



Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor 

FROM: Max Best, Planning Director 

DATE: March 28, 2018

RE: Resolution 2018-017; A resolution classifying certain parcels of Borough owned land in the Nikiski, North Kenai, Ciechanski, Kalifornsky, Ninilchik, Happy Valley and Beluga areas.

The Kenai Peninsula Borough Planning Commission reviewed the subject Resolution during their regularly scheduled March 26, 2018 meeting.

A motion to recommend approval of Resolution 2018-017, a resolution classifying certain parcels of Borough owned land in the Nikiski, North Kenai, Ciechanski, Kalifornsky, Ninilchik, Happy Valley and Beluga areas **FAILED** by unanimous consent.

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

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of March 26, 2018, failed to recommend approval of the resolution by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting as well as additional public comments that were received.

AGENDA ITEM F. PUBLIC HEARINGS

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

Staff Report given by Marcus Mueller

PC Meeting: March 26, 2018

KPB Land Management proposes to classify certain parcels of borough owned land in preparation for the borough's annual general market land sale.

Basis for Classification: Subject parcels are being considered for future 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.

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
014-040-02	Nikiski	Lot 4, Bernice Lake Alaska Industrial Subdivision, as shown on Plat No. 1560, Kenai Recording District	0.9	Light Industrial
017-130-63	North Kenai	Government Lots 5 and 6 and W½ W½ NW¼ SW¼ SE¼, Section 23, T6N, R12 W, Seward Meridian, AK	4.28	Residential
017-130-64	North Kenai	Government Lot 18, Section 23, T6N, R12W, Seward Meridian, Alaska	1.76	Residential
055-010-16	Ciechanski	S½ SW¼ SE¼, Section 12, T5N, R11W, Seward Meridian, Alaska	20.00	Residential
Portion of 131-010-16	Kalifornsky	S½ S½ of Government Lot 2, Section 1, T4N, R12W, Seward Meridian, Alaska lying east of Kalifornsky Beach Road right-of-way	1.6	Preservation
157-062-15	Ninilchik	N¼ NE¼ NW¼, Section 35, T1S, R14W, Seward Meridian, Alaska	10.00	Rural
159-142-22	Happy Valley	Lot 5-A, Hawk's Beach Subdivision, Charley's 1999 Addition, as shown on Plat No. 2000-5, Homer Recording District	4.54	Residential
159-142-23	Happy Valley	Government Lots 6, 7, 8, 9, 11, and 12, Section 24, T3S, R15W, Seward Meridian, Alaska	28.00	Residential
159-471-09	Happy Valley	Government Lot 7, Section 20, T2S, R14W, Seward Meridian, Alaska, lying east of the Sterling Highway right-of-way	4.00	Rural
211-270-01	Beluga	Lot 1, Block 1, Three Mile Creek Subdivision, amended, as shown on Plat No. 72-7, Anchorage Recording District	1.16	Commercial

Public Notice: Public notice was published in the Peninsula Clarion Newspaper, February 22 and 25, 2018. Public notice is sent to all land owners and/or leaseholders within a one-half mile radius of the land proposed to be classified, applicable agencies, and interested parties. The notice consists of a cover letter, map, and list of land classification definitions. Written public comments were requested to be returned by 5:00 p.m., March 8, 2018.

Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
014-040-02	Nikiski	Lot 4, Bernice Lake Alaska Industrial Subdivision, as shown on Plat No. 1560, Kenai Recording District	0.9	*Light Industrial

*Light Industrial" means lands suitable for industrial uses that generally do not have offensive characteristics and can be conducted primarily inside closed buildings. Such uses may include warehousing, storage inside enclosed areas, and light manufacturing not inside buildings.
[KPB 17.10.250(S)]

Overview: Located in the Nikiski area near Mile Post 23 of the Kenai Spur Highway. The adjacent parcel to the south is the site of a former brick foundry that has been defunct for many years.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesignated).
2. Topography: Subject parcel is generally level but has some rolling terrain, is heavily overgrown, and wooded with mostly spruce mixed with some birch and alder.
3. Special Features: This parcel is encumbered by a 100-foot wide overhead electrical easement. This easement encumbers about 46% of the property.
4. Soil: 100% of this parcel is classified as "Soldotna Silt Loam", 0 to 4 percent slopes, well-drained with a depth to water table at more than 80 inches, not limited for a commercial building site but very limited for septic tank absorption, based on filtering capacity.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Version 15, Sept. 19, 2017.

(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. The highway abuts the west boundary of subject parcel. Surrounding land use includes commercial, residential, and undeveloped land. Several parcels to the south and adjacent to the highway were classified as Light Industrial per KPB Resolution 98-035. One parcel to the north was classified as Commercial per KPB Resolution 2017-024. Surrounding use includes Chevron Corp, HEA sub station, and ancillary businesses that once supported oil field services. Single family housing is in close proximity along residential roads. Bernice Lake is approximately one-half mile to the southeast and the North Peninsula Recreation Center is approximately one-half mile to the north.
6. Surrounding Land Ownership: A borough owned parcel abuts the south boundary but the surrounding land is primarily in private ownership.
7. Access: Access can be gained from the Spur Highway and may require a State driveway permit. Access could also be gained from the Tikopia Street, a gravel road that runs along the parcel's east boundary. A 50-foot wide section-line easement also runs along the east boundary of this parcel.
8. Utilities: Gas, electric, and telephone is available.
9. Public Comment: As of the writing of this report one written comment was received supporting the light industrial classification. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Department / Agency Comments: One comment was received from the Alaska DEC Drinking Water Program requesting that borough disclose to any prospective buyers the State's recommendation for general construction projects as this parcel is within drinking water protection areas of three public water system sources (Nikiski Community Recreation Center, Nikiski Pool, and the Nikiski New Hope Christian Church). As of the writing of this report three other agencies responded with either no comment / no objection or had no issues.

Analysis:

The topography, availability of utilities, and access from either the Kenai Spur Highway or Tikopia Street allow this parcel to have potential for development. Use of an engineered septic absorption system may be needed to overcome some soil limitations. A commercial or industrial classification is suitable for highway frontage parcels as the highway provides a viable transportation corridor for properties with commercial / industrial activities. The north half of this parcel is largely encumbered by a 100-foot wide overhead electrical easement that will limit some development potential. Classifying subject parcel as Light Industrial is supported by Goal 3.1, Objective 1, Implementation Action E of the Kenai Peninsula Borough Comprehensive Plan (2005) which states: "Inventory and classify borough lands suitable for economic development."

Conclusions:

This parcel is surplus to borough needs. A Light Industrial classification is consistent with previous classified borough lands in this area. A Light Industrial classification is also compatible with other businesses in close proximity.

Recommendation:

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



Vicinity Map

Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
017-130-63	North Kenai	Government Lots 5, 6, and W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T6N, R12W, Seward Meridian, AK	4.28	*Residential
017-130-64	North Kenai	Government Lot 18, Section 23, T6N, R12W, Seward Meridian, Alaska	1.76	*Residential

* Residential means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses.

Overview: Located in the North Kenai area near Mile Post 15 of the Kenai Spur Highway just outside the Kenai City limits. Road access is not developed. Utilities are available.

Findings of Fact:

1. Title / Status: The Borough received title by State patent. These parcels are not classified (undesignated).
2. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development includes single-family homes. Cook Inlet shore fishery set-net sites are in close proximity.
3. Surrounding Ownership: Surrounding land ownership includes private land.
4. Access: Access to this parcel is provided by a 50-foot wide right-of-way created for road and utility purposes by document recorded in Book 110, Page 632, Kenai Recording District. This access is not developed. Parcel is subject to a 50-foot wide public access easement upland of and along the mean high water of the Cook Inlet, per AS 38.05.127 and 11 AAC 51.045.
5. Utilities: Gas, electric, and telephone is available.
6. Topography: These parcels are bluff lots that sit approximately 80 feet above the shoreline. Parcel 017-130-63 has approximately 700 feet of shoreline frontage and Parcel No. 017-130-64 has approximately 300 feet of shoreline frontage. The topography at the top of the bluff is relatively flat with suitable terrain for residential development, and contains a mix of spruce and birch trees. Parcel 017-130-64 has an average of 100 feet in width measured from the top of the bluff to its east boundary. Parcel 017-130-63 parcel has an adequate buildable area with the largest width of this parcel being approximately 250 feet wide, measured from the top of the bluff to its east boundary. According to the Borough's 2014 All Hazard Mitigation Plan, bluff erosion is 1.6 feet per year. (Note: bluff erosion provided in the Borough's draft All Hazard Mitigation Plan is not site specific).
7. Soil:
63%± of this parcel is classified as "Longmare Silt Loam", 0 to 4 percent slopes, somewhat poorly drained and has a depth to water table of 20 to 30 inches, somewhat limited for dwellings without basements, and very limited for septic tank absorption, based on depth to saturated zone.

37%± of this parcel is classified as "Badland, Sea Cliffs", soil properties are not specified.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Version 15, Sept. 19, 2017.
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
8. Special Features: These parcels are bluff lots that sit approximately 80 feet above the shoreline with a spectacular view of the Cook Inlet.
9. Public Comments: As of the writing of this report no written comments were received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Department / Agency Comments: As of the writing of this report three agencies responded with either

no comment / no objection or had no issues.

Analysis:

The topography, availability of utilities, and access via a 50-foot wide right-of-way this land has potential for development. The soil survey indicates the most limiting factor for development would be the soil conditions. However, the adjacent properties north and south of this parcel have the same soil conditions and have produced viable development including single-family homes. Use of an engineered septic absorption system may be necessary to overcome such soil limitations.

Conclusions:

This parcel is surplus to borough needs. The surrounding properties have demonstrated that marginal soil conditions can be overcome to produce viable development. A Residential classification would be appropriate for this parcel and would be compatible with the surrounding area.

Recommendation:

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



Vicinity Map

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification

055-010-16	Ciechanski	S½ SW¼ SE¼, Section 12, T5N, R11W, Seward Meridian, Alaska	20.00	*Residential
------------	------------	--	-------	--------------

* Residential means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses.

Overview: Located in the Ciechanski area. This parcel is situated at the end of a developed neighborhood. This parcel sits above and adjacent to the Kenai River lowlands and the State's Kenai River Special Management Area. Access is gained from Maudi Drive.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesignated).
2. Topography: The topography is relatively flat and mostly forested with spruce and birch. This land is situated 40 feet above and adjacent to the Kenai River lowlands and the State's Kenai River Special Management Area. The lowland area is identified as "Drainageway".

Source Data: Wetland Classification and Mapping of the Kenai Lowland, Alaska (M. Gracz).

3. Soil:
84%± of this parcel is classified as "Soldotna Silt Loam", sandy substratum, undulating", 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 filtering capacity.

14%± of this parcel is classified as "Kichatna Silt Loam", 0 to 6 percent slopes, well drained with a depth to water table at more than 80 inches, very limited for dwellings and very limited for septic tank absorption, based on filtering capacity.

2%± of this parcel is classified as "Clunie Peat", 0 to 2 percent slopes, very poorly drained with a depth to water table at about 0 inches, very limited for dwellings and very limited for septic tank absorption, based on depth to saturated zone.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Version 15, Sept. 19, 2017.

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

4. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. A residential subdivision with single family homes lies to the south. Undeveloped land lies to the north, east, and west.
5. Surrounding Land Ownership: Includes private, State, and borough land.
6. Access: Access is gained from Maudi Drive, a gravel road maintained by the borough.
7. Utilities: Gas is within 80 feet and electric is within 370 feet.
9. Public Comment: As of the writing of this report five written comments have been received that opposed the residential classification and expressed concern for the water table and wildlife habitat in this area. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Department / Agency Comments: As of the writing of this report three agencies responded with either

no comment / no objection or had no issues.

Analysis:

With a borough maintained road providing access to this parcel, favorable topography, and the availability of utilities, this parcel has potential for development. Use of an engineered septic absorption system may be necessary to overcome soil limitations.

Conclusions:

This parcel is surplus to borough needs. A Residential classification is appropriate for this parcel and is compatible with the surrounding area.

Recommendation:

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



Vicinity Map

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
Portion of 131-010-16	Kalifornsky	S½S½ of Government Lot 2, Section 1, T4N, R12W, Seward Meridian, Alaska lying east of Kalifornsky Beach Road right-of-way	1.6	*Preservation

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

Overview: Located in the Kalifornsky area near Mile Post 10.5 of Kalifornsky Beach Road.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesigned).
2. Topography: Subject land is generally level and classified as an LB64 "Lakebed" wetlands which have flow through of a highly variable water table. The mapped lakebed feature has a westward lobe that encompasses this parcel. A vast wetland expanse is situated to the east. The vast wetland is known to fluctuate from ground water to surface water on occasion. To the west, across K-Beach Road is a natural surface drainage feature that provides indication that surface water outlets, most likely coming across this parcel.

Source Data: Wetland Classification and Mapping of the Kenai Lowland, Alaska (M. Gracz).

3. Soil:
100%± of this land is classified as "Soldotna-Nikolai complex"

The Soldotna Component: 0 to 4% 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 filtering capacity.

The Nikolai Component: 0 to 4% slopes, poorly drained with a depth to water table at about 0 to 18 inches, not limited for dwellings without basements and very limited for septic tank absorption, based on depth to saturated zone.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Version 15, Sept. 19, 2017.

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

4. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential, commercial, and undeveloped land. Surrounding development includes single family homes and a general purpose shop/building.
5. Surrounding Land Ownership: Includes private, borough, and native land.
6. Access: Access is gained from Kalifornsky Beach Road and may require a State driveway permit.
7. Utilities: Gas, electric, and telephone is available.
9. Public Comment: As of the writing of this report two written comment have been received objecting to a rural classification. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

The topography, availability of utilities, and highway access allow this parcel to have some potential for land use, though some uses may not be appropriate due to risk of high water. Use of an engineered above ground

septic absorption system would likely be needed to overcome soil limitations and the site is likely not suitable for below grade structures due to fluctuating ground water levels. Surrounding development is low density and this parcel could accommodate a range of land uses that are rural in character, however periodic high water very likely impacts this parcel to the point of inundation. Improvements made on the parcel would be at risk of flood. The parcel appears to naturally funnel water from the large wetlands at the east to the drainage way to the west.

Conclusions:

Managing the parcel as a drainage way would provide continuity for the drainage feature across the highway and thereby provide benefits to the area. A Preservation classification is appropriate for this parcel and is compatible with the surrounding area.

Recommendation:

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



Vicinity Map

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
157-062-15	Ninilchik	N¼ NE¼ NW¼, Section 35, T1S, R14W, Seward Meridian, Alaska	10.00	*Rural
* Rural" means lands which are located in a remote area. This classification will have no restrictions.				

Overview: Located in the Ninilchik area at near Mile Post 134.5 of the Sterling Highway, access is gained from the continuation of Fleetwood Avenue via a section-line easement. The Ninilchik River is about ¼ mile to the east.

Findings of Fact:

1. Property Status: The Borough received title by Quitclaim Deed. This parcel is not classified (undesigned).
2. Topography: Subject parcel is generally level and forested with mostly spruce. Approximately 3 acres are upland situated at the westerly end of the parcel. Approximately 7 acres of Kettle and Discharge Slope wetlands cover the rest of the parcel. Kettle wetlands are typically peatlands with seasonally variable water table. Discharge Slope wetlands are typically where shallow groundwater discharges at or near the surface and typically occur at the transition between wetland and upland where the boundary can be indistinct. According to the Borough's 2014 All Hazard Mitigation Plan, bluff erosion is 0.6 feet per year. (Note: bluff erosion provided in the Borough's draft All Hazard Mitigation Plan is not site specific).

Source Data: Wetland Classification and Mapping of the Kenai Lowland, Alaska (M. Gracz).

3. Soil:
57.5%± of this parcel is classified as "Starichkof and Doroshin"

The Starickof component: 0 to 4 percent slopes, very poorly drained with a depth to water table about 0 to 12 inches, very limited for dwellings and very limited for septic tank absorption, based on depth to saturated zone.

The Doroshin component: 0 to 4 percent slopes, very poorly drained with a depth to water table about 0 to 10 inches, very limited for dwellings and very limited for septic tank absorption, based on depth to saturated zone.

38.3%± of this parcel is classified as "Qutal Silt Loam", 4 to 8 percent slopes, somewhat poorly drained with a depth to water table about 20 to 30 inches, somewhat limited for dwellings and very limited for septic tank absorption, based on depth to saturated zone.

4.2%± of this land is comprised of various other soil types.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Version 15, Sept. 19, 2017.

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

4. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential, public campground, and undeveloped land. Surrounding development is low density but includes single family homes and the Ninilchik State Recreation Area / campgrounds.
5. Surrounding Land Ownership: Includes private and State land.
6. Access: Access is gained from the easterly extension of Fleetwood Avenue, a gravel road and an undeveloped 50-foot wide section-line easement running along the north boundary. The easterly boundary of this parcel abuts Nmi Street, an undeveloped road.
7. Utilities: Gas, electric, and telephone utilities are approximately 1,000 feet away along the Sterling Highway.

8. Public Comment: As of the writing of this report no written comments were received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
9. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

This parcel has a viable access with an improved gravel road, which is the continuation of Fleetwood Avenue via a section-line easement. However, poor soil conditions/capabilities make this parcel very limited for residential development. Surrounding development is low density and this parcel could accommodate a range of land uses that are rural in character.

Conclusions:

This parcel is surplus to borough needs. A Rural classification would offer a wide range of options for land uses or development. A Rural classification is appropriate for this parcel and is compatible with the surrounding area.

Recommendation:

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



Vicinity Map

Description of Borough Land Proposed for Classification
--

Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
159-142-22	Happy Valley	Lot 5-A, Hawk's Beach Subdivision, Charley's 1999 Addition, as shown on Plat No. 2000-5, Homer Recording District	4.54	* Residential
* Residential means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses.				

Overview: Located in the Happy Valley area near Mile Post 147 of the Sterling Highway. A section-line easement runs along the east boundary of this parcel. Electric utility is available.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesignated).
2. Topography: Subject parcel is situated at the top of a 270-foot high bluff adjacent to the Cook Inlet. Approximately 0.8 acres is suitable for site development as the rest of the parcel is steep terrain. This parcel is forested with mixed vegetation on top and alders along slopes.
3. Soil:
 19%± of this parcel is classified as "Island Silt Loam", 0 to 8 percent slopes, well drained with a depth to water table more than 80 inches, not limited for dwellings without basements and very limited for septic tank absorption, based on filtering capacity.

 81%± of this parcel is "Typic Cryorthents", 100 to 150 percent slopes, well drained with a depth to water table more than 80 inches, very limited for dwellings, and very limited based on slope.

 Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Version 15, Sept. 19, 2017.
 (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
4. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development includes seasonal dwellings along the shoreline.
5. Surrounding Land Ownership: Includes private and borough land.
6. Access: An undeveloped 50-foot wide section-line easement runs along the east boundary of this parcel.
7. Utilities: Electric is available.
8. Public Comment: As of the writing of this report one written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
9. Anchor Point Advisory Planning Commission (APAPC) Review: As part of a comprehensive planning effort the APAPC conducted several meetings from 2001 to 2003 and on February 12, 2002 the APAPC held a special public meeting and recommended a residential classification. The recommendation from the KPB Planning Department concurred with a residential classification. The comprehensive planning effort was never formalized into a land use plan.

10. Department / Agency Comments: As of the writing of this report three agencies respond with either no comment / no objection or had no issues.

Analysis:

While soil conditions are favorable for dwellings, use of an engineered septic absorption system may be needed to overcome soil limitations. Most of the topography is steep terrain but the southeast corner of this parcel has approximately 0.8 acres suitable for site development. Electric utility is available. Future development of the section-line easement along the parcel's east boundary could provide access to this parcel. Surrounding development is low density with large acreage parcels to the south and east and would be compatible with either a Rural or Residential classification.

Conclusions:

This parcel is surplus to borough needs. Based on the analysis and the 2002 recommendation of Anchor Point Advisor Planning Commission, a Residential classification is appropriate for this parcel and is compatible with the surrounding area.

Recommendation:

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



Vicinity Map

Description of Borough Land Proposed for Classification

Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
159-142-23	Happy Valley	Government Lots 6, 7, 8, 9, 11, and 12, Section 24, T3S, R15W, Seward Meridian, Alaska	28.00	*Residential

* Residential means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses.

Overview: Located in the Happy Valley area near Mile Post 147 of the Sterling Highway. A section-line easement runs along the east boundary of this parcel. Electric utility is available.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesignated).
2. Topography: A 270-foot high bluff parcel with approximately 1,000 feet of Cook Inlet shoreline. Approximately 6 acres is suitable for site development as the rest of the parcel is steep terrain. This parcel is forested with mixed vegetation on top and alders on slopes.
3. Soil:
 28%± of this parcel is classified as "Island Silt Loam, Forested", 0 to 8 percent slopes, well drained with a depth to water table more than 80 inches, not limited for dwellings without basements and very limited for septic tank absorption, based on filtering capacity.

 2%± of this parcel is classified as "Island Silt Loam", 4 to 8 percent slopes, well drained with a depth to water table more than 80 inches, not limited for dwellings without basements and very limited for septic tank absorption, based on filtering capacity.

 55%± of this parcel is "Typic Cryorthents", 100 to 150 percent slopes, well drained with a depth to water table more than 80 inches, very limited for dwellings, and very limited based on slope.

 15%± of this parcel's soils, along the shoreline, are not specified

 Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Version 15, Sept. 19, 2017.
 (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
4. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential, accessory building, and undeveloped land. Surrounding development includes a general purpose building, single family homes, and seasonal dwellings along the shoreline.
5. Surrounding Land Ownership: Includes private and borough land.
6. Access: An undeveloped 50-foot wide section-line easement runs along the east boundary of this parcel. Parcel is subject to a 50-foot wide public access easement upland of and along the mean high water of the Cook Inlet, per AS 38.05.127 and 11 AAC 51.045.
7. Utilities: Electric utility is available.
8. Public Comment: As of the writing of this report one written comment has been received that opposed the residential classification and expressed concern for the wildlife habitat in this area. Written comments received by the Planning Department after the writing of this report will be presented at the

Planning Commission Hearing.

9. Anchor Point Advisory Planning Commission (APAPC) Review: As part of a comprehensive planning effort the APAPC conducted several meetings from 2001 to 2003 and on February 12, 2002 the APAPC held a special public meeting and recommended a residential classification. The recommendation from the KPB Planning Department concurred with a residential classification. The comprehensive planning effort was never formalized into a land use plan.
10. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

While soil conditions are favorable for dwellings, use of an engineered septic absorption system may be needed to overcome soil limitations. Most of the topography is steep terrain but the easterly side of this parcel has approximately 6 acres suitable for site development. Electric utility is available. Future development of the section-line easement along the parcel's east boundary could provide access to this parcel. Surrounding development is low density with large acreage parcels to the south and east and would be compatible with either a Rural or Residential classification.

Conclusions:

This parcel is surplus to borough needs. Based on the analysis and the 2002 recommendation of Anchor Point Advisor Planning Commission, a Residential classification is appropriate for this parcel and is compatible with the surrounding area.

Recommendation:

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



Vicinity Map

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
159-471-09	Happy Valley	Government Lot 7, Section 20, T2S, R14W, Seward Meridian, Alaska, lying east of the Sterling Highway right-of-way	4.00	*Rural
* Rural means lands which are located in a remote area. This classification will have no restrictions.				

Overview: Located in the Happy Valley area near Mile Post 140 of the Sterling Highway. Electric and telephone utilities are available. In the 1970's this site was once used as a temporary sawmill and access point to a State timber sale located approximately one mile to the southeast.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesignated).
2. Topography: West half of parcel is gently sloping; east half is relatively flat with a small stream segment in the Southeast corner. Mostly lowland vegetation with some spruce trees.

Source Data: Wetland Classification and Mapping of the Kenai Lowland, Alaska (M. Gracz).

3. Soil:
32%± of this parcel is classified as "Island Silt Loam, Forested", 0 to 8 percent slopes, well drained with a depth to water table more than 80 inches, not limited for dwellings without basements and very limited for septic tank absorption, based on filtering capacity.

68%± of this parcel is classified as "Nikolai Peat", 0 to 4% slopes, poorly drained with a depth to water table about 0 to 18 inches, very limited for dwellings and very limited for septic tank absorption, based on depth to saturated zone.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Version 15, Sept. 19, 2017.

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

4. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development includes single-family homes.
5. Surrounding Land Ownership: Includes private and State land.
6. Access: Access is gained from the Sterling Highway and may require a State driveway permit. An old seismic line/trail runs through this parcel.
7. Utilities: Electric and telephone are available.
8. Public Comment: As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
9. Department/Agency Comments: As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

The topography, availability of electric service, and highway access allow this parcel to have potential for

development. An old seismic line/trail runs through this parcel which once provided access to a State timber sale located approximately one mile to the southeast. The west half of this parcel has soil conditions that are favorable for dwellings but may need an engineered septic absorption system to overcome some soil limitations. However, the soil conditions on the east half of this parcel would preclude most types of development. Surrounding development is low density and could accommodate a range of land uses that are rural in character.

Conclusions:

This parcel is surplus to borough needs. The most limiting factor for development of this parcel is the marginal soil conditions. Due to the marginal soil conditions and the low density of development a Rural classification would offer a wide range of options for land uses or development. A Rural classification is appropriate for this parcel and is compatible with the surrounding area.

Recommendation:

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



Vicinity Map

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres	Classification

211-270-01	Beluga	Lot 1, Block 1, Three Mile Creek Subdivision, amended, as shown on Plat No. 72-7, Anchorage Recording District	1.16	*Commercial
------------	--------	--	------	-------------

* Commercial 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.

Overview: Located in the Beluga area at the intersection of Eagle Nest Court and the Beluga Highway. Telephone and electric utilities are available.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesignated). From 1983 to 1989 this property was leased from the borough to West Cook Inlet Contractors for the storage of heavy equipment and materials. From 2009 to 2017 a land use permit was issued to Three Mile Creek Services, Inc. for the storage of materials. These authorizations have since expired and the property is no longer occupied.
2. Topography: This parcel is relatively flat. The middle of this parcel has a large clearing as it was once used as a storage yard for materials and equipment.
3. Soil: No soil survey available.
4. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential, commercial, and undeveloped land. Surrounding development includes single-family homes and a storage yard.
5. Surrounding Land Ownership: Includes private and borough land.
6. Access: Access can be gained from either the Beluga Highway, a gravel road, or Eagle Nest Court, a partially constructed road.
7. Utilities: Electric and telephone are available.
8. Public Comment: As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

The topography, availability of utilities, and highway access allow this parcel to have potential for development. However, with the lack of a comprehensive land use plan for the Beluga area, there is no established land use pattern. This parcel was used for many years as a commercial storage yard which demonstrates its viable use for commercial purposes. A commercial classification is suitable for highway frontage parcels as the Beluga Highway provides a viable transportation corridor for properties with commercial activities. Classifying subject parcel as Commercial is supported by Goal 3.1, Objective 1, Implementation Action E of the Kenai Peninsula Borough Comprehensive Plan (2005) which states: "Inventory and classify borough lands suitable for economic development."

Conclusions:

This parcel is surplus to borough needs. A Commercial classification is appropriate for this parcel and is compatible with the surrounding area.

Recommendation:

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



Vicinity Map

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 2018-___ classifying subject land as follows:

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
014-040-02	Nikiski	Lot 4, Bernice Lake Alaska Industrial Subdivision, as shown on Plat No. 1560, Kenai Recording District	0.9	Light Industrial
017-130-63	North Kenai	Government Lots 5 and 6 and W½ W½ NW¼ SW¼ SE¼, Section 23, T6N, R12W, Seward Meridian, AK	4.28	Residential
017-130-64	North Kenai	Government Lot 18, Section 23, T6N, R12W, Seward Meridian, Alaska	1.76	Residential
055-010-16	Ciechanski	S½ SW¼ SE¼, Section 12, T5N, R11W, Seward Meridian, Alaska	20.00	Residential

Portion of 131-010-16	Kalifornsky	S½ S½ of Government Lot 2, Section 1, T4N, R12W, Seward Meridian, Alaska lying east of Kalifornsky Beach Road right-of-way	1.6	Preservation
157-062-15	Ninilchik	N¼ NE¼ NW¼, Section 35, T1S, R14W, Seward Meridian, Alaska	10.00	Rural
159-142-22	Happy Valley	Lot 5-A, Hawk's Beach Subdivision, Charley's 1999 Addition, as shown on Plat No. 2000-5, Homer Recording District	4.54	Residential
159-142-23	Happy Valley	Government Lots 6, 7, 8, 9, 11, and 12, Section 24, T3S, R15W, Seward Meridian, Alaska	28.00	Residential
159-471-09	Happy Valley	Government Lot 7, Section 20, T2S, R14W, Seward Meridian, Alaska, lying east of the Sterling Highway right-of-way	4.00	Rural
211-270-01	Beluga	Lot 1, Block 1, Three Mile Creek Subdivision, amended, as shown on Plat No. 72-7, Anchorage Recording District	1.16	Commercial

END OF STAFF REPORT

Chairman Martin read the rules by which public hearings are heard.

Chairman Martin opened the meeting for public comment.

1. Richard Woodin, 35159 K-Beach Rd; Parcel 131-010-16
Mr. Woodin asked staff to reiterate what was said about this parcel.

Mr. Mueller replied that when this was initially sent out, they had proposed a Rural classification but as they further reviewed it they revised their proposal to classify this property as Preservation due to the marginal soils.

Mr. Woodin replied that was good news for him and his neighbors. If it was to be classified as Rural then they would be concerned that someone could put in a junk yard with no restrictions. He asked what enforcement powers they had if a parcel was classified as residential to ensure that it was used for that purpose.

Mr. Mueller replied a land classification was for the borough's management of borough land. It doesn't extend beyond that so if a parcel goes up for sale the land classification and the way the property was used after it sold do not need to relate.

Mr. Woodin thanked the staff for changing the proposed classification to Preservation.

Chairman Martin asked if there were questions for Mr. Woodin. Hearing none the public hearing continued.

2. Lizzie Davis; Parcel 055-010-16
Ms. Davis stated that she lives off of Maudi Dr in Maudi Williams's old cabin. Ms. Williams was the one that Maudi Dr was named after. This area is heavily wooded where they have a lot of old residents. She has lived at this location for 17 years.

Ms. Davis stated that Woods Dr is a like a natural wildlife corridor for their local moose, caribou, etc. She has taken pictures over the years of the wildlife and prepared a poster of those photos. Ms. Davis explained the various photos on her poster. She felt that there was an overdevelopment of the area where the wildlife was being squeezed out. There are a lot of moose with young babies going on Woods Dr where she has seen old and lame animals. The animals seem to prefer that route because it was quiet and wooded.

Ms. Davis heard about this meeting from her neighbor, Gene Moyer who told her that there was a proposal to build at the end of the dead end. She spoke in opposition of the reclassification. Her neighbor who lives across the street and has a handicap child also opposed the reclassification. They are not happy about this and asked if the hearing could be extended so that Gene Moyer and others could come and testify.

Ms. Davis reiterated that this is a quiet area where someone could hear barking dogs from all the subdivisions that have been added to the area. She cares for the wildlife and her neighbors love it there. They wished they had more time to testify. Ms. Davis thanked the commission for listening and for looking at her photos.

Chairman Martin asked if there were questions for Ms. Davis. Hearing none the public hearing continued.

3. Steve Judge, 46090 Heather Ave; Parcel 055-010-16

Mr. Judge has lived in this area for about 27 years. He represented Terry Johnson, Gene Moyer, Ted & Amanda Hildebrandt and himself. He read a statement which is following:

"Dear Planning Commission members, On behalf of myself and my neighbors, I strongly urge that you delay this sale to allow the neighbors in this subdivision and many who are currently out of state to meet and make a proposal to present to the borough to purchase this piece of property and turn it over to protected land for public use."

Mr. Judge asked for the borough's thoughtfulness that if they sell these 20 acres of land that they make it so that it can be only be sold in five acre parcels. There has been so much development off of Woods Dr in the last 15-20 years. The destruction that has been going on with the trees and vegetation as well as the wildlife that has been harmed is a shame. The neighbors that he represented all feel the same way and they all asked that the sale of this property be delayed until the middle of May so that they could come and testify. He thanked the commission for their time.

Chairman Martin asked if there were questions for Mr. Judge.

Commissioner Ruffner asked when he received notification of this process. Mr. Judge replied that he received his notice in the mail about three weeks ago but the residents who are out of state received their notice about a week ago.

There being no further comments or questions, the public hearing continued.

4. Fred Huxley; 159-142-22 & 159-142-23

Mr. Huxley stated that he owns the homestead next to the Happy Valley properties. His wife has lived at this location since she was born. The homesteads have existed since 1948.

Mr. Huxley stated that Parcel 159-142-22, Lot 5A was mostly a bluff so any kind of development on that would destroy bear habitat and start the erosion process. If this property is sold to someone in Happy Valley and someone develops it too close to that ridge then the whole cliff was going to be in the ocean which would wipe out the people on the beach. He also stated that the bear, moose and eagle habitat was going to be destroyed.

Mr. Huxley expressed concern about getting to this property in the winter or spring time. There is a map that shows the Shirley Schollenberg's homestead next to his that shows a street that goes in there. It was not an existing street. The landowners there think the street is a private driveway and have placed a gate across there. There is a piece of land that would be inaccessible once it becomes the property line to the powerlines. He stated that borough does not maintain that street. There is a section of it, Government Lots 6, 7, 8 & 9 that is actually under water in the spring when the snow melts which becomes a mud hole.

Mr. Huxley questioned how people would get to these lots that the borough was trying to sell. If they build too close to that bluff then they will destroy that whole area. It actually should not be developed. His wife submitted a comment letter to the borough which was also going to be sent to Lisa Murkowski.

Mr. Huxley stated that this property should remain protected habitat. It was too steep and should not be developed; it is too close to that bluff. The wildlife lives there so where would the bear and moose go if this property was developed. He felt this land should be preserved to keep it from eroding into the ocean. The land needs more evaluation.

There being no further comments or questions, the public hearing continued.

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Isham to recommend adoption of Resolution 2018-017; a resolution classifying certain parcels of borough owned land in the Nikiski, North Kenai, Ciechanski, Kalifornsky, Ninilchik, Happy Valley and Beluga areas.

Commissioner Whitney asked if there was a time sensitive issue on this and asked if it could be postponed. Mr. Mueller replied that the Assembly was scheduled to hear this on April 3 but beyond that it was at the discretion of the bodies.

Chairman Martin asked when the sale of the property was scheduled. Mr. Mueller replied that the sale was scheduled to be released in a brochure in April with the close of the sale at the end of May. Commissioner Ruffner felt that this was a pretty aggressive timeline for notifying the public and putting the land up for sale. A number of these parcels seem fairly marginal and thought the public testifiers spoke to the access issues for several of them. He was a little reluctant to support this resolution and the next ordinance because it feels like a very rushed process.

Commissioner Foster supported a recommendation for Preservation for the Happy Valley bluff properties since he was a property owner on a bluff which was eroding. Also he supported the Preservation classification for the Ciechanski property with the moose habitat.

Commissioner Foster referred to the photos that were in the lay down packet of the eroded bluff properties and asked which property was that. Mr. Mueller replied that it was the parcels in the North Kenai area, Parcels 017-130-63 and 017-130-64.

Commissioner Carluccio – Residential piece of property. Sold could do anything they wanted. Mr. Mueller – Land classification directs borough management to the borough. Land Classification – Classification is not zoning.

Commissioner Carluccio asked for clarification regarding the classification of the property yet once the property was sold then the classification no longer exists. She asked if that applied to all of the classifications. Mr. Mueller replied that the land classifications direct borough management of borough land. As soon as it is no longer borough land then the classification essentially ceases to exist. It would now be in the realm of how it was zoned. If the zoning was local option zoning as residential then that would be what it was but if the zoning was in the unrestricted zone which covers about 90%+ of the borough then that was what it is. He stated that classification is not zoning. When the classification is preservation then the management's intent would be to generally not put it up for sale.

Commissioner Carluccio asked for clarification regarding generally since it doesn't mean that it couldn't be put up for sale. Mr. Mueller replied that there was only one instance that he was aware of that they sold land classified as preservation. The other aspect would be that these land sale action was its own authorization so that goes in front of the Planning Commission and Assembly. It would mean that the Planning Commission and Assembly approved putting the land that was classified as preservation up for sale.

Commissioner Foster asked if they recommended that a piece of property was preservation and a group of property owners around there wanted to purchase it then it would be more affordable and could go into preservation then. Mr. Mueller replied that if the strategy or the intent was to classify the land as preservation and then offer it up for disposal with the intent that it be preserved then there would need to be another mechanism to go on top of that. He thought it could be a deed restriction or some sort of contract that required performance in that way. Commissioner Foster thought it could be a conservation easement. Mr. Mueller replied yes, that could be done.

Commissioner Venuti asked how these properties were valued. He asked if they were using the assessed value or if an appraisal was done. His second question was if this goes through a realtor. Mr. Mueller replied that the valuations are typically done in house. They will go out for independent appraisals if they are not comfortable with the in house value. In this case, all the valuations were determined in house with consultation with the assessing department. The code requires them to advertise, have hard copy brochures and advertise on the web for land sales. They also send courtesy notice to neighbors letting them know that there is an opportunity to purchase land. He stated there is a finder's fee option but they don't contract with realtors. They also haven't done a lot of newspaper or radio advertisements.

Commissioner Carluccio asked if the comment letter from Terry Johnson was referring to the Maudi Dr property. Mr. Mueller replied yes.

Commissioner Whitney referred to Parcel 055-010-16 which is being proposed to be classified preservation. He asked what a landowner could do with that property if they buy it with the preservation classification. Mr. Mueller replied that when they get to the next agenda item, he will be asking for an amended motion to remove that parcel from the land sale ordinance.

Commissioner Ruffner understood that the land needs to be classified in order to dispose of it. Testifiers expressed concerns regarding the timing of notification, access and the developable nature of the property that was being proposed for sale. He assumed that the borough has been working on this for at least a month. What he was really lacking in the packet was that there was very little information compared to the plat information. There is no topography information, no wetlands map, and the location maps are minimal. All of these things should be considered before classifying the land. None of that is here yet it was already scheduled to go before the assembly. Commissioner Ruffner wasn't interested in any of this until they take their time to do this right which he felt they were not doing.

Commissioner Fikes agreed with Commissioner Ruffner and stated she would like more time to spend time. There are a lot of things that concern her regarding bluff erosion on the North Kenai properties. It also concerns her when the outlying areas of Maudi Dr are concerned about the classification. She stated she would like more time to dive into this and would support postponement.

Commissioner Foster asked if this would go to the assembly anyway for approval if they postpone. Mr. Mueller replied that if the planning commission postpones action then he will ask the assembly to postpone action.

Commissioner Carluccio stated that this was the first time that she could recall that they have had such a public outcry against the land classification. It seems to be a little more involved this time then in the previous times. She agreed with Commissioner Ruffner that she would like more information on these properties before they go ahead with the sale. She stated she will be voting no on the motion.

Commissioner Ruffner thought their options were that they could postpone action in hopes that they could get more information, approve it to go forward to the assembly or they could vote it down. He asked what the consequences were in voting no on the motion. Mr. Best replied that there were several ways this could be handled. He understood the commission was looking for more information on some of the parcels. They could move forward with the recommendation to postpone certain items within that or to recommend a different classification on some parcels. The commission could also remove some of the parcels for review from the classifications. It would separate the sale ordinance and the classification resolution. Staff would probably request that they move forward with those parcels that they don't have any problems selling and

removing those that need more review. The properties that would be removed could be placed in a future land sale.

Commissioner Ruffner felt that the whole package did not have enough information on any of the parcels. He felt that the classification process was silly because they just have to put a name by it so that it can be sold. The whole purpose of classifying property was so they could be sold. The way properties are classified does not have much weight for him but it's that process in that once it's classified then it's available for disposal. Commissioner Ruffner thought he would be in favor of voting down the motion. They need to do a better job of describing these properties and what the purpose was for having a land sale. He agreed with Commissioner Carluccio in that he doesn't hear any public support for this.

Commissioner Whitney stated that he was inclined to vote this down and start all over. He thought some of the parcels were more justified to being preservation. The properties on the bluff concerns him if the borough sold those and someone built a house that collapses then what kind of kick back would there be against the borough.

Commissioner Ruffner stated that the purpose of borough lands and disposing them was to maximize the value of the return of their investment to the borough. If they are putting lands up for sale that have no access or that they don't have enough information to know if they are suitable for building then it doesn't seem like they are doing a good job of transferring their land asset into financial assets. He thought they could do better on this. The approach seems to be that they just throw it out there in hopes someone gives them some money.

Commissioner Foster requested that the North Kenai, Maudi Dr and the Happy Valley properties be removed from the land classification or that they be classified as preservation. He gave that statement to staff then supported voting the motion down and hoped that when it was brought back that those properties were in preservation or that they weren't included in the land classification. If the properties were included in a land classification then he asked staff to give reasons why they were included such as they weren't highly erosive or they were not critical habitat leading to the Kenai River.

There being no further comments or questions, Chairman Martin asked for a roll call vote.

VOTE: The motion **failed** by unanimous consent.

BENTZ NO	CARLUCCIO NO	ECKLUND ABSENT	ERNST NO	FIKES NO	FOSTER NO	ISHAM NO
LOCKWOOD ABSENT	MARTIN NO	MORGAN NO	RUFFNER NO	VENUTI NO	WHITNEY NO	0 YES 11 NO 2 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

3. Ordinance 2018-13; An ordinance authorizing the sale of certain parcels of Borough Land by Sealed Bid followed by an over-the-counter sale.

Memorandum / Staff Report given by Marcus Mueller

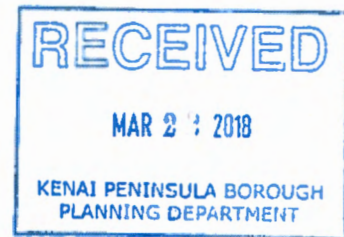
PC Meeting: March 26, 2018

The borough's Land Management Division has identified certain parcels of land that are surplus to the borough's need for land holdings and which could be placed in a competitive market value land sale by sealed bid followed by an over-the-counter sale. A vicinity map and parcel site maps showing the location of each parcel are available. Minimum bids are set at the estimated fair market value as determined in consultation with the borough's Assessing Department.

The sealed bid due date is proposed for May 31, 2018. A sale brochure will identify the parcels and explain the sealed bid procedures. Notice of the land sale will be published in accordance with KPB 17.10.110 and the brochure will be made available on the borough's land management website.

March 15, 2018

Kenai Peninsula Borough
Land Management Division
144 North Binkley Street
Soldotna AK 99699



RE: KBP Planning Commission Public Hearing 3/26/18
Classification of parcel #055-010-16

As home owners at 46021 Heather Ave., we are against changing the classification of the parcel #055-010-16 to residential.

This parcel borders wet lands that are a nesting area to sandhill cranes and many other water fowl. It is part of Caribou calving area in the spring and feed the rest of the summer thru fall. The caribou and cranes are a tourist draw as well as enjoyed by the locals.

From a developing point of view, we understand the borough would prefer to be collecting taxes on the 20 acers. At what cost? This is a soggy area with a small water drainage. To develop will require land fill and septic systems that will affect run off into the habitat. Water wells in the area have a history of being less than desirable.

We are against development that creeps toward the Kenai River when there is adequate space elsewhere on the peninsula.

Please consider our concerns,

Bryan Greco
907-317-2964

Tamera Hunter
907-240-0682

2900 Alder Dr.
Anchorage, AK 99508

March 16, 2018

Kenai Peninsula Borough
Land Management Division
144 N. Binkley St
Soldotna, Ak 99669



Re: Proposed Land Classification
Parcel # 159-142-22 and 159-142-23

Dear Sirs:

I am concerned about the proposed classification of the above listed parcels for potential sale.

The only legal access to these parcels is right through our family farm that has been in operation since 1960. I own the highway lots; my brother the next westerly 15 and my father left the remaining land between James's land and the bluff to both of us in his will.

Although it appears the land is owned by separate people, in reality, since it is a farm operated jointly between by brother and I, we have always managed parcels 159-142-20, 17,18 & 19; 159-140-29, 19 & 28; and 159-140-26 as one ownership.

This is a working farm and primarily produces beef and hay. To have a public easement constructed bisecting the property would be devastating to our operation. It would mean considerable expense to construct fencing to keep the livestock in as well as totally changing our operation in regards to pasture and range management. It also would increase the incidence of public/livestock conflicts. (gates left open, etc.)

We have also recorded a Grazing Reserve Conservation Easement on these lands and having a public right of way constructed in a way that divides the conservation easement does not follow the sentiment and feeling of a grazing conservation easement.

Recognizing the shrinking amount of open land along the bluff I would hope the Planning Department would recognize the value of a permanent large land conservation easement and help preserve our intent of keeping this land a farm forever.

This small farm south of Happy Valley has produced a lot of beef and tons of hay over the 55+ years it has been in operation contributing greatly to the diversity and quality of life in our Borough.

Thank you for your consideration of this matter and I respectfully request that parcels 159-142-22 and 159-142-23 be removed from this proposed reclassification and following land sale until the access issue can be better addressed.

Sincerely,

Shirley Cox
25701 Sterling Highway
Anchor Point, Alaska 99556

541-561-2143

Po Box 2200 Kenai AK 99611

907 335 2001:

To KPB:

Dear Sir / Madam

I oppose this land sale. It is the first time i have gone against your land sales in my area however i feel it is necessary to bring to your attention that all the land sales for Borough operating profit in our area have ended up within the hands of developers and owners who took the cheapest way out in making their house a home!! Bring in a cat and cut every tree within 4 hours, strip the vegetation affecting the run off and water tables not to mention your typical blighted neighbourhood look with barren lots, trailers; boats; snow machines; 4 wheelers; abandoned trailers full of garbage like on Maudi as you turn off of Woods drive! Before you approve this drive down Woods Drive, Jo Avenue; Woodwill and so on.

Would you honestly love living beside some of these barren lots looking into your neighbours bedrooms because of no barriers! Like the ones I had to plant on 420 Endicott and build a \$20,000.00 fence to get a B&B Permit for Salmon Cather B&B about 4 years ago. There is a double standard here! You do not allow this stripping of vegetation that has driven the last few Moose, Caribou and Bears right onto my front yards as i did spend the money and left the least impact out of most of that subdivisions builders!

Speaking of money about \$14,000 in Land taxes and another \$12,000 plus in sales taxes for the borough my \$1,800,000.00 investment brings to you doorstewp every year!

Read my Trip Adviser reviews, Booking.com reviews and Expedia reviews! Wow this place is serene, the wildlife are there front row center, feels like you are in the wilds and yet 10 minutes downtown Kenai or Soldotna to Spend our Money!

Here is what i foresee if you proceed. another desolate neighbourhood! Wild life driven out! Serenity gone! Privacy that my 47 clients spend upwards of \$2500.00 a weekeach to enjoy. You will ultimatley punch in a secondary road within 15 feet of my new \$125,000.00 Sauna, Gym and Hot Tub and fire pit. The dust will choke my clients, require a constant pressure washing and restaing more often of Messmers Timberflex \$65.00 a gallon times 30 Gallons for my big units in the 3000 sq ft. My Custom Log Cabins some appraised at \$600.000 plus others close to that range, 9 buildings.

Hooksetters guide service had the same dust issues till you paved the road! but remember i chose an isolated spot he didn't so he suffered and his business suffered.

Keep thsi land and sell some other lots. You will destroy my 18 years of hard work and desemate my Lodge's serenity and impead my busines growth!. I will then be forced to sell as residential and all the Kenai, Seward,Homer sales taxesi generate will disappear, 47 less people a week will go to Soldotna or Kenai to shop or eat! You may say hey they will go somewhere else! Yes your right into non paying tax heavens, VRBO,Motor Homes, Fred Myer Walmart parking Lots, Under the radar private homes on Craigslist tents!

As presented by me personallybefore when you were going to brinf in a bed tax, Tax the motor homes on all the parking lots and it will triple this 20 acre tax base that you are seeking alienate dozens of your present loyal tax payers who entrust you with our investment is a bad idea.

Takea drive first folks and look what damage to our habitat on my neighbours side streets right next door with no zoniung has allowed! one of the biggest draws to the Peninsula next to fishing is Wildlife! Still gambling on your Goose that lays the Golden Egg? Think long and hard on this one, Kenai River through fish and Game shuts down for several years due to Climate Run off temperature rising like it did a few years ago with a depleted King run! analyze the sales taxes those years over last year with a good King run! 1 out of every 20 persons i approach at my

Sport showssay i willo never go back to Kenai! As a UPS Airline Captain with a round the World trip once a Month from India to Malaysia China and the likes it is Real Global warming One or twoo degrees and the fish do not run which further declines our sales tax I have added Whale watching, Kayaking, Glacier fly ons, Horseback Riding Whitewater Rafting, Dog Sledding to offset the loss of tourism I am now the Biggest Lodge on the penninsula and pretty well the number one rated above Lands End, Wilderness Sound song etc Do your Homework before you force me out!

If the fishery is reduced and the Kenai is shut down with no tourism wildlife is marketed by people like me Kenai Tourism and sales tax base will be a shell of what it is now!

I stand committed as this has been my best year ever my sales taxes should be up 15% this year the economy is on Fire! I have just completed 90 days from Denver to Los Angeles to Minneapolis and sold more trips than since i have been in business with Customers like Brian Shaver from the Packers to Fred Noe the Owner of Jim Beam Jack Daniels Distilley and so on, BUT if you punch a road into my back doorstep and destroy my product, trust me i will dismantle my business negating your short term profit leaving many upset people and long term resentments along with the total loss of my Sales Tax as i roll them out by one to the residences for the Seniors! Check my reploting into 3 plots last year I have already positioned myself for the future! Just follow through and i will also!

Please reconsider this as i have sent pictures to substantiate my claims I do not need to lie to you i am on a Lifetime 6 digit retirement Salary from UPS as i was

one of the first Pilots to start their Airline back in the 80's i do not need this business it is however my pride and joy! this Lodge is my Baby from the first tree cut i built from the ground up bit by bit Tax the Motorhomes Tax the out of State Guides, Tax the VRBO and Craiglist illegal housing to leave our neighbourhood intact enough land mining i would be open to 4 Five acrea lots with 4 Single Family residences with covenants to leave 75% of the vegetation to protect what has become a ritual of my clients having Moose and Caribou walking by their windows! Remember the goose will not produce after you pluck her Mothers!!

Respectfull of your job to meet budget but look at the Number Salmon Catcher Lodge brings in Alone to your coffures as i am projected to double that in 10 years I just accepted to be the first fishing lodge from the United States in a Costco store in November this year to sell our destination Fishing Eco Tourism Packages Also Barret Jackson Auto Auction out of all the Lodges in the United States, How much is that worth in sales tax? Reach out to me for a one on one as i am in the Lower 48 just wrapping up a \$60 000 3 month marketing programme for this Summer. I will furnish the emails of acceptance to you from the Platinum Goose i brought you!!!! Do you homeworki guys this is going to be a big mistake on your behalf

PS Certified Safety for the 3rd time in a row expected \$65 000 in 4 weeks for the Tesoro turn around, KPTMC meetings in my great room, Church groups, Kinetz tribe boardroom meetings, Hospital temporary staff by the dozens at my 7 12 Month a year open Lodge

I have a significant impact on the housing of many of this town's businesses Ask Soldotna Chamber who has the noicest property in town? Ask KPTMC ask Kenai Visitor center SEward and Visit Anchorage? SALMON CATCHER LODGE I rest my case for now! Terry Johnson.





Land Management

7. Feb

Charlie Priole
Borough Mayor

February 7, 2018

Dear Land Owner or Leaseholder:

Public Notice of Proposed Land Classification

Pursuant to Kenai Peninsula Borough (KPB) Code of Ordinances, Chapter 17.10.080, the KPB proposes to classify borough owned land as shown below. Public notice is sent to all land owners and/or leaseholders within a one-half mile radius of the land proposed to be classified including applicable departments, agencies, and interested parties. The KPB encourages you to review the land classification(s), attend meetings, and submit written comments. Maps showing subject parcel(s) are available at the KPB Planning Department website under Public Notices at <http://www.kpb.us/planning dept/public notices>

Basis for Classification: Subject parcels are being considered for future disposal or lease. Classification provides guidance for the management of borough land. KPB land must be classified prior to disposal pursuant to KPB Code of Ordinances, Chapter 17.10.090.

Description of Borough Land Proposed for Classification

The land proposed for classification is located in the Crechanski area. See attached Vicinity Map.

Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification
055-010-16	Crechanski	S. 5SW1, SE1, Section 12 T5N R11W Seward Meridian, Alaska	20.00	Residential

Public Meeting Schedule:

KPB Planning Commission Public Hearing March 26, 2018, 7:30 p.m.

KPB Assembly Meeting April 3, 2018, 6:00 p.m.

Meetings are scheduled to be held at the KPB Administration Building, 144 N. Binkley Street Soldotna, AK 99669 unless otherwise advertised.

Written Comments: Written comments must be received before 5:00 p.m., March 8, 2018 to be included in the Planning Commission packet. Written comments must be received not later than 4:00 p.m., March 26, 2018 to be considered at the Planning Commission public hearing.

Written comments may be sent to the following address:

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

Additional Information: For further information contact Marcus Mueller or Dan Conetta, Land Management Division at 907-714-2211, or toll free within the Borough 1-800-478-4441 ext. 22. The Kenai Peninsula Borough reserves the right to waive technical defects in this publication.

46215 Maudi Dr
PO BOX 433
Kenai, Alaska 99611

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

To Whom It May Concern,

Ref: Parcel055-010-16 Maudi Dr/Ciechanski area.

I oppose this proposal completely. I have lived and own several lots in this area for over 23 years.

Who started this proposed Sale?

What big subdivision developer is pushing this?

This will destroy the area of Maudi Dr and turn it into another race track and problem area just like Jo Ave and Goodwill Dr.

This area has lost lots of wildlife and livability in the last few years by the continued developed.
The area is home to Moose, Caribou, Bear and other wildlife.

Just look a the difference of the area when you drive down Maudi Dr compared to Jo Ave and Goodwill Dr

The time frame for input is to short and should be at least 30 days rather this short period. I am out and my mail has not reach me yet. Thanks to phone call from another area owner I became aware of this sale. Due to medical reason I will not be able to return to Kenai until March 29th, to late for me to attend the March 26th meeting and present my objections.

Please stop this proposal and prevent another lost of habitat and livable area.

Olen (Gene) Moyer
907-690-0830

**ATTN: Kenai Peninsula Borough
Land Management Division
Planning Commission**

PUBLIC COMMENTS

Proposed Classification

Parcel: 017-130-63

Parcel: 017-130-64

March 26, 2018

Kenai Peninsula Borough
Land Management Division
144 North Binkley Street
Soldotna, AK 99669

RE: Parcel 017-130-63
Parcel 017-130-64

ATTN: Planning Commission

Pursuant to phone conversations with the Borough Land Management Division, and at their suggestion, I am submitting comments and photos to request a removal or deletion of these particular parcels as "Residential" classification and propose the classification of "Preservation" status. Due to the rapid bluff erosion, in our opinion, these parcels are much more suited for the Preservation classification which provides for:

- "...stabilization or maintenance of natural features..."
- "... or required to maintain the integrity of certain types of easements or as buffers...."
- "...or other reserves to preserve natural resources and aesthetic qualities"
- " Soil may be of such a nature as to not be usable for construction of buildings."

Attached for your consideration, are several pictures taken in the last two weeks of the above listed parcels and pertinent surrounding areas. Also attached is the vicinity map received from the Borough reflecting the above referenced parcels, which appears to be outdated by years. We have overlaid a rough line estimate based upon what would appear to be the current bluff line and current rate of erosion in the years since the vicinity map.

To maintain and/or slow down the rate of erosion, we would have several suggestions to be considered within the boundaries of the preservation area — specifically between the bluff crests and the beach area. For the Land Management's consideration, this would include restricting and/or limiting access for the following:

- Roads, roadways, trails including foot trails and pathways, bridges, ramps, uprights, poles, supports or anchors, stairs, zip-lines, lifts or hoists, excavation, tunneling, drilling, digging, dumping, restricting mechanical and any other types of motorized vehicles including ATV's, RV's, commercial activities, and machinery.
- Limit felling or cutting of trees except as recommended, allowed and approved by the Borough Division of Forestry and Land Management Division; and deemed to be necessary to mitigate or remedy beetle infestation, fire damage, danger or to prevent potential damage to existing structures.
- Any unauthorized removal or disturbances of trees, brush, native flora or fauna.

Attachment A: Borough Vicinity Map
Attachment B: Parcel 017-130-64/Shirley Henley parcel
Attachment C: McCubbins house/Adjacent southern boundary of Parcel 017-130-63
Attachment D: Bluff erosion
Attachment E: Continued bluff erosion South from Attachment D
Attachment F: Continued bluff erosion South/Terry & Corey Johnson property and further in NE corner picture properties on Sunset Blvd which have been lost and are severely endangered by bluff erosion.
Attachment G: Bluff erosion heading N in front of parcels 017-130-63.

Thank you for your consideration of these comments in your determination.



Margaret McCubbins
53400 Borgen Avenue
Kenai, AK 99611



Attachment A

Vicinity Map

Attachment B



↖ North



Attachment C

N ↓



Attachment D





Attachment G

N
→



Kenai Peninsula Borough, Land Management Division

144 N. Binkley Street

Soldotna AK. 99669

March 22, 2018



RE: Re-Classification of Parcel 055-010-16 Ciechanski to Residential

From parcel owner # 05501164 Steven A. Judge Leite S/D tract B-1 #2

I am writing to you in response to the notice by KPB that parcel 055-010-16 is being proposed for reclassification

My property is located very close to this parcel and will be highly impacted if the borough decides to sell this 20 acres and chooses to construct the Platted road called Heather Avenue. This will cause a heavy traffic flow and the dust that all of us the neighborhood have to contend with in summer is already a major problem as it is!

I have lived on my parcel since 1991 and have watched with concern since then the development of three different Subdivisions off of Woods drive. There has never been any thought or concern or caring of any kind about all of the trees and vegetation that have been destroyed in this neighborhood. The lackadaisical uncaring development is really a shame! The hundreds of ½ acre lots all with their own water wells have caused the aquifer in the area to change and has caused the quality of my water to be diminished. I have spent hundreds of dollars to treat my water system in the last 5-10 years when for years I had some of the best water in the area until all of these wells were drilled in the surrounding area it affected the water at 2 of my close Neighbors homes also.

However the main concern that I have, is that no one has even given a thought to the way that the wildlife in the area has been impacted. I have personally watched the Moose the Caribou the Bears the Sandhill Cranes the Eagles and all of the other nesting birds in this area breed, give birth and raise the young here for years, and they have been pushed out of all three of these Subdivisions!

This parcel # 055-010-16 of 20 acres is one of the last pieces of dry protected land that they have left to breed and raise their young, they travel out into the neighboring wet land of the DNR to feed in the day time and travel back to this ridge of land at night because it is a quiet and safe and dry place for them to hang out with their young.

I have personally watched the wildlife living on this parcel for the last 27 years they come into my fields and all of my neighbors properties and travel back onto this parcel just about every night because they know they won't be bothered by dogs and motorized vehicles. If you choose to sell this parcel for development you're going to drive them out on to the wetlands and out of the area.

This community of Neighbors all feel that this parcel should be very carefully assessed for the wildlife and there habitat needs . And we all feel that this reclassification of land be halted until accessment has be completed.

When this assessment is completed and land management still wants to move forward, We would ask that the Management division look to do true management of the land and do parcels of 5 acres with the stipulation that they can not be subdivided into small lots . Larger parcels would be of value to more caring buyers giving them more privacy and encourage careful meaningful building of residential homes Plus give the wildlife a much needed break. And it will also cut back on all of the traffic that this subdivision is going to create.

Another option would be for the Land Management Division to consider making this parcel protected/public land because of its close contact to the surrounding wetlands .

Otherwise I DO NOT support this re-classification and ask that this not be passed at this time

Respectfully,



Steven A. Judge

Heavily wooded Maudsl Drive has been a wildlife corridor for our local moose, caribou, bear, ducks, and other animals to go from one side to another safely. Animals with young babies and herds with old and lame animals seem to prefer the wooded area of Maudsl Drive because it is more quiet and peaceful.

We oppose the Proposed Land Classification on Parcel 055-010-16 to Residential

by Robert + Lizzie Davis + Family

This land is Lodge Country and seasonal cabins and a few Alaskan families who have lived here for decades and respect the area. It should be preserved as a wildlife safety area due to over-development on Woods Drive.

Google Maps



Vicinity Map



Woodwill Drive ↓



Woods Drive ↓



Mandi Drive ↓



Mandi Williams old cabin where we live ↓



