nearby access to utilities and have roads to them. She understands that he wants to leave the options open for land purchasers on how they wish to develop the land, The classification definition for Rural states that it is considered remote and in her opinion many of the lots are not. Mr. Muller replied that he agrees it is a conundrum, that the language of classification is not particularly clear. Classification does two things. One, it directs the Borough on how to manage their lands. Secondly, the definitions being used are similar to those of zoning, which creates confusion for folks. If the borough classifies land as Residential, it means they are managing the lands for residential purposes. If the borough does not put any kind of zoning restrictions on the property before it is sold, which as a practice they do not, it is sold in its' existing zoning environment which for much of the borough is Rural/Unrestricted. Land Management designated many of these lots as Rural as it closely reflects the existing zoning on the property.

Commissioner Morgan noted that where much of the confusion comes from is when the public notices go out they contain a list of definitions of all the various land classifications. It gives the public the impression that these are the options for the land. When she looks at these lots in Cooper Landing the Rural classification does not really fit them. She does think that some of them should be classified as Preservation and others Residential. Are these parcels open to other classifications other than Rural? Mr. Mueller stated that there are 13 available land classifications and they are all options. The Planning Commission could recommend a different land classification for these lots and the Assembly could yet again adopt a different classification. The classification will inform how the borough manages the land. He noted as an example a land classification on a piece of land that ended up in a land sale over a year ago. The land classification on this parcel of land was split due to a high value wetland on half of the parcel. Half the parcel was classified as Preservation. If the land were to be sold, it would have a deed restriction on the parcel that would not allow for the development of permanent structures. The important question is how we want land classification to translate into actions taken by the Land Management staff.

Commissioner Morgan stated that she appreciates the unanimous recommendations from the Cooper Landing APC that these lots be classified as Residential and if they were to be sold, this classification be attached to the parcel. If that criteria cannot be met then these lots should not be sold. If that cannot be guaranteed, she would like to see these lots pulled.

Commissioner Ecklund stated that she would like to see the classification of these parcel be changed to Residential. She would also like to see the Borough zone these lots residential like they did in Hope with the Percy Hope LOZD. She believes this would support the Cooper Landing APC's recommendations. She recognizes that code requires a certain number of lots to form a LOZD. She asked Mr. Mueller if the Borough had more lots in this area that they could combine with these 5 lots to form a LOZD. Mr. Mueller replied he had looked at the Cooper Landing APC recommendation of incorporating these lots into a LOZD or like in the Percy Hope parcel attaching it to an existing LOZD. In this case the neighboring LOZD is zoned Rural/Residential and has a minimum lot size of 2.5 acres. These lots do not conform to that lot

letter sent by the Homer City Planner where he invited further neighborhood discussion. He would try to coordinate with him and the City's Planning Department to facilitate community involvement.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**AMENDMENT E PASSED BY UNANIMOUS VOTE:**

|        |   |    |   |        |   |
|--------|---|----|---|--------|---|
| Yes    | 9   | No | 0 | Absent | 2 |
| Yes    | Bentz, Brantley, Carluccio, Ecklund, Fikes, Gillham, Martin, Morgan, Venuti |    |   |        |   |
| No     |   |    |   |        |   |
| Absent | Chesser, Ruffner  |    |   |        |   |

**DIAMOND RIDGE AREA**

Commissioner Bentz had a question for staff regarding parcel 173-040-14. One criteria for selecting to classify lands for sale in the Borough Comprehensive Plan is it should meet the basic physical suitability standards such as slopes, drainage and access to services. This parcel seems like it has some major issues with access, as was pointed out by one of the comments from the public. She wonder if this parcel met the suitability standards of being accessible. The bottom of this parcel also contains a lot of wetlands and streams. She wondered if this parcel really was suitable for classification. Mr. Mueller gave a brief background history on this parcel. They had received an application for a negotiated sale on this property by an adjacent landowner. The landowner has property not on Diamond Ridge Road but on the backside of this property where the soils are better. From a different angle there is access and utility, but not from Diamond Ridge Rd. and could meet the criteria. When evaluating the application for a sole source sale of public land, it did not meet the sole source criteria. A solution to this was to propose this parcel for a general land sale, affording the adjacent landowner and the general public a process to bid on the land for purchase.

Commissioner Bentz then noted the wetlands map shows that most of this land is wetlands and wonder about the development and utility of this property. Mr. Mueller replied that the soils mapping does describe most of the area as wetlands.

**AMENDMENT MOTION F:** Commissioner Bentz moved, seconded by Commissioner Venuti to remove parcel 173-040-14 from the classification resolution and have it considered for classification as preservation in the future.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**AMENDMENT D FAILED BY MAJORITY VOTE:**

|        |   |    |   |        |   |
|--------|---|----|---|--------|---|
| Yes    | 4   | No | 5 | Absent | 2 |
| Yes    | Bentz, Ecklund, Morgan, Venuti              |    |   |        |   |
| No     | Brantley, Carluccio, Fikes, Gillham, Martin |    |   |        |   |
| Absent | Chesser, Ruffner                            |    |   |        |   |

Commissioner Ecklund noted that she believes that the classification of Rural is appropriate for both the Cariboo Island and Beluga parcels.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**MAIN MOTION PASSED BY UNANIMOUS VOTE:**

|        |   |    |   |        |   |
|--------|---|----|---|--------|---|
| Yes    | 9   | No | 0 | Absent | 2 |
| Yes    | Bentz, Brantley, Carluccio, Ecklund, Fikes, Gillham, Martin, Morgan, Venuti |    |   |        |   |
| No     |   |    |   |        |   |
| Absent | Chesser, Ruffner  |    |   |        |   |

**AGENDA ITEM E. NEW BUSINESS**

- Ordinance 2021-23: An ordinance authorizing the sale of certain parcels of Borough land by outcry auction followed by an over-the-counter land sale.

size. It would require that the lots be re-platted, reconfiguring the five lots to two lots. Another option would be to see if there were seven other landowners in the area to meet the requirements to form a new LOZD. In looking at the lay of the land here, he thinks this option would highly improbable. He believes that if the LOZD recommendation could not be met that these lots would just remain in borough ownership.

Commissioner Ecklund stated that she did not believe that combining these lots together to make them bigger was a good solution.

**AMENDMENT B MOTION:** Commissioner Ecklund moved, seconded by Commissioner Fikes to designate the five lots in Cooper Landing Residential instead of Rural.

Commissioner Brantley asked staff if his understanding was correct that changing the classification on these lots would not change how the buyers could develop them. Mr. Mueller stated he was correct.

Commissioner Ecklund again stated that she did not believe that these lots should not be considered rural as they are close to developed properties and within a high recreational area.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**AMENDMENT B PASSED BY MAJORITY VOTE:**

|        |   |    |   |        |   |
|--------|---|----|---|--------|---|
| Yes    | 8   | No | 1 | Absent | 2 |
| Yes    | Bentz, Brantley, Carluccio, Ecklund, Fikes, Gillham, Morgan, Venuti |    |   |        |   |
| No     | Martin  |    |   |        |   |
| Absent | Chesser, Ruffner  |    |   |        |   |

**STERLING AREA**

Commissioner Ecklund asked Mr. Mueller if one of the goals in the Borough Comprehensive Plan was to see more agricultural lands within the Borough. Mr. Mueller replied the new comprehensive plans does identify as a goal to see more suitable lands be classified as agriculture and to make those lands available for agricultural use.

**AMENDMENT MOTION C:** Commission Ecklund moved, seconded by Commissioner Morgan to amend the resolution to change the classification of parcels 063-011-11 & 063-043-29 to agricultural.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**AMENDMENT C PASSED BY MAJORITY VOTE:**

|        |  |    |   |        |   |
|--------|--|----|---|--------|---|
| Yes    | 7  | No | 2 | Absent | 2 |
| Yes    | Bentz, Carluccio, Ecklund, Fikes, Martin, Morgan, Venuti |    |   |        |   |
| No     | Brantley, Gillham  |    |   |        |   |
| Absent | Chesser, Ruffner   |    |   |        |   |

**HOMER AREA**

Commissioner Ecklund stated that she understands the need for land for development. Tonight she heard some very good testimony regarding the need of keeping some of these wetlands for wild life and water mitigation. The proposed classification for all of these lots is Commercial.

**AMENDMENT MOTION D:** Commissioner Ecklund moved, seconded by Commissioner Fikes to amend the resolution to change the proposed classification of parcels 179-080-14, 12, 18, 23 & 24 to Preservation.

Commissioner Bentz stated that if we were moving forward with classifying these parcels she supported the intent of Commissioner Ecklund’s amendment. She noted that there is a lot of community interest in intentional development of these parcels. The Borough Comprehensive plan in the Land Use & Changing Environment Section where one of the strategies of actively managing Borough owned lands is set up a procedure for developing management plans on parcels that need more detailed, site specific planning.

This block of parcels might be a perfect opportunity for the Land Management program to take action on this strategy. They could work with all the interested parties in creating a classification and disposal plan for this block of properties. Speaking to the amendment on the floor, she would like to introduce a different amendment that would remove this block of parcels from the classification process. However, she would vote in favor of the amendment on the floor because of the spirit to classify certain parcels as preservation.

Commissioner Ecklund asked Mr. Mueller if a member of the public recommended these parcels for sale. Mr. Mueller stated that Land Management has received a parcel nomination form recommending that parcels 179-080-03 & 04 be put up for sale and the Homer Boat Yard made a presentation to the Assembly requesting the opportunity to purchase those lots. That interest brought this block of lots forward for consideration for sale. Commissioner Ecklund then asked was it just the interest in these two lots that brought the classification of all these lots forward. Mr. Mueller replied yes.

Commissioner Carluccio stated that she was in support of Commissioner Bentz’s plan to remove all the lots. From what she had heard from several of the testifiers tonight there is interest in different organizations getting together to come up with a comprehensive plan for these lots. She believe that would be a better strategy instead of the commission just picking and choosing which lots to remove or designate as Preservation. The only thing that brought this block of lots forward was an interest in purchasing parcels 179-080-03 & 04. She believes that further investigation is needed. She will not be voting in support of classification but she will vote in favor of removing them from consideration at this time.

Commissioner Ecklund stated her reasons for choosing the five lots for Preservation. Parcels 179-080-04, 12 & 18 are adjacent to residential properties and lots 179-080-023 & 24 were strongly recommended for Preservation by Mr. Banks. She believed that the community members who spoke here tonight and those that had interest in purchasing should have a say in determining how these lands are managed. She does not believe there is a need to rush this decision. She then asked if she should pull her amendment from the floor.

Ms. Hindman recommended that it would be cleaner if they voted on the amendment on the floor and if it fails, a new amendment could be proposed.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**AMENDMENT D FAILED BY MAJORITY VOTE:**

|        |  |    |   |        |   |
|--------|--|----|---|--------|---|
| Yes    | 1  | No | 8 | Absent | 2 |
| Yes    | Ecklund  |    |   |        |   |
| No     | Bentz, Brantley, Carluccio, Fikes, Gillham, Martin, Morgan, Venuti |    |   |        |   |
| Absent | Chesser, Ruffner   |    |   |        |   |

**AMENDMENT E MOTION:** Commissioner Bentz moved, seconded by Commissioner Carluccio to remove from the classification resolution the ten properties in the Homer area that are zoned East End Mixed Use.

Commissioner Bentz as a support to this amendment noted that this area or zone of transition between the communities’ developed infrastructure into the communities’ natural infrastructure and the ecosystem services that Beluga Lake wetland complex provides. She believes that the interested parties are well on their way to having a more informed and intentional strategy for this area. To keep the hazard management and flooding benefits of this area intact, to preserve the wildlife habitat and to focus on climate mitigation strategies for carbon storage in the peatlands. She believes that these are all important to the stakeholders in the area. Allowing the stakeholders the opportunity to create a management plan for these parcels supports multiple objectives in the Borough’s Comprehensive plan.

Commissioner Ecklund asked if there was an action item in the Borough’s Comprehensive Plan stating that the Land Management Division could assist the stakeholders in developing a management plan. She noted there is a lot of interest and attention on these parcels right now and she does not want to see this go back to sleep until they come up again for consideration. Mr. Mueller replied yes, Land Management could participate in planning sessions of that nature. Commissioner Ecklund that asked if taking these lots off the table would initiate Land Management starting the planning process, or would the people in Homer have to come back to you and request assistance. Mr. Mueller stated that his approach would be to look to the