



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Lands Committee

*Richard Derkevorkian, Chair*  
*Brent Johnson, Vice Chair*  
*Bill Elam, Member*

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Tuesday, July 6, 2021

3:45 PM

Betty J. Glick Assembly Chambers

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Zoom ID: 938 6524 5999 Passcode: 886199

### PUBLIC HEARINGS ON ORDINANCES

5.     [2021-23](#)     An Ordinance Authorizing the Sale of Certain Parcels of Borough Owned Land by Outcry Auction Followed by an Over-the-Counter Land Sale (Mayor)

Attachments:

[Ordinance 2021-23](#)

[Memo](#)

[Land Sale Maps](#)

[Public Comment 070621](#)

### NEW BUSINESS

1. Resolutions

- \*e.     [2021-054](#)     A Resolution Classifying Certain Parcels of Borough Owned Land Pursuant to KPB 17.10.080 (Mayor)

Attachments:

[Resolution 2021-054](#)

[Memo](#)

[Land Classification Staff Report](#)

[Public Comments by Area](#)

[Staff Report Homer Exhibit A](#)

2. Ordinances for Introduction

- \*b. [2021-27](#) An Ordinance Authorizing WISP Tower and Ground Lease Agreement at Certain Locations with SpitwSpots, Inc. (Mayor) (Hearing on 08/03/21)

Attachments:

[Ordinance 2021-27](#)

[Memo](#)

[Funny River Fire Map](#)

[Lease Maps](#)

- \*c. [2021-28](#) An Ordinance Authorizing a Lease to Robert Gibson, dba Alaska Land and Cattle Company of Approximately 280 Acres of Borough Land in the Basargin Road Area for Agricultural Use (Mayor) (Hearing on 08/03/21)

Attachments:

[Ordinance 2021-28](#)

[Ak Land & Cattle MAP](#)

[AK Land & Cattle Rate MAP](#)

Introduced by:	Mayor
Date:	06/15/21
Hearing:	07/06/21
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
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**

**WHEREAS,** the Kenai Peninsula Borough (“borough”) has title to the land listed in Section 1 of this ordinance; and

**WHEREAS,** the land has been appropriately classified pursuant to KPB 17.10.080; and

**WHEREAS,** authorization of an outcry auction sale provides a competitive market process, followed by an over-the-counter sale intended to keep the properties on the market over a longer term; and

**WHEREAS,** appropriate market exposure is key to a successful over the counter land sale and an economical means for the borough to achieve such exposure is to offer a 1.5 percent finder’s fee, with a \$300 minimum, to qualified finders through the over the counter sale only; and

**WHEREAS,** due to the property referenced as Assessor Parcel Numbers 013-216-01 and 013-212-48 requiring a completed record of survey prior to the completion of a contemplated sale, any potential buyer and the seller (borough) should be allowed an extended due diligence period for review, approval and recording of the record of survey prior to finalizing any potential sale transaction; and

**WHEREAS,** due to the background of uncertainty in planning events in Covid-19 times, allowing for an alternate date is appropriate; and

**WHEREAS,** the Planning Commission at its regularly scheduled meeting of June 28, 2020, recommended;

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

**SECTION 1.** The parcels listed below are authorized for sale at a minimum of the fair market value as determined through consultation with the borough Assessing Department.

Assessor's Parcel No.	General Location	Legal Description	Acres	Reserve
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	\$70,700.00
013-212-48	Nikiski Wik Lake	Government Lot 12, Section 5, Township 7 North, Range 11 West, Seward Meridian, Alaska. (Pending Record of Survey)	5.79	\$41,400.00
025-440-21	North Nikiski	Lot 180, Moose Point Subdivision, according to Plat No. KN84-65, on file in the Kenai recording district, Third Judicial District, State of Alaska	6.8	\$19,200.00
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	\$125,000.00
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	\$22,000.00
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	\$22,000.00
055-072-76	Soldotna	Tract D, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18, Kenai Recording District, Third Judicial District, State of Alaska	50.96	\$500,000.00
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	\$7,500.00
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	\$220,800.00



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 Recording District, State of Alaska	0.98	\$80,000.00
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	\$95,000.00
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	\$95,000.00
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	\$95,000.00
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	\$95,000.00
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	\$25,000.00
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	\$25,000.00

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	\$25,000.00
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	\$25,000.00
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	\$25,000.00
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	\$25,000.00
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	\$25,000.00
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	\$25,000.00
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	\$25,000.00
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	\$25,000.00
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	\$15,000.00
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	\$17,700.00
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	\$18,200.00

**SECTION 2.** The method of disposal shall be by outcry public auction pursuant to KPB 17.10.100(B) followed by an over-the-counter sale pursuant to KPB 17.10.100(H). The date of the outcry public auction sale shall be August 14, 2021. The auction shall be held at Soldotna High School or other such advertised location. The over-the-counter sale shall begin November 15, 2021 and end January 30, 2022.

**SECTION 3.** In the event the administration is unable to proceed with the live outcry auction on the designated date due to unforeseen events including federal, state and or borough imposed restrictions, the administration shall be authorized to reschedule the outcry auction and subsequent over-the-counter land sale 45 to 90 days later than the date designated in this ordinance. In the event the dates designated in Section 2 are cancelled and an alternative date is rescheduled, then such sale date and location shall be re-advertised for at least 30 days prior to the sale, consistent with the original advertisement.

**SECTION 3.** All parcels will be conveyed by quitclaim deed. Title insurance in the form of a lenders policy of title insurance must be obtained for all borough-financed sales. All title insurance and closing fees are the buyer's expense. Title insurance must show the condition of title and no unsatisfied judgments or liens against the buyer at the time of closing, the latter of which shall also be verified by the buyer prior to closing. In the event a title report showing an acceptable condition of title cannot be obtained by seller, then either the buyer or the borough may elect to terminate the purchase agreement, in which case all monies on deposit will be refunded to the buyer. For borough-financed sales, buyers must execute a release authorizing the borough to obtain a credit report on the said buyers.

**SECTION 4.** That the parcel listed below is a tax foreclosed property retained for public purpose under KPB Ordinance 2004-15 as substandard lot (less than 40,000sf.). That in accordance with provisions of A.S. 29.45.460, the assembly finds that a public need no longer exists. Subject parcel has been enlarged by combining multiple small lots through survey plat No 2020-9 Kenai Recording District, curing the substandard size issue. As this parcel has been retained by the borough in excess of 19 years, marketable or clear title to subject parcel should now be available and properties can be marketed for sale.

Parcel ID	General Location	Legal Description	Last Owner of Record
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	Pylant, Fritz

**SECTION 5.** That parcels listed below are tax foreclosed properties retained for public purpose under KPB Ordinance 2012-23 as substandard lots (less than 40,000sf.). That in accordance with provisions of A.S. 29.45.460, the assembly finds that a public need no longer exists. Due to lots remaining substandard in size (.9 acres), though similar and consistent to adjacent properties, subject properties should be presented for sale

with special attention to the lot size and potential for engineered septic treatment system. As this parcel has been retained by the borough in excess of 10 years, marketable or clear title to subject parcel should now be available and properties can be marketed for sale.

Parcel ID	General Location	Legal Description	Last Owner of Record
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.	Delbert Leroy Henry and Norma Louise Henry, husband and wife as to fee estate and Clifford Bryon Killary and David Louis Goggia as to an equitable estate
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.	Delbert Leroy Henry and Norma Louise Henry, husband and wife as to fee estate and Clifford Bryon Killary and David Louis Goggia as to an equitable estate

**SECTION 6.** The sale of Parcels listed below are subject to and contingent upon the completion of a record of survey. As a result the legal descriptions and acreage information for subject parcels may be updated prior to sale. All marketing materials used for subject parcels will contain the most current information available at the time of printing. Prior to finalizing any contemplated sale, the buyer shall have the opportunity to inspect the record of survey information.

Assessor's Parcel No.	General Location	Legal Description	Acres
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
013-212-48	Nikiski Wik Lake	Government Lot 12, Section 5, Township 7 North, Range 11 West, Seward Meridian, Alaska. (Pending Record of Survey)	5.79
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 Recording District, State of Alaska.	0.98
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

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
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
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
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
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
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
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
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
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
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
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

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
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

**SECTION 7.** Upon successful sale at auction, buyer/bidder will enter into an agreement to acquire subject parcel, a down payment of 10 percent of the sale price, or \$1,500.00, whichever is greater, shall be deposited with KPB and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply, except that the borough shall retain the down payment, up to \$1,000, if the prospective buyer breaches a term of the sale.

**SECTION 8.** Auction records will contain first and second position bid amounts for each property. In the event the first position buyer is unable to perform, the property will be offered for sale to the second position bidder for the amount of the second position bid, provided that the second position bid amount is in excess of the established reserve. If the second position bidder is not interested or unable to perform, and the second position bid is in excess of the established reserve, the second position bid amount will become the stated sales price in the subsequent over the counter sale.

**SECTION 9.** For sales occurring in the over-the-counter, a 1.5 percent finder's fee will be paid by the borough to qualified finders with a \$300 minimum. At a minimum a qualified finder shall be a duly licensed real estate sales person authorized to perform such services under Alaska law. Successful bids less than \$20,000 will qualify for the \$300 minimum fee. This fee will be based on the bid amount of the successful bidder. Applications for finders will be received through the bid process. The borough will not contract directly with individual finders. The finder's fee is applicable only to over-the-counter sales authorized by this ordinance.

**SECTION 10.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.

**SECTION 11.** This ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS  
DAY OF \*, 2021.**

\_\_\_\_\_  
Brent Hibbert, Assembly President

ATTEST:

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

Yes:

No:



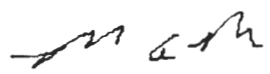
Absent:


Kenai Peninsula Borough  
Planning Department – Land Management Division

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**MEMORANDUM**

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

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

**FROM:** Aaron Hughes, Land Management Agent 

**DATE:** June 3, 2021

**RE:** Ordinance 2021-23, Authorizing the Sale of Certain Parcels of Borough Owned Land by Outcry Auction Followed by an Over-the-Counter Sale (Mayor)

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The Kenai Peninsula Borough (KPB) Land Management Division has identified certain parcels of land that are surplus to the KPB's needs. These parcels could be placed in a competitive market value land sale by outcry auction, followed by an over-the-counter sale. Attached are vicinity and parcel site maps showing the location of each parcel. Auction reserves and minimum sale prices are proposed to be set at the estimated fair market value as determined through consultation with the KPB Assessing Department.

The live outcry auction is proposed for August 14, 2021, to be held at Soldotna High School. A sale brochure will identify the parcels and provide a brief explanation of the auction and subsequent closing process. Notice of the land sale will be published in accordance with KPB 17.10.110 and the brochure will be made available on the KPB Land Management Division's website. The ordinance provides a framework to reschedule the auction in the event the August 14<sup>th</sup> date gets cancelled, in recognition of Covid-related uncertainties.

A finder's fee is not proposed for sales occurring in the outcry auction. A finder's fee is proposed to be offered for the sale of any remaining properties through an over-the-counter land sale as described in the ordinance.

This ordinance would authorize an outcry auction land sale of certain parcels of borough land followed by an over-the-counter land sale of the parcels not sold at auction.

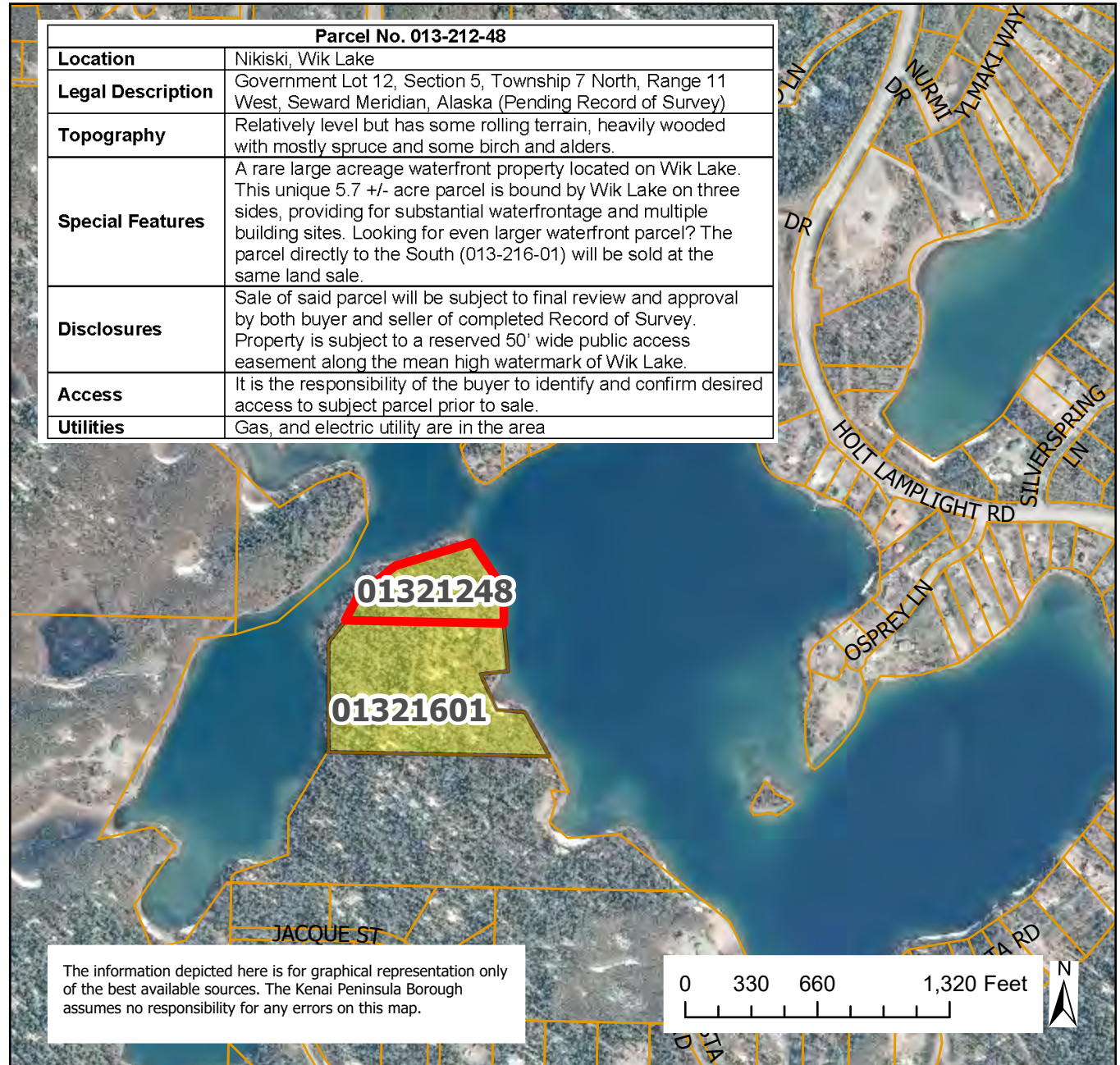
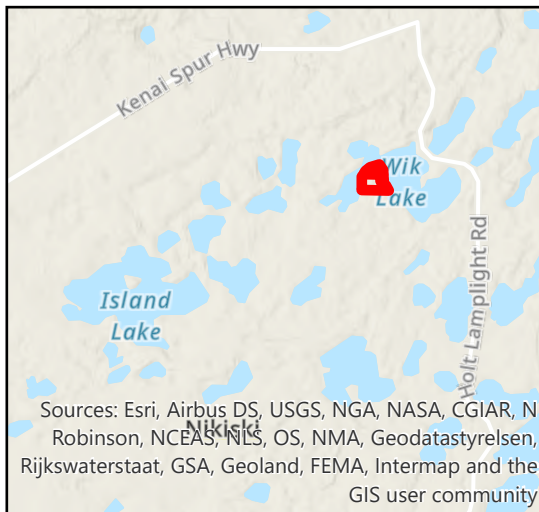
The Planning Commission will hold a public hearing on June 28, 2021 and will forward its recommendations to the assembly. Your review and consideration of this ordinance is appreciated.



Minimum Bid  
TBD

Acres: 5.79 +/-

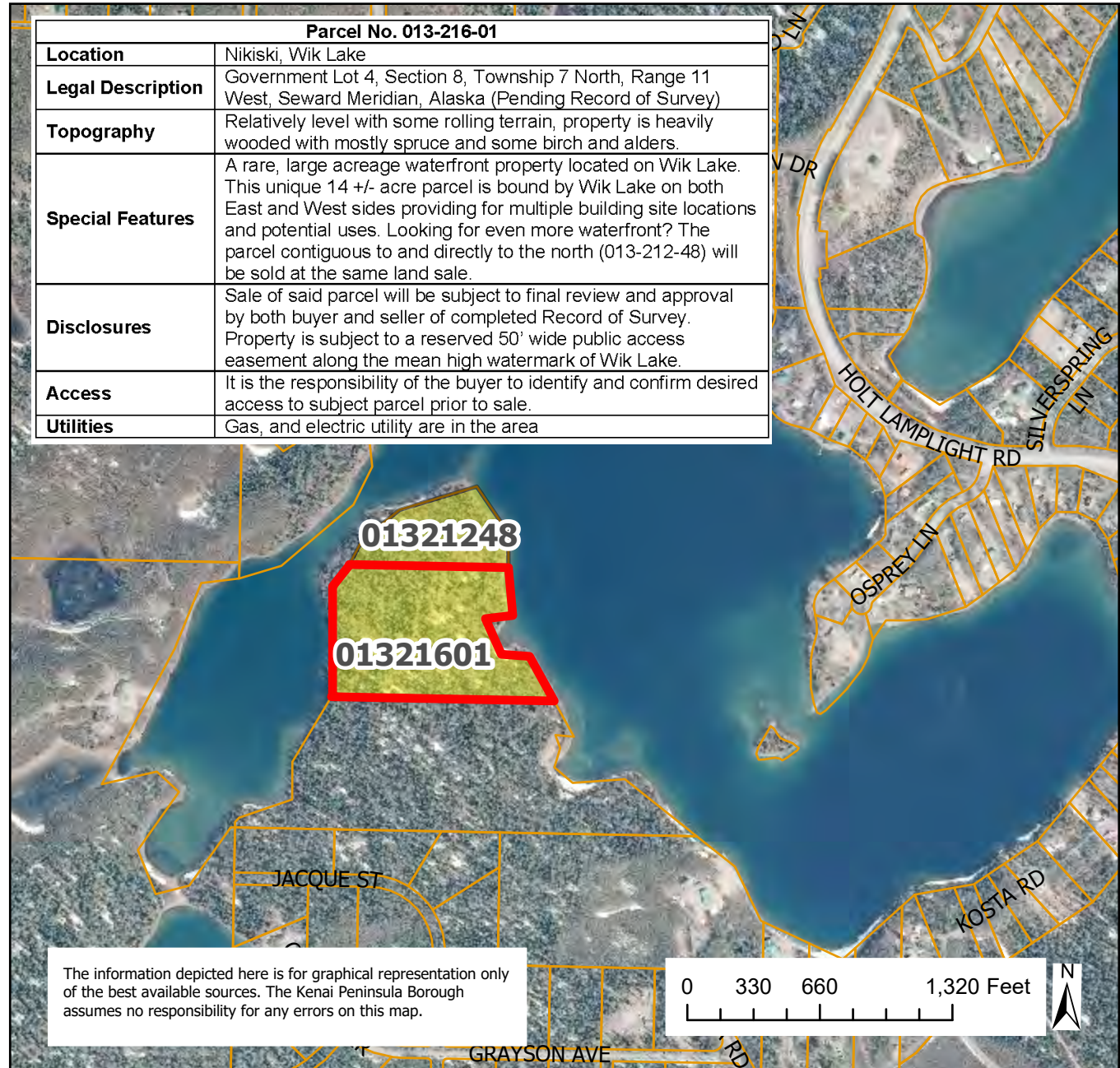
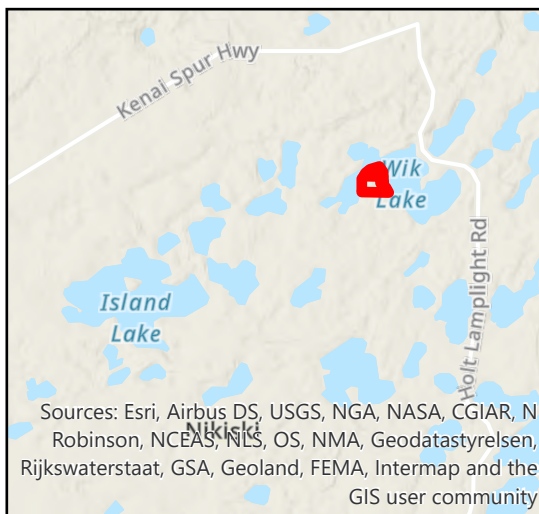
Parcel No. 013-212-48	
<b>Location</b>	Nikiski, Wik Lake
<b>Legal Description</b>	Government Lot 12, Section 5, Township 7 North, Range 11 West, Seward Meridian, Alaska (Pending Record of Survey)
<b>Topography</b>	Relatively level but has some rolling terrain, heavily wooded with mostly spruce and some birch and alders.
<b>Special Features</b>	A rare large acreage waterfront property located on Wik Lake. This unique 5.7 +/- acre parcel is bound by Wik Lake on three sides, providing for substantial waterfrontage and multiple building sites. Looking for even larger waterfront parcel? The parcel directly to the South (013-216-01) will be sold at the same land sale.
<b>Disclosures</b>	Sale of said parcel will be subject to final review and approval by both buyer and seller of completed Record of Survey. Property is subject to a reserved 50' wide public access easement along the mean high watermark of Wik Lake.
<b>Access</b>	It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Gas, and electric utility are in the area



Minimum Bid  
TBD

Acres: 14.1 +/-

Parcel No. 013-216-01	
<b>Location</b>	Nikiski, Wik Lake
<b>Legal Description</b>	Government Lot 4, Section 8, Township 7 North, Range 11 West, Seward Meridian, Alaska (Pending Record of Survey)
<b>Topography</b>	Relatively level with some rolling terrain, property is heavily wooded with mostly spruce and some birch and alders.
<b>Special Features</b>	A rare, large acreage waterfront property located on Wik Lake. This unique 14 +/- acre parcel is bound by Wik Lake on both East and West sides providing for multiple building site locations and potential uses. Looking for even more waterfront? The parcel contiguous to and directly to the north (013-212-48) will be sold at the same land sale.
<b>Disclosures</b>	Sale of said parcel will be subject to final review and approval by both buyer and seller of completed Record of Survey. Property is subject to a reserved 50' wide public access easement along the mean high watermark of Wik Lake.
<b>Access</b>	It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Gas, and electric utility are in the area





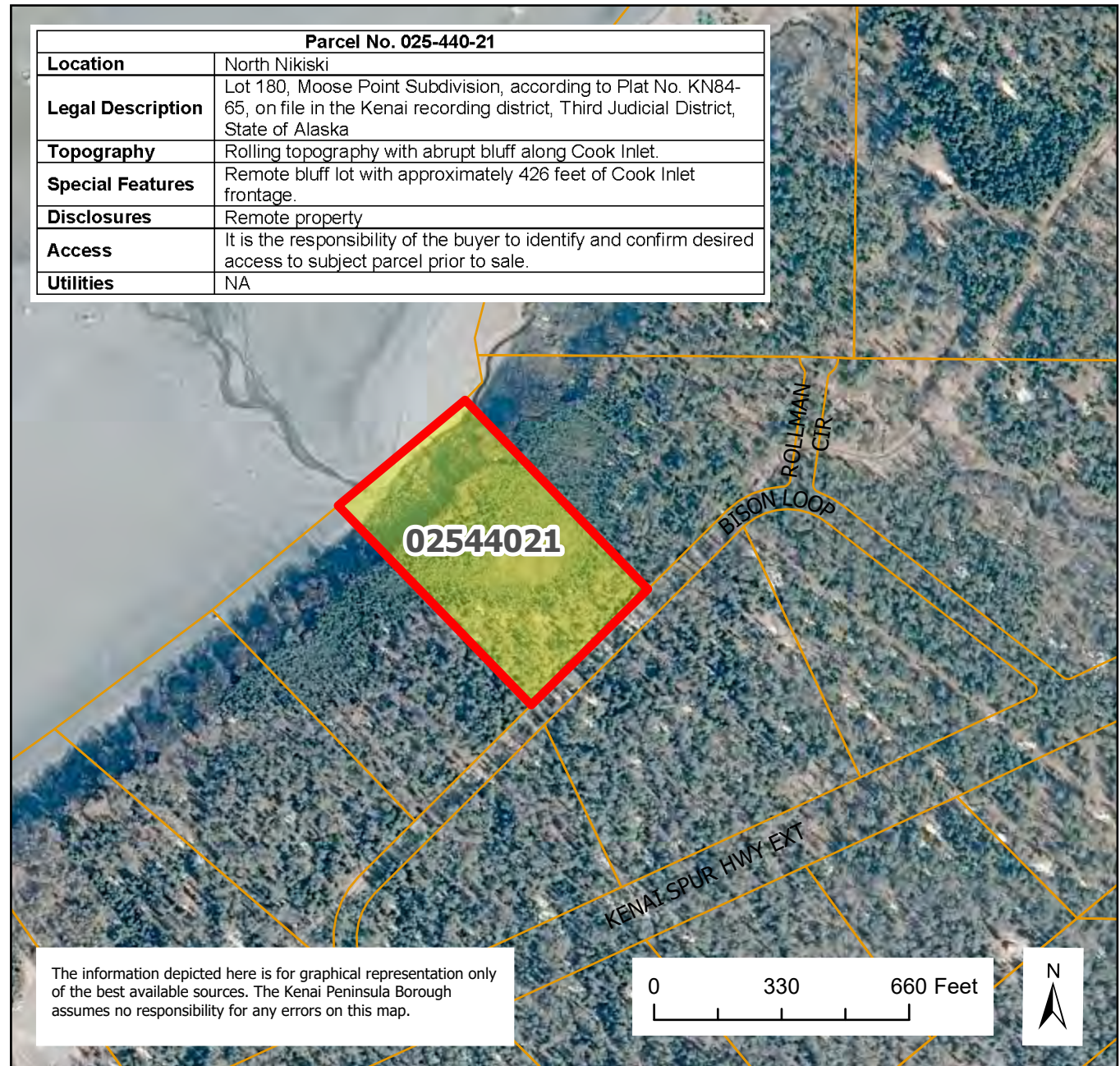
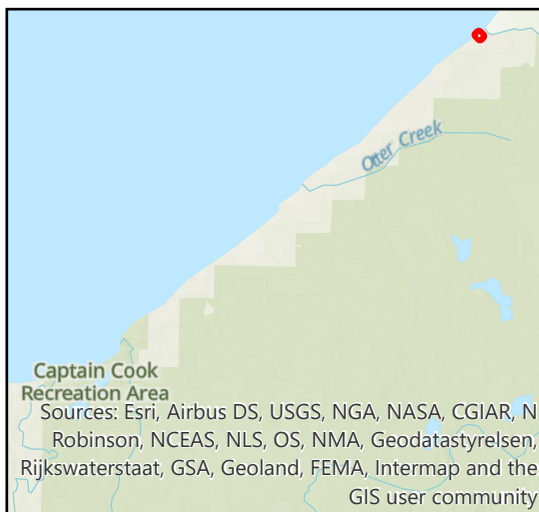
Parcel No. 025-440-21

North Nikiski- Moose Point Subdivision, Alaska

Minimum Bid  
TBD

Acres: 6.8 +/-

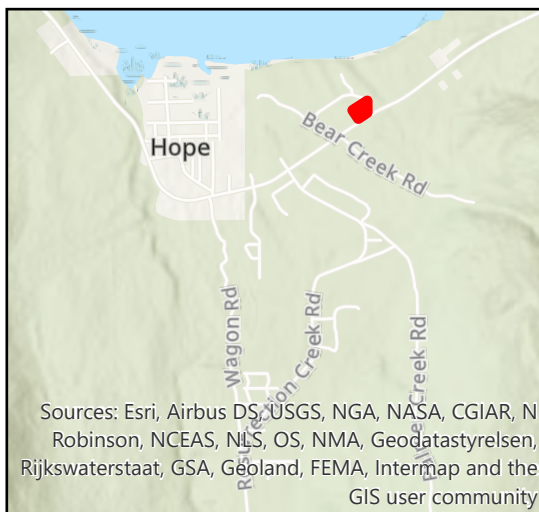
Parcel No. 025-440-21	
Location	North Nikiski
Legal Description	Lot 180, Moose Point Subdivision, according to Plat No. KN84-65, on file in the Kenai recording district, Third Judicial District, State of Alaska
Topography	Rolling topography with abrupt bluff along Cook Inlet.
Special Features	Remote bluff lot with approximately 426 feet of Cook Inlet frontage.
Disclosures	Remote property
Access	It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
Utilities	NA



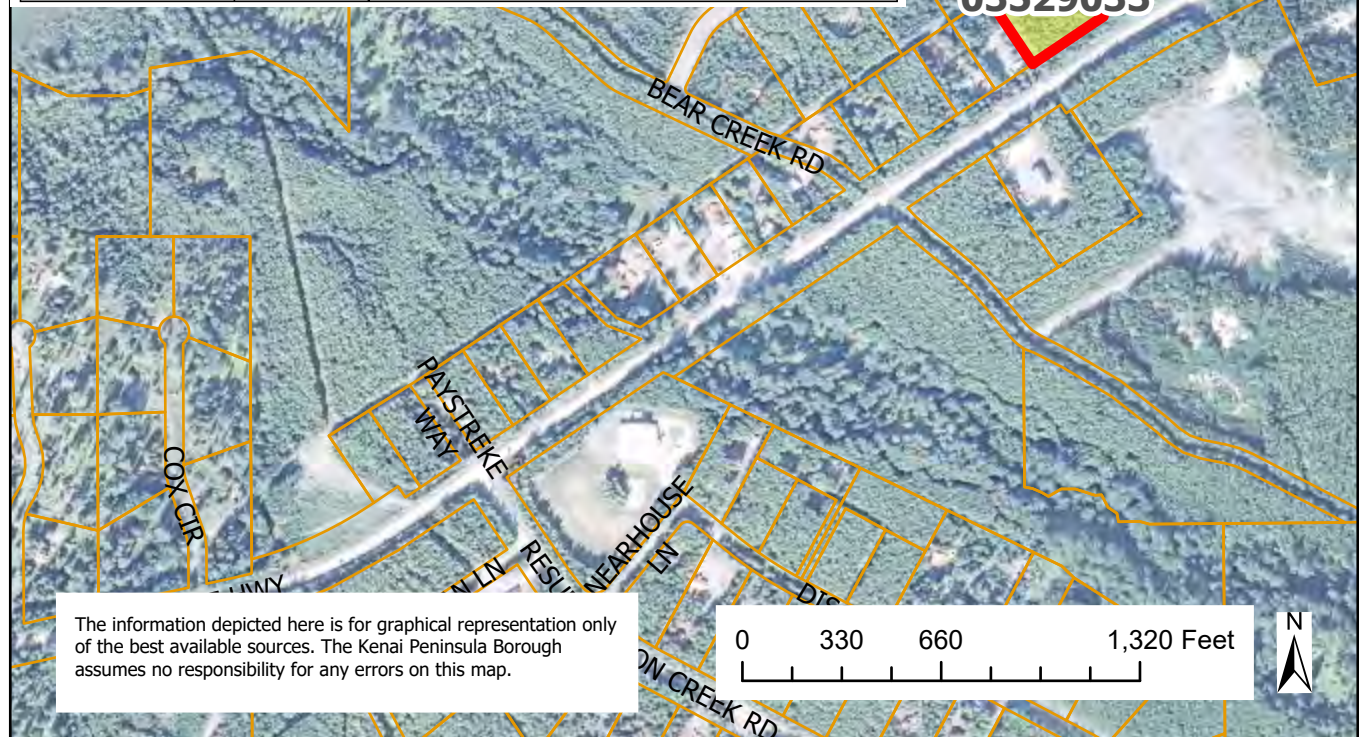


Minimum Bid  
TBD

Acres: 2.2 +/-



Parcel No. 035-290-33	
<b>Location</b>	Hope
<b>Legal Description</b>	Lot 7 of Percy Hope Subdivision as shown on Plat No. 2010-8, Seward Recording District, State of Alaska.
<b>Topography</b>	Subject parcel is relatively level with broken and rolling terrain. Vegetation consists mostly of smaller diameter spruce and some birch and alders.
<b>Special Features</b>	This 2.2 +/- acre parcel located East of Hope abuts Hope Highway to the South, providing approximately 283 feet of Highway frontage. Proper lot preparation could provide mountain views and highway exposure. This parcel is zoned Rural, providing a wide variety of options for its future use
<b>Disclosures</b>	Subject parcel was excluded from Local Option Zoning encumbering adjacent parcels. Access approach from the Hope Highway will require a permit from the State of Alaska and would be subject to any terms and conditions thereof.
<b>Access</b>	Potential access may be gained by Hope Highway and subject to any restrictions and or approach agreements required by the State of Alaska. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Electric utility is available in the area

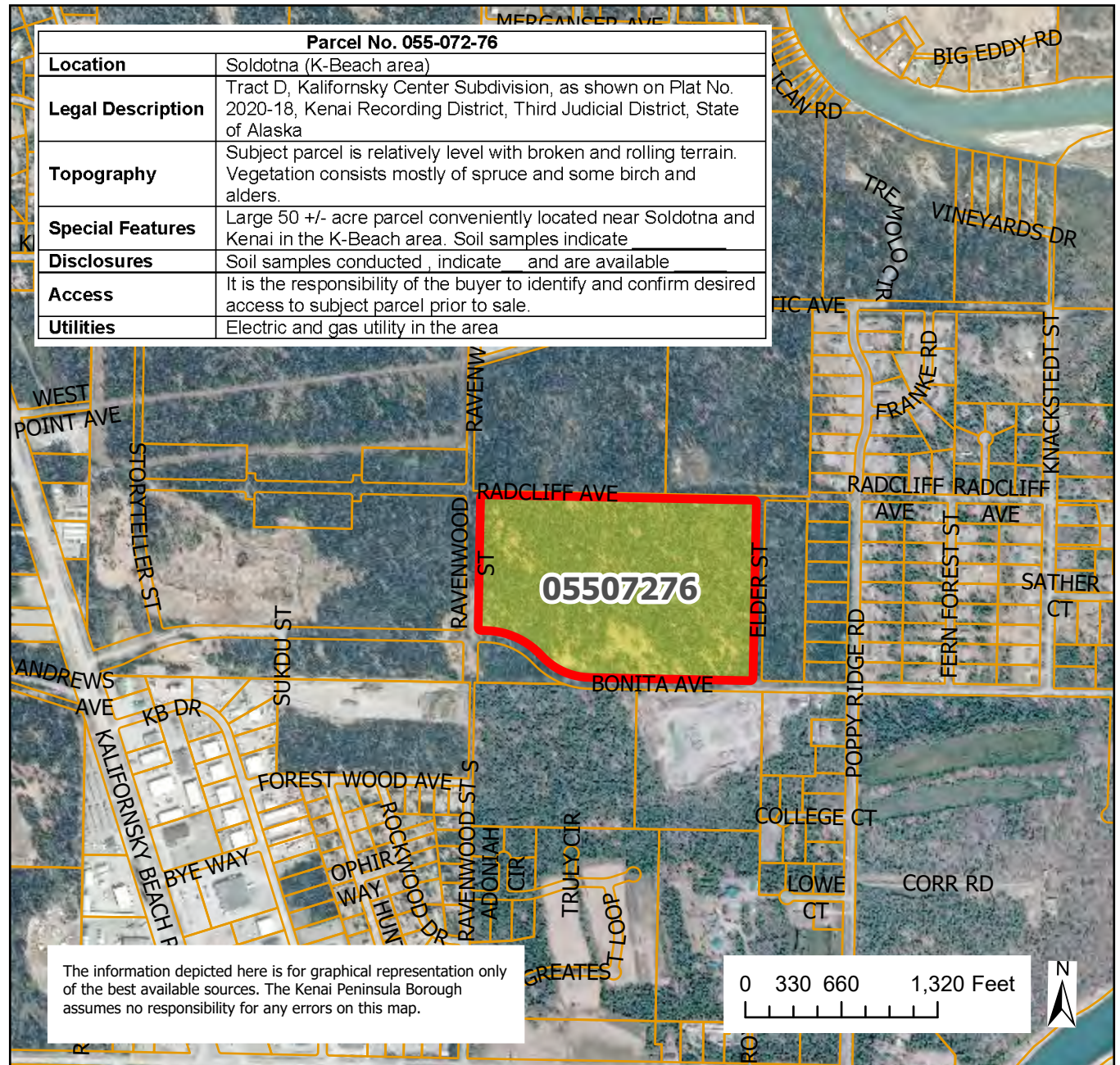
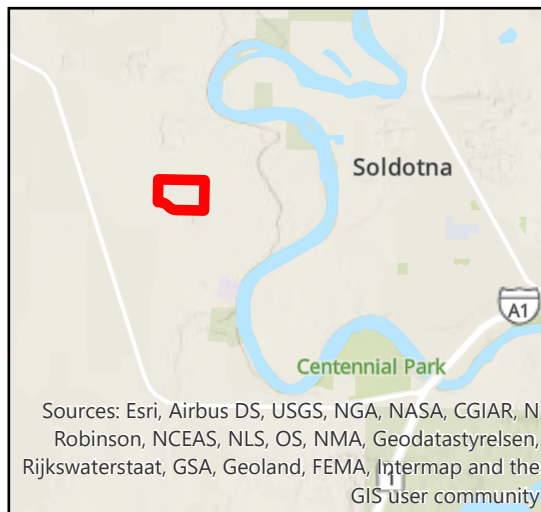




Minimum Bid  
TBD

Acres: 50.96 +/-

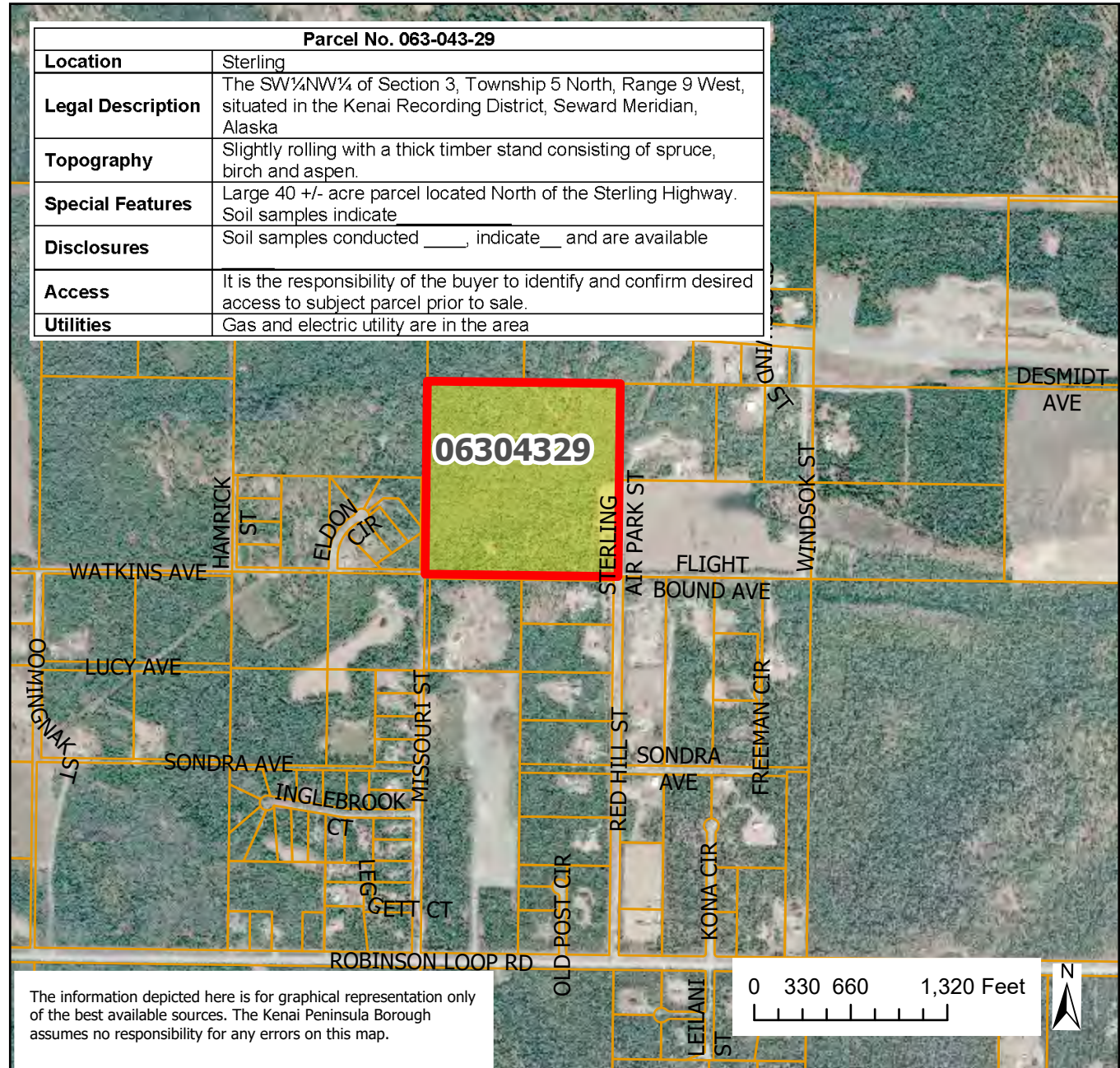
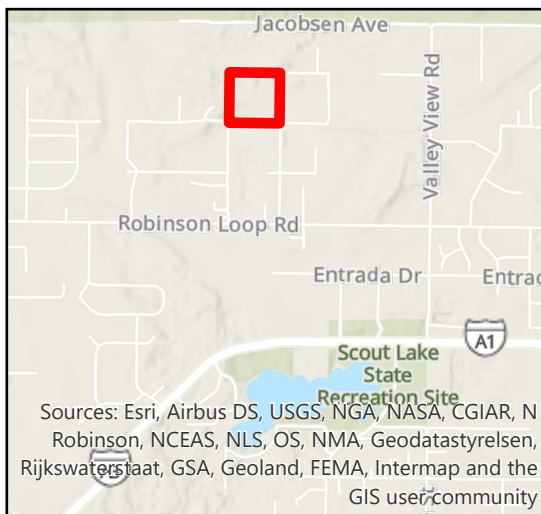
Parcel No. 055-072-76	
<b>Location</b>	Soldotna (K-Beach area)
<b>Legal Description</b>	Tract D, Kalifornsky Center Subdivision, as shown on Plat No. 2020-18, Kenai Recording District, Third Judicial District, State of Alaska
<b>Topography</b>	Subject parcel is relatively level with broken and rolling terrain. Vegetation consists mostly of spruce and some birch and alders.
<b>Special Features</b>	Large 50 +/- acre parcel conveniently located near Soldotna and Kenai in the K-Beach area. Soil samples indicate
<b>Disclosures</b>	Soil samples conducted, indicate and are available
<b>Access</b>	It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Electric and gas utility in the area





Minimum Bid  
TBD

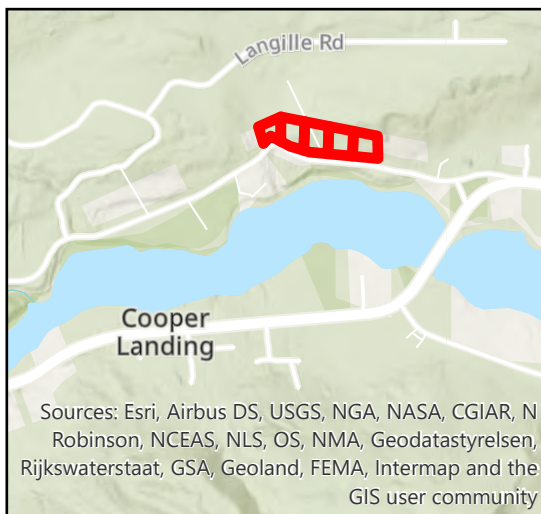
Acres: 40 +/-



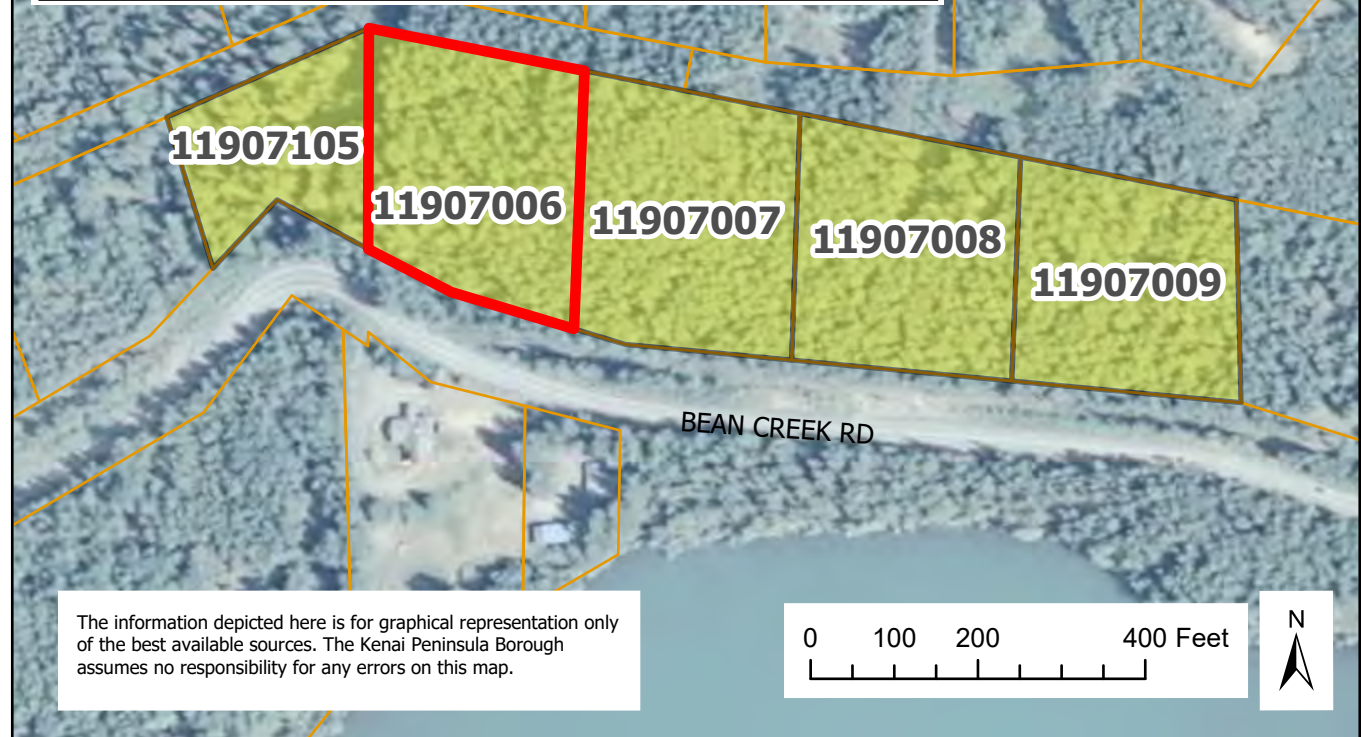


Minimum Bid  
TBD

Acres: 1.7 +/-



Parcel No. 119-070-06	
<b>Location</b>	Cooper Landing
<b>Legal Description</b>	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.
<b>Topography</b>	Subject property is broken with a mix of slopes and benches. Parcel is timbered with a mix of spruce and birch.
<b>Special Features</b>	View parcel North of the Kenai River in the Cooper Landing area. Lots have a Southern exposure and with proper clearing will provide mountain and Kenai River views. Close proximity to local public recreation access.
<b>Disclosures</b>	Sale of said parcel will be subject to final review and approval by both buyer and seller of completed Record of Survey. Subject to utility easement across southern boundary.
<b>Access</b>	Potential access may be obtained by Sterling Highway to Bean Creek Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Electric utility is in the area.



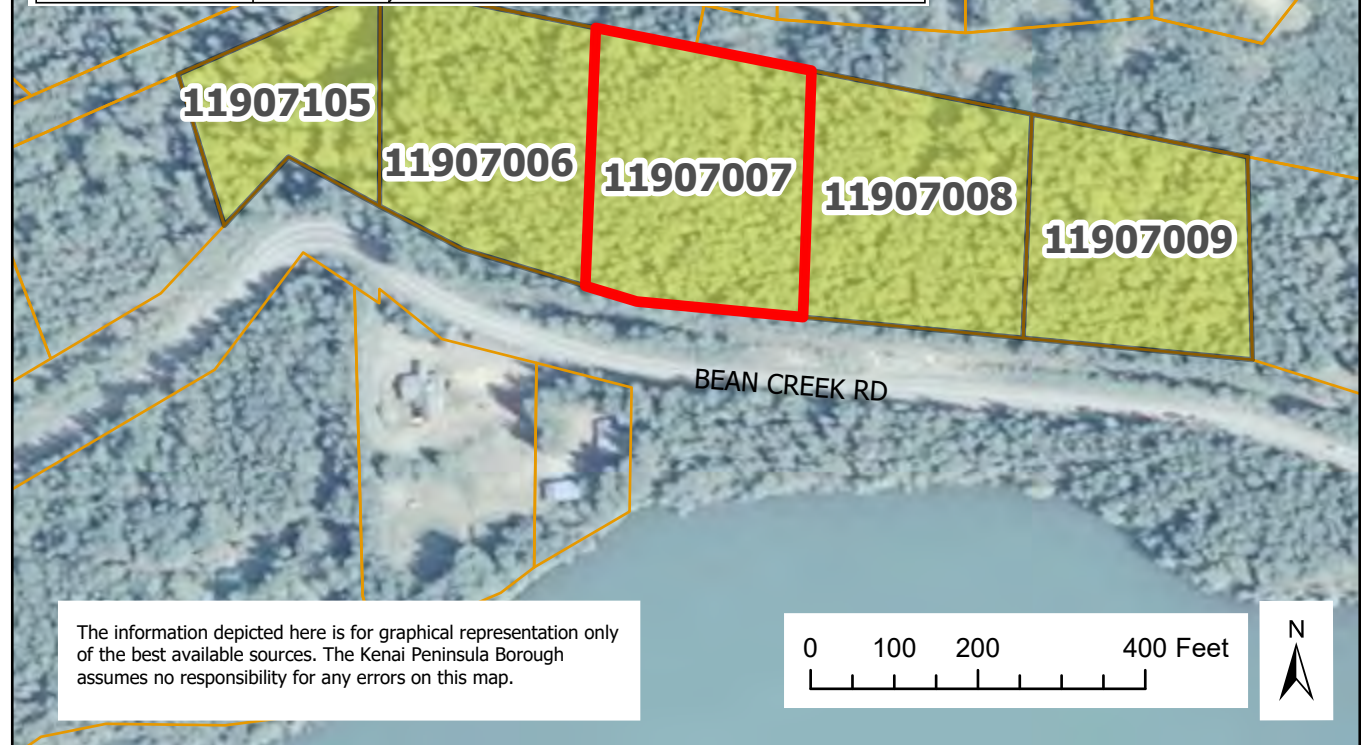


Minimum Bid  
TBD

Acres: 1.83 +/-



Parcel No. 119-070-07	
<b>Location</b>	Cooper Landing
<b>Legal Description</b>	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.
<b>Topography</b>	Subject property is broken with a mix of slopes and benches. Parcel is timbered with a mix of spruce and birch.
<b>Special Features</b>	View parcel North of the Kenai River in the Cooper Landing area. Lots have a Southern exposure and with proper clearing will provide mountain and Kenai River views. Close proximity to local public recreation access.
<b>Disclosures</b>	Sale of said parcel will be subject to final review and approval by both buyer and seller of completed Record of Survey. Subject to utility easement across southern boundary.
<b>Access</b>	Potential access may be obtained by Sterling Highway to Bean Creek Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Electric utility is in the area.



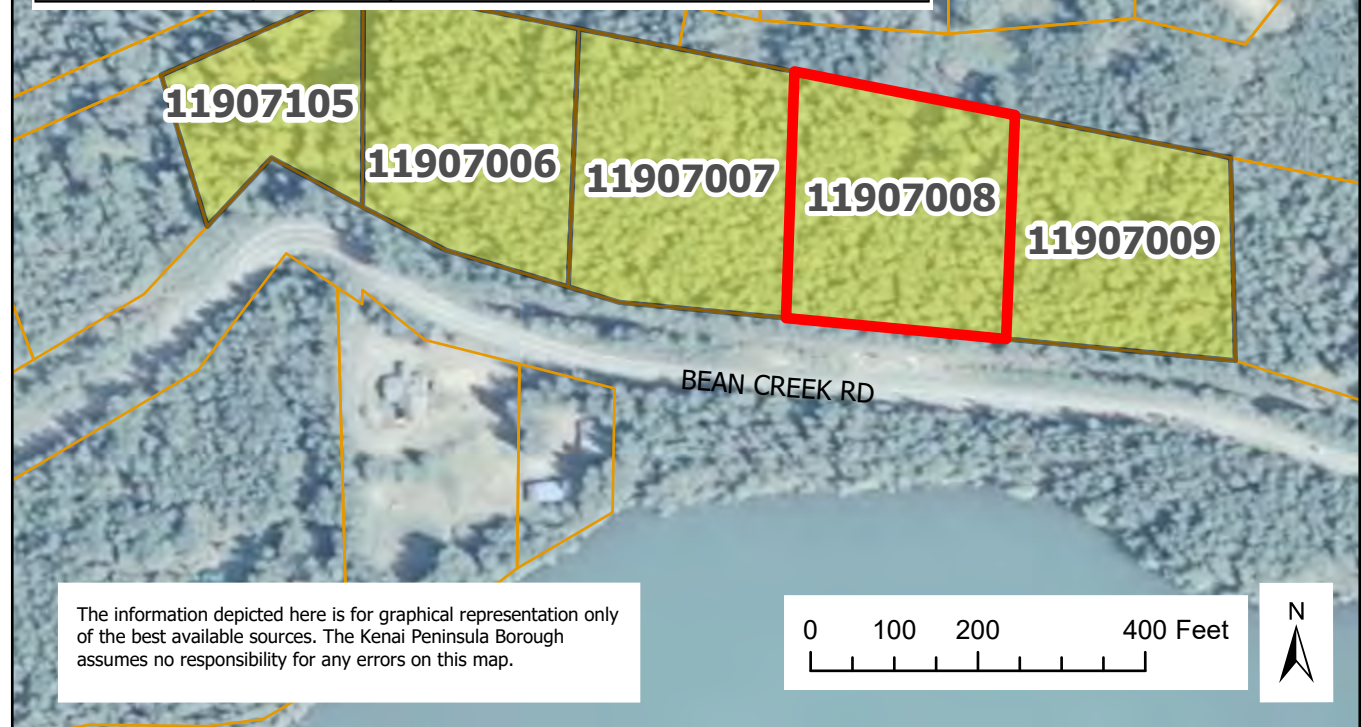


Minimum Bid  
TBD

Acres: 1.69 +/-



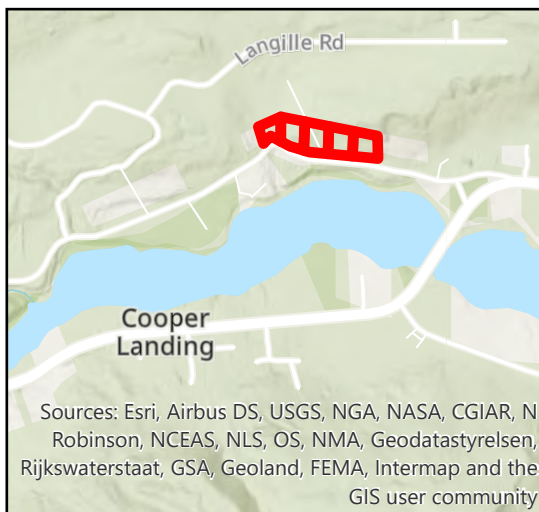
Parcel No. 119-070-08	
<b>Location</b>	Cooper Landing
<b>Legal Description</b>	Lot 19 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska.
<b>Topography</b>	Subject property is broken with a mix of slopes and benches. Parcel is timbered with a mix of spruce and birch.
<b>Special Features</b>	View parcel North of the Kenai River in the Cooper Landing area. Lots have a Southern exposure and with proper clearing will provide mountain and Kenai River views. Close proximity to local public recreation access.
<b>Disclosures</b>	Sale of said parcel will be subject to final review and approval by both buyer and seller of completed Record of Survey. Subject to utility easement across southern boundary.
<b>Access</b>	Potential access may be obtained by Sterling Highway to Bean Creek Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Electric utility is in the area.



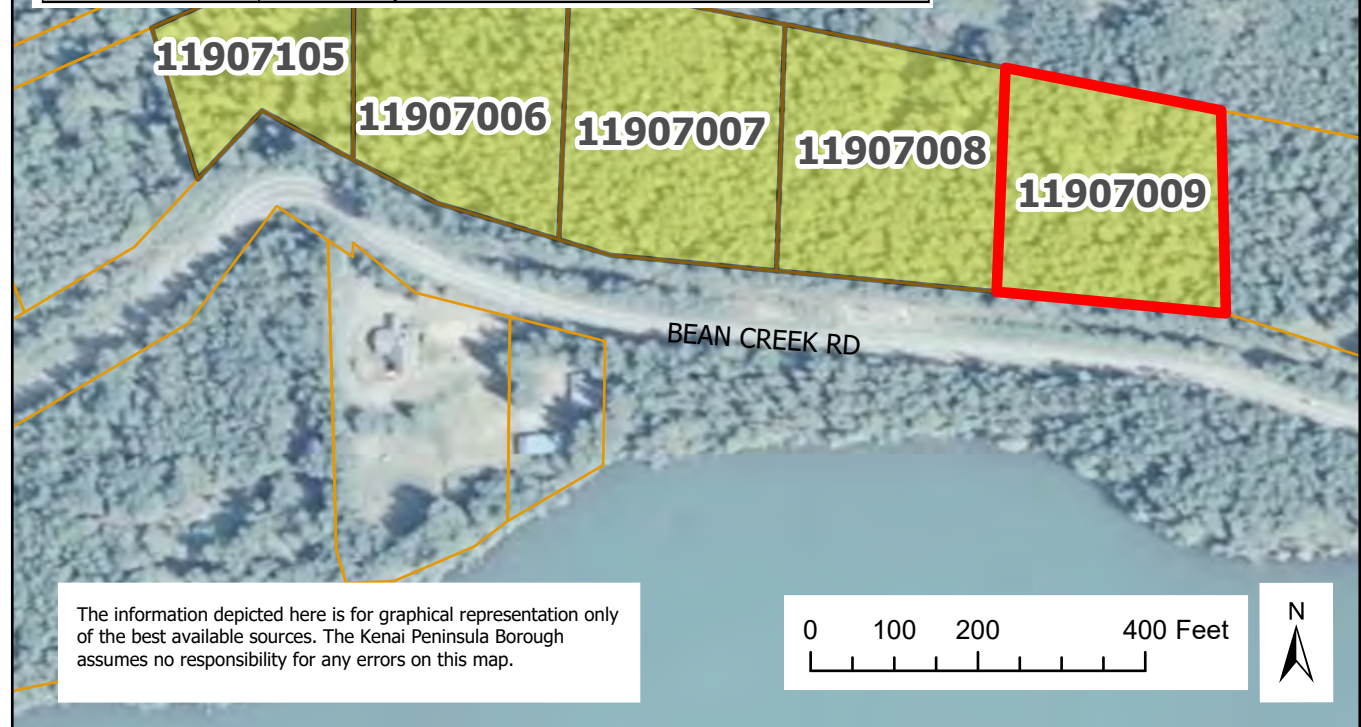


Minimum Bid  
TBD

Acres: 1.54 +/-



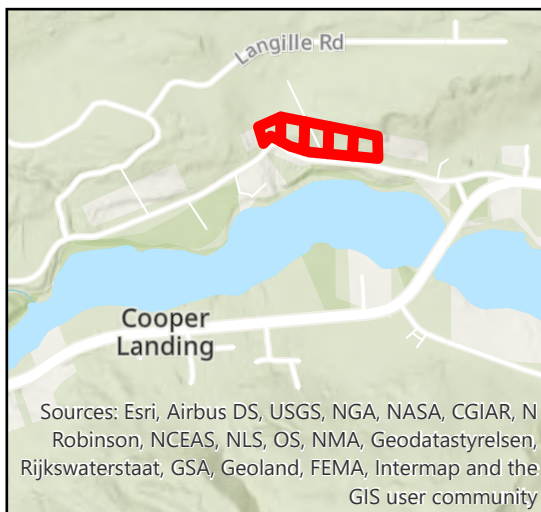
Parcel No. 119-070-09	
<b>Location</b>	Cooper Landing
<b>Legal Description</b>	Lot 20 of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska.
<b>Topography</b>	Subject property is broken with a mix of slopes and benches. Parcel is timbered with a mix of spruce and birch.
<b>Special Features</b>	View parcel North of the Kenai River in the Cooper Landing area. Lots have a Southern exposure and with proper clearing will provide mountain and Kenai River views. Close proximity to local public recreation access.
<b>Disclosures</b>	Sale of said parcel will be subject to final review and approval by both buyer and seller of completed Record of Survey. Subject to utility easement across southern boundary.
<b>Access</b>	Potential access may be obtained by Sterling Highway to Bean Creek Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Electric utility is in the area.



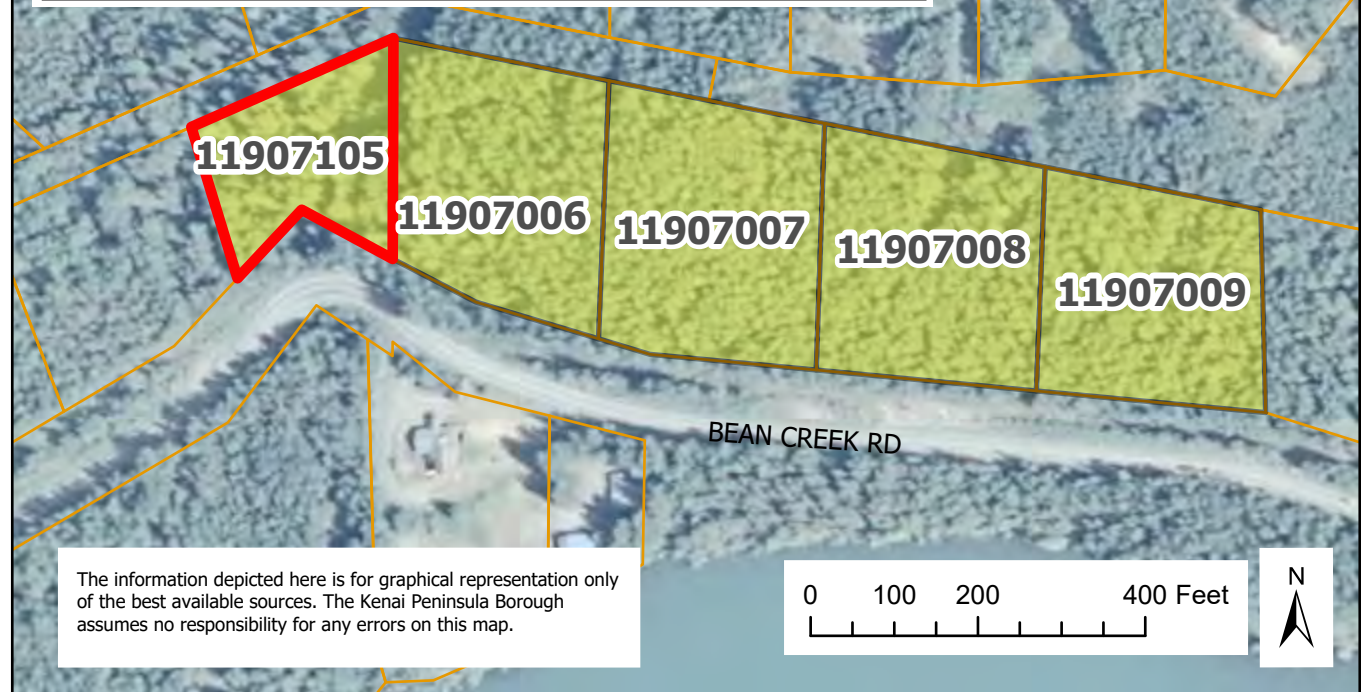


Minimum Bid  
TBD

Acres: 0.98 +/-



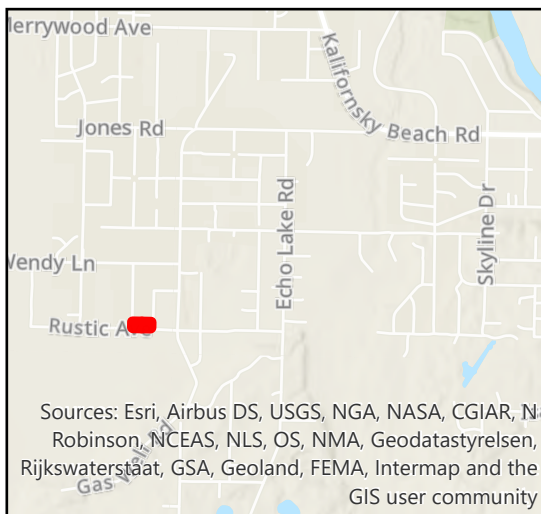
Parcel No. 119-071-05	
<b>Location</b>	Cooper Landing
<b>Legal Description</b>	Lot 16A of US Survey 3306 in Section 28, Township 5 North, Range 3 West, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management on January 24, 1955, Seward Recording District, State of Alaska.
<b>Topography</b>	Subject property is broken with a mix of slopes and benches. Parcel is timbered with spruce and birch.
<b>Special Features</b>	View parcel North of the Kenai River in the Cooper Landing area. Lots have a Southern exposure and with proper clearing will provide mountain and Kenai River views. A small creek flows through property. Close proximity to local public recreation access sites.
<b>Disclosures</b>	Sale of said parcel will be subject to final review and approval by both buyer and seller of completed Record of Survey. Subject to recorded easement for water use from creek. Subject to utility easement across southern boundary.
<b>Access</b>	Potential access may be obtained by Sterling Highway to Bean Creek Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Electric utility is in the area.



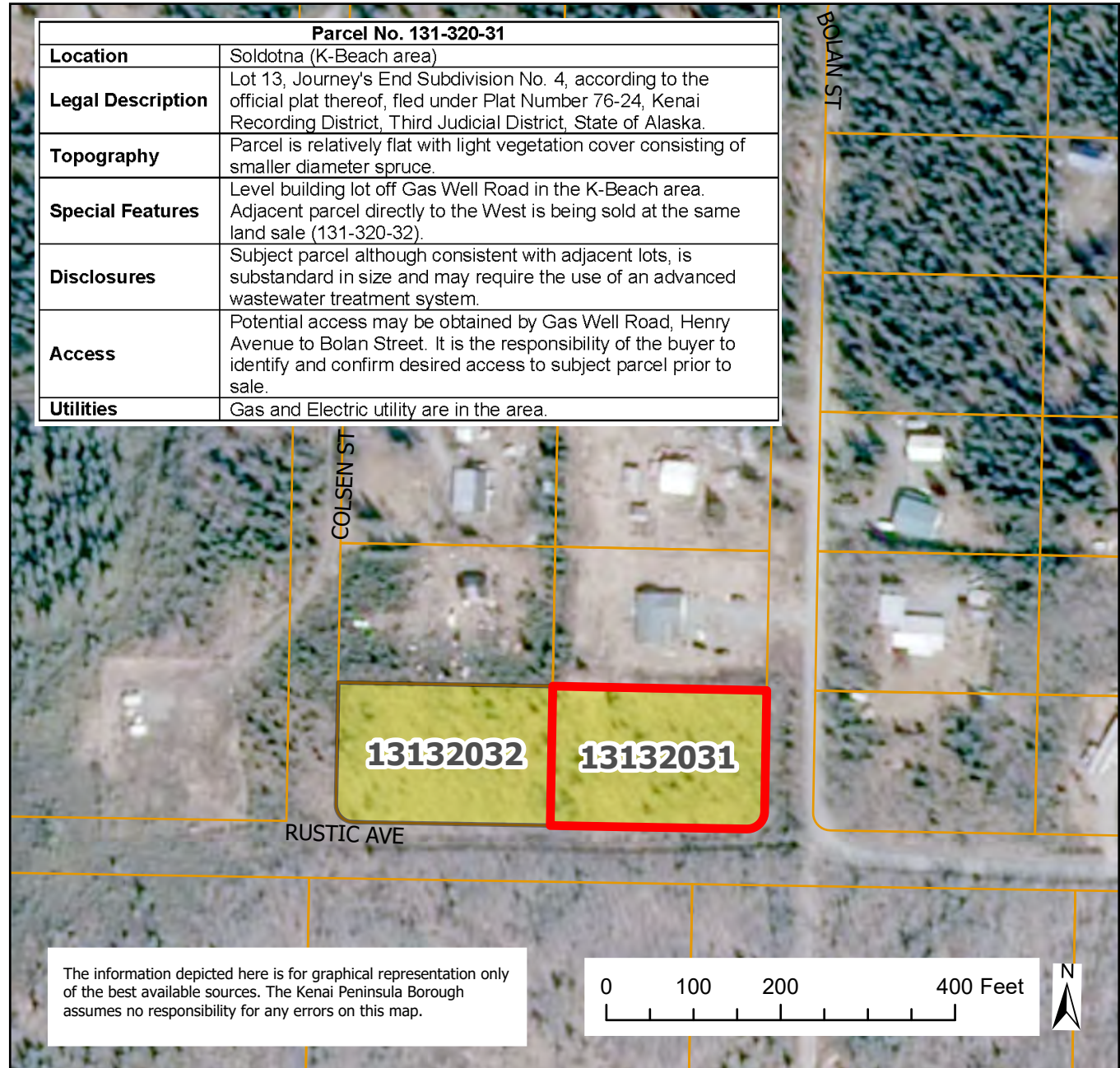


Minimum Bid  
TBD

Acres: 0.9 +/-

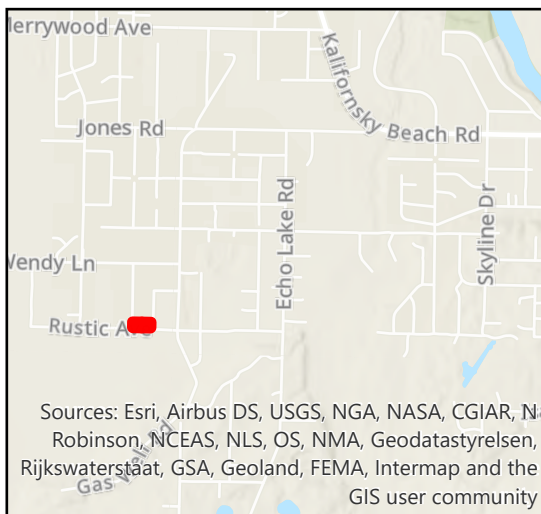


Parcel No. 131-320-31	
<b>Location</b>	Soldotna (K-Beach area)
<b>Legal Description</b>	Lot 13, Journey's End Subdivision No. 4, according to the official plat thereof, filed under Plat Number 76-24, Kenai Recording District, Third Judicial District, State of Alaska.
<b>Topography</b>	Parcel is relatively flat with light vegetation cover consisting of smaller diameter spruce.
<b>Special Features</b>	Level building lot off Gas Well Road in the K-Beach area. Adjacent parcel directly to the West is being sold at the same land sale (131-320-32).
<b>Disclosures</b>	Subject parcel although consistent with adjacent lots, is substandard in size and may require the use of an advanced wastewater treatment system.
<b>Access</b>	Potential access may be obtained by Gas Well Road, Henry Avenue to Bolan Street. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Gas and Electric utility are in the area.

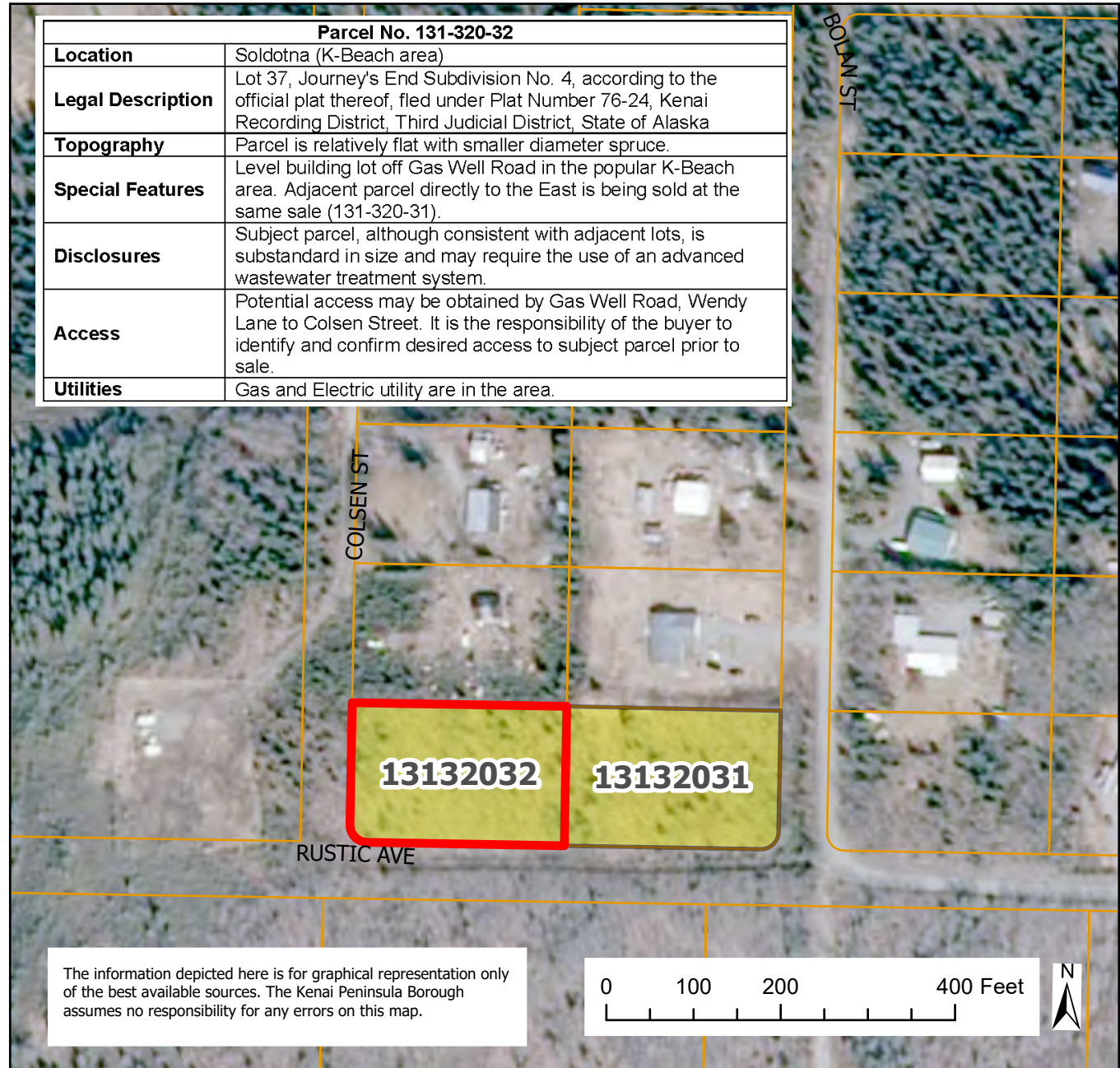


Minimum Bid  
TBD

Acres: 0.9 +/-



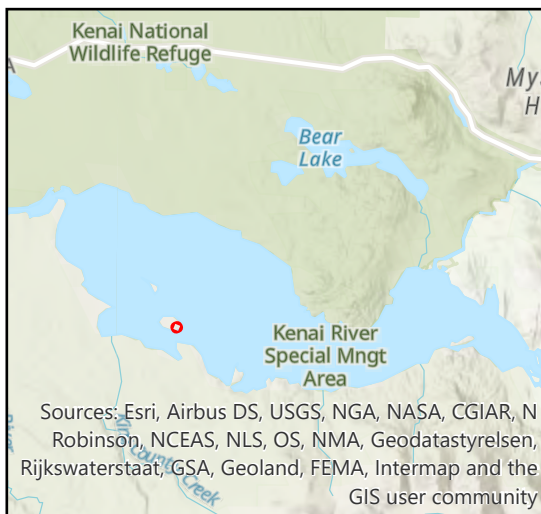
Parcel No. 131-320-32	
<b>Location</b>	Soldotna (K-Beach area)
<b>Legal Description</b>	Lot 37, Journey's End Subdivision No. 4, according to the official plat thereof, fled under Plat Number 76-24, Kenai Recording District, Third Judicial District, State of Alaska
<b>Topography</b>	Parcel is relatively flat with smaller diameter spruce.
<b>Special Features</b>	Level building lot off Gas Well Road in the popular K-Beach area. Adjacent parcel directly to the East is being sold at the same sale (131-320-31).
<b>Disclosures</b>	Subject parcel, although consistent with adjacent lots, is substandard in size and may require the use of an advanced wastewater treatment system.
<b>Access</b>	Potential access may be obtained by Gas Well Road, Wendy Lane to Colsen Street. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Gas and Electric utility are in the area.



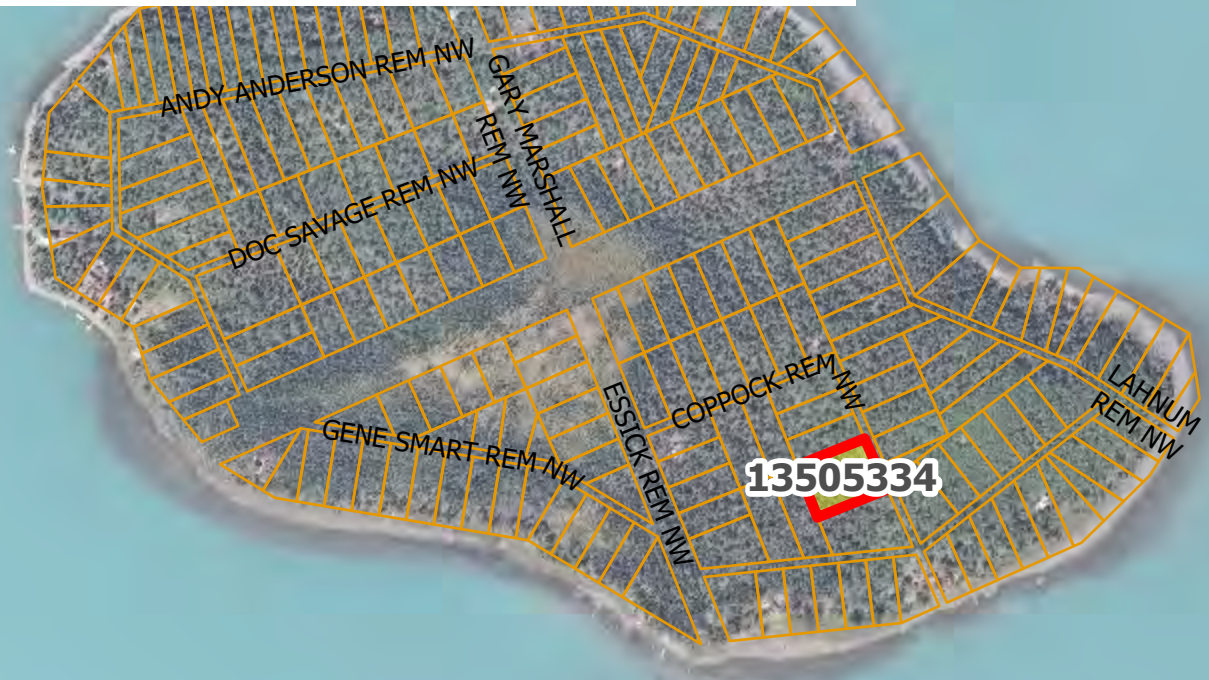


Minimum Bid  
TBD

Acres: 1.2 +/-



Parcel No. 135-053-34	
<b>Location</b>	Caribou Island (Skilak Lake)
<b>Legal Description</b>	Lot 4A of Block 4, Caribou Island Subdivision KPB 2020 Replat, as shown on Plat No. 2020-9, Seward Recording District, State of Alaska
<b>Topography</b>	Parcel is mostly level with a mixed timber stand of Spruce and Birch.
<b>Special Features</b>	Remote, larger acreage interior Caribou Island lot located on Skilak Lake.
<b>Disclosures</b>	Remote property. It is buyers responsibility to conduct adequate due diligence prior to the sale.
<b>Access</b>	Remote. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	No utilities available

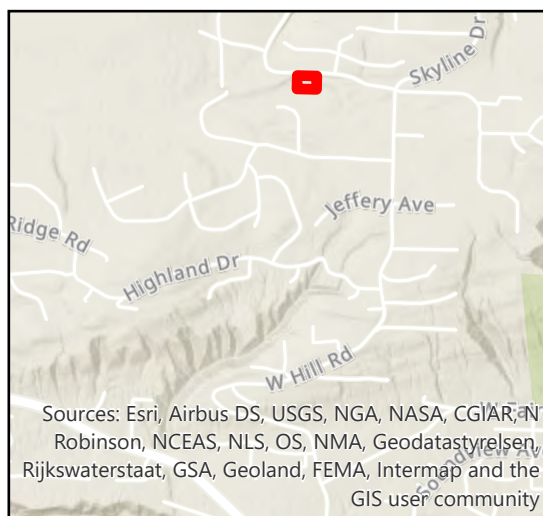


The information depicted here is for graphical representation only of the best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

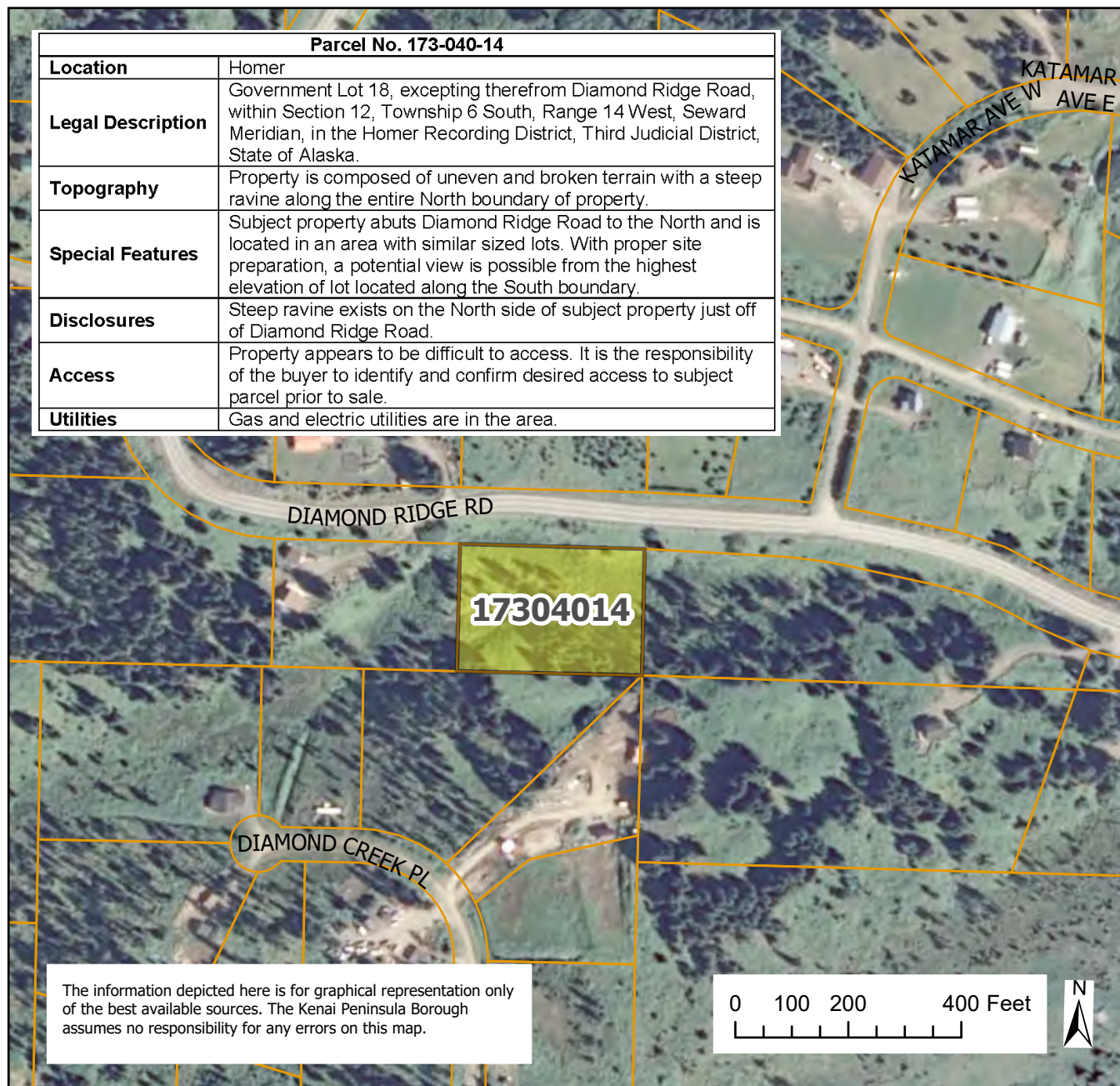


Minimum Bid  
TBD

Acres: 2.05 +/-



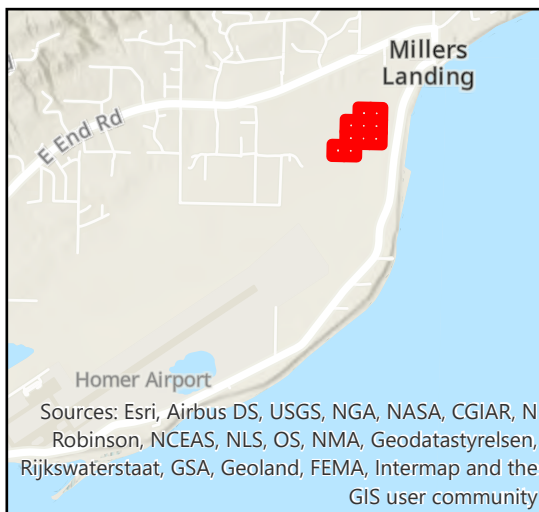
Parcel No. 173-040-14	
<b>Location</b>	Homer
<b>Legal Description</b>	Government Lot 18, excepting therefrom Diamond Ridge Road, within Section 12, Township 6 South, Range 14 West, Seward Meridian, in the Homer Recording District, Third Judicial District, State of Alaska.
<b>Topography</b>	Property is composed of uneven and broken terrain with a steep ravine along the entire North boundary of property.
<b>Special Features</b>	Subject property abuts Diamond Ridge Road to the North and is located in an area with similar sized lots. With proper site preparation, a potential view is possible from the highest elevation of lot located along the South boundary.
<b>Disclosures</b>	Steep ravine exists on the North side of subject property just off of Diamond Ridge Road.
<b>Access</b>	Property appears to be difficult to access. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Gas and electric utilities are in the area.





Minimum Bid  
TBD

Acres: 2.5 +/- Each

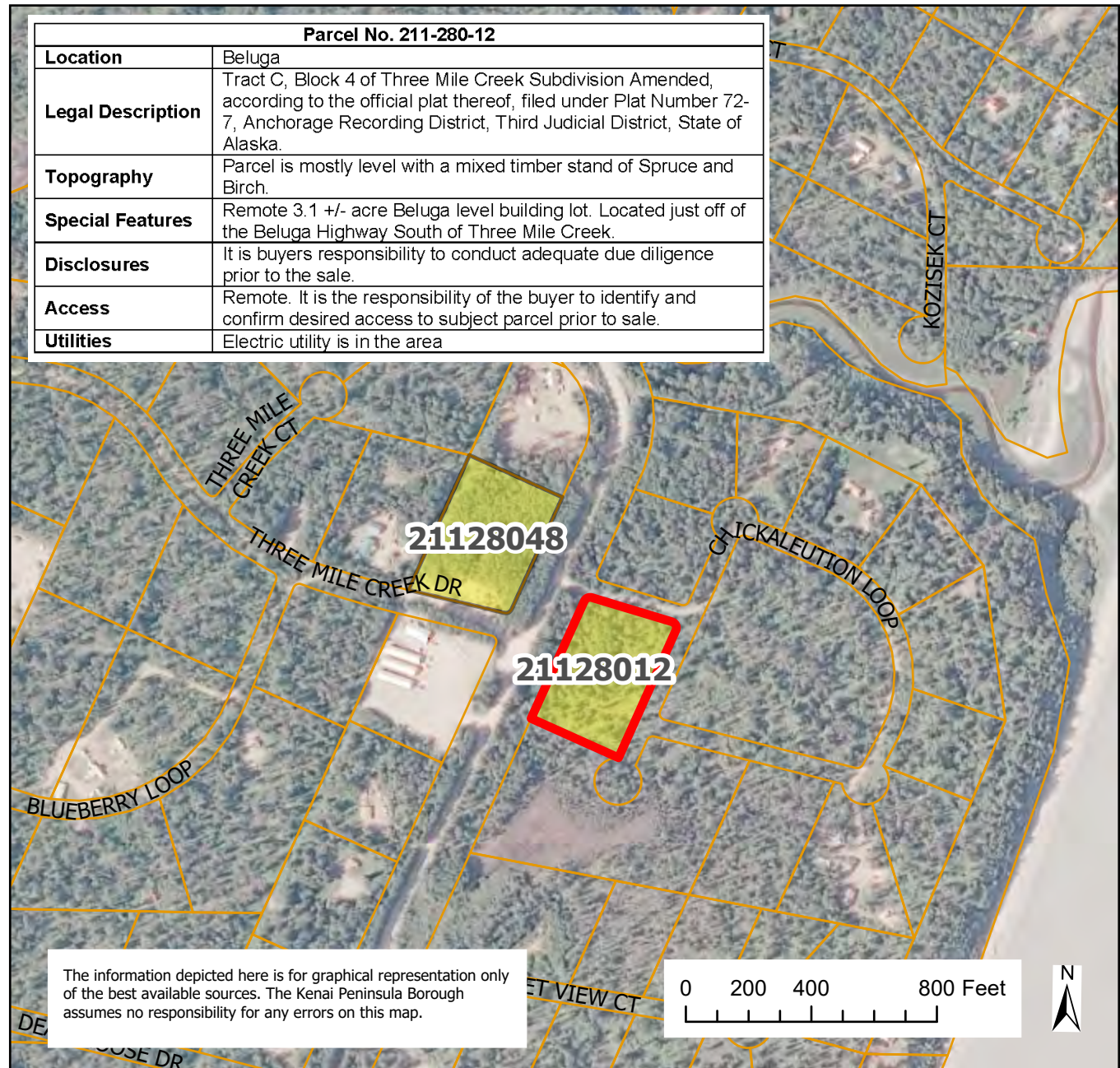
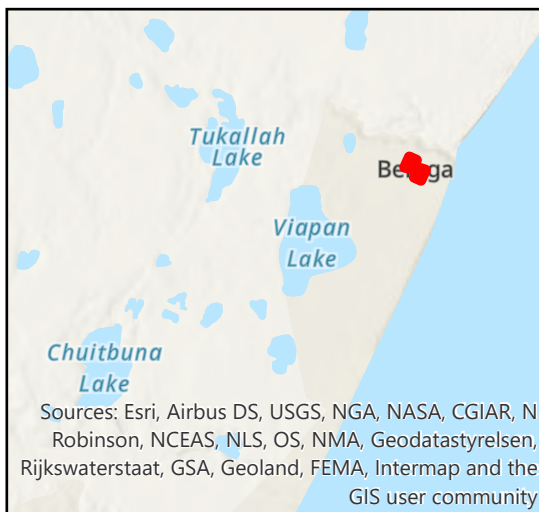




Minimum Bid  
TBD

Acres: 3.14 +/-

Parcel No. 211-280-12	
<b>Location</b>	Beluga
<b>Legal Description</b>	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.
<b>Topography</b>	Parcel is mostly level with a mixed timber stand of Spruce and Birch.
<b>Special Features</b>	Remote 3.1 +/- acre Beluga level building lot. Located just off of the Beluga Highway South of Three Mile Creek.
<b>Disclosures</b>	It is buyers responsibility to conduct adequate due diligence prior to the sale.
<b>Access</b>	Remote. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Electric utility is in the area

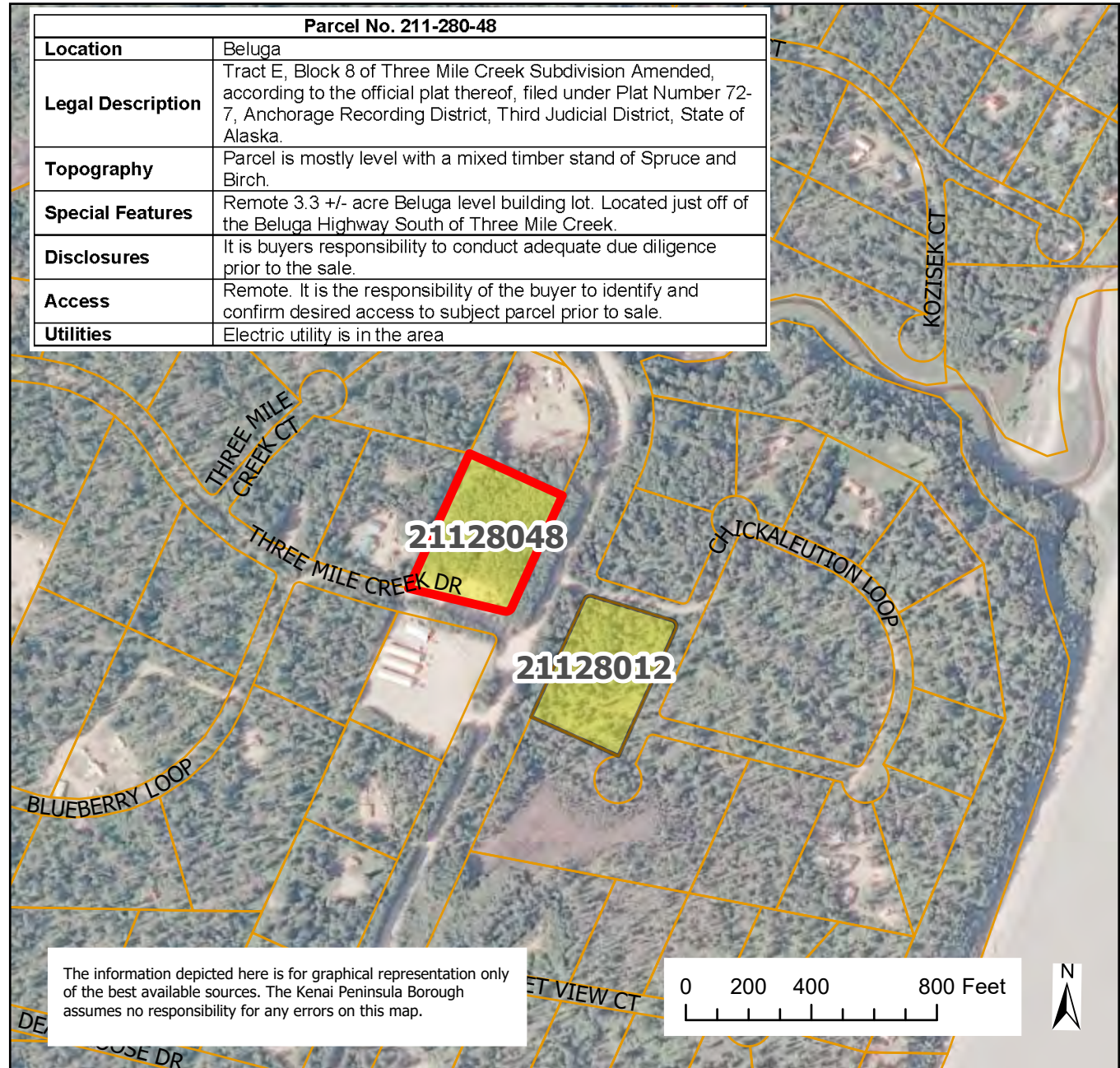




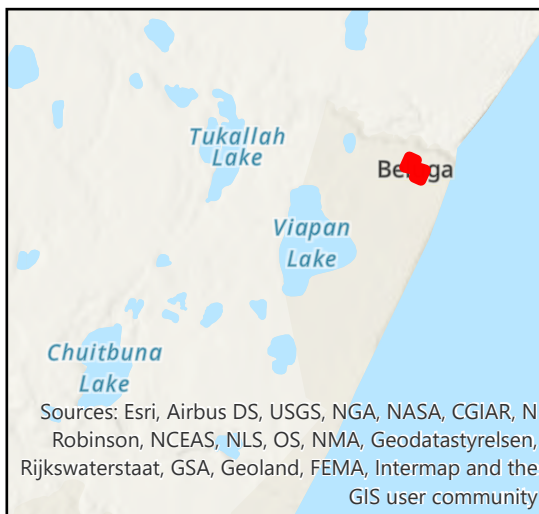
Minimum Bid  
TBD

Acres: 3.3 +/-

Parcel No. 211-280-48	
<b>Location</b>	Beluga
<b>Legal Description</b>	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.
<b>Topography</b>	Parcel is mostly level with a mixed timber stand of Spruce and Birch.
<b>Special Features</b>	Remote 3.3 +/- acre Beluga level building lot. Located just off of the Beluga Highway South of Three Mile Creek.
<b>Disclosures</b>	It is buyers responsibility to conduct adequate due diligence prior to the sale.
<b>Access</b>	Remote. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to sale.
<b>Utilities</b>	Electric utility is in the area



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



Patricia Cue  
PO Box 745  
Homer, AK 99603

KPB Land Management Division  
144 N. Binkley St.  
Soldotna, AK 99669

June 23, 2021

This letter is regarding the proposed classification and sale of Parcel No. 173-040-14. I received notification that this parcel is being considered for “Rural” classification and that the property is going to be sold. My residence is 64264 Mineral Drive which is located within a half mile of the property.

I oppose classifying the property as “Rural.” The “Rural” classification is defined as “lands located in a remote area. This classification will have no restrictions.” This area is not remote. There are at least two subdivisions surrounding this property. There is a state maintained road “Diamond Ridge” located beside the property. Diamond Ridge Road is an important transportation artery into and out of Homer.

I have lived here for almost twenty years and have observed the increased importance of Diamond Ridge Road especially during periods of disaster. For example, during tsunami warnings, there have been times when portions of the Sterling Highway were not accessible. Consequently, people traveled up to Diamond Ridge Road to vacate the lower areas around Homer. Also, Kachemak Emergency Services Area (KESA) has a station located on Diamond Ridge Road. Many of the volunteers live close to Homer and must have access to the station and its equipment in order to respond to disasters. Also, should the Sterling Highway be damaged, supplies coming into Homer via the road system will be impacted. The Diamond Ridge Road corridor is critical to keeping the flow of supplies available during these times.

This particular 2.05 acre parcel is located within the Diamond Creek Watershed. The terrain is steep and vulnerable to erosion. Should this property be developed, there is the likelihood of increased erosion and the potential for Diamond Ridge Road to be damaged and inaccessible. The integrity of Diamond Ridge Road must be maintained for the reasons mentioned above.

I support the classification of “Preservation” as this parcel is integral to the Diamond Creek Watershed and Diamond Ridge Road. Thoughtful preservation of this parcel will help to stabilize the road and maintain the natural surroundings of the area. This parcel is already at increased risk of erosion and further compromise will only make the situation more dangerous.

Thank you for your attention to this matter.

Patricia Cue

Introduced by:  
Date:  
Action:  
Vote:

Mayor  
07/06/21

**KENAI PENINSULA BOROUGH  
RESOLUTION 2021-054**

**A RESOLUTION CLASSIFYING CERTAIN PARCELS OF BOROUGH OWNED LAND  
PURSUANT TO KPB 17.10.080**

**WHEREAS,** the borough is the title owner of the subject land; and

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

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

**WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of June 28, 2021 recommended \_\_\_\_\_;

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

**SECTION 1.** Based on the findings of fact, analysis, and conclusions contained in the staff report of June 28, 2021 the following classifications for borough lands described below are compatible with the surrounding land use and shall be classified as follows:

Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
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
013-212-48	Nikiski 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, fled 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, fled 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 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 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 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 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 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

**SECTION 2.** This resolution shall take effect immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF JULY, 2021.**

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Brent Hibbert, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



Kenai Peninsula Borough  
Planning Department – Land Management Division

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *BH for CP*  
Melanie Aeschliman, Planning Director *MA*  
Marcus Mueller, Land Management Officer *[Signature]*

**FROM:** Aaron Hughes, Land Management Agent *AH*

**DATE:** June 24, 2021

**RE:** Resolution 2021-054, Classifying Certain Parcels of Borough Owned Land Pursuant to KPB 17.10.080 (Mayor)

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This resolution classifies 28 parcels of borough owned land. Ordinance 2021-23 proposes to offer 25 of these parcels, along with two other previously classified parcels, for a total of 27 parcels for sale through the 2021 Land Sale. The ordinance to sell these parcels will be scheduled concurrently with the scheduled public hearing for this resolution. The attached staff report provides information regarding the classification process and detailed information regarding each parcel proposed for classification.

The attached resolution would classify the 28 parcels of borough land consistent with the findings contained in the staff report. Your review and consideration of this resolution is appreciated.

AGENDA ITEM \_\_. PUBLIC HEARINGS

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

STAFF REPORT

PC Meeting June 28, 2021

KPB Land Management proposes to classify certain 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.

Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Current 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 Wik Lake	Government Lot 12, Section 5, Township 7 North, Range 11 West, Seward Meridian, Alaska. (Pending Record of Survey)	5.79	Rural	Rural District
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
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
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
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 District
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 Recording District, State of Alaska.	0.98	Rural	Rural District

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 District
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 District
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 District
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 District
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 District
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, situated in the Homer Recording District, Seward Meridian, Alaska.	2.5	Commercial	East End Mix Use
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
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
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

**Public Notice:** Public notice was published in the Peninsula Clarion Newspaper, May 27, 2021, and June 3, 2021 and the Homer News, May 27, 2021 and June 3, 2021. Public notice was 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., June 15, 2021.

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 Wik Lake	Government Lot 12, Section 5, Township 7 North, Range 11 West, Seward Meridian, Alaska. (Pending Record of Survey)	5.79	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 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

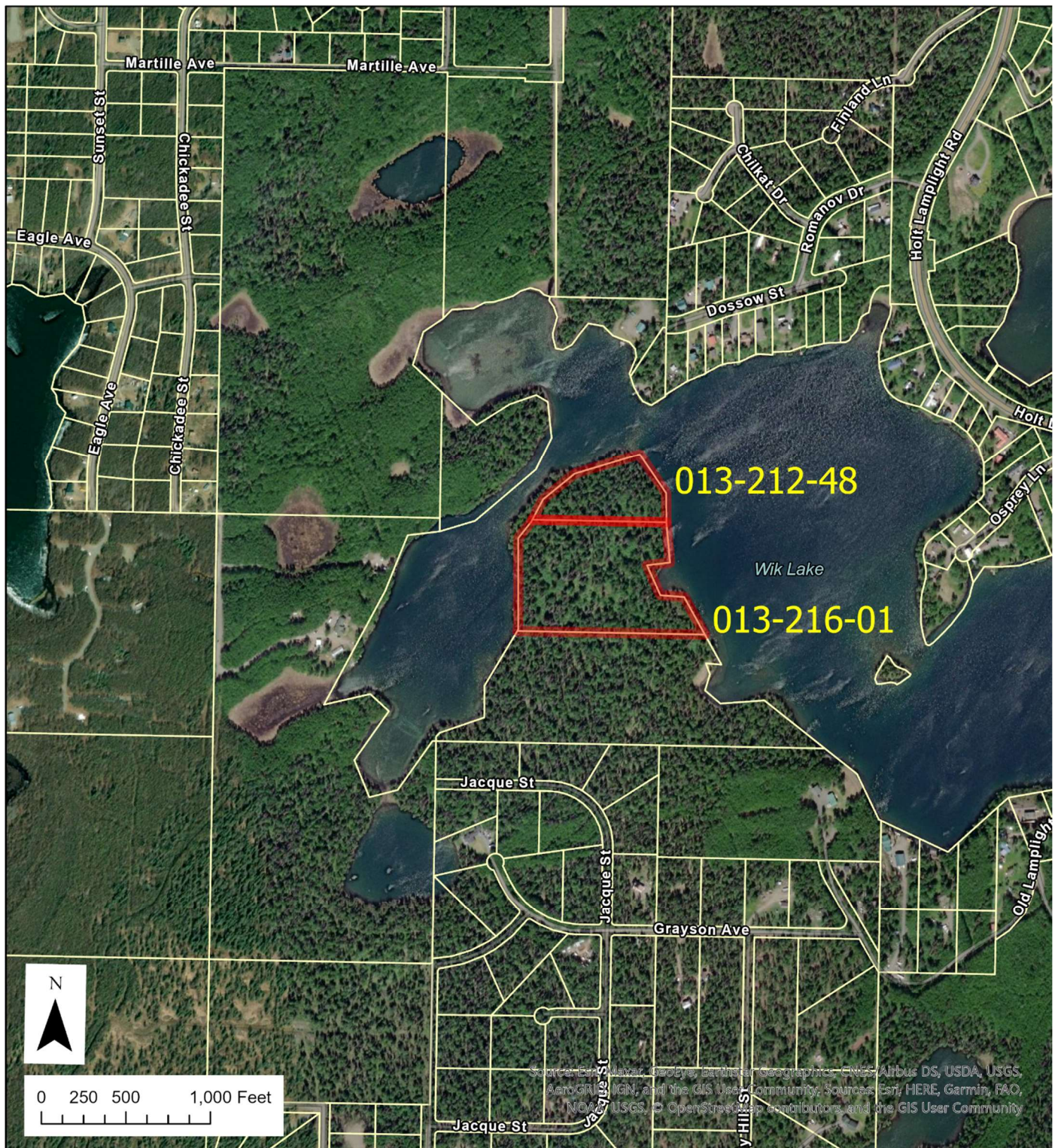
**Analysis:**

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 shore line 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.





## Wik Lake Vicinity Map



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)]  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 (undesigned).
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: No comment provided.
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.



## Hope Vicinity Map

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
<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:** 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:**

1. 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 (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcels are relatively level with smaller diameter spruce being present.
4. 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).

5. 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.
6. Surrounding Ownership: Surrounding land ownership consists of privately owned parcels.
7. Access: Potential access to parcels by way of Gas Well Road (developed) to Rustic Avenue (undeveloped).
8. Utilities: Gas and electric utility are in the area.
9. APC Review: No APC is established in this area.



10. Public Comments: None

11. 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.



## Journey's End Vicinity Map

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
<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:** 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 (undesignated).
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.





## Sterling Vicinity Map



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
<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:** 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.

10. 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 Recording District, State of Alaska.	0.98	Rural	Rural
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
<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:** 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 (undesigned).
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: One public comment was received supporting the proposed Rural Classification.
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

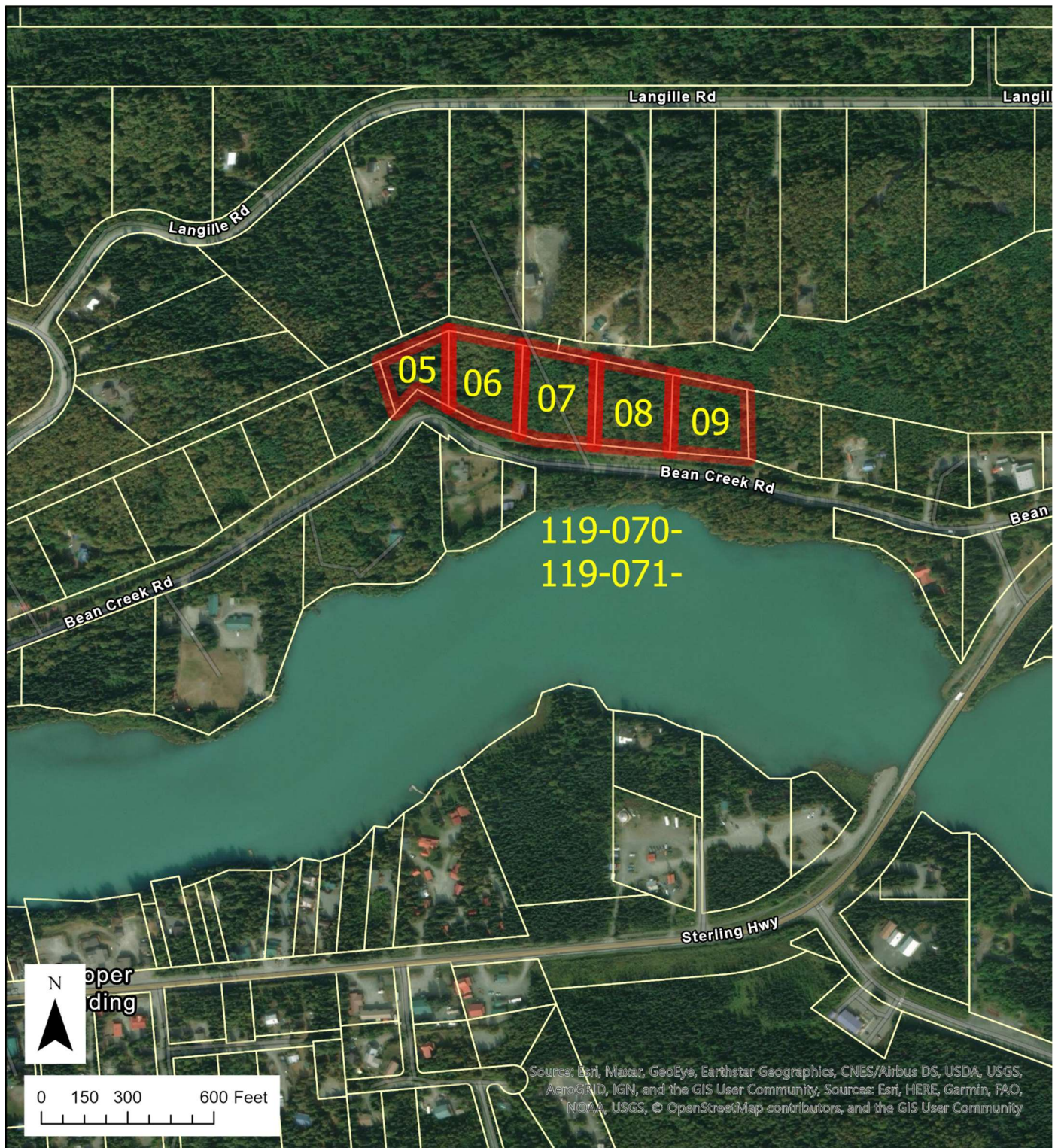
**Analysis:**

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.





## Cooper Landing Vicinity Map



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.
11. Department / Agency Comments: None

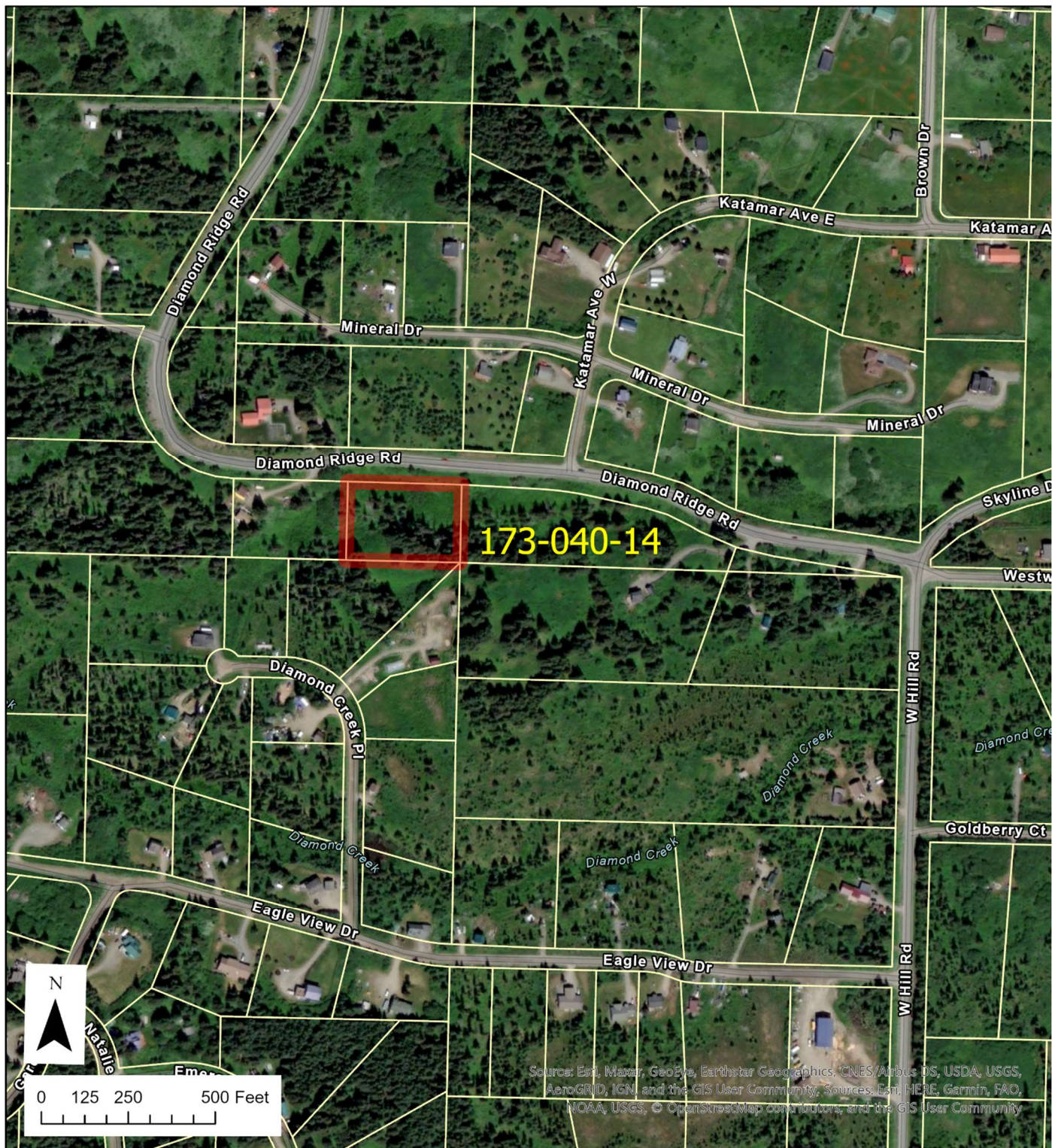
**Analysis:**

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.

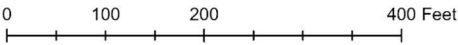




## Diamond Ridge Vicinity Map



Parcel 173-040-14 Shaded Relief Map



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, situated in the Homer Recording District, Seward Meridian, Alaska.	2.5	Commercial	East End Mix Use
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: None
10. Department / Agency Comments:  
 Comments from the Kenia 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.

Comments from the City of Homer: See attached Memorandum

*“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:

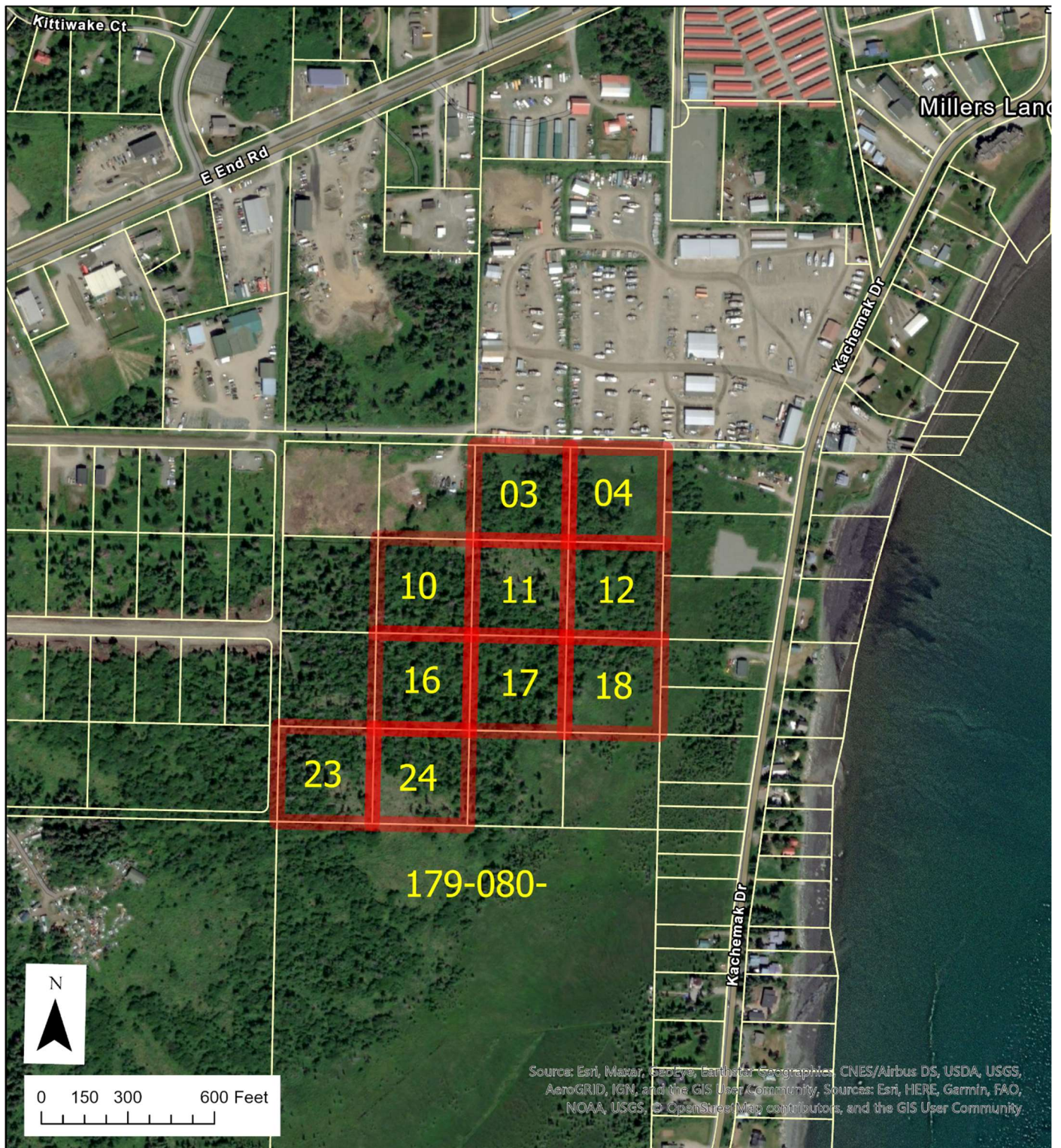
- *East Beluga Discharge: Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Site design should include hydrologic connectivity to upstream and downstream parcels. Moose habitat values are high throughout. Moose habitat should be preserved or mitigated. 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.





## Homer Vicinity Map



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
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:** 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 (undesigned).
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

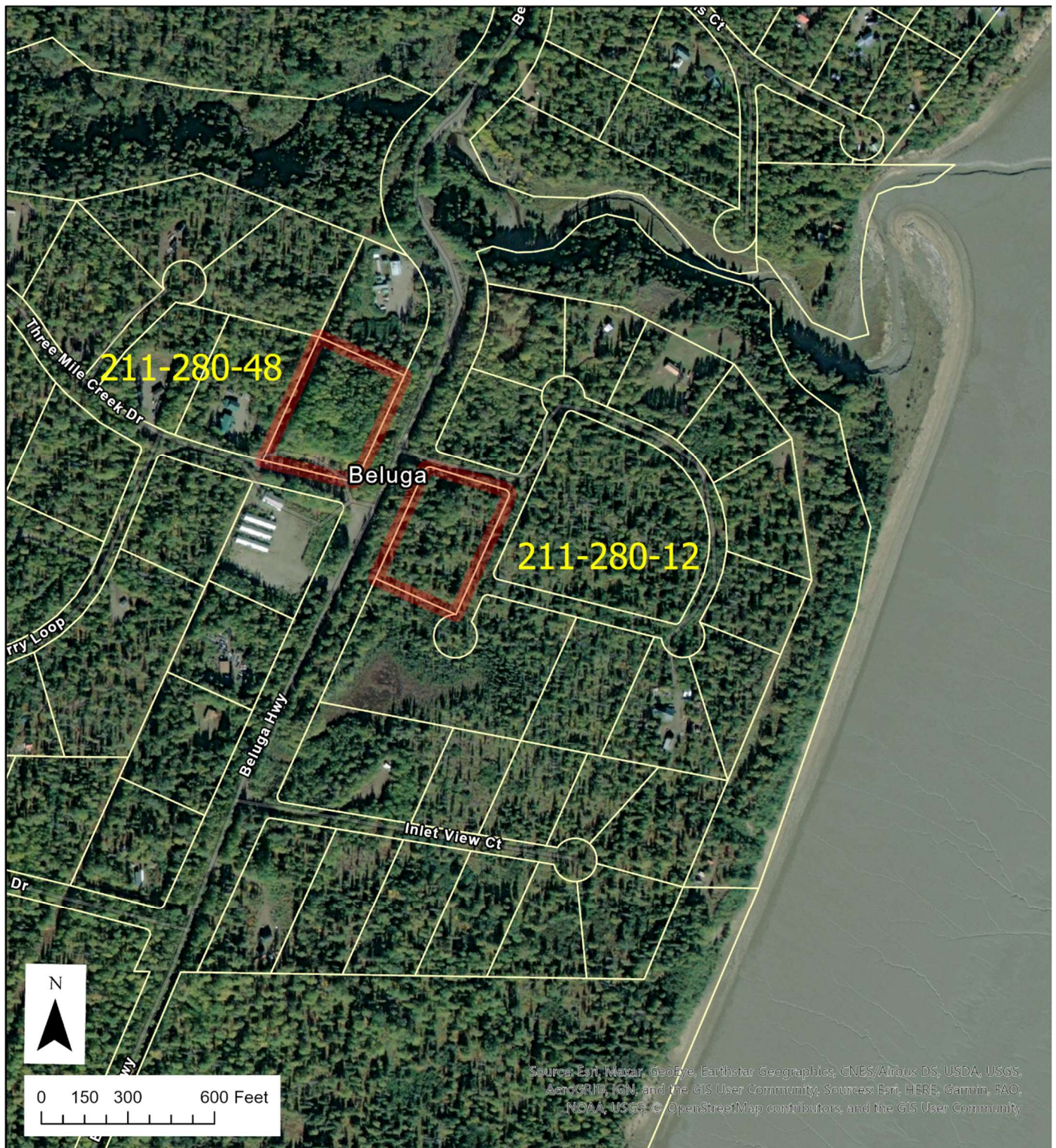
**Analysis:**

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.





Beluga Vicinity Map



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
<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:** 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:

- 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 (undesigned).
- Zoning:** Rural District pursuant to KPB 21.04.010(B).
- 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.
- 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.
- 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.
- Surrounding Land Ownership:** The majority of the surrounding parcels on the island are in private ownership.

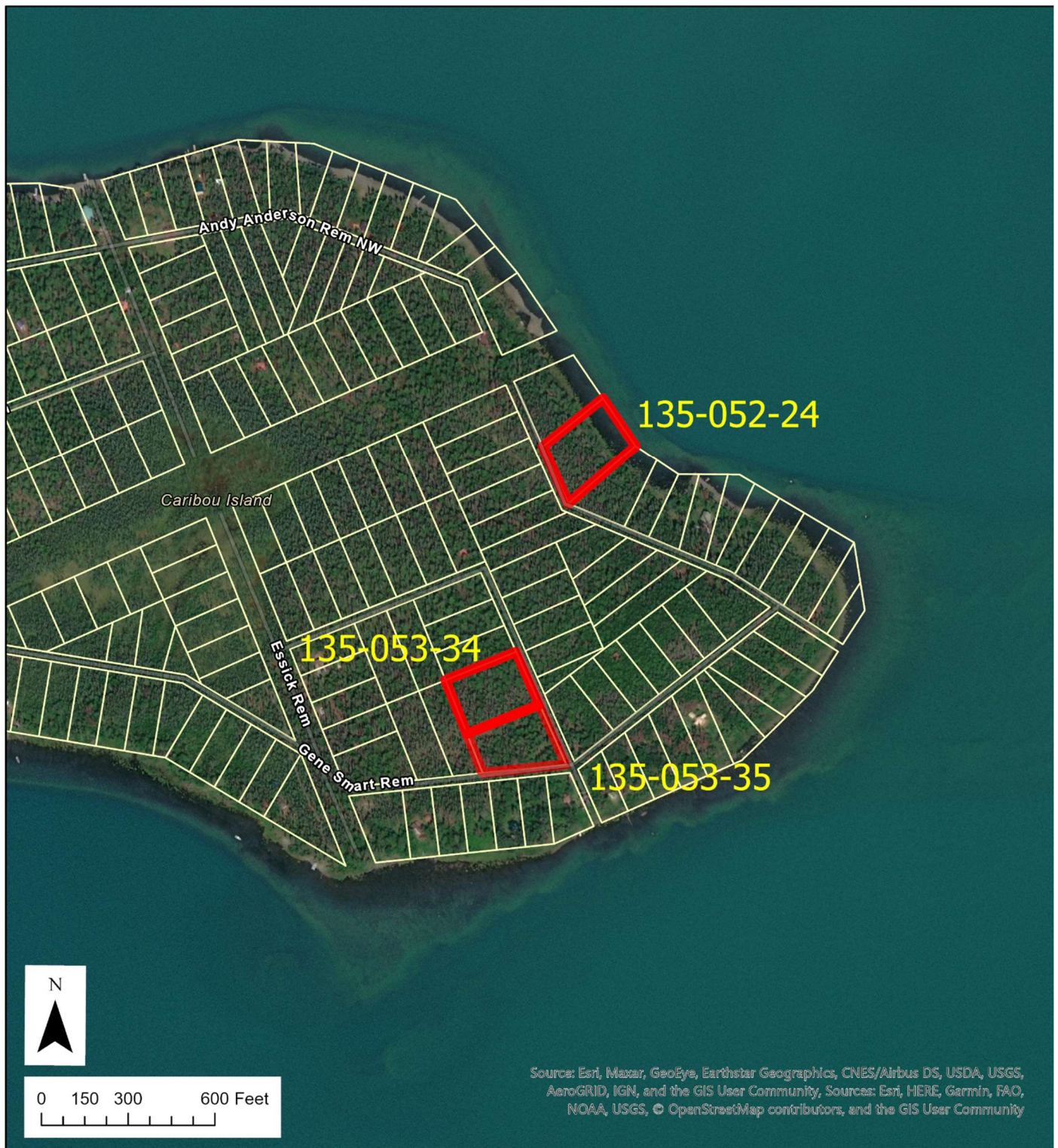
7. Access: Properties are remote with limited means of access to Caribou Island within Skilak Lake. All parcels abut platted, undeveloped roadways.
8. Utilities: Properties are remote with no utilities available.
9. Public Comment: None
10. Advisory Planning Commission Review: No APC exists for this 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 through 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 parcels 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.



## Caribou Island 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 2021-\_\_\_ classifying subject land as follows:

Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification
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
013-212-48	Nikiski 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, fled 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, fled 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 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 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 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 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 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



# Beluga

# Caribou Island

(Skilak Lake)

# Cooper Landing



## Hughes, Aaron

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**From:** Planning Land Management  
**Sent:** Thursday, May 27, 2021 11:32 AM  
**To:** Hughes, Aaron  
**Subject:** FW: Proposed Land Classification - Cooper Landing

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**From:** ray@kreig.com <ray@kreig.com>  
**Sent:** Tuesday, May 25, 2021 7:46 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** Proposed Land Classification - Cooper Landing

RE: Proposed Land Classification - Cooper Landing  
Letter of May 25, 2021  
USS 3306 – Five Parcels  
11907105, 119070006, 119070007, 119070008, 119070009

Dear KPB Planning Commission and Assembly,

I own Kenai Riverfront property\* right across the river from the above five parcels. THESE FIVE PARCELS ARE RIGHT IN MY VIEWSHED!

I am not one who tries to control property I do not own. The Rural Classification and Rural Zoning are the correct designations for these parcels.

I support the Land Management Division's recommendation.

Sincerely,

RA KREIG & ASSOCIATES PROFIT SHARING TRUST

Ray Kreig,  
Trustee

\* Lot 14-A Snug Harbor Homesites (Plat 73-516); 35283 King Salmon Drive.

=====  
Ray Kreig  
RA Kreig & Associates  
201 Barrow #1  
Anchorage Alaska 99501-2429  
(907) 276-2025 home (907) 243-8951 cell (907) 360-7462  
[ray@kreig.com](mailto:ray@kreig.com) [www.kreig.com](http://www.kreig.com)  
=====

# Homer

# Homer

## (Diamond Ridge)



## Hughes, Aaron

---

**From:** Hughes, Aaron  
**Sent:** Tuesday, June 15, 2021 9:21 AM  
**To:** Hughes, Aaron  
**Subject:** FW: Public Comment on Land Classification for KPB Parcel 173-040-14

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**From:** Louie Flora <[louie@akcenter.org](mailto:louie@akcenter.org)>  
**Sent:** Monday, June 14, 2021 5:37 PM  
**To:** Planning Dept, <[planning@kpb.us](mailto:planning@kpb.us)>; Planning Land Management <[LMWeb@kpb.us](mailto:LMWeb@kpb.us)>  
**Cc:** Dunne, Willy <[WDunne@kpb.us](mailto:WDunne@kpb.us)>  
**Subject:** Public Comment on Land Classification for KPB Parcel 173-040-14

Public Comment on Kenai Peninsula Borough parcel 17304014 proposal for classification

Members of the Kenai Peninsula Borough Planning Commission:

I live at 64535 Sheep Drive, a few parcels away from parcel 17304014 which has been proposed for classification by the Kenai Peninsula Borough.

I am aware that this parcel was initially discussed as a negotiated sale and that was cancelled or withdrawn, and that now this parcel is being brought up for classification so that it can be sold at auction or otherwise. It is my understanding that the Kachemak Bay Advisory Planning Commission was not able to make a recommendation on this proposed classification as they lacked a quorum during their meeting of 6/10/2021.

The fact that there is recent interest in the property likely indicates the reason it is now being proposed for classification and sale. It is also likely that the individual who applied for a negotiated sale of the parcel will be participating in a sale. My further speculation based on adjoining parcels, is that the land, if purchased, will be employed in commercial agricultural development. This is obviously a use accommodated by a rural classification.

I believe that this parcel left undeveloped adds to the property values of adjacent properties by providing a visual and sound buffer to the developed lots on city property. Should it be developed, it will decrease the property value of adjoining property owners in the Kenai Peninsula Borough outside of city limits. The property is composed of a steep valley with a tributary of Diamond Creek flowing through it. The bottom of the valley is wetlands, riparian habitat and moose habitat. The side of the property that abuts Diamond Ridge Road cannot be developed or it would undermine the road through erosion.

The parcel is being proposed for classification as "rural" which is not a proper designation. This is a suburban neighborhood that adjoins the City of Homer. It is not, as the notice says, "located in a remote area." Only in Borough Code is this property considered rural. As there is no zoning offered to a rural parcel, anyone who purchases the piece of property can use it as they see fit. Given that the only other option is to create a local option zone, the choice here seems to either oppose classification or to support a rural classification so the land can be sold.

Given the lack of information the public has to work off of, I oppose classification of this parcel. I made a records request and was told that there was no paperwork regarding the intent of the nomination. It is hard to make an informed comment without information, so I would like to see parcel 17304014 remain unclassified until such time as there is more public information and discussion on why this public land which affords property value to the neighborhood should be turned over to a private individual for potential commercial development. Absent any zoning laws, residents in urban Borough neighborhoods seem to have no other leverage in the process than to oppose classification.

The Borough should be more forthcoming about resident's choices when it sends out notices like this land classification notice. It should not include a list of different land classification definitions which creates the assumption that a person can advocate for land to be designated as "residential" or "agriculture" as a term of its sale. As I understand it, none of these designations apply to the land once it is sold to a private individual. The notice should say "this lot is being classified so it can be sold at fair market value on x date at x time and the use of the property is unrestricted".

In addition to my request to leave the parcel unclassified for the time being, I would like the Planning Commission to elevate the need to reform the public information process behind Borough land classification and sales. If the Borough is classifying land for sale, it should say as much in its notice. It should not send out a list of other land classifications that exist for Borough land, as this is misleading to the public. More information on who is nominating or negotiating the sale of a parcel should be made available to the public before land is classified and sold.

If the Borough moves forward with a rural classification and a sale of the property, this parcel should be **deed restricted for Preservation** of the eastward two thirds of the parcel which contains extremely steep slopes, a tributary of Diamond Creek, and associated wetlands.

Thank you,

Louie Flora  
64535 Sheep Drive  
Homer, AK 99603

Ps. Please note that I submitted comment to the advisory commission. This public comment takes the place of my previously submitted comment. Thank you.

# Hope



# Nikiski

(Wik Lake)

## Hughes, Aaron

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**From:** Hughes, Aaron  
**Sent:** Friday, June 4, 2021 4:05 PM  
**To:** Hughes, Aaron  
**Subject:** FW: Land Reclassification

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**From:** Tami Johnson <[mkquiddity@hotmail.com](mailto:mkquiddity@hotmail.com)>  
**Sent:** Wednesday, June 2, 2021 6:54 PM  
**To:** Planning Land Management <[LMWeb@kpb.us](mailto:LMWeb@kpb.us)>  
**Subject:** Land Reclassification

Good Afternoon,

Not being very knowledgeable about the subject of zoning and land classification, I called and talked to Aaron at the Borough. He was very informative and helpful at explaining the process. He encouraged us to send our comments to the Planning Commission. We own land directly across from these two parcels, (013-216-01 & 013-212-48) on Wik Lake. We are concerned with what may happen with these parcels were they designated, rural with no restrictions. The term "no restrictions" leads one to envision the development of potential condos, recreational buildings and attract visitors that would increase the number of people on the lake. Wik Lake has few houses on it and is home to many birds. Residents use it for kayaking and enjoy the peace and quiet the lake provides.

These parcels should be kept as land that should be preserved for the best and highest of the land, taking into account the concern of the residents to maintain the atmosphere that the lake currently provides.

Your time and consideration in this matter, is very much appreciated. Thank you.

John and Tami Johnson  
51835 Trader John St.  
907-776-5597  
[mkquiddity@hotmail.com](mailto:mkquiddity@hotmail.com)

# Soldotna



# Sterling

# Agency Comments



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### MEMORANDUM

TO: Aaron Hughes, Kenai Peninsula Borough Land Management Agent  
FROM: Rick Abboud, AICP, City Planner  
DATE: June 14, 2021  
SUBJECT: Request for Agency Comments on KPB lands South of the Homer Boat Yard

The Kenai Peninsula Borough solicited comments from the City of Homer Planning office regarding proposed land classification within Homer City Limits, south of the Homer boatyard. These lands are zoned East End Mixed Use. Under HCC 21.27.010, *"The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area...."* Much of this area is also wetlands. The Army Corps of Engineers requires what they call 'compensatory mitigation' when some wetlands are filled for development. In brief, some of the KPB lands in this area would be ideal for private land owner purchase for mitigation. This conservation activity is part of what allows developers to develop within other wetland areas, or on the subject lots themselves.

For example, a new light industrial subdivision has been developed southwest of the boatyard. The developer was required to hold land in conservation as part of the ACOE permit process within wetlands. As more lands are developed in the immediate area and across Homer, additional wetland areas will be needed for developers to purchase and hold in conservation, as mitigation for the wetlands they will fill for new homes and businesses. As KPB considers selling lands south of the boatyard, some of these lots may be less suitable for development, and may be more attractive for use as mitigation, providing storm water storage and moose habitat.

Homer's 2018 Comprehensive Plan, Chapter 4 Land Use, Implementation item 2-C-1 states, "Work with land trusts and/or public agencies to acquire land for protection and recreational use." Chapter 6, Goal 1 Implementation item 1F-3 "Encourage the utilization of green infrastructure mapping as a means to identify and retain natural drainage channels and important wetlands, which serve drainage functions."

**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.



## Hughes, Aaron

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**From:** Lopez, Samantha  
**Sent:** Tuesday, June 1, 2021 11:47 AM  
**To:** Hughes, Aaron  
**Cc:** Mueller, Marcus  
**Subject:** RE: Agency Review Notice for the Classification of Borough Land

Good morning Aaron,

Please see the River Center comments for the below parcels:

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.

135-052-24 Parcel lies within the 50-foot Habitat Protection District and is subject to KPB 21.18 Anadromous Waters Habitat Protection.

Thank you,

**Samantha Lopez, CFM**  
River Center Manager  
Donald E. Gilman River Center  
907-714-2468

KENAI PENINSULA BOROUGH  
514 Funny River Road  
Soldotna, Alaska 99669



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

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**From:** Hughes, Aaron <AaronHughes@kpb.us>  
**Sent:** Tuesday, May 25, 2021 5:02 PM  
**To:** Hughes, Aaron <AaronHughes@kpb.us>  
**Cc:** Mueller, Marcus <MMueller@kpb.us>  
**Subject:** Agency Review Notice for the Classification of Borough Land

Good afternoon. Please find attached Agency Review Notice for the Classification of Borough Land for your review and comment. If you wish to provide comment on the attached classifications including a proposal to retain any of the subject parcels, please provide those comments as outlined in the notice no later than 5:00 pm on June 4, 2021. If you should have any questions in regards to the attached notice, please let me know. Thank you for your time and attention in this matter.

Sincerely,

Aaron Hughes  
Land Management Agent  
P: (907) 714-2217  
F: (907) 714-2378

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669



## Hughes, Aaron

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**From:** Wiegers, Janice K (DEC) <janice.wiegers@alaska.gov>  
**Sent:** Friday, May 28, 2021 10:03 AM  
**To:** Hughes, Aaron  
**Cc:** Mueller, Marcus; Buss, Stephanie D (DEC)  
**Subject:** <EXTERNAL-SENDER>FW: Agency Review Notice for the Classification of Borough Land

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hello Aaron,

Thank you for the attached notification. We do not have specific comments regarding parcel reclassification. Please note that contaminated sites may be present on these lands.

DEC provides resources for researching the location of Contaminated Sites and Groundwater Plumes at <http://dec.alaska.gov/spar/csp/> through the Search Map and Search Database buttons. If you have questions about a specific site or contaminated groundwater plume, please contact the Staff person listed in the database directly.

State law [18 AAC 75.325(i) and 18 AAC 78.274(b)] requires DEC approval prior to moving or disposing of contaminated soil or water from a Contaminated Site. Additional controls may be placed on some sites, and will be documented in the database.

If you have any questions, please feel free to contact me.

Janice Wiegers  
Alaska Department of Environmental Conservation  
Contaminated Sites Program  
610 University Avenue  
Fairbanks, Alaska 99709  
Phone: (907) 451-2127  
Email: janice.wiegers@alaska.gov

---

**From:** Hughes, Aaron [<mailto:AaronHughes@kpb.us>]  
**Sent:** Tuesday, May 25, 2021 5:02 PM  
**To:** Hughes, Aaron <[AaronHughes@kpb.us](mailto:AaronHughes@kpb.us)>  
**Cc:** Mueller, Marcus <[MMueller@kpb.us](mailto:MMueller@kpb.us)>  
**Subject:** Agency Review Notice for the Classification of Borough Land

Good afternoon. Please find attached Agency Review Notice for the Classification of Borough Land for your review and comment. If you wish to provide comment on the attached classifications including a proposal to retain any of the subject parcels, please provide those comments as outlined in the notice no later than 5:00 pm on June 4, 2021. If you should have any questions in regards to the attached notice, please let me know. Thank you for your time and attention in this matter.



Sincerely,

Aaron Hughes  
Land Management Agent  
P: (907) 714-2217  
F: (907) 714-2378

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669



# Homer

## “Exhibit A”



**DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, ALASKA  
805 FRONTAGE ROAD, SUITE 200C  
KENAI, ALASKA 99611-7717**

REPLY TO  
ATTENTION OF:

June 01, 2005

Regulatory Branch  
South Section  
POA-2005-899-9

Mr. Paul Ostrander  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, Alaska 99669

Dear Mr. Ostrander:

This is in response to your May 31, 2005, request for a Department of the Army (DA) wetland determination for a parcel of land located within section 14, T. 6 S., R. 13 W., Seward Meridian, in Homer, Alaska; and, Latitude 59.60 °N Longitude 151.48 °W.

Based on our review of the information you furnished and information available to our office, we have determined that the above property contains wetlands under Corps regulatory jurisdiction (see enclosure titled, "JURISDICTIONAL DETERMINATION").

This office, due to the size of the properties involved, can not do a definitive delineation of the wetlands that occur on your property. To acquire the necessary data, we suggest that a consultant be hired to gather the field information, from which, we can then map the wetlands on the above mentioned properties. For planning purposes only, we suggest you refer to the Homer wetland mapping to be found on the Kenai Peninsula Borough web site.

Your proposed project site was reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for certain structures or work in or affecting navigable waters of the United States (U.S.), prior to conducting the work (33 U.S.C. 403). Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work (33 U.S.C. 1344).

For regulatory purposes, the Corps of Engineers defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Navigable waters of the U.S. are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified as navigable by the Alaska District.

Please be advised that land clearing operations involving vegetation removal with mechanized equipment such as front-end loaders, backhoes, or bulldozers with sheer blades, rakes, or discs in wetlands; or windrowing of vegetation, land leveling or other soil disturbances are considered placement of fill material under our jurisdiction.

This preliminary jurisdictional determination is valid for a period of five (5) years from the date of this letter, unless new information supporting a revision is provided to this office before the expiration date.

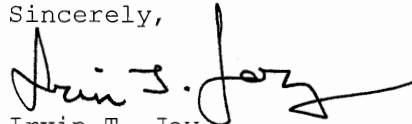


Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect any proposed work.

Please take a moment to complete and return the enclosed questionnaire. Our interest is to see how we can continue to improve our service to you, our customer, and how best to achieve these improvements. Upon your request, you may also provide additional comments by telephone or a meeting. We appreciate your efforts and interest in evaluating the regulatory program.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number POA-POA-2005-899-9, Kenai River, in future correspondence or if you have any questions concerning this determination. You may contact me at the letterhead address, at (907) 283-3519, or by FAX at (907) 283-3981. For additional information about our Regulatory Program, visit our web site at [www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg).

Sincerely,



Irvin T. Joy  
Project Manager  
South Section

"skip" →

Enclosures

CF via Email w/out enclosures to Agencies outside the Kenai River watershed:

Ms. Lynnda Kahn - USFWS (Kenai)	Ms. Jade Gamble - ADNR-OHMP (Anchorage)
Ms. Jeanne Hanson - NMFS (Anchorage)	Mr. Richard B. Thompson - ADNR/Land (Anchorage)
Mr. Phil North - EPA (Kenai River Center)	Ms. Kara Moore - ADNR/Land (Anchorage)
Ms. Robin Willis - ADFG (Anchorage)	Ms. Kellie Westphal - ADNR/Water (Anchorage)
Ms. Christine Ballard - ACMP (Anchorage)	Mr. John Czarnezki - KPB (Kenai River Center)
Ms. Jane Gabler - Floodplain Administrator, KPB	Ms. Holly Babcock - KPB (Kenai River Center)
Mr. John Breiby - SHPO (Anchorage)	Ms. Mel Langdon - DEC (Anchorage)
Mr. Lee McKinley - ADNR-OHMP - (KRC)	Ms. Susan Magee - ACMP (Anchorage)
Ms. Brie Darr - USFW (Kenai)	Mr. Gary Williams - CZM, KPB (Soldotna)
Mr. Brian Lance - NMFS (Anchorage)	Mr. Larry Dugan - DEC (Anchorage)

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

**DISTRICT:** Alaska  
**FILE NUMBER:** POA-2005-899-9

**PROJECT LOCATION INFORMATION:**

State: Alaska

Borough: Kenai Peninsula Borough

Center coordinates of site (latitude/longitude in degree decimal format): Lat. 59.60° N., Long. 151.48° W.

\* Approximate size of area (parcel) reviewed, including uplands: ~~300~~ acres.

Name of nearest waterway: Kachemack Bay

25

**JURISDICTIONAL DETERMINATION**Method: Office determination ☒Onsite determination ☐

Date Form Completed: June 01, 2005

\* per 6/8/05 phone call  
with "Skip" Jay

**Jurisdictional Determination (JD):**

☒ Preliminary JD - Based on available information, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☐ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

☒ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area.  
Approximate size of jurisdictional area:

☒ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area.  
Approximate size of jurisdictional area:

☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  
☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:****A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

☒ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

☒ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☒ (2) The presence of interstate waters including interstate wetlands.

☒ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☒ (4) Impoundments of waters otherwise defined as waters of the US.

\* ☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☐ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

not checked, none fit category

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

DISTRICT: Alaska

FILE NUMBER: POA-2005-899-9

**Lateral Extent of Jurisdiction:** (Reference: 33 CFR parts 328 and 329)

\*

☒ Ordinary High Water Mark indicated by:

- ☐ clear, natural line impressed on the bank  
☐ the presence of litter and debris  
☐ changes in the character of soil  
☐ destruction of terrestrial vegetation  
☐ shelving  
☐ other:

☒ High Tide Line indicated by:

- ☐ oil or scum line along shore objects  
☐ fine shell or debris deposits (foreshore)  
☐ physical markings/characteristics  
☐ tidal gages  
☐ other:

☒ Mean High Water Mark indicated by:

- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ To the limit of the wetland boundaries

*Corps. will need to do site visit  
before checking*

**Basis For Not Asserting Jurisdiction:**☐ The reviewed area consists entirely of uplands.☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:

- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  
☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.  
☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  
☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  
☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  
☐ Isolated, intrastate wetland with no nexus to interstate commerce.  
☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  
☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.  
☒ Data sheets prepared/submitted by or on behalf of the applicant.  
☐ This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):  
☒ Data sheets prepared by the Corps  
☐ Wetland boundary map prepared by the Corps  
☒ Corps' navigable waters' studies:  
☒ U.S. Geological Survey Hydrologic Atlas:  
☐ U.S. Geological Survey 7.5 Minute Topographic maps:  
☐ U.S. Geological Survey 7.5 Minute Topographic maps:  
☒ U.S. Geological Survey 15 Minute Historic quadrangles:  
☒ U.S. Geological Survey 15 Minute Historic quadrangles: SELDOVIA c-4  
☒ USDA Natural Resources Conservation Service Soil Survey:  
☒ National wetlands inventory maps: Seldovia C-4  
☒ State/Local wetland inventory maps: — *Corps. used KPB aerial photo*  
☒ FEMA/FIRM maps (Map Name & Date):  
☒ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
☒ Aerial Photographs (Name & Date): Homer 1999  
☐ Other photographs (Date):  
☐ Advanced Identification Wetland maps:  
☐ Site visit [Date(s)]:  
☐ Previous determination(s) [File number and date of response letter]:  
☐ Applicable/supporting case law:  
☐ Other information (please specify):

Signature

*[Signature]*  
<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



# Request for a Jurisdictional Determination from the Regulatory Branch of the U.S. Army Corps of Engineers

Instructions: Provide the information on this sheet along with a map of the property and send it to one of the Corps offices listed on the back of this form.

KENAI PENINSULA BOROUGH  
NAME

144 N. BINKLEY ST  
ADDRESS 1

ADDRESS 2

SOLDOTNA AK 99669  
CITY STATE ZIP

PHONE - HOME

907-714-2203

PHONE - WORK

907-262-8618

FAX

## Property Location:

Section 14 Township 6S Range 13W Meridian S.M. Nearest City HOMER

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_ Subdivision Name: GOVERNMENT LOTS  
6, 7, 11, 12, 13, 18, 19, 20, 22, & 23

Physical Address (if any): \_\_\_\_\_

Directions to the property: SEE ATTACHED

How are the boundaries of the property identified? \_\_\_\_\_

Do you own the land? ☒ Yes or No

If "Yes", do we have your permission to visit the property? ☒ Yes or No

**If you do not own the property and in the event a site visit is necessary, provide a written statement from the landowner allowing the Corps of Engineers to enter the site.**

Signature: Paul Oshawa

Date: 5/23/05

Mail to the Corps office responsible for the geographic area that encompasses your property.  
(See back)

OPTIONAL FORM 99 (7-90)

## FAX TRANSMITTAL

# of pages 2

To Dan  
Dept./Agency

From Reece James  
Phone #

Fax #

Fax #

Page

NSN 7540-01-317-7068

5088-101

GENERAL SERVICES ADMINISTRATION

### Fairbanks Area

The Fairbanks Field Office is responsible for the area encompassed by the following U.S. Geological Survey 7.5 minute quadrangles: Beaver, Bettles, Big Delta, Chandalar, Circle, Fairbanks, Livengood, Tanana and Wiseman. Communities include Circle, Central, Delta Junction, Fairbanks, Nenana, Minto, and Tanana.

U.S. Army Corps of Engineers, Fairbanks Field Office, 3437 Airport Way, Suite 206, Fairbanks, Alaska 99709-4777.

Phone (907) 474-2166. FAX (907) 474-2164.

### Juneau Area

The Juneau Field Office is primarily responsible for the area encompassed by the City and Borough of Juneau, as well as Haines, Skagway, Cordova, Hoonah, and portions of Prince of Wales Island.

U.S. Army Corps of Engineers, Juneau Field Office, 8800 Glacier Highway, Suite 106, Juneau, Alaska 99801-8079.

Phone (907) 790-4490. FAX (907) 790-4499.

### Kenai Area

The Kenai Field Office is responsible for an area within an eastern limit of the Moose River, west to Cook Inlet, north to Nikiski, and south to the tip of the Homer Splt. Communities serviced by Kenai Field Office include Kenai, Soldotna, Kaslof, Nikiski, Clam Gulch, Ninilchik, Anchor Point, Homer, and parts of Sterling.

U.S. Army Corps of Engineers, Kenai Field Office, 805 Frontage Road, Suite 200C, Kenai, Alaska 99611-7755.

Phone (907) 283-3519. FAX (907) 283-3981.

### All Other Parts of Alaska

U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 6898, Elmendorf AFB, Alaska 99506-0898.

Phone us in Anchorage at (907) 753-2712 or toll free at (800) 478-2712. FAX (907) 753-5567.

For more information concerning the Corps' Regulatory Program visit  
**[www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg)**



LITTLE FIREWEED LN

Subject Property



REC'D AUG 18 1982



Box 335  
Homer, Alaska 99603

REPLY TO:

- ☐ City Hall  
Phone 235-8121
- ☐ Port of Homer  
Phone 235-8597
- ☐ Harbor Master  
Phone 235-8959
- ☐ Public Works Dept.  
Phone 235-8120

August 13, 1982

The Honorable Stan Thompson  
Mayor, Kenai Peninsula Borough  
Box 850  
Soldotna, Alaska 99669

Dear Stan:

Enclosed is a resolution from the Homer City Council requesting that the Kenai Peninsula Borough Assembly classify Lots 6, 7, 11, 12, 13, 18, 19, 20, 22, 23, Section 14, T6N, R13W, S.M., within the city limits of Homer, for public use. These lots are shown on the enclosed exhibit which shows the relationship of borough owned lands to the existing city lands.

The city is making the request for a number of reasons which are outlined below.

1. A study of the recreation needs for the City of Homer was completed this past summer. It included a survey of city residents, non-residents and tourists to measure the interest in recreation and the types of activities desired by the public. One of the basic findings of this report is that the City of Homer is deficient in developed recreation areas and availability of city lands suitable for future development.
2. Of urgent need are areas suitable for the development of ballfields to meet the needs of softball, baseball, soccer, rugby and other athletic events. Almost 500 individuals, both city and non-city residents, participated in the city's little league and adult softball program during the 1981 season. The existing facilities are completely inadequate to meet this growing demand. Participants were required to play on less than regulation size ballfields and to shorten the time required to complete games due to intense scheduling.

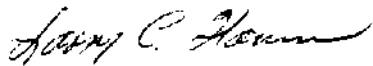
3. There is very little undeveloped public land within the city limits which can be developed for use by the public. The city owns a total of 16 acres of undeveloped land, ten of which consists of four 2 1/2 acre parcels interspersed with the borough lands outlined above. (The City Council has also dedicated these city lands to public use in the enclosed resolution.)
4. Due to severe geographic constraints and the amount of land already subdivided, there is no public land and very little private land within the city limits that can be developed for larger scale public uses. (You have no doubt recognized this in your search for a school site.)
5. The particular land in question is located in a low lying area of the city underlain by a thick layer of peat which would be very expensive to intensively develop at the present time. By utilizing the property now for large scale non-intensive public uses it could still be developed in the future for other, more intensive uses as the area itself develops.

If retained in public ownership, the lands would remain open to the public for a variety of uses including provision of access to adjacent city lands, nature study, and open space. In the future the city would be interested in developing portions of the land for playing fields, as needed.

This request is made pursuant to Section 17.04.100 of the Kenai Peninsula Borough Code of Ordinances. We have been in contact with Carolyn Thompson, on your staff, who has advised us of the procedures for making this request.

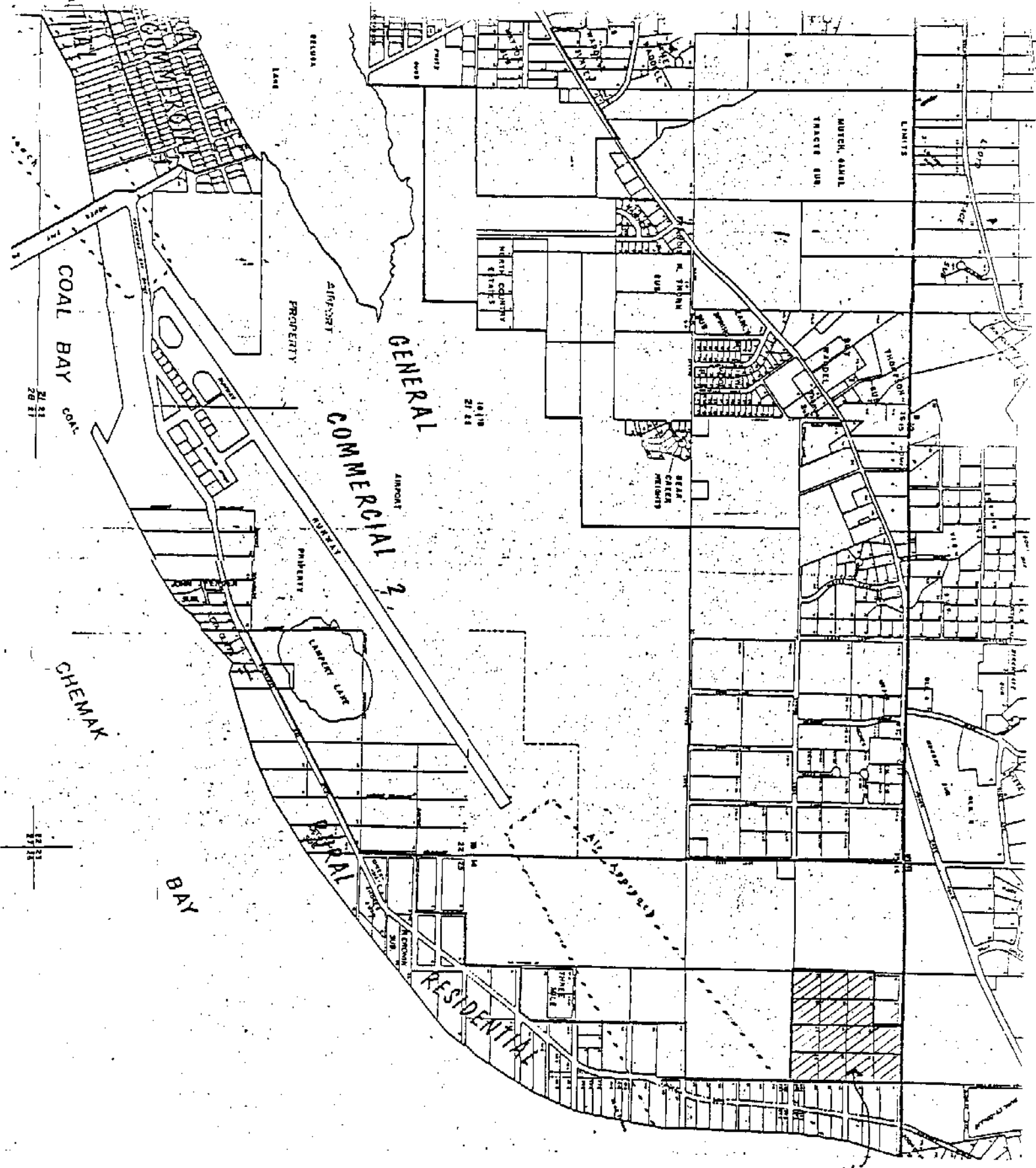
If there is anything further you require, please let us know.

Very truly yours,

  
Larry C. Farnen  
City Manager

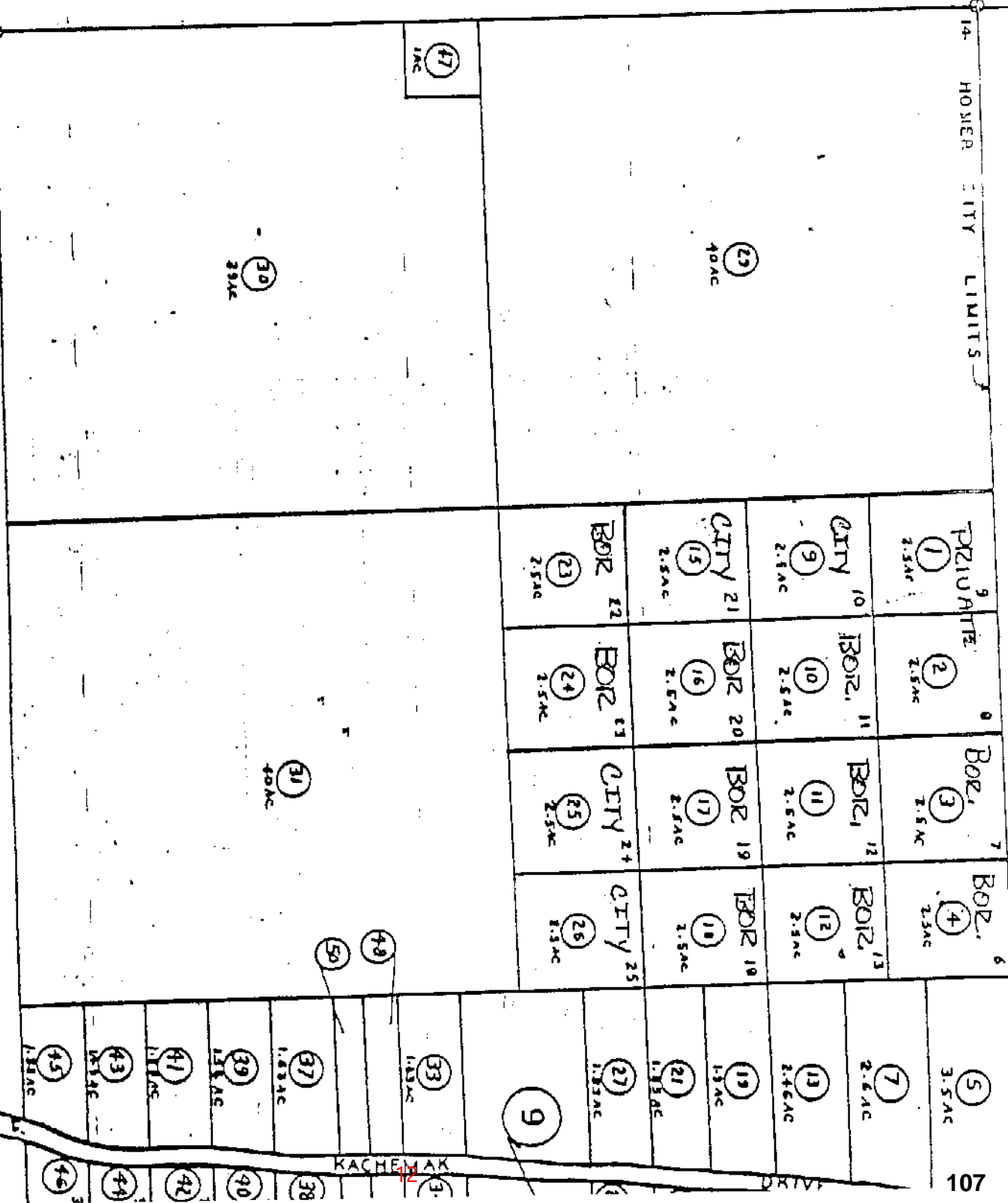
LCF/RK/pb

enclosures



LOCATION OF  
Subject Prop







# CITY OF HOMER

## CITY HALL

491 EAST PIONEER AVENUE

HOMER, AK 99603-7624

TELEPHONE (907) 235-8121

TELECOPIER (907) 235-3140

20 November 1989

Don Gilman, Mayor  
Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK 99669

*Lanning*  
RECEIVED

NOV 21 1989

RE: USE OF BOROUGH LANDS - HOMER, ALASKA

Dear Don:

The Homer Parks & Recreation Advisory Commission at their regular meeting of November 16, 1989 unanimously moved to ask for a follow-up regarding the status of Resolution 89-34 (A) requesting the Kenai Peninsula Borough to deed 25 acres of land to the City of Homer for public use, as well as Resolution 89-35 (A) requesting a use permit or joint use agreement to utilize a portion of the Paul Banks School property for public park use.

It is my understanding that Chairman Louis Strutz delivered these resolutions to you earlier this summer. I assume these and other matters of business have been lost in the oil shuffle, but the Commission is eager to pursue both of these issues and I would be happy to do anything within my power to help facilitate both matters.

Thank you for your attention to this request and if additional information is required, please advised.

Sincerely,

CITY OF HOMER

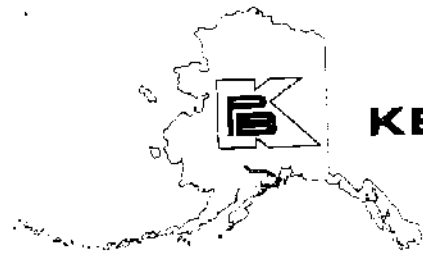
*Philip C. Shealy*  
Philip C. Shealy  
City Manager

PCS/tw

Enc (3)

cc: Louis Strutz





## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669  
PHONE (907) 262-4441

DON GILMAN  
MAYOR

November 22, 1989

Mr. Philip C. Shealy, City Manager  
City of Homer  
491 East Pioneer Ave.  
Homer, AK 99603-7624

Subject: Borough Land - Homer, Alaska

Dear Mr. Shealy:

Mayor Gilman has referred your letter dated November 20, 1989, regarding the use of certain borough lands, to me for response.

The subject of conveying Government Lots 6,7,11,12,13,18,19,20,22 and 23, Sec. 14, T6S, R13W, S.M. to the city has lain idle for some time. We received the final decision on transferring this land from the state to the borough in 1982. In 1983 draft legislation was prepared which would have classified this land for public use. However, this was not presented to the assembly, because we had not received title. That situation has not changed and it appears a longer delay can be expected. The municipal entitlement section of DNR was not funded for this year and most of their activities have been suspended, to which we have voiced strong objection.

We believe that before public funds are expended on development of land, it is prudent to have full title to the property. We are reluctant to transfer management authority on selection approved lands due to the hidden issues that may surface. We will continue to work on this situation and keep you advised.

On the matter of a joint use agreement for a portion of the Paul Banks Elementary School property, we will initiate action by referring the matter to school officials for comments. We shall also keep you informed on this matter.

Sincerely,

  
Richard P. Troeger  
Planning Director

RPT/rs

cc: Don Gilman, Mayor  
Carolyn Turkington, Land Management Office ✓



CITY OF HOMER  
HOMER, ALASKA

RESOLUTION 89-34(a)

A RESOLUTION OF THE HOMER CITY COUNCIL RESERVING TEN ACRES OF CITY OWNED LAND FOR PUBLIC PURPOSES AND REQUESTING THE KENAI PENINSULA BOROUGH TO DEED TWENTY-FIVE ACRES OF LAND TO THE CITY OF HOMER FOR PUBLIC USE.

WHEREAS, the City of Homer has a State of Alaska patent, dated September 11, 1973 to Lots 10, 21, 24 and 25 of Section 14, T6S, R13W, S.M. consisting of approximately ten acres in four separate lots of undeveloped land within the city limits; and

WHEREAS, government Lots 6, 7, 11, 12, 13, 18, 19, 20, 22 and 23 of Section 14, T6S, R13W, S.M. are in the process of being transferred from the State of Alaska to the Kenai Peninsula Borough; and


WHEREAS, the Parks and Recreation Commission at a special meeting held March 31, 1989 recommended that the City Council direct staff to contact the Borough and proceed with negotiations for development of the Kachemak Drive Sports Park as identified in the 1989 Capital Improvement Program for the City of Homer; and

WHEREAS, the City of Homer by Resolution 82-39, 84-25 and 87-84 has stated their intent to reserve ten acres of city owned land for public purposes as well as requesting the Kenai Peninsula Borough to classify twenty-five acres of land for public use and combine all fourteen parcels into a public park.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Homer reserves Lot 10, 21, 24 and 25, Section 14, T6S, R13W, S.M., containing ten acres for public purpose and request that the Kenai Peninsula Borough deed Lot 6, 7, 11, 12, 13, 18, 19, 20, 22 and 23 of Section 14, T6S, R13W, S.M., containing twenty-five acres of land to the City of Homer as public use lands per Section 17.04.090 of the Kenai Peninsula Borough Code of Ordinances for a public park.

DATED this 10th day of April, 1989 at Homer, Alaska

CITY OF HOMER

  
JOHN P. CALHOUN, MAYOR

ATTEST:

  
PATTI J. WHALIN, CITY CLERK

CITY OF HOMER  
HOMER, ALASKA

RESOLUTION 89-35(a)

A RESOLUTION OF THE HOMER CITY COUNCIL REQUESTING A USE PERMIT OR JOINT USE AGREEMENT TO UTILIZE A PORTION OF THE PAUL BANKS SCHOOL PROPERTY FOR PUBLIC PARK USE.

WHEREAS, the Homer Park and Recreation Commission has recommended that a portion of the publicly owned land behind Paul Banks Elementary School include a day use park for children, ball fields and a connection point for trail development from the city center eastward; and

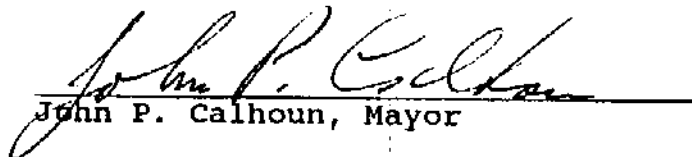
WHEREAS, the City Council of Homer did adopt the Paul Banks Day Use Park as part of the 1989 Capital Improvement Program; and

WHEREAS, the Parks and Recreation Commission at their Special Meeting held March 31, 1989 recommended that the City Council direct staff to contact the Borough and proceed with negotiations of a use permit to provide for the Paul Banks Day Use Park.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Homer request the Kenai Peninsula Borough to issue a use permit or joint use agreement for a portion of the Paul Banks Elementary School property as a day use park to be constructed and maintained by the City of Homer to provide appropriate ball fields and other day use park facilities for the area citizens.

DATED this 10th day of April, 1989 at Homer, Alaska.

CITY OF HOMER

  
John P. Calhoun, Mayor

ATTEST:

  
Patti J. Whalen, City Clerk

# UNAPPROVED MINUTES

Session 89-12, the regular meeting of the Homer Parks and Recreation Advisory Commission was called to order by Chairman Strutz at 7:32 p.m. at Homer City Hall, Council Chambers, 491 E. Pioneer Avenue, Homer, Alaska, 99603.

## CALL TO ORDER

## ROLL CALL

PRESENT: COMMISSIONERS: KING, HARRY, HUNT, STRUTZ,  
GLIDDEN

STAFF: PWD DIRECTOR HOBBS  
PWD ADMIN. ASSIST. STEVENSON  
DEPUTY CITY CLERK SHANNON

OTHERS: CITY COUNCILMAN GREGOIRE

ABSENT: COMMISSIONERS: SPENCE (excused)

## APPROVAL OF AGENDA

The agenda was approved with the additions of Items B., C., and D. under Commission Business as presented by Chairman Strutz. Item B. Report on the Sports Complex, Item C. Paul Banks Joint Use Agreement and Item D. Visitor's Center Proposal.

## APPROVAL OF MINUTES

A. Regular meeting minutes of October 19, 1989.

Commissioner Harry noted on the last page under Commissioner Comments that she does not want the worksessions to start earlier. There being no further corrections the minutes were approved as corrected.

## STAFF REPORT

## PENDING BUSINESS

A. Kachemak Heritage Land Trust Trails Project

Commissioner Hunt reported that he had been unable to contact Ranger Jeff Johnson, adding that his intention is to invite Mr. Johnson to the December regular meeting.

## COMMISSION BUSINESS

A. Development of Parks & Recreation Department

Chairman Strutz stated that time needs to be taken to hire someone interested in parks, that the job could be done for \$10,000 (each season), and that the job would be done better than it is presently being done. He stated that the P/R

PARKS AND RECREATION ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 16, 1989

Department person would need to be concerned with maintenance, development, promotion and must be a good scrounger.

Commissioner Harry queried Councilman Gregoire regarding introduction of an Ordinance for the Parks & Recreation Department.

Councilman Gregoire drew attention to the letter from Mr. Shealy contained in the packet.

Public Works Director Hobbs advised the Commission of the December 4th Budget worksession with the Council and the Commissions, suggesting that this would be the appropriate time for the Commission to give their views regarding the establishment of a Parks & Recreation Department. Mr. Hobbs suggested that in this manner the Ordinance could then be drawn to develop a Parks & Recreation Department with a budget for equipment, personnel and et cetera and could be on the December 11th Council Meeting Agenda or if the Commission desired Mr. Gregoire could introduce an Ordinance at the November 27th meeting.

HUNT/KING - MOVED TO SEND A REPRESENTATIVE TO THE NOVEMBER 27TH MEETING, AS THE NEW ORDINANCE NOW ALLOWS, TO PROPOSE ESTABLISHMENT OF A PARKS & RECREATION DEPARTMENT.

VOTE: YES: HUNT, STRUTZ, GLIDDEN, HARRY, KING.

Motion carried.

B. Report on Sport's Complex

Chairman Strutz expressed concern regarding the status of the Resolutions which Council had passed and which he had hand delivered to Mayor Gilman regarding both the forty acres at the east end of the runway for a Sport's Complex and the proposed joint use agreement with Paul Banks Elementary.

KING/HUNT - MOVED TO ASK THE CITY MANAGER TO FOLLOW UP ON THESE RESOLUTIONS.

VOTE: YES: STRUTZ, GLIDDEN, HARRY, KING, HUNT

Motion carried.

C. Paul Banks Joint Use Agreement

Addressed under Sport's Complex.

D. Visitor's Center Proposal

Chairman Strutz reported that when he was notified that there was State Funding available there were only four days in which to get the information completed. Mr. Gregoire





THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of  
Fish and Game**

DIVISION OF WILDLIFE CONSERVATION  
Southcentral Region

3298 Douglas Place  
Homer, Alaska 99603  
907.235.8191

23 November, 2015

To whom it may concern,

This letter is written in response to a request by the Kachemak Moose Habitat, Inc. to evaluate land relative to the importance to moose in and around the greater Beluga Lake wetlands. KMHI has a long history of protecting moose habitat on the Kenai Peninsula, particularly in the Homer area. Wetlands around the greater Beluga Lake area provide important wintering habitat for moose in the Homer area. When there are deep snow winters, the Homer bench area can hold a significant portion of the moose population on the lower Kenai Peninsula. The greater Beluga Lake area is important winter habitat that contributes to the health of the moose population on the lower Kenai Peninsula.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas McDonough".

Thomas McDonough  
Wildlife Biologist  
Alaska Department of Fish and Game  
Homer, AK 99603  
thomas.mcdonough@alaska.gov  
907-399-8241



# HOMER WETLAND COMPLEXES AND MANAGEMENT STRATEGIES

## Moose Population and Movements Around Homer

Moose have been abundant on the Kenai Peninsula for over 100 years (Lutz 1960). Moose are an important resource for hunters and are a desired spectacle for local wildlife viewers and tourists. Densities around the state vary according to the quality of the habitat, predation levels, and other factors. The moose population around the greater Homer area (south of the Anchor River to Kachemak Bay) is currently over 500 animals and is considered a high-density population (Schwartz and Franzman 1989) with about 3 moose per square mile. This Homer moose population is currently the most abundant and productive population on the Kenai Peninsula. Moose from this population likely act as a "source" population in providing dispersing individuals to areas of lower moose densities around the lower Kenai Peninsula (Labonte et al. 1998).

Moose have evolved and adapted to habitat changes influenced by fire (Spencer and Hakala 1964, Lorange et al. 1990) and other natural disturbances. While disturbances such as fire increase the quality and quantity of browse for moose over time with the regeneration of new plant growth, the habitat changes caused by human development can remove important moose forage, eliminate access to existing forage, and/or fragment available browse into small and disconnected areas.

Moose and humans have shared the landscape in various Alaskan communities for many years. Moose inhabit areas within Anchorage because there still is available habitat. However, human moose conflicts continue to increase as the human population grows and the amount of moose habitat decreases. Moose have been radiocolored in Anchorage using GPS technology that records locations multiple times each day. The data have not been analyzed; however, moose in urban areas appear to spend most of their time in natural areas including parks, greenbelts, and undeveloped properties near developments (R. Sinnott, Anchorage ADF&G biologist, pers. comm.). These "green areas" provide moose browse, cover to escape from human disturbance and to stay cool, bedding areas for rest and food processing, and undisturbed areas for calving.

Moose around Homer eat a wide variety of vegetation based on the nutritional quality and availability of the plant species. In the summer when vegetation is plentiful, moose eat leaves from birch and willow along with forbs, grasses, sedges, and aquatic plants (LeResche and Davis 1973). During the winter, food is often limiting and moose focus on twigs of limited nutritional quality such as birch, willow, and ornamentals planted around human residences. Willows are an integral part of the diet for moose especially in the winter. During the winter, when moose browse greater than 30% of the previous summers growth of willow stems, there can be an increase in the production of new stems the following year (Collins 2002). However, browsing over 80% of the previous years growth will increase the production of secondary plant compounds, which limits the amount of nutrition the moose receives from the plant (Collins 2002). Continued browsing of the new annual growth of a plant, such as paper birch, year after year can eventually kill the plant (Oldemeyer 1983). Every winter in Homer, most preferred willow species suffer nearly 100% browsing of the previous summers plant growth.

Moose spend much of their time along forest edges because of the availability of good browse and for avoiding human disturbance (Bangs et al. 1985). Utilization of moose browse species will increase with the severity of the winter snowfall (Collins 2002). Winter snow conditions are often severe in Homer. Deep snow conditions cover food sources and make traveling more energetically difficult for moose, especially calves. The deep snow winters of 1991/92, 1994/95, 1997/98, and 1998/99 resulted in severe over-browsing of the available moose habitat and caused the death of over 200 moose in and around the city of Homer due to malnutrition. Even in relatively mild winters such as 2005-06, over 10 moose died in residential areas in Homer during late winter due to malnutrition. These mortality totals do not include many moose that die due to malnutrition and are unreported or undetected.

It is likely that a low-density moose population could survive within expansive human development with or without mitigating development and proactive planning for protecting moose habitat. However, mitigation measures to protect certain critical moose habitat patches in Homer will improve the long-term sustainability of our local moose population. The Homer moose population is currently a high-density population and the growth in the local moose population during the past 5-10 years has bolstered moose numbers in areas surrounding Homer. Moreover, failing to protect important habitats for moose in Homer will ensure a large proportion of the population will die due to malnutrition every winter. Negative moose-human interactions will also rise as moose increase their movements between available food patches and act defensively while feeding on small browse patches around human residences.

The purpose of identifying important areas of moose habitat and mitigating development of these habitats is not to improve or enhance the moose habitat that currently exists. The purpose is to lessen the impact of habitat loss that is inevitable with development. The assumption is that the public wants the local moose population to be healthy and negative encounters between humans and moose to be low. A desired decrease in the moose population to reduce potential human-moose conflicts should warrant a detailed plan of moose reductions via hunting rather than a slow removal of their prime habitat in the city and subsequent mortality due to malnutrition when winter snow conditions are severe. If the direction of wildlife management is to maintain a healthy moose population, then an active habitat management program is required. Providing mitigation measures for the human development of high-quality moose habitat within the City of Homer is a wise first step.

Thomas McDonough  
Wildlife Biologist  
Alaska Department of Fish & Game  
5 June 2006



## Synopsis

In 2005-2006 representatives of the City of Homer, US Army Corps of Engineers, Environmental Protection Agency, US Fish & Wildlife Service, Kachemak Bay Research Reserve, Cook Inletkeeper, Kenai Watershed Forum, Natural Resources Conservation Service, and Alaska Department of Fish & Game met to assess Homer wetlands. After a thorough review of methods, a scoring protocol was developed and all wetlands were scored.

These strategies arose from that effort and are currently being used by some agency personnel to comment on Clean Water Act Section 404 wetland permits.

## Beluga Lake

Prohibit fill in Beluga Lake or the two associated wetland polygons (docks are permitted).

## Beluga Slough

Development in tidally influenced wetlands should be prohibited.

## Beluga Slough Discharge Slope

Development should be encouraged in this core area of Homer. Mitigate for the loss of moose habitat. Further development north of Bunnel Avenue and east of Main Street should be discouraged. A goal of this plan is to bring private parcels in this area into conservation status. Development in tidally influenced wetlands should be prohibited.

## Bridge Creek Wetlands

The wetland management strategy for this watershed is the same as the Bridge Creek Watershed Protection ordinance, which includes a prohibition on filling wetlands.

## Diamond Creek Wetlands

Maintain large lot sizes. Maintain a 100 ft setback of natural vegetation along either side of Diamond Creek and its tributaries. Crossings should be perpendicular to the channel, via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## Downtown wetlands

On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## 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.

## Kachemak Kettle

Maintain a 100 ft buffer along the East Homer Drainageway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## Lampert Peatland

Maintain a 100 ft buffer around Lampert Lake. Mitigate for lost hydrologic, general habitat, and moose habitat functions in wetlands west of Lampert Lake. Discourage further development of wetlands east of Lampert Lake. Prohibit wetland filling more than 400 ft from Kachemak Drive.

## Landfill Kettle

Restrict development to the south side of the wetlands and along the highway. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated. The peatlands should be preserved and buffered with a 50 ft setback of undisturbed natural vegetation as they are highly functional for water retention and filtering.

## Loop Kettle

Loss of moose habitat should be mitigated.

## NE Slough

Retain natural vegetation as is practicable. Preserve existing wetlands for water quality functions and moose habitat.

## N. Paul Banks Discharge

Encourage development here. Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## Ocean Kettle

Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## Ocean Drive Kettle

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## Outer Loop Kettle

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## Overlook Park

Public lands: Maintain in conservation status and manage according to site management plan. Private Lands: Maintain moose habitat by limiting fill to the minimum necessary for a residence and minimum driveway and parking. No ditching or changes to drainageways should be allowed. Locate roads out of wetlands and out of drainageways to the extent possible. Maintain a 100 ft setback of natural vegetation on either side of Overlook Creek.

## Palmer Drainageway and Fan

Maintain a 100 ft setback of natural vegetation on either side of Palmer Creek. Crossings should be perpendicular to the channel via bridge or oversized culvert and involve the minimum amount of fill necessary for safety. All of these wetlands should be preserved. A wetlands bank with Moose Habitat Incorporated will target private parcels in this area, along with the East Homer Drainageway, for purchase and preservation. Wetlands within the City of Homer that have been targeted for moose mitigation are eligible to receive credits from this bank.

## Raven Kettle & Roger's Loop Depression

Avoid wetland fill. Maintain the hydrologic integrity of drainageways and water retention and filtration capacity of the complex. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## Runway Discharge

Within the airport boundary wetland hydrology should be maintained. Public lands: Those tracts outside the airport boundary should be maintained and managed for the values of the Homer Airport Critical Habitat Area. Private lands: Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## Upper Woodard

On City-owned parcels, maintain greenbelts incorporating storm water retention designs. Retain as much natural vegetation on individual lots as is practicable. Where uplands exist on a lot they must be used prior to filling wetlands. If more than 3% of wetlands on any lot are converted to hardened surface they must be compensated for with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.

## West Beluga Slope

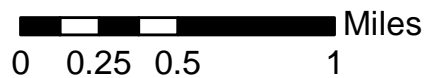
Public lands: Publicly owned lands should be preserved as undisturbed wetlands. Private lands: These should be prioritized and purchased over time for inclusion in a mitigation bank whose purpose is to preserve moose habitat. Development should be discouraged. A master plan should be developed for this area as it is a very important wetland complex, and it is probably the most threatened in the City of Homer.

## West Homer Discharge

Retain natural vegetation as is practicable. Accelerated runoff from hardened surfaces will be offset with swales and/or runoff retention ponds. Loss of moose habitat should be mitigated.



# City of Homer Zoning Map

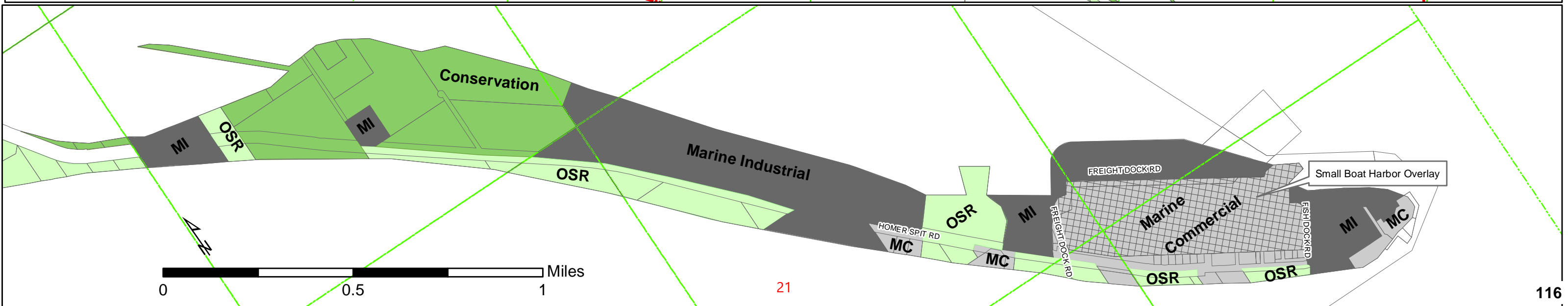


November 2, 2020

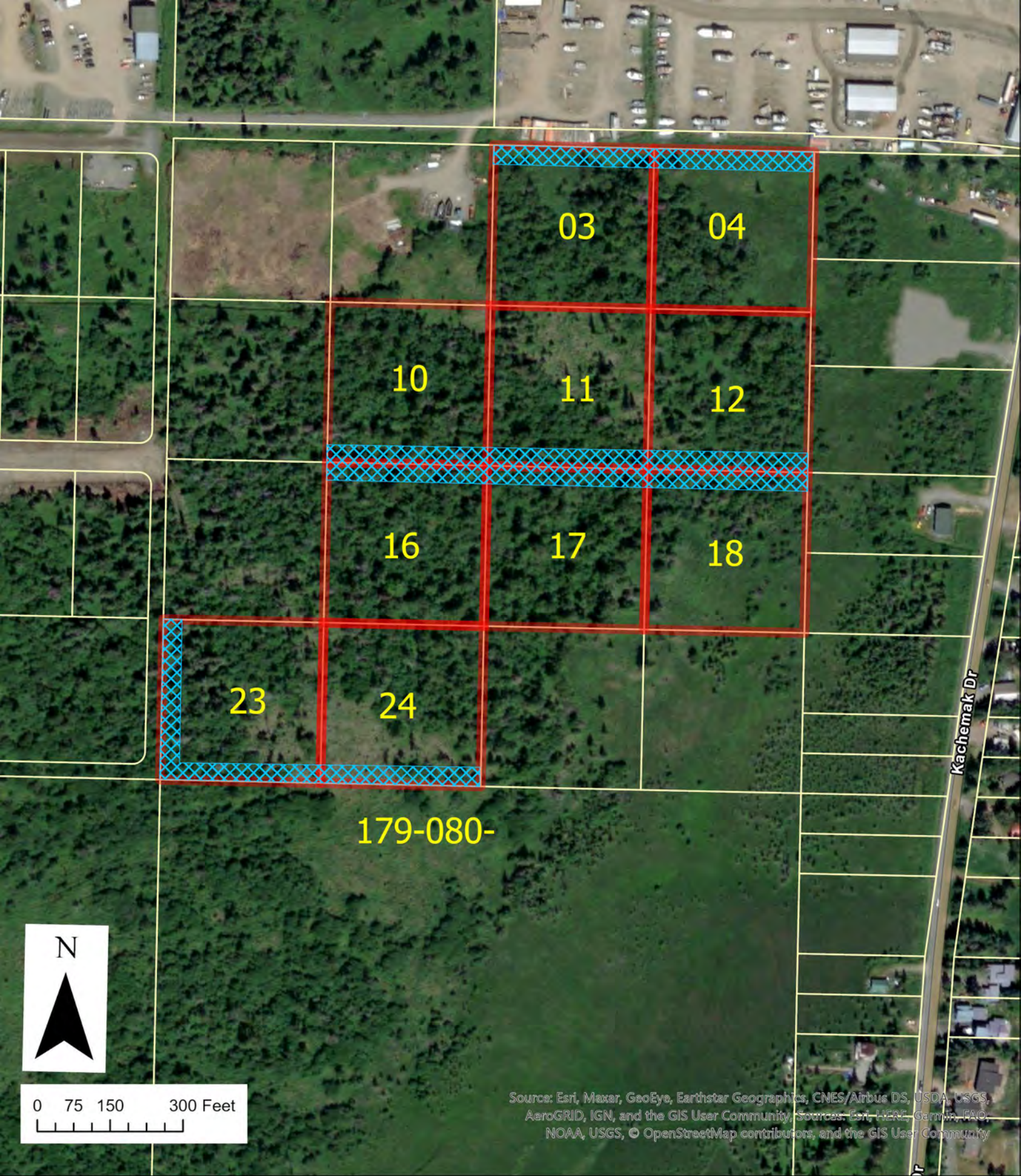
Abbreviations  
MC = Marine Commercial  
MI = Marine Industrial  
OSR = Open Space Recreation  
CONS = Conservation

**Legend**  
 City Limits  
**2020 Zoning**  
**Zone**  
 Gateway Business District  
 Central Business District  
 Town Center  
 General Commercial 1  
 General Commercial 2  
 East End Mixed Use  
 Marine Commercial  
 Marine Industrial  
 Open Space Rec  
 Conservation  
 Bridge Creek Watershed  
 Rural Residential  
 Urban Residential  
 Residential Office  
 Medical  
 Scenic Gateway Corridor Overlay  
 Small Boat Harbor Overlay  
 Section Lines

Ordinance No.	Date
83-07	2/15/83
83-30	12/13/82
84-28	10/23/84
85-10	5/28/85
86-18	6/24/86
86-23	8/26/86
86-24	8/26/86
86-25	8/26/86
92-47	9/29/92
92-50	12/15/92
98-14	7/27/98
1-27(S)	5/13/02
02-11	5/13/02
02-42(S)(A)	7/28/03
03-08	2/25/03
03-10	2/25/03
03-11(S)(A)	2/25/03
03-03(S)	3/11/03
03-04(S)	3/11/03
03-05(S)	3/11/03
03-09	3/11/03
03-20	5/13/03
03-37	7/29/03
05-07	3/15/05
05-33	6/28/05
06-20(A)	9/15/06
06-22	4/25/06
06-58	9/15/06
06-51(S)(A)	9/26/06
07-52(A-2)	2/25/08
08-06	2/12/08
08-08(A)	3/25/08
08-20	6/24/08
08-12(S)(A-2)	10/14/08
09-44(S)	10/13/09
09-19	10/26/09
12-10	2/28/12
12-11(A)	3/28/12
13-12(S)	5/14/13
16-34	6/28/16
20-02	1/28/20
20-49	8/25/20
20-59(A)	9/29/20







Approximate Location of Proposed  
30 Foot Wide Retained Easements



Introduced by:	Mayor
Date:	07/06/21
Hearing:	08/03/21
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-27**

**AN ORDINANCE AUTHORIZING A WISP TOWER AND GROUND LEASE  
AGREEMENT AT CERTAIN LOCATIONS WITH SPITwSPOTS, INC.**

**WHEREAS,** SPITwSPOTS, Inc. is proposing to install single provider towers and equipment at borough owned locations in the communities of Sterling and Funny River; and

**WHEREAS,** the purpose of the agreement would be to expand wireless internet connectivity in the borough;

**WHEREAS,** suitable sites have been identified near borough solid waste and Central Emergency Services operating sites known as the Sterling Transfer Site, the Funny River Transfer Site, CES Sterling Station #3, and CES Funny River Station #5; and

**WHEREAS,** SPITwSPOTS, Inc. has the capability to assist KPB with communication equipment installations and services that would benefit KPB operations through the information technology services available between the sites and save costs to KPB through the services provided; and

**WHEREAS,** communication tower lease agreements have been negotiated on terms which would provide wireless internet connectivity services to KPB, with a cash rent alternative should connectivity be discontinued; and

**WHEREAS,** entering into a WISP (Wireless Internet Service Provider) Tower and Ground Lease Agreement with this provider benefits borough infrastructure while also providing a community-wide benefit in expanding existing wireless internet infrastructure and connectivity in the borough; and

**WHEREAS,** the Central Emergency Service Area Board at its regularly scheduled meeting of \_\_\_\_\_, 2021 recommended \_\_\_\_\_; and

**WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of July 12, 2021 recommended \_\_\_\_\_;

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

**SECTION 1.** That the assembly finds that entering into a WISP Tower and Ground Lease Agreement with SPITwSPOTS, Inc., pursuant to KPB 17.10.100(I), authorizing the negotiated lease of borough lands, is in the best interest of the borough at the following locations:

- A. Lot 2 Sterling Fire Station Subdivision, Plat No. 86-139, Kenai Recording District (Parcel 063-680-15);
- B. Gov Lots 3 & 4 Section 10, T5N, R9W, S.M. lying north of the Sterling Highway, excepting that portion per Q/D Book 380, Page 957 (Parcel 063-860-17);
- C. Lot 5 Salmon Bend Subdivision FRVFD Addition, Plat No. 2002-24, Kenai Recording District (Parcel 066-170-31);
- D. Lot 1A, Block 2 Beacon Subdivision, Plat No. 92-10, Kenai Recording District (Parcel 066-010-21);

This finding is based on the following facts:

- 1. The borough will receive a fair market rent, or a fair value in services in lieu of cash rent, for the term of the lease.
- 2. The land will be used to provide new wireless internet provider sites that will improve internet connectivity services in rural areas of the Kenai Peninsula Borough.
- 3. That the proposed wireless internet service facilities and improvements are compatible with the sites.

**SECTION 2.** Pursuant to KPB 17.10.230, the assembly authorizes an exception to the requirements of KPB 17.10.080, KPB 17.10.090 and KPB 17.10.110 governing classification, disposition, and notice with respect to leasing of borough lands, based on the following facts:

- 1. That special circumstances or conditions exist.
  - a. The proposed lease agreement is solely with SpitwSpots, Inc, for the purpose of constructing or installing new broadband wireless internet tower sites.
  - b. The lease agreement is for ancillary uses that do not conflict with, or that do enhance, the primary use of the properties.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
  - a. The notice requirement is intended to make the public aware of an opportunity to purchase borough property, which is unnecessary since the intent of the disposal is to lease the property solely to SpitwSpots, Inc,
  - b. The communications uses are not primary factors in the land classification system.
3. That the granting of this exception will not be detrimental to the public welfare or injurious to other property in the area.
  - a. Lease of wireless internet communications sites on the subject parcels to SpitwSpots, Inc, is compatible with the current land uses and surrounding land uses.
  - b. The development of communications infrastructure on these sites will benefit the KPB operations on those sites, and provide a community-wide benefit by expanding the availability of wireless internet service connectivity.

**SECTION 3.** Based on the foregoing and pursuant to KPB 17.10.100(I), the mayor is hereby authorized to execute a WISP Tower and Ground lease Agreement for the properties identified in Section 1 that contains terms and conditions substantively similar to the the agreement attached to this ordinance.

**SECTION 4.** SPITwSPOTS, Inc. shall have 120 days from the date of enactment of this ordinance to execute the lease agreement(s).

**SECTION 5.** That rent revenue from the subject lease shall be submitted to the borough finance department and deposited as follows:

Funny River Fire Station: Central Emergency Service Area account 211.00000.00000.36316.

All other sites: Land Trust account 250.00000.00000.36316.

**SECTION 6.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \*, 2021.**

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Brent Hibbert, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



Kenai Peninsula Borough  
Planning Department – Land Management Division

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *Blt for CP*  
Melanie Aeschliman, Planning Director *MA*

**FROM:** Marcus Mueller, Land Management Officer *mm*

**DATE:** June 24, 2021

**RE:** Ordinance 2021-27, Authorizing WISP Tower and Ground Lease Agreement at Certain Locations with SpitwSpots, Inc. (Mayor)

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SpitwSpots, Inc. is a peninsula based commercial broadband communications provider. SpitwSpots, Inc., has requested to enter into a lease agreement for new Wireless Internet Service Provider (WISP) Tower and Ground Lease Agreement on certain borough land in Sterling and Funny River. The sites under consideration are the CES Sterling Station #3, the CES Funny River Station #5, the Sterling Solid Waste Transfer Site, and the Funny River Solid Waste Transfer Site. The use at the Funny River Solid Waste Transfer would be in the form of collocation of equipment on an existing KPB owned tower. The other locations proposed would be new single provider WISP towers owned by SpitwSpots.

The WISP Tower and Ground Lease Agreement proposes in-kind services as payment in lieu of cash payments for all operation sites. The Agreement has been negotiated with a focus on their infrastructure and service value to the borough with regard to specific borough entity internet expansion and connectivity needs as well as the general community benefit from expanded internet connectivity and availability borough-wide. The KPB IT department has evaluated the communication link strategy and determined certain benefits and cost savings would be produced. In the event that communications services are discontinued, the leases would revert to cash rent.

The planning commission will hold a public hearing on this item at its regularly scheduling meeting on July 12, 2021.

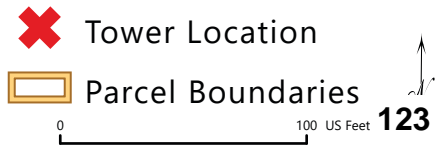
Your consideration of this ordinance is appreciated.



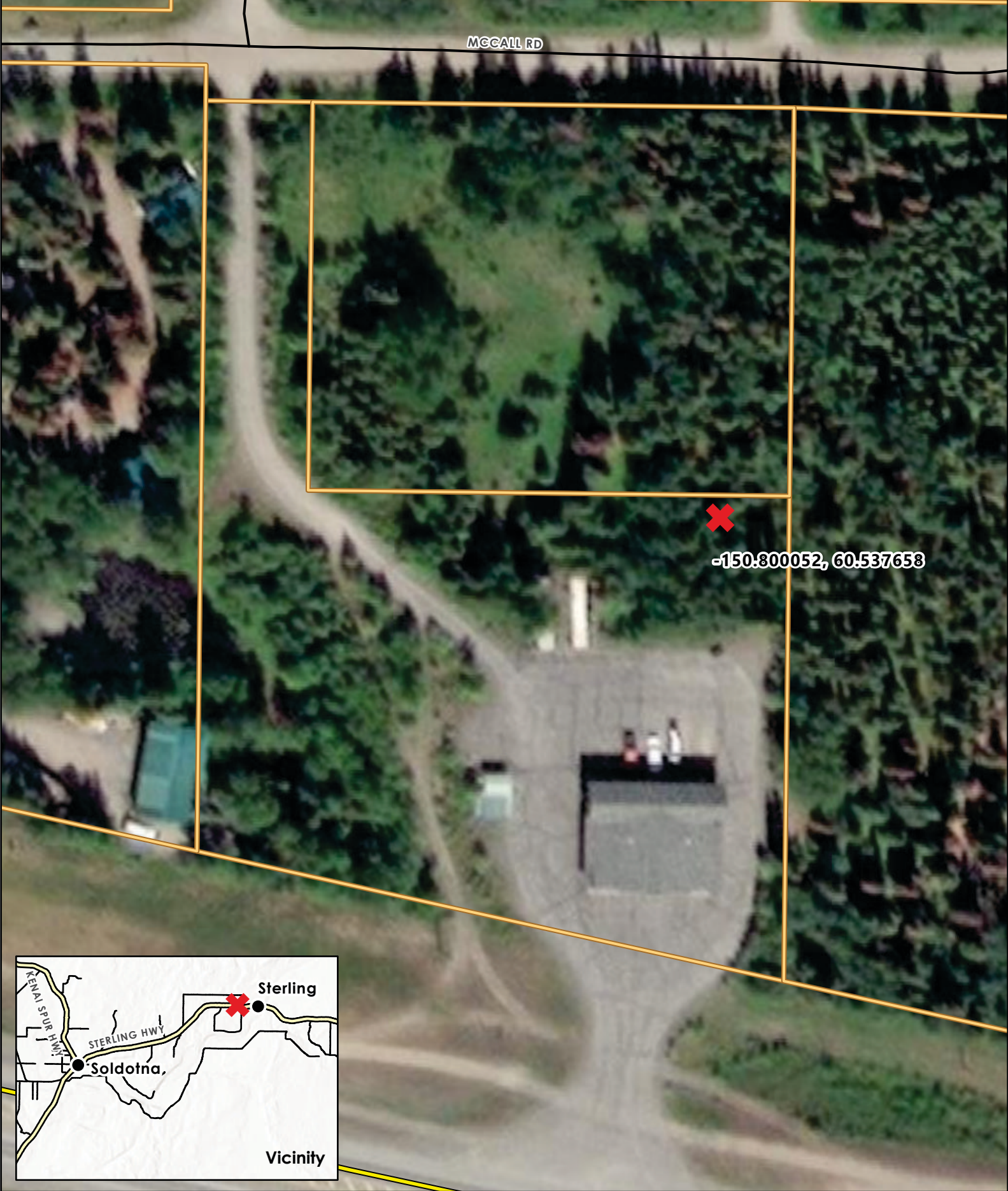


# Tower Location

## CES Station 5 - Funny River










# Tower Location

## CES Station 3 - Sterling

 Tower Location

 Parcel Boundaries

0 100 124

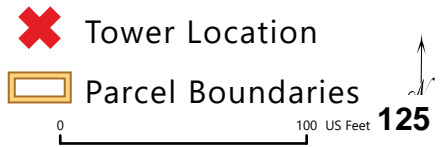






# Tower Location

## CES Station 5 - Funny River

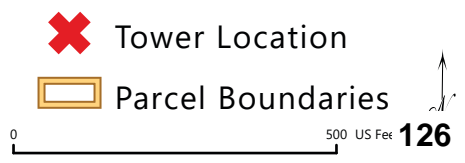






# Tower Location

## Sterling Transfer Station





# Funny River Solid Waste Existing KPB Tower



Introduced by:	Mayor
Date:	07/06/21
Hearing:	08/03/21
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-28**

**AN ORDINANCE AUTHORIZING A LEASE TO ROBERT GIBSON, DBA ALASKA  
LAND AND CATTLE COMPANY FOR APPROXIMATELY 280 ACRES OF  
BOROUGH LAND IN THE BASARGIN ROAD AREA FOR AGRICULTURAL USE**

**WHEREAS,** Robert Gibson, dba Alaska Land and Cattle Company, applied for an agricultural use lease of borough land in the Basargin Road area; and

**WHEREAS,** the parcel is described as NW1/4 & NW1/4NE1/4 & S1/2NE1/4, Section 22, Township 4 South, Range 11 West, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska (Parcel No. 18521053); and

**WHEREAS,** the parcel is subject to the Basargin Road right-of-way, a haul route to the borough's Eagle Lake Material Site, section line easements, and recreational trails; and

**WHEREAS,** the subject parcel is 280 acres +/- and is classified Agriculture and Resource Management per KPB Resolutions 2017-024 and 2020-020; and

**WHEREAS,** pursuant to KPB 17.10.100(I), assembly approval of the lease shall be by ordinance upon receipt of the planning commission's recommendation; and

**WHEREAS,** leasing borough land for agricultural purposes with enforceable lease terms is consistent with the KPB Comprehensive Plan Agriculture Focus Area, Objective A, Strategies 1 and 2; and

**WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of July 12, 2021, recommended \_\_\_\_\_.

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

**SECTION 1.** That the assembly finds that leasing this land to Robert Gibson, dba Alaska Land and Cattle Company for agricultural use is in the best interest of the public and the borough. This finding is based on the following facts:

1. The borough will receive rent for the term of the lease.
2. The land will be used for grazing and agricultural production.

**SECTION 2.** The mayor is authorized, pursuant to KPB 17.10.100(I), Negotiated Sale or Lease, to negotiate and enter into a lease of the above-described parcel to Robert Gibson, dba Alaska Land and Cattle Company, subject to all lease conditions required by this ordinance and the applicable provisions of KPB 17.10, Borough Land and Resources.

**SECTION 3.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.

**SECTION 4.** That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY \* 2021.**

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Brent Hibbert, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

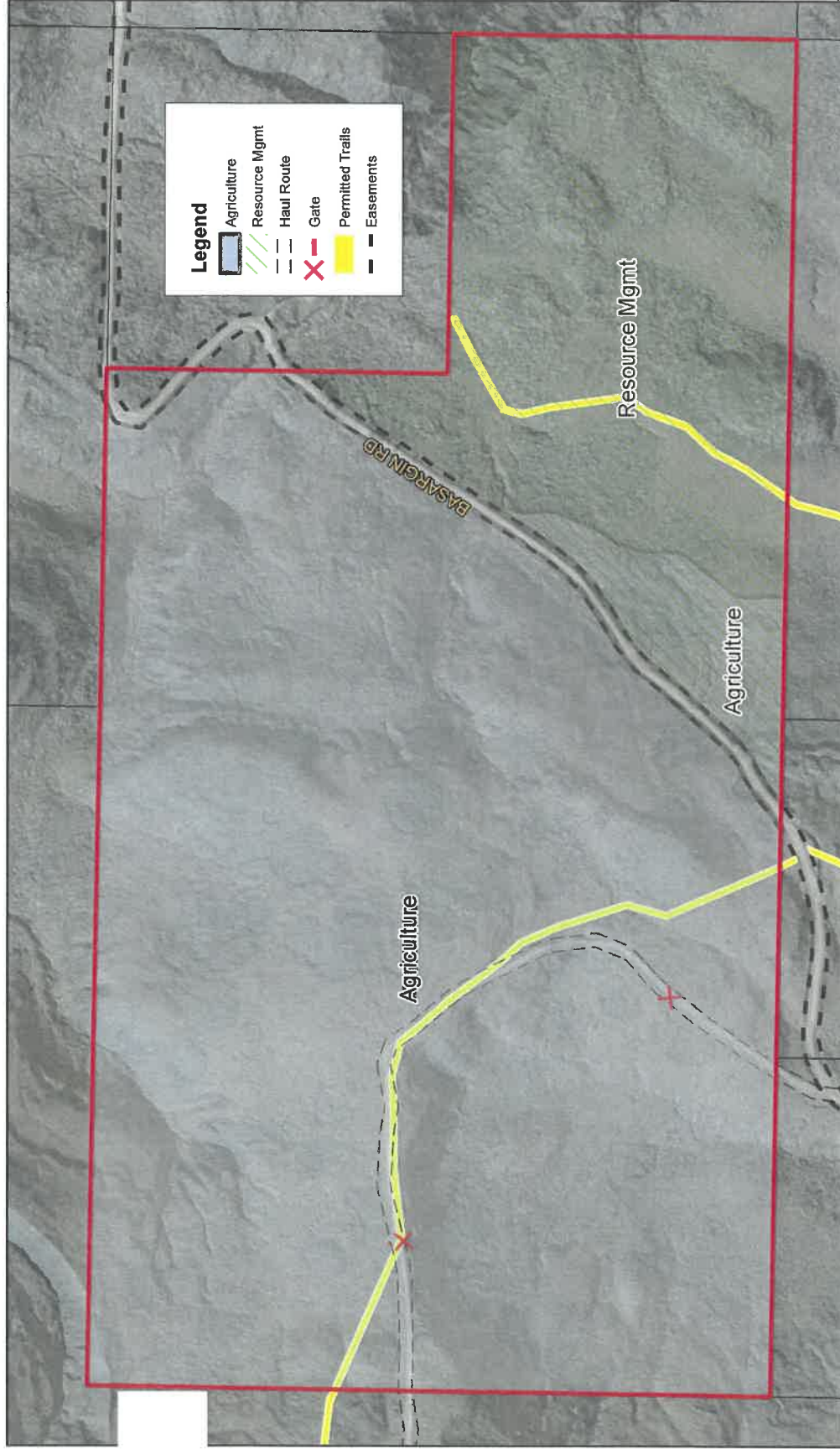
No:

Absent:

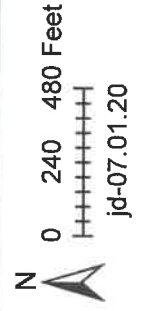


**LMD 19-36; Agricultural Use Lease  
Alaska Land and Cattle Company**

**Ordinance 2020-XX**



**APN: 18521053 NW1/4 & NW1/4 NE1/4 & S1/2 NE1/4, Section 22,  
280 acres +/- Township 04 South, Range 11 West, Seward Meridian,  
Homer Recording District**





# Agriculture Lease Rate Map

Township 04 South, Range 11 West

Section 22: NW1/4 & NW1/4NE1/4 & S1/2NE1/4, Seward Meridian, containing 280 +/- acres

