



**Meeting Agenda  
Planning Commission**

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**Monday, May 9, 2022**

**7:30 PM**

**Betty J. Glick Assembly Chambers**

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**Zoom Meeting ID 907 714 2200**

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF CONSENT AND REGULAR AGENDA**

*All items marked with an asterisk (\*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

*If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.*

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval

[KPB-4165](#) Cabin Hoppers Subdivision; KPB file 2021-160  
Canyon Trails Amended Forquer 2021 Replat; KPB File 2021-016  
Homewood Subdivision; KPB File 2021-162  
Horse Creek Subd. 2021 Addition; KPB File 2021-099  
Mackey Lake Subdivision Douglas Replat; KPB File 2021-109  
Voznesenka 2020; KPB file 2020-016R1

Attachments: [C3. Administrative Approvals Packet](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4166](#) April 25, 2022 Planning Commission Meeting Minutes

Attachments: [C7. 042522 Minutes](#)

**D. OLD BUSINESS****E. NEW BUSINESS**

1. [KPB-4167](#) Building Setback Permit; PC Resolution 2022-19  
Lot 17 Sunny Slope Subdivision Unit 1 (Plat HM 75-33)

Attachments: [E1. BSP Sunny Slope Packet](#)



2.     [KPB-4168](#)     Sewer Easement Alteration; KPB File 2022-041V  
Fort Raymond Subdivision Replat No. 1 Lot 7A  
  
      Attachments:     [E2. UEV Fort Raymond Packet](#)
  
3.     [KPB-4169](#)     Right-Of-Way Vacation; KPB File 2022-023Vr1  
Vacate a portion of Paper Birch Lane & associated utility easements  
  
      Attachments:     [E3. ROWV Paper Birch Packet](#)  
                              [E3 - Comment KPB 2022-023RV1 Kemberling](#)  
                              [E3 - Comment KPB 2022-023RV1 Morrison 2](#)  
                              [E3 - Comment KPB 2022-023VR1 Morrison](#)
  
4.     [KPB-4170](#)     Conditional Use Permit PC Resolution 2022-06  
Construction of a 10' chainlink fence within the 50' Habitat Protection  
District of the Kenai River  
  
      Attachments:     [E4. CUP Cushman Fence Packet](#)  
                              [E4-PC Jefferies Comment](#)
  
5.     [KPB-4171](#)     Conditional Land Use Permit Modification; PC Resolution 2022-18  
Tract A-1A Kalifornsky Center Subdivision  
  
      Attachments:     [E5. CLUP - Peninsula Resources](#)
  
6.     [KPB-4172](#)     Ordinance 2021-19-51: Appropriating funds from the Land Trust Fund,  
fund balance for a project to conduct soils investigations and land  
planning on the 100-acre Unit 395, Juneau Bench, near Cooper  
Landing  
  
      Attachments:     [E6. Unit 395 Packet](#)
  
7.     [KPB-4173](#)     Ordinance 2022-10: Authorizing a three-party agreement and real  
property lease with Verizon Wireless & Alaska Pipeline Company  
  
      Attachments:     [E7. 3 Party Lease Agreement Packet](#)
  
8.     [KPB-4174](#)     Ordinance 2022-11: Authorizing emergency harvest of spruce bark  
beetle impacted forestlands including spruce which are dying, or  
susceptible to dying, and establishing a framework to guide forest  
treatments.  
  
      Attachments:     [E8. SSB Timber Harvest Packet](#)

9. [KPB-4175](#) Resolution 2022-XX: Classifying certain parcels of borough owned and borough managed land in the Point Possession, Nikiski, North Kenai, Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward, Kalifornsky, Anchor Point, Happy Valley, Bear Cove and Beluga areas.

Attachments: [E9. Land Classification Packet](#)  
[E9 Additional Agency Comments](#)  
[E9 Snug Harbor Supporting Documentation](#)  
[E9 Public Comment Through 5-6-22](#)

## F. PLAT COMMITTEE REPORT

## G. OTHER

## H. PUBLIC COMMENT/PRESENTATION

*(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)*

## I. DIRECTOR'S COMMENTS

## J. COMMISSIONER COMMENTS

## K. ADJOURNMENT

### MISCELLANEOUS INFORMATIONAL ITEMS

#### NO ACTION REQUIRED

[KPB-4196](#) APC Meeting Minutes

Attachments: [MISC-PC\\_Cooper Landing APC\\_050422 Meeting Minutes\\_Draft](#)  
[MISC-PC\\_Moose Pass APC\\_Meeting Minutes\\_Draft](#)

### NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, May 23, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

### CONTACT INFORMATION

#### KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

website: <http://www.kpb.us/planning-dept/planning-home>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

### **\*C-3. PLATS ADMINISTRATIVE APPROVALS**

- a. Cabin Hoppers Subdivision; KPB 2021-160**
- b. Canyon Trails Amended Forquer 2021 Replat; KPB File 2021-016**
- c. Homewood Subdivision; KPB File 2021-162**
- d. Horse Creek Subd. 2021 Addition; KPB File 2021-099**
- e. Mackey Lakes Subdivision Douglas Replat; KPB File 2021-109**
- f. Voznesenka 2020; KPB File 2020-016R1**



## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

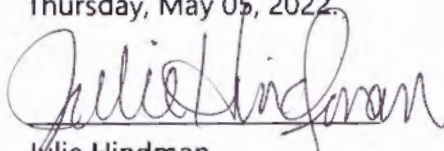
Charlie Pierce  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Cabin Hoppers Subdivision  
KPB File 2021-160  
Homer Recording District

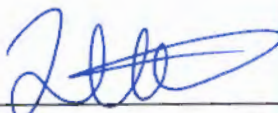
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on January 24, 2022. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, May 05, 2022.

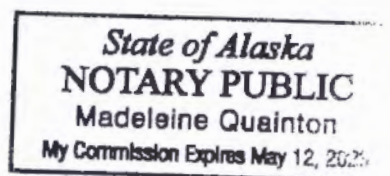
  
Julie Hindman  
Acting Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 5 day of May 2022 by Julie Hindman.

  
Notary Public for the State of Alaska

My commission expires: 5/12/23



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



## Planning Department

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Charlie Pierce  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Canyon Trails Amended Forquer 2021 Replat  
KPB File 2021-016  
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on March 15, 2021. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, May 05, 2022.

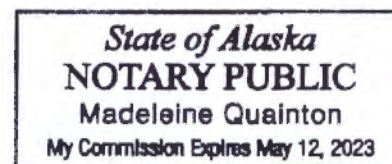
Julie Hindman  
Acting Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 5 day of May 2022 by Julie Hindman.

Notary Public for the State of Alaska

My commission expires: 5/12/23



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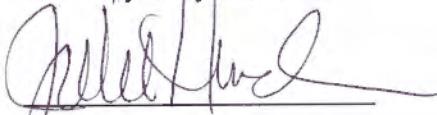
Charlie Pierce  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Homewood Subdivision Grote Replat  
KPB File 2021-162  
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on January 10, 2022. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, May 05, 2022.

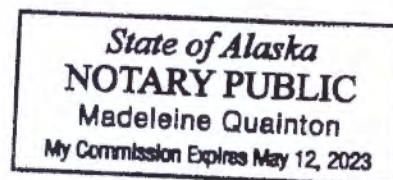
  
Julie Hindman  
Acting Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 5 day of May 2022 by Julie Hindman.

  
Notary Public for the State of Alaska

My commission expires: 5/12/23



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



## Planning Department

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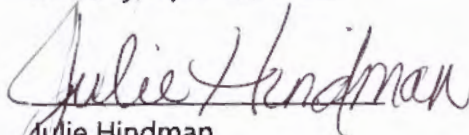
Charlie Pierce  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Horse Creek Subd 2021 Addition  
KPB File 2021-099  
Seward Recording District

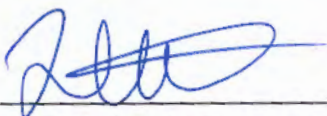
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 9, 2021. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Monday, April 18, 2022.

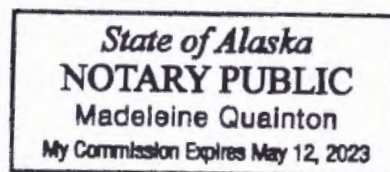
  
Julie Hindman  
Acting Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 18 day of April 2022 by Julie Hindman.

  
Notary Public for the State of Alaska

My commission expires: 5/12/23



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.





## Planning Department

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Charlie Pierce  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Mackey Lakes Subdivision Douglas Replat  
KPB File 2021-109  
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 23, 2021. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, April 13, 2022.

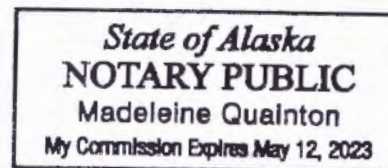
Julie Hindman  
Acting Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 13 day of April 2022 by Julie Hindman.

Notary Public for the State of Alaska

My commission expires: 5/12/23



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



## Planning Department

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Charlie Pierce  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Voznesenka 2020  
KPB File 2020-016R1  
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 26, 2020. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, May 05, 2022.

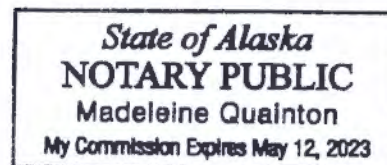
Julie Hindman  
Acting Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 5 day of May 2022 by Julie Hindman.

Notary Public for the State of Alaska

My commission expires: 5/12/23



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.

## **\*C-7. MINUTES**

### **a. April 25, 2022 Planning Commission Meeting Minutes**

# Kenai Peninsula Borough Planning Commission

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Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

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April 25, 2022

7:30 P.M.

## UNAPPROVED MINUTES

### **AGENDA ITEM A.      CALL TO ORDER**

Chair Martin called the meeting to order at 7:30 p.m.

### **Oath of Office**

Ms. Shirnberg administered the oath of office to Charlene Tautfest, representing the City of Soldotna.

### **AGENDA ITEM B.      ROLL CALL**

#### *Commissioners Present*

Jeremy Brantley, District 5 – Sterling/Funny River

Diane Fikes, City of Kenai

Pamela Gillham, District 1 – Kalifornsky

John Hooper, District 3 – Nikiski

Michael Horton, District 4 – Soldotna

Blair Martin, District 2 – Kenai

Virginia Morgan, District 6 – East Peninsula

David Stutzer, District 8 – Homer

Charlene Tautfest, City of Soldotna

Franco Venuti, City of Homer

With 10 members of an 11-member seated commission in attendance, a quorum was present.

#### *Staff Present*

Marcus Mueller, Land Management Officer

Walker Steinhage, Deputy Borough Attorney

Julie Hindman, Platting Specialist

Samantha Lopez, KRC Manager

Ryan Raidmae, Borough Planner

Ann Shirnberg, Planning Administrative Assistant

### **AGENDA ITEM C.      CONSENT & REGULAR AGENDAS**

#### **\*3.      Plats Granted Administrative Approval**

- a. Mackey Lakes Subdivision Douglas Replat; KPB File 2021-109
- b. Tide View Heights No. 2; KPB File 2021-088

#### **\*6.      Commissioner Excused Absences**

- a. Syverine Abrahamson-Bentz, District 9 – South Peninsula
- b. District 7 – Central, Vacant
- c. City of Seward, Vacant



- d. City of Seldovia, Vacant

**\*7. Minutes**

- a. April 11, 2022 Planning Commission meeting minutes.

Chair Martin asked if anyone wished to speak to any of the items on the consent agenda. Hearing no one wishing to comment he asked that Ms. Shirnberg read into the record the consent agenda items.

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Tautfest to approve the consent and regular agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	10	Absent	1	Vacant	3
Yes	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Stutzer, Tautfest, Venuti				
Absent	Bentz				

**AGENDA ITEM E. NEW BUSINESS**

**ITEM E1 - RIGHT OF WAY VACATION  
A PORTION OF 60 FOOT WIDE VAN ANTWERP RIGHT OF WAY AND ASSOCIATED UTILITY  
EASEMENTS**

<b>KPB File No.</b>	2022-040V
<b>Planning Commission Meeting:</b>	April 25, 2022
<b>Applicant / Owner:</b>	BMGC LLC and Peninsula Storage LLC all of Kenai, AK
<b>Surveyor:</b>	James Hall / McLane Consulting
<b>General Location:</b>	Bridge Access Road, Childs Avenue, City of Kenai
<b>Legal Description:</b>	Van Antwerp Avenue associated with Tract 4 Jaynes Subdivision Big Mikes Addition, Plat KN 2015-099, and Tract A-1 Bridge Road Subdivision 2019 Replat, Plat KN 2020-015, Kenai Recording District, Section 4 Township 5 North, Range 11 West, Seward Meridian

Staff report was given by Julie Hindman, Acting Platting Manager.

Chair Martin opened the meeting for public comment.

James Hall, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. Hall was the surveyor on this project and made himself available for questions.

Commissioner Horton noted that there is a natural gas pipeline in this easement and asked Mr. Hall to verify that the pipeline was indeed there. Mr. Hall replied that yes, there is a natural gas pipeline in the easement and that Enstar has requested that the easement be shown on the plat.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Venuti to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance to borough code.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	10	Absent	2	Vacant	3
Yes	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Stutzer, Taufest, Venuti				
Absent	Bentz				

**E2- ORDINANCE 2022-13**

**Amending KPB 21.46.040 to repeal the Kalifornsky Center Single Family Residential (R-1) Local Option Zoning District on an approximately 55-Acre privately owned parcel**

<b>KPB File No.</b>	Ordinance 2022-13
<b>Planning Commission Meeting:</b>	April 25, 2022
<b>Petitioner</b>	Cap Shafer; Dibble Creek
<b>Owner</b>	Trimark Earth Reserve, LLC 34481 N. Fork Rd. Anchor Point, AK 99556
<b>Location</b>	Near Ravenwood Street & Radcliff Avenue – Kalifornsky Area
<b>Tax Parcel ID</b>	055-07-273
<b>Legal Description:</b>	T05N, R11W, SEC 26, Seward Meridian, KN 2020-018 Kalifornsky Center Sub, Tract A

Staff report given by Borough Planner Ryan Raidmae.

- Mr. Raidmae noted that only two comments were received from adjacent landowners, one in favor and one against the approval of the ordinance.
- Mr. Raidmae noted per KPB 21.44.040(c) a public meeting was held regarding this application on April 21, 2022 and no one from the public attended.

Chair Martin opened the meeting for public comment.

Stacy Stone, 125 Willow Street, Kenai, AK 99610: Ms. Stone is the attorney for the landowner and spoke in support of the commission recommending approval of Ordinance 2022-13.

Cap Shafer, Landowner; 34481 N. Fork Road, Anchor Point, AK 99556: Mr. Shafer is the landowner of this lot. He informed the commission that he has submitted a conditional land use application to develop a material site on this lot. He believes the best use for this lot would be as a material site as several of the surrounding parcels currently have material sites on them. He would request that the commission recommend approval of Ordinance 2022-16.

Marcus Mueller, KPB Land Management Officer: Mr. Mueller spoke to the borough's planning and public process regarding borough owned lands in the area. He noted the borough was the prior owner of parcel 055-07-273 and that it was specifically zoned R-1 before it was placed in the recent borough land sale.

Commissioner Gillham noted this parcel was a part of a 240-acre parcel of land owned by the borough and that there were parcels to the north end that bordered residential areas. She asked Mr. Mueller why parcel 055-07-273 which is bordered on two sides by commercial properties was zoned and sold as residential. To her it would make more sense to zone this property commercial. Mr. Mueller replied that at the time there were several issues that played into the decision to zone this parcel R-1. One was public concern related to gravel pit development in the area, and another was a pipeline that transects this parcel that would limit to some extent gravel extraction. The last was the borough's overall design plan for the 240 acres. In the planning process to gain a perspective the footprint of the 240-acres was laid over the City of Soldotna and looked at the types of land uses existed within the city. They looked at the land uses within what would be the center of town for Soldotna, which was the Redoubt Ave., Marydale Ave & Kobuk St. areas and planned for similar land uses. It was determined that some lands would be classified institutional/commercial and residential. It was decided that the best use for parcel 055-07-273 would be residential. Then there was a parcel of land which was situated between two existing material sites that was to remain zoned unrestricted making it available for gravel extraction.

Commissioner Martin noted that the applicant mentioned that this parcel of land does not comply with the 12-lot minimum which code requires for the formation of a LOZD. He asked Mr. Mueller to address this issue. Mr. Mueller replied that code does require that at least 12 lots of similar size are needed to establish

a LOZD. While parcel 055-07-273 was not configured into a 12-lot configuration it was determined that this one large tract could be subdivided into anywhere from 30-40 lots. The borough's goal in selling this 55-acre lot was to give the developer some discretion on the design of the residential lot layout. He noted that Ordinance 2019-34 granted an exception to the 12-lot requirement.

Gina DeBardelaben, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Ms. DeBardelaben is a local civil engineer and spoke in support of the commission recommending approving Ordinance 2022-13. Her testimony included a number of reasons that this parcel should be allowed to be developed as a material site. Allowing this site to be developed as a material site would not prevent other uses for the property in the future after the material site is reclaimed. She also noted that the material site operators in this area have begun discussing working together to build a haul road with direct access via Bonita to Kalifornsky Beach Rd. that would decrease the use of other rights-of-way currently being used. This type of development would benefit not only the material site operators but the area residents as well. She also noted that another CLUP in the area had just recently been approved and had only one public comment opposing it.

Commissioner Fikes asked if the commenter who objected to this ordinance lived in the area, Ms. DeBardelaben replied that the comment that she was referring to was related to another CLUP in the area. Commissioner Fikes then asked if the haul road the operators are proposing would be a public right-of-way or a private road. Ms. DeBardelaben replied the conversation among the area material site operators would be to develop a central road that connected to Bonita Ave. that all area operators would use, thus reducing the current use of other road in the area. Commissioner Fikes stated that she likes that idea. Commissioner Fikes then noted that as far as she can tell there are not many residential areas that back up against the 240-acre parcel.

Commissioner Venuti noted the issue before the planning commission tonight is to amend the LOZD and not to approve a conditional land use permit (CLUP). He then asked if the LOZD is amended that Trimark would have to come back and apply for a CLUP. Chair Martin stated Trimark had submitted a CLUP application but that it is on hold until the zoning issues are resolved.

Lynn Whitmore; P.O. Box 355, Anchor Point, AK 99556: Mr. Whitmore spoke in support of the commission recommending approval of Ordinance 2022-16.

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

**MOTION:** Commissioner Brantley moved, seconded by Commissioner Gillham to forward to the assembly a recommendation to adopt Ordinance 2022-13: Amending KPB 21.46.040 to repeal the Kalifornsky Center Single Family Residential (R-1) Local Option Zoning District.

Chair Martin noted for the record that in his opinion this parcel is well located for a gravel pit. He also noted that the commission has heard a lot of opposition to gravel pits in the past and it is unusual when a CLUP application has little or no opposition.

Commissioner Fikes noted that she is in agreement with Chair Martin. This immediate area already has several gravel pits. Seeing very little objection to removing this LOZD, she would recommend to the assembly the approval of this ordinance.

Commissioner Brantley stated that he supports recommending approval for this ordinance. He is unclear why this LOZD was placed on this parcel. He remembers when the formation of this LOZD initially came through the commission, he voted against it. He believes that this location is an excellent spot for a material site.

Commissioner Gillham stated that she supports recommending approval of this ordinance. She believes that this is a poor area for a residential development. It has a pipeline going right through the middle of it and is bordered on two sides by commercial sites. She believes this area is primed for commercial activities.

Commissioner Morgan stated that she recognizes the need for residential lands as well as the need for material sites. She believes that this parcel is clearly not an ideal location for a residential area. She has

a hard time not recommending approval of this ordinance, the area seems to be a really great spot to have a gravel pit and there are no residential areas that would be impacted. This would not be a gravel pit in the middle of a residential area. In this particular case she will be voting in favor of recommending that the assembly approve this ordinance.

Commissioner Venuti stated that he as always believed that the ability to form a LOZD was of real benefit to a community. Typically, the LOZDs the commission have recommended for approval have been organized by people living in an area in order to protect their way of life. He is surprised that this parcel was zoned as an R-1 without any community living there. He does not like the idea of creating LOZDs and then dismissing them. He sees the need and importance of gravel. He is familiar with this area and he is not convinced that this is a good place for a residential development. He then stated that he supports recommending approval of this ordinance.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	10	Absent	1	Vacant	3
Yes	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Stutzer, Tautfest, Venuti				
Absent	Bentz				

**AGENDA ITEM F.      PLAT COMMITTEE REPORT**

Commissioner Brantley reported the plat committee reviewed and granted preliminary approval to eight plats.

**AGENDA ITEM G.**

1. Plat Committee – May 9, 2022
  - Commissioner Gillham
  - Commissioner Venuti
  - Commissioner Morgan
  - Commissioner Brantley
  - Commissioner Hooper

**AGENDA ITEM H.      PUBLIC COMMENT/PRESENTATIONS**

Chair Martin asked if there was anyone from the public who would like to comment on anything not appearing on the agenda.

**AGENDA ITEM I.      DIRECTOR'S COMMENTS**

Mr. Mueller informed the commission that Robert Ruffner has resigned from the planning commission to take the position as Planning Director for the Kenai Peninsula Borough.

**AGENDA ITEM J.      COMMISSIONER COMMENTS**

**AGENDA ITEM K.      ADJOURNMENT** – Commissioner Venuti moved to adjourn the meeting 10:03 PM p.m.

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Ann E. Shirnberg  
Administrative Assistant

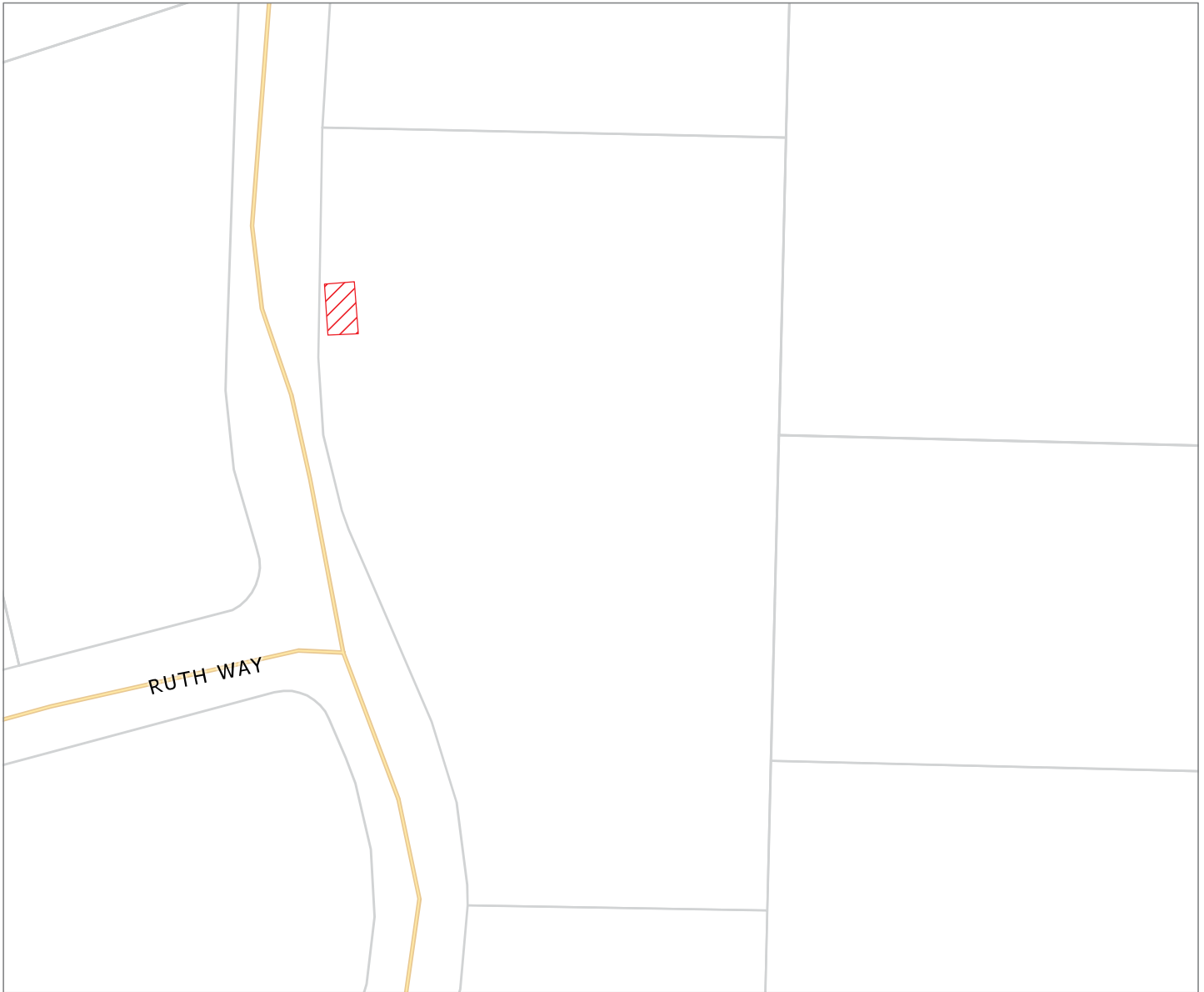


## **E. NEW BUSINESS**

- 1. Building Setback Permit; KPB File 2022-055  
PC Resolution 2022-19  
Property: Lot 17, Block 1, Sunny Slope Unit 1 (HM 75-33)  
Petitioner/Landowner Senugnetuk Community Property Trust**



Vicinity Map

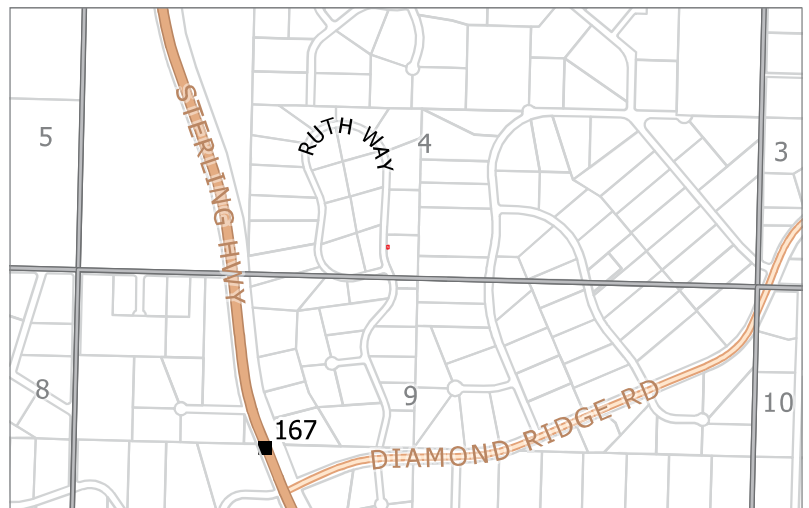
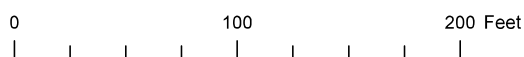


KPB File # 2022-055

S04-T06S-R14W

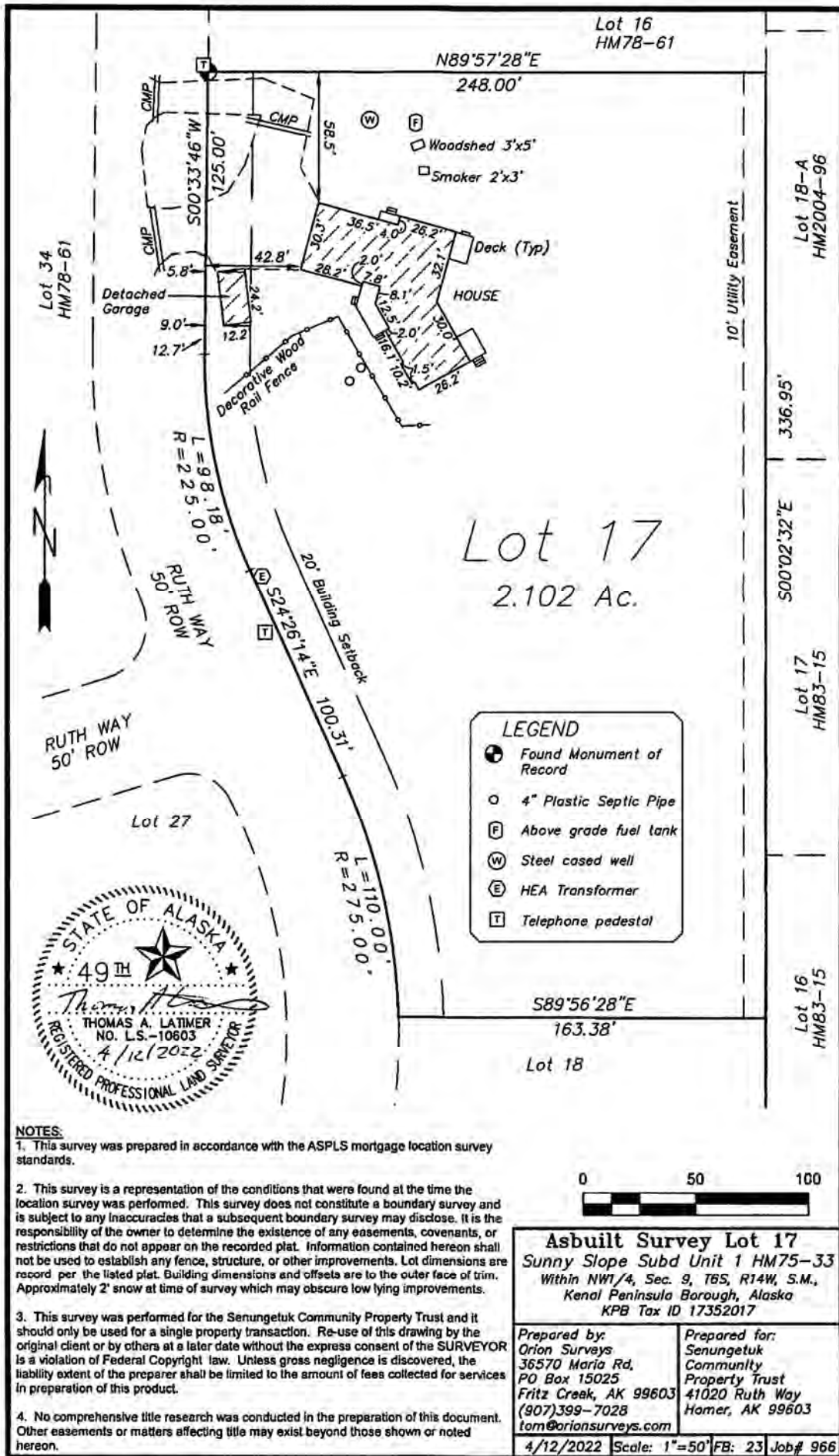
Diamond Ridge

4/15/2022









AGENDA ITEM E. NEW BUSINESS

**ITEM 1. – BUILDING SETBACK ENCROACHMENT PERMIT**  
LOT 17 SUNNY SLOPE SUBDIVISION UNIT 1 PLAT HM 75-33

<b>KPB File No.</b>	2022-055
<b>Planning Commission Meeting:</b>	May 9, 2022
<b>Applicant / Owner:</b>	Senungetuk Community Property Trust
<b>Surveyor:</b>	Tom Latimer / Orion Surveys
<b>General Location:</b>	Diamond Ridge / Kachemak Bay APC

<b>Parent Parcel No.:</b>	173-520-17
<b>Legal Description:</b>	Lot 17 Sunny Slope Subdivision Plat No HM 75-33
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** The house and attached garage on this property were built in 1997 by Beachy Construction. Beachy Construction later built the detached garage in 2002. Until the recent as-built survey was completed and provided to me, no one had been aware of the encroachment of the detached garage into the building setback. The detached garage has a concrete foundation so it is not feasible that it be moved. Furthermore, the garage does not interfere with the road maintenance of Ruth Way, is not close enough to the road to create a safety hazard, and does not appear to impede sight distance or sight lines. Ruth Way is a low volume, low speed, closed-loop road used primarily by the residents who live along it.

**Site Investigation:** There do not appear to be any low wet areas or steep slopes present in the portion of the right of way adjacent to the encroachment. Some low wet areas are present on the southern portion of the lot.

Per the Google Earth street view images, there is some natural vegetation between the building and the constructed right of way. The building itself does not appear to create a line of sight issue.

Ruth Way is a right-of-way off state maintained Diamond Ridge Road. Ruth Way is a 50 foot wide right-of-way goes north from Diamond Ridge Road. The northern portion of the right-of-way loops around. The entire right-of-way is not maintained by the borough but the portion adjacent to Lot 17 is borough maintained.

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**Staff Analysis:** The building setback for Lot 17 was put in place when the lot was created by Sunny Slope Subdivision Unit 1, Plat HM 75-33. A 20 foot building setback was placed along the right of ways. Per the plat there were no platted utility easements granted along the right-of-way.

Across the right-of-way is a lot with numerous improvements already in place. There is a slight curve in the right-of-way near the location of the building and several improvements have been constructed to the north.

Road maintenance ends north of the encroachment but it appears the right of way is cleared beyond. The land slopes down to the west. No low wet areas appear to be present in the building location.

Ruth Way was dedicated at a 50 foot wide right-of-way. Current KPB Code requires right-of-way widths to be a minimum of 60 feet wide. Multiple lots within the area already have developments and improvements constructed. The only way to increase the road widths in this area would be by acquiring additional right-of-way with replats. The ability to get a full 60 feet for Ruth Way for the entire portion of the right-of-way is minimal. If an attempt was made, the garage would be .8 feet from the edge of the right-of-way if 5 feet was taken from each side of the existing right-of-way.

The as-built shows a decorative wood rail fence that is also partially within the setback. The fence is an allowable improvement within the setback per KPB Code 20.90.

**Findings:**

1. Sunny Slope Subdivision Unit 1, Plat HM 75-33, created Lot 17 and created the 20 foot building setback along Ruth Way.
2. A detached garage was built in 2002 almost entirely within the setback.
3. The garage was built by the contractor that built the house.
4. Utility easements were not granted by the plat.
5. The building is within 5.8 feet of the right-of-way dedication.
6. Ruth Way is a 50 foot wide right-of-way.
7. Per KPB 20.90, "Building setback is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance."
8. Per KPB 20.90 the definition of permanent structures as they apply to the building setback means "anything of a permanent nature that requires footings, foundations or pilings. Improvements of a minor nature that do not interfere with the sight distance from the right-of-way are allowed."
9. The right of way in this area is maintained by the Kenai Peninsula Borough.
10. The Roads Department comment was "RSA has no objection at this time."
11. There is natural vegetation between the structure and the right-of-way edge.
12. The building does not appear to create a line of sight issue looking at street views from Google.

**20.10.110. – Building setback encroachment permits.**

E. The following standards shall be considered for all building setback encroachment permit applications:

1. The building setback encroachment may not interfere with road maintenance.

**Findings 5 and 9-12 appear to support this standard.**

2. The building setback encroachment may not interfere with sight lines or distances.

**Findings 5, 11, and 12 appear to support this standard.**

3. The building setback encroachment may not create a safety hazard.

**Findings 5 and 9-12 appear to support this standard.**

F. The granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20 foot building setback from the parcel.

G. The Planning Commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.

**KPB department / agency review:**

KPB Roads Dept. comments	RSA has no objection at this time.
SOA DOT comments	No comment
Planner –	Reviewer: Raidmae, Ryan
	There are not any Local Option Zoning District issues with this proposed plat.
	Material Site Comments:
	There are not any material site issues with this proposed plat.

Code Compliance -	Reviewer: Ogren, Eric Comments: No comments. The PC has authority to approve or deny set back exceptions.
Addressing –	Reviewer: Haws, Derek Affected Addresses: 41020 RUTH WAY  Existing Street Names are Correct: Yes  List of Correct Street Names: RUTH WAY  Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:
Advisory Planning Commission	Comments: 41020 RUTH WAY will remain with lot 17. Comments from Kachemak Bay APC were not received when the staff report was prepared.

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**RECOMMENDATION:**

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2022-19, subject to compliance with KPB 20.10.110 sections F and G.

**NOTE:**

**20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.**

**END OF STAFF REPORT**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2022-19  
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 17, SUNNY SLOPE SUBDIVISION UNIT 1 (HM 75-33), GRANTED BY SUNNY SLOPE SUBDIVISION UNIT 1 (HM 75-33); IN NE 1/4 S04, T06S, R14W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2022-055

WHEREAS, per KPB 20.30.240 – Building Setbacks, a minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities; and

WHEREAS, Senungetuk Community Property Trust of Homer, AK requested a building setback encroachment permit for a detached garage on said lot; and

WHEREAS, per the petition, a garage was constructed in 2002 and is located up to 14.2 feet within the 20 foot building setback adjoining Ruth Way right-of-way; and

WHEREAS, the encroaching structure does not affect sight distance along the right-of-way; and

WHEREAS, on Monday, May 9, 2022, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

WHEREAS, the Planning Commission found that granting the building setback encroachment permit will not be detrimental to the public interest; and

WHEREAS, 20.10.110 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish building setback encroachment permits by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. Approved a permit to allow only the encroaching portion of the detached garage that extends to 14.2 feet into the 20 foot building setback adjoining Ruth Way right-of-way on the west boundary of Lot 17, Sunny Slope Subdivision Unit 1 (HM 75-33), granted by Sunny Slope Subdivision Unit 1 (HM 75-33).

Section 2. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

Section 4. That a current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 9<sup>th</sup> DAY OF MAY, 2022.

\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ann Shirnberg,  
Administrative Assistant

Return to:  
Planning Department  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, Alaska 99669

Kenai Peninsula Borough Planning Commission Resolution 2022-19

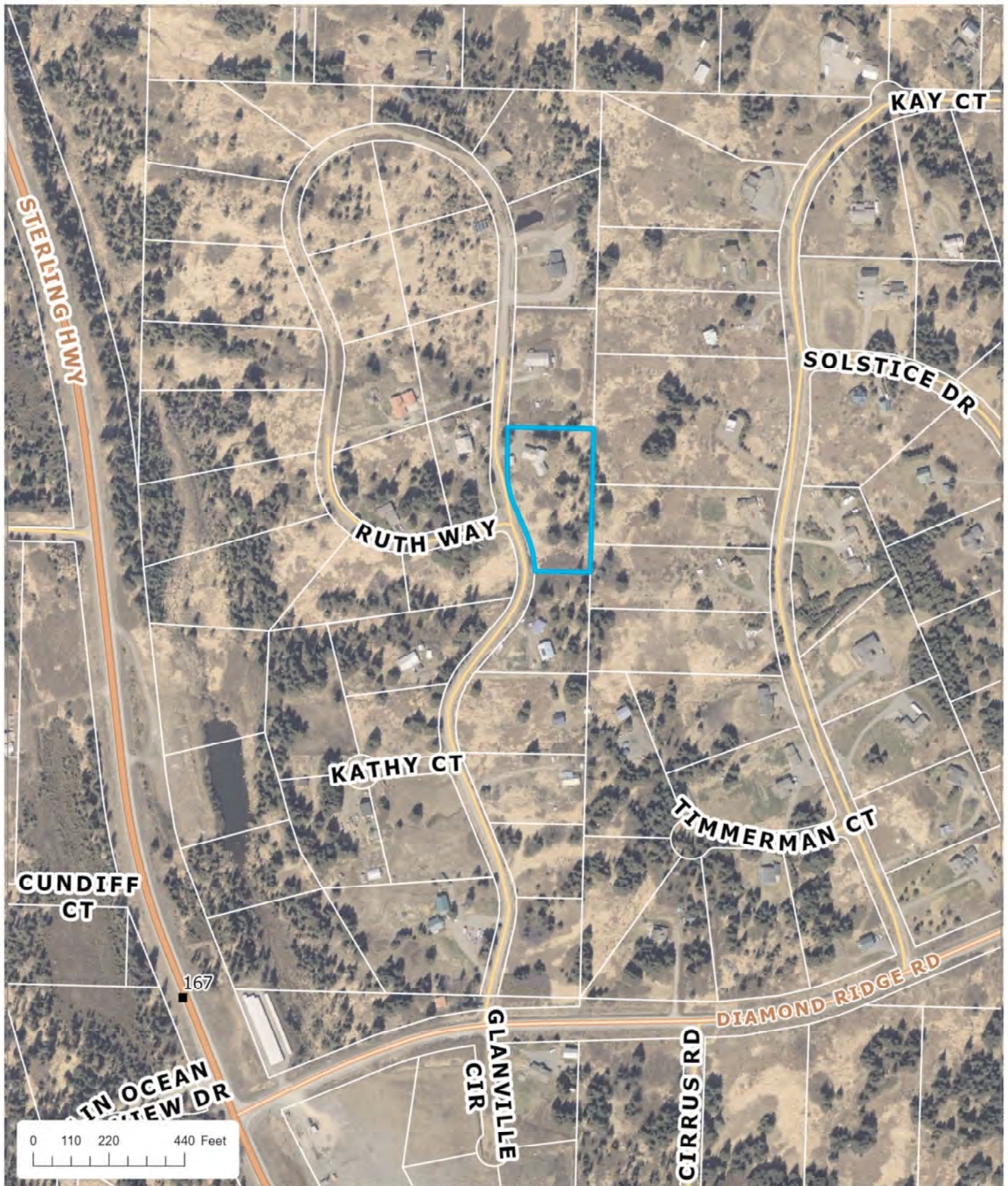
Page 1 of 2



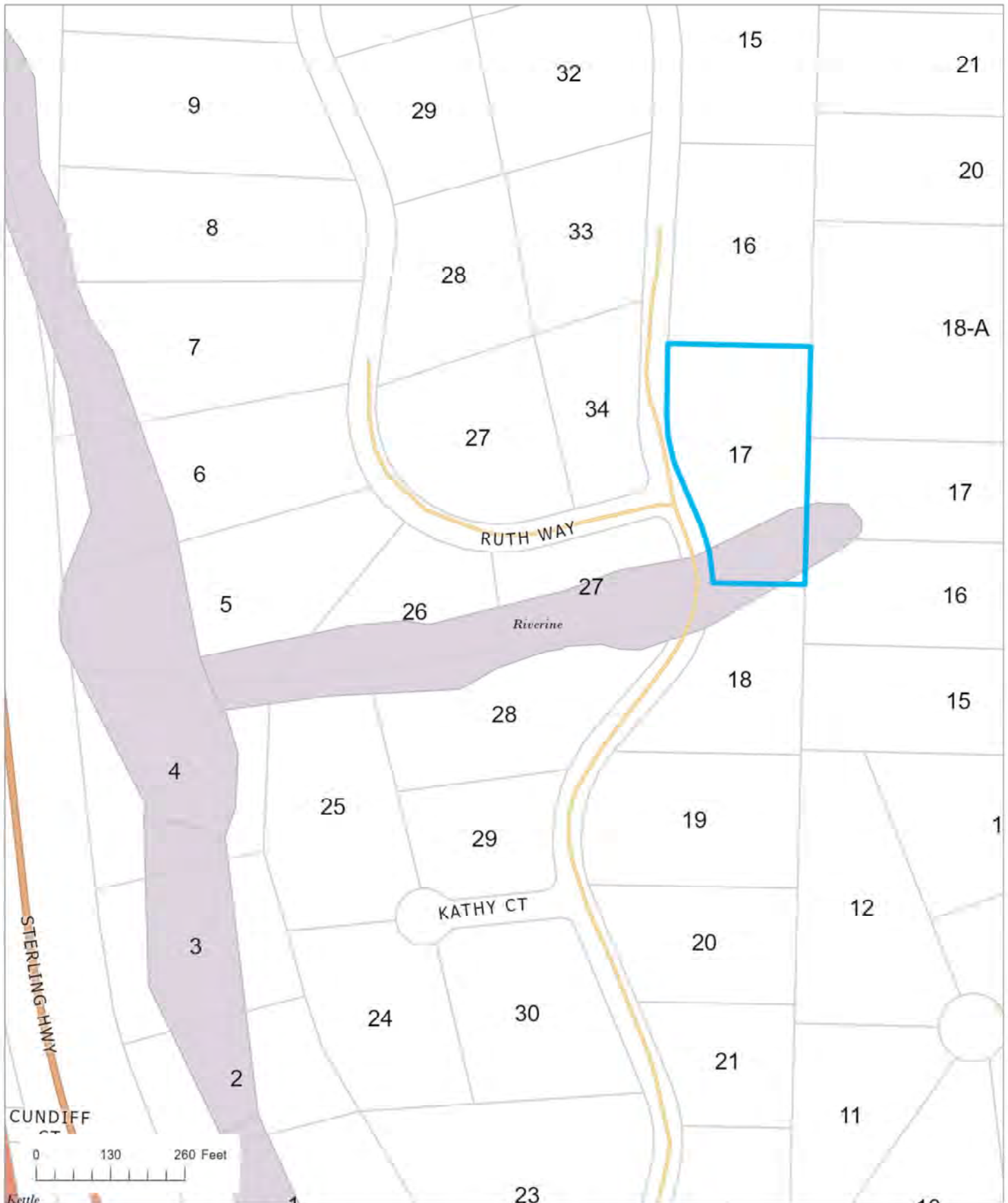
Images from Google Earth.

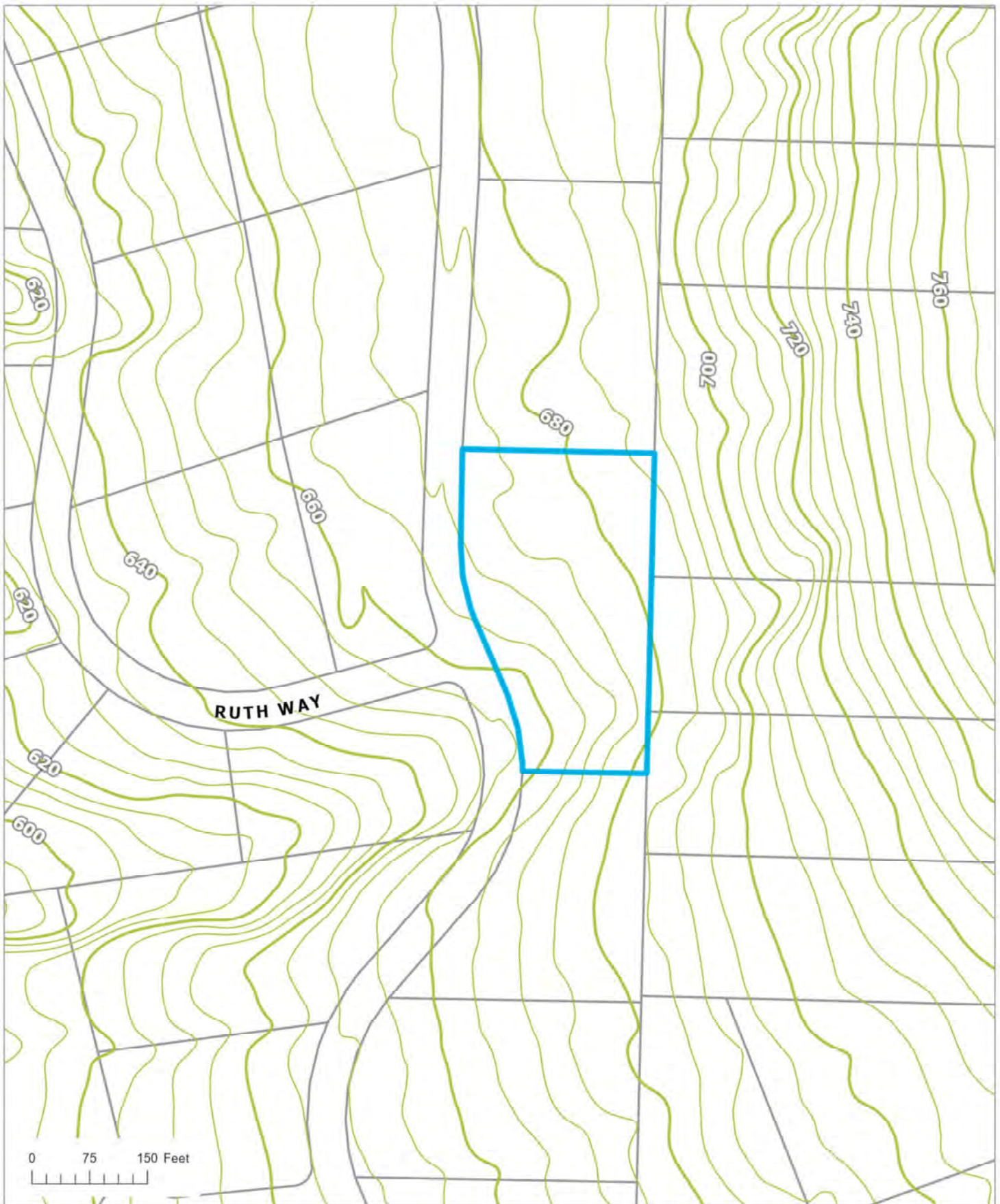








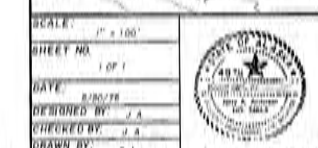








PLAT APPROVAL  
 Plat approved by the Borough Planning Commission this 20th day of June 1974.  
 By John P. F. [Signature]  
 DATE 7 BOROUGH MAYOR



# ABILITY SURVEYS

COLUMB DATA				LEADS	
NO	Sample	DATE	TIME	NO	IN
1	30.000000	200.00	01.00	100	01.00
2	40.000000	200.00	01.00	200	01.00
3	50.000000	200.00	01.00	300	01.00
4	60.000000	200.00	01.00	400	01.00
5	70.000000	200.00	01.00	500	01.00
6	80.000000	200.00	01.00	600	01.00
7	90.000000	200.00	01.00	700	01.00
8	100.000000	200.00	01.00	800	01.00
9	110.000000	200.00	01.00	900	01.00
10	120.000000	200.00	01.00	1000	01.00

**E1-12**

To: Kenai Peninsula Borough Planning Department

Fr: Senungetuk Community Property Trust / Turid Senungetuk

Date: 4-13-2022

Re: **41020 Ruth Way, Homer, AK 99603, Sunny Slope Sub Unit 1 Lot 17 Blk 1**

This letter is to request approval for a building setback encroachment permit for Sunny Slope Sub Unit 1 Lot 17 Block 1 with an address of 41020 Ruth Way in Homer, Alaska.

Please see attached as-built survey prepared by surveyor Tom Latimer, Orion Surveys.

The house and attached garage on this property were built in 1997 by Beachy Construction. Beachy Construction later built the detached garage in 2002. Until the recent as-built survey was completed and provided to me, no one had been aware of the encroachment of the detached garage into the building setback. The detached garage has a concrete foundation so it is not feasible that it be moved. Furthermore, the garage does not interfere with the road maintenance of Ruth Way, is not close enough to the road to create a safety hazard, and does not appear to impede sight distance or sight lines. Ruth Way is a low volume, low speed, closed-loop road used primarily by the residents who live along it.

*Turid Senungetuk 4/13/22*

## **E. NEW BUSINESS**

### **2. Sewer Easement Vacation; KPB File 2022-041V**

**PC Resolution 2022-20**

**Remove a 20' sewer easement granted by Forth Raymond  
Subdivision (SW 86-10)**

**Petitioner/Landowner: City of Seward**



Vicinity Map

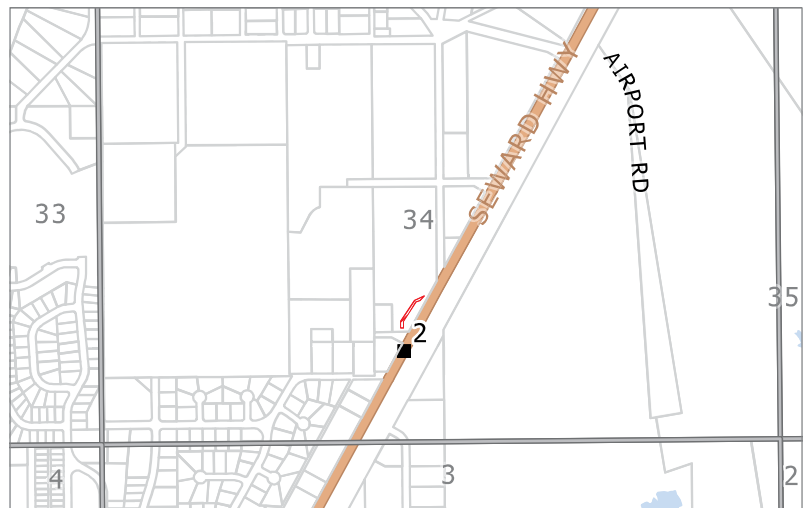
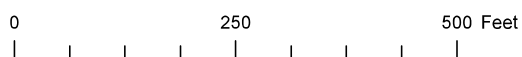


KPB File # 2022-041V

S34-T01N-R01W

Seward

4/15/2022









# CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT THE CITY OF SEWARD IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY, ON BEHALF OF THE CITY OF SEWARD, ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

## OWNER:

CITY OF SEWARD  
PO BOX 167  
SEWARD, AK 99664  
BY:

PRINTED NAME \_\_\_\_\_ TITLE \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## NOTARY ACKNOWLEDGMENT

FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC FOR ALASKA \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

PLAT APPROVAL  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.040.

KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_ AUTHORIZED OFFICIAL

## LEGEND

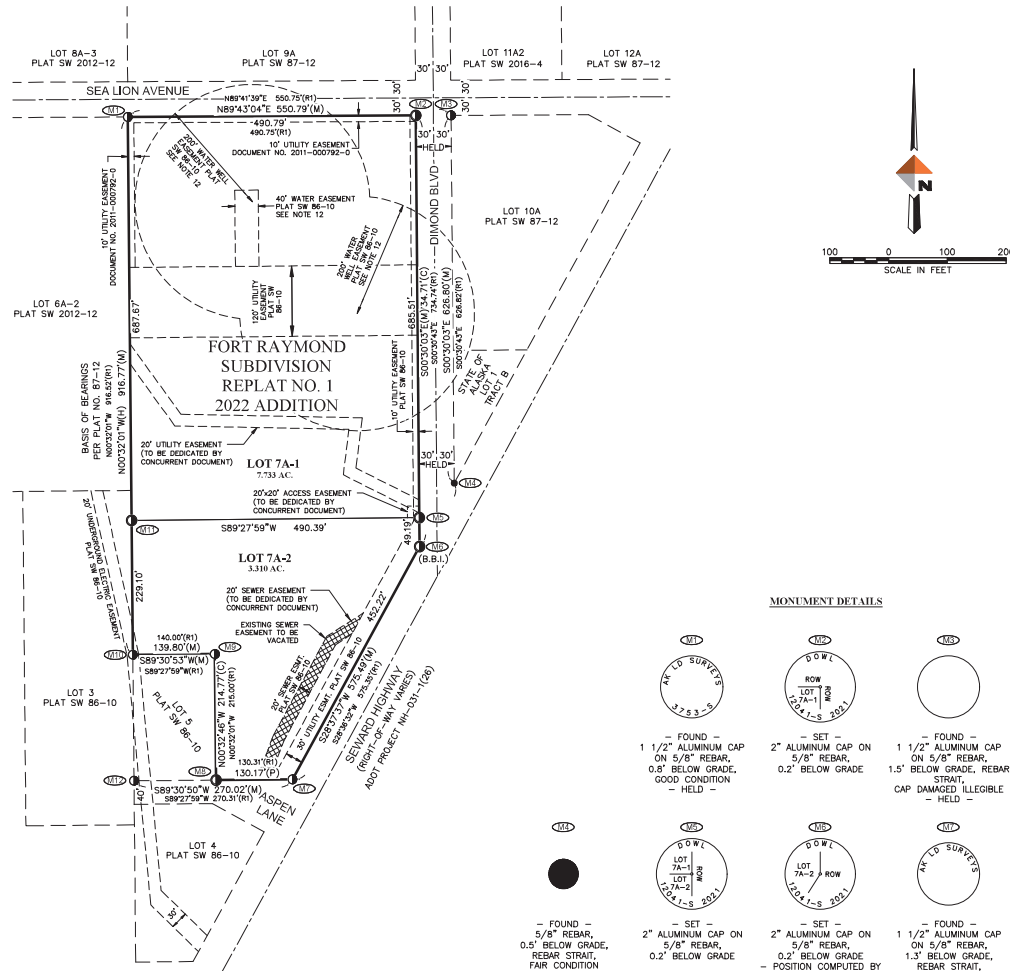
(C)	COMPUTED VALUE
(H)	HELD RECORD VALUE (PLAT SW 87-12)
(M)	MEASURED VALUE
(P)	PROPORTIONED MEASUREMENT
(R)	RECORD INFORMATION PLAT SW 87-12
(RB)	POSITION COMPUTED BY BEARING-BEARING INTERSECTION
●	FOUND REBAR NO CAP (AS DESCRIBED)
○	FOUND REBAR W/ ALCAP (AS DESCRIBED)
○	SET REBAR W/ ALCAP (TYPICAL)
○	MONUMENT REFERENCE NUMBER
---	BOUNDARY LINE
---	ADJACENT PROPERTY LINE
---	EASEMENT LINE
---	RIGHT-OF-WAY CENTER LINE
---	EASEMENT TO BE VACATED

## SURVEYOR'S CERTIFICATE

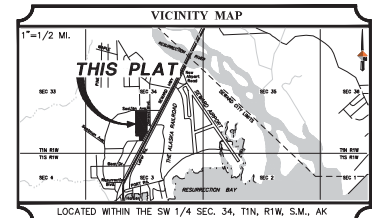
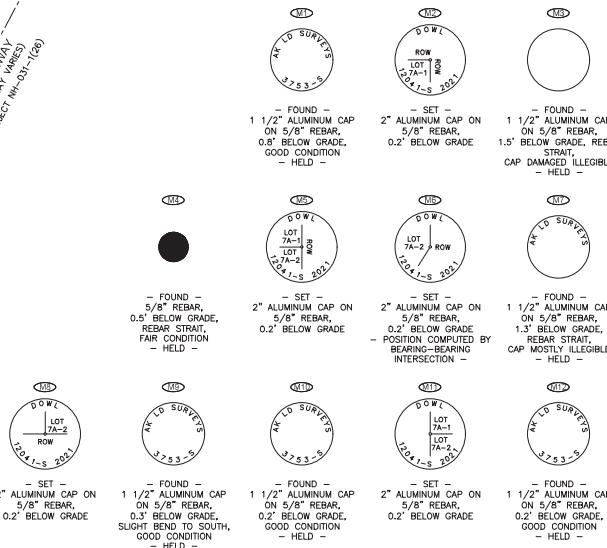
I, A. WILLIAM STOLL, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF LOT 7A-1 & 7A-2, FORT RAYMOND SUBDIVISION, REPLAT NO. 1, 2022 ADDITION, IS A TRUE AND CORRECT REPRESENTATION OF LANDS ACTUALLY SURVEYED AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THAT ALL PERMANENT EXTERIOR CONTROL MONUMENTS, ALL OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND STAKED, OR IF FINAL COMPLETION IS ASSURED BY SUBDIVISION AGREEMENT, THEY WILL BE SET AS SPECIFIED IN SAID SUBDIVISION AGREEMENT.  
LOT CORNERS TO BE SET BY N/A MONUMENTS TO BE SET BY N/A.



KPB 2022-041V



## MONUMENT DETAILS



## PLAT NOTES

1. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING.
2. BASIS OF BEARINGS IS PLAT NO. 87-12, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA.
3. NO DIRECT ACCESS TO STATE MAINTAINED RIGHT-OF-WAYS PERMITTED UNLESS APPROVED BY STATE OF ALASKA, DEPT. OF TRANSPORTATION & PUBLIC FACILITIES.
4. STREET RIGHT-OF-WAY WIDTHS SHOWN TO THE NEAREST FOOT REPRESENT ACTUAL DIMENSIONS TO THE NEAREST HUNDREDTH OF A FOOT (I.E. 30'-30.00').
5. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
6. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF SEWARD'S ZONING REGULATIONS.
7. ALL EASEMENTS, PERMITS, OR LICENSES SHOWN ON THIS PLAT THAT ARE REFERENCED BY A FEDERAL OR STATE CASE NUMBER, OR BY A RECORDING DISTRICT'S BOOK/VOLUME AND PAGE, OR SERIAL NUMBER WERE CREATED BY WRITTEN DOCUMENTS, AND ARE NOT DEDICATED BY THIS PLAT. DIMENSIONS AND BOUNDARY TIES SHOWN ON THIS PLAT FOR SAID EASEMENTS, PERMITS, OR LICENSES SHOULD ONLY BE USED FOR GENERAL INFORMATION. THE WRITTEN DOCUMENTS SHALL GOVERN THE LOCATION, CONTENT, AND INTENT.
8. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A US ARMY CORPS OF ENGINEERS WETLANDS DETERMINATION IF APPLICABLE.
9. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
10. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
11. FLOOD INSURANCE RATE MAP NUMBER 02122C4543E AS REVISED OCTOBER 20, 2016 INDICATES THE PLATTED AREA TO BE CONTAINED WITH FLOOD ZONE X, AREAS OF 0.2% ANNUAL CHANCE OF FLOOD; AREAS OF 1% CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
12. THE WATER WELL EASEMENTS AND WATER EASEMENT AS SHOWN ARE APPROXIMATE AND ARE NOT BASED ON THE PHYSICALLY SURVEYED LOCATION OF THE WELLS. THE WATER WELL EASEMENT FOR WELL 3 AS SHOWN ON PLAT SW 87-12 WAS VACATED BY DOCUMENT NUMBER 2012-001050-0.

PLAT OF  
**FORT RAYMOND SUBDIVISION  
REPLAT NO. 1  
2022 ADDITION  
LOTS 7A-1 & 7A-2**

AN 11.043 ACRE SUBDIVISION OF LOT 7A, FORT RAYMOND SUBDIVISION, REPLAT NO. 1, PLAT SW 87-12, LOCATED IN CITY OF SEWARD, OWNED BY THE CITY OF SEWARD

SEWARD RECORDING DISTRICT,  
THIRD JUDICIAL DISTRICT, STATE OF ALASKA.  
THE SW 1/4 OF SECTION 34, T1N, R1W, S.M., AK

W.O: 1132.63415.01  
KPB FILE NO: 2022-041  
CERT/PLAT: 2227-3860327  
DATE OF DRAWING: 13 APR 2022  
DATE OF SURVEY: N/A  
SCALE: 1"=100' FBK: 2674  
DRAWN BY: MWD CHECKED BY: AWS SHEET 1 OF 1

AGENDA ITEM E. NEW BUSINESS

**ITEM 2 – SEWER EASEMENT ALTERATION  
FORT RAYMOND SUBDIVISION REPLAT NO. 1 LOT 7A**

<b>KPB File No.</b>	2022-041V
<b>Planning Commission Meeting:</b>	May 9, 2022
<b>Applicant / Owner:</b>	City of Seward
<b>Surveyor:</b>	A. William Stoll / DOWL
<b>General Location:</b>	Aspen Lane and Seward Highway, City of Seward

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** On behalf of the City of Seward, we are seeking to vacate a sewer easement located on Lot 7A, Fort Raymond Subdivision, which will be replaced with a document sewer easement (as shown in the appended preliminary plat). The existing Lot 7A is currently owned by the City of Seward, and the sewer easement is also controlled solely by City of Seward. A sewer main is located within the easement. The easement was originally dedicated by Plat 86-10 and is shown on the current plat associated with the property, Plat 87-12. Per Kenai Peninsula Borough (KPB) subdivision code, the vacation of this easement requires a formal application and public hearing process with the KPB Platting Board.

The City of Seward signed a Purchase and Sale Agreement with Chugachmiut to allow Chugachmiut to purchase the southern portion of the lot known as proposed Lot 7A-2 per KPB File 2022-041: Fort Raymond Subdivision Replat No. 2 following plat recording. This is an abbreviated platting action located within the City of Seward and therefore does not require a KPB public hearing; this plat is currently in the process of being finalized.

The vacation of the existing sewer easement and replacement with a document easement will facilitate potential future changes to the sewer main and easement needs and locations, as development moves forward on the two properties that will be created as part of the concurrent abbreviated platting action.

**Notification:** Notice of vacation mailings were sent by regular mail to seventeen owners of property within 600 feet. Notice of the proposed vacation was emailed to three agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

**Staff Analysis:** The request is for a sewer easement that was originally depicted on Fort Raymond Subdivision, Plat SW 86-10, which was a plat of portions of U.S. Surveys. The easement was carried forward onto Fort Raymond Subdivision, Plat SW 87-12.

This is a platted easement with a specific use. The City of Seward, which owns the property and are the beneficiary of the easement, wish to remove the easement from future plats. They wish to handle the sewer easement through recorded documents. This will allow them flexibility to make changes to the easement by documents and not requiring to go through the Kenai Peninsula Borough to make changes to platted easements.

This petition is only for the sewer easement. All other easement dedications are to remain in place. The easement is found within the eastern boundary of Lot 7A of Fort Raymond Subdivision Replat No. 1 (Plat SW 87-12). A 30 foot utility easement along the Seward Highway will remain in addition to some other platted easements for use by utility providers. The utility companies have reviewed this vacation in addition to the plat and all requested easements will be reviewed and required to be on the final plat.

An abbreviated plat application was submitted to the Planning Department with the application being completed on March 31, 2022. Staff reviewed the plat in accordance with KPB Code 20.10.040. A new subdivision name is required and per the sketch a new name has been chosen, Fort Raymond Subdivision Replat No. 1 2022 Addition, KPB File 2022-041. The plat received preliminary approval on April 6, 2022.

The plat showed the proposed vacation of the sewer easement. The certificate to plat did not indicate that the easement was created by any other methods than Plat SW86-10. This is considered a platted easement and requires a hearing through the platting authority.

Staff's recommendation is to finalize this vacation by the recording of a KPB Planning Commission Resolution. The City may then prepare the new easement to be recorded. The sewer easement vacation will then be noted within a plat note and the depiction of the easement with reference to the new document serial number will be placed on the plat. The other option will be to finalize the vacation on the plat.

**Utility provider review:**

ENSTAR	Approved as shown.
GCI	Approved as shown.
SEWARD ELECTRIC	No comment.
TELALASKA	No comment

**Findings:**

1. The utility providers provided non-objections to the proposed vacation.
2. The petition is for an easement designated for sewer use.
3. A new sewer easement will be granted by document over existing services.
4. The City of Seward is the entity using the easement.
5. The City of Seward owns the land the easement is within.
6. The first reference to the easement is on Fort Raymond Subdivision, Plat SW 86-10.
7. The easement was carried over to Fort Raymond Subdivision Replat No. 1, Plat SW 87-12.
8. No surrounding properties will be denied utilities.

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**RECOMMENDATION:**

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested by the City of Seward and utility providers.
2. Finalizing the approval of the easement alteration by either;
  - a. The recording of a subdivision plat within 12 months or,
  - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
    - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
    - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
    - iii. The Planning Department is responsible for filing the Planning Commission resolution.

**20.65.070 Alteration of platted utility easements**

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved,**

accompanied by a new fee.

**F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

*Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.*

- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
    - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
    - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
  - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
    - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

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**END OF STAFF REPORT**



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2022-20  
SEWARD RECORDING DISTRICT**

Vacate the 20 foot wide sewer easement within Lot 7A, Fort Raymond Subdivision Replat No. 1 (SW0870012), granted by Fort Raymond Subdivision (SW 0860010); within S34, T01N, R01W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2022-041V

WHEREAS, a request has been received from City of Seward of Seward, AK to Vacate the 20 foot wide sewer easement granted by Fort Raymond Subdivision (SW 0860010); and

WHEREAS, per KPB 20.30.060(A) – Easements – Requirements, the planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on May 9, 2022, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the sewer easement will not be detrimental to the public interest; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the 20 foot wide sewer easement within Lot 7A Fort Raymond Subdivision Replat No. 1 (Plat SW 08700012), is hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the sewer easement being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

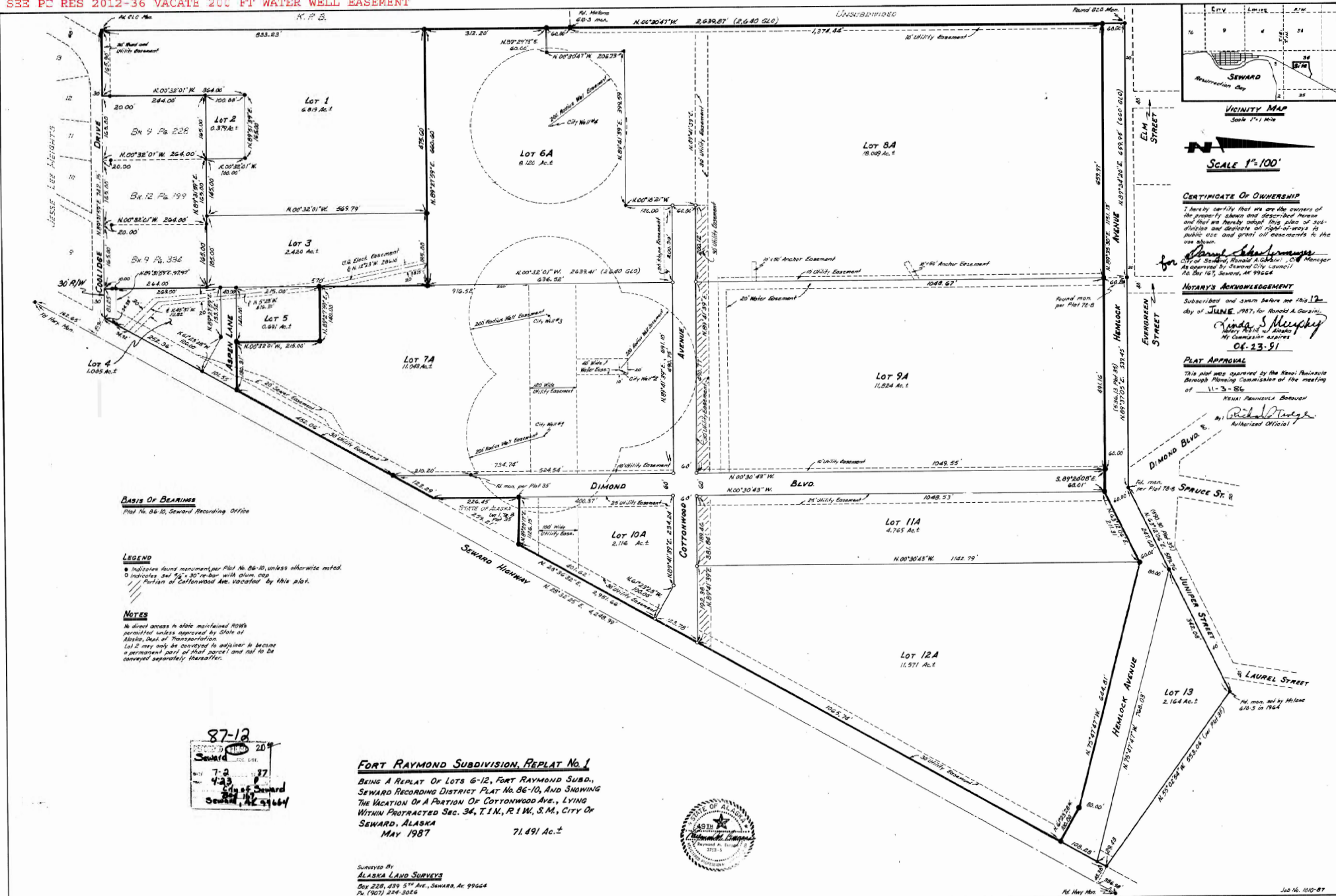
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 9th DAY OF MAY, 2022.

\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ann Shirmberg,  
Administrative Assistant

Return to:  
Kenai Peninsula Borough Planning Department  
144 N. Binkley Street  
Soldotna, Alaska 99669





## **E. NEW BUSINESS**

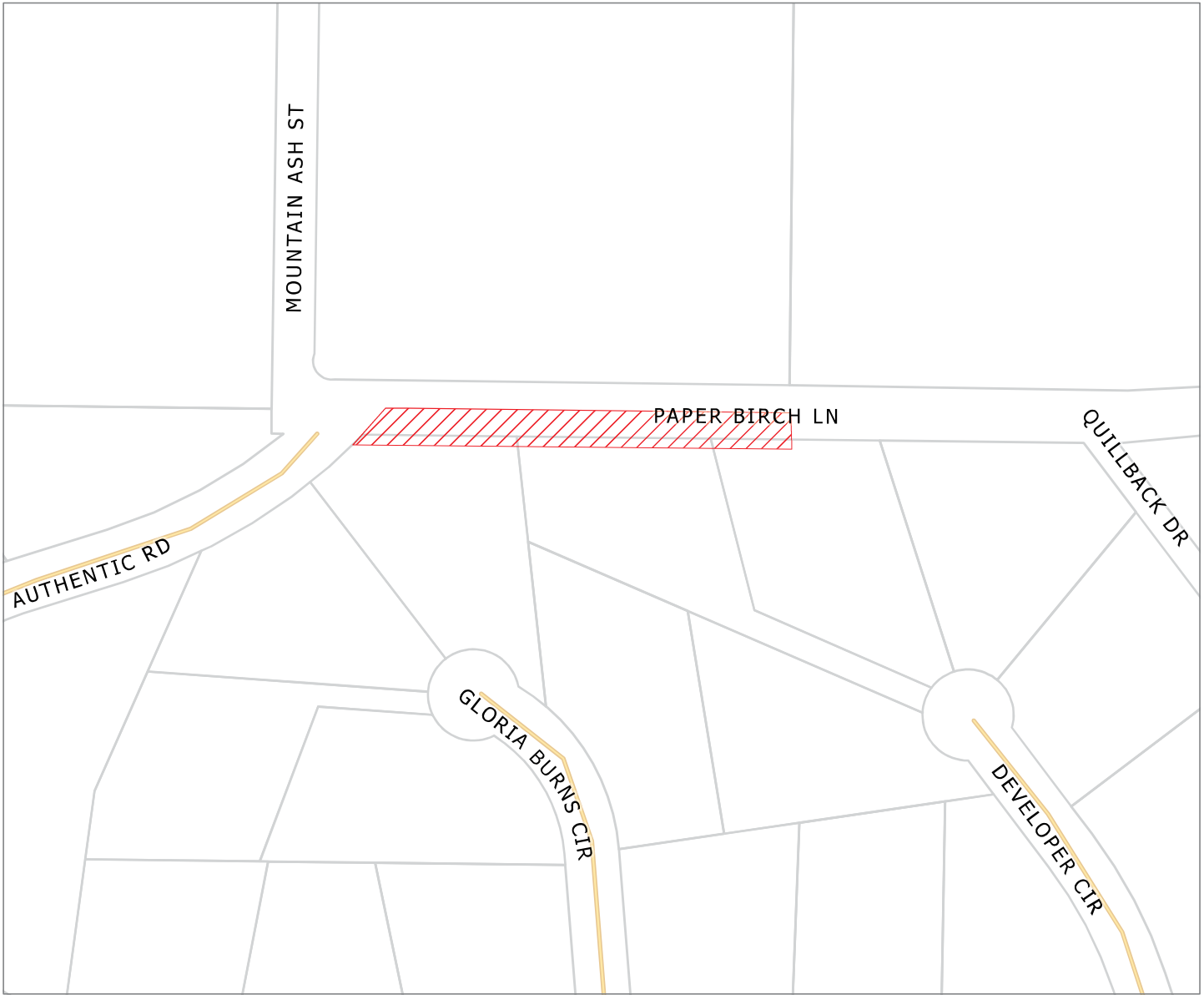
### **3. Right-of-Way Vacation; KPB File 2022-023VR1**

**Vacate a portion of Paper Birch Lane, a 60' right-of-way & associated utility easement**

**Petitioners/Landowners: KittleKnife Inc. & Gale Smith**



Vicinity Map

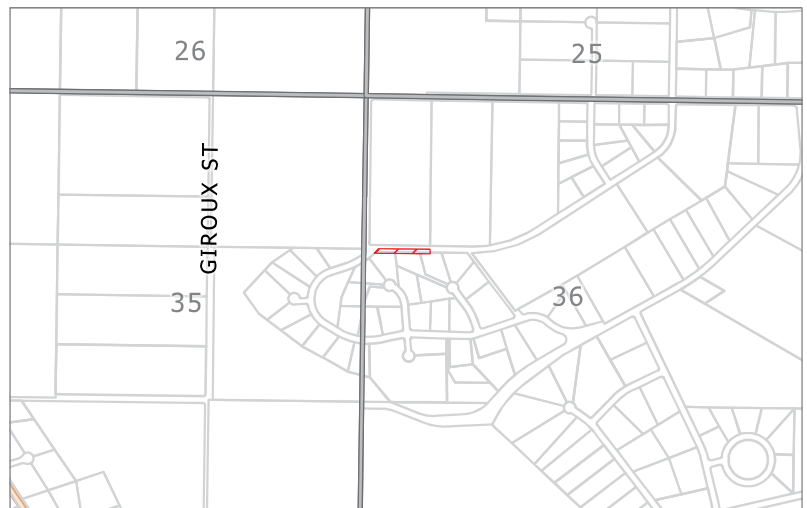
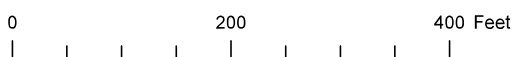


KPB File # 2022-023VR1

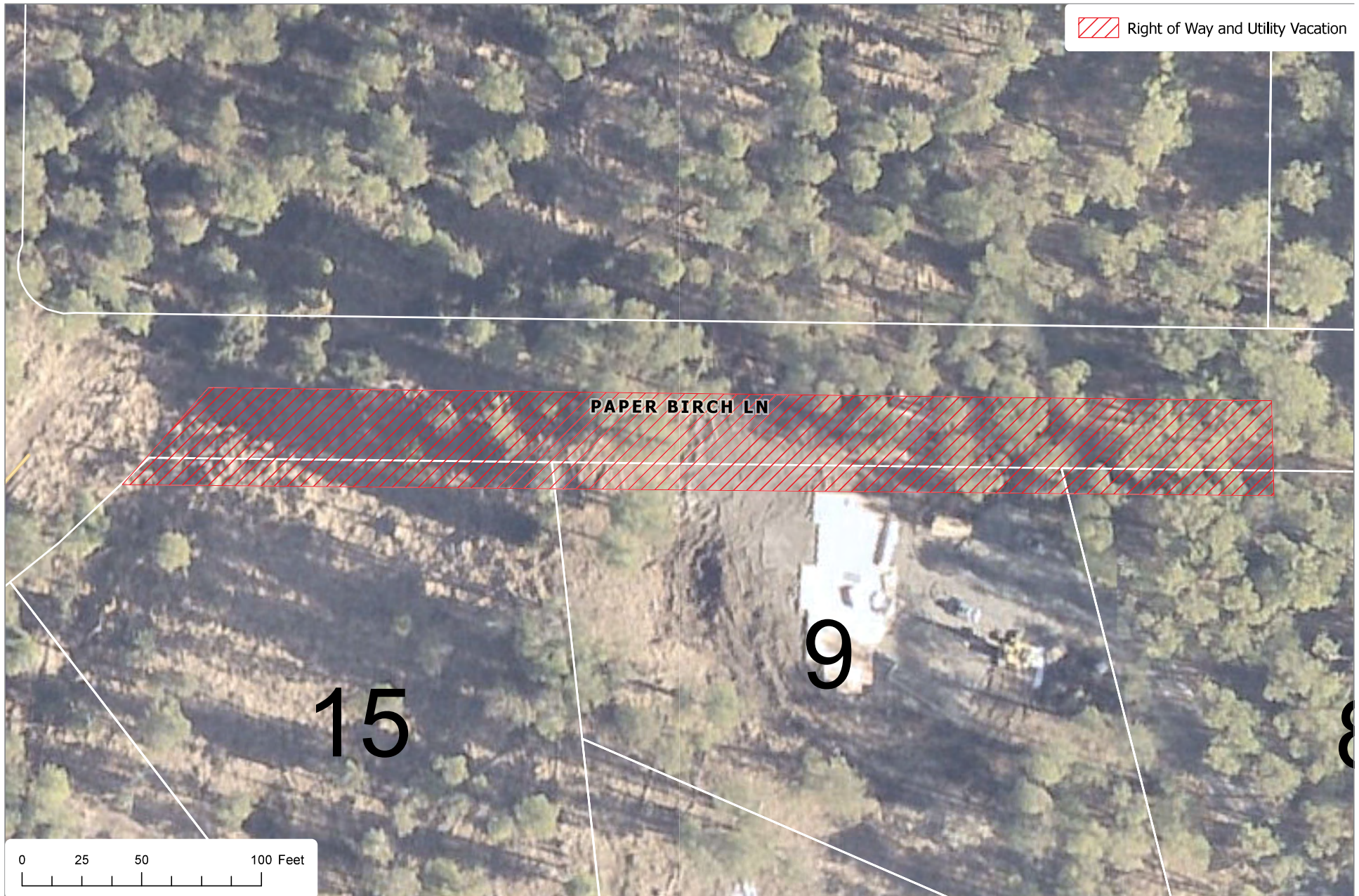
S36-T05N-R10W

Sterling

4/13/2022

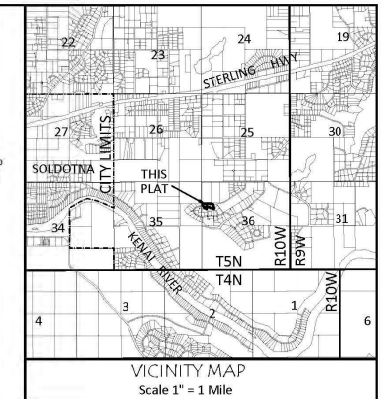
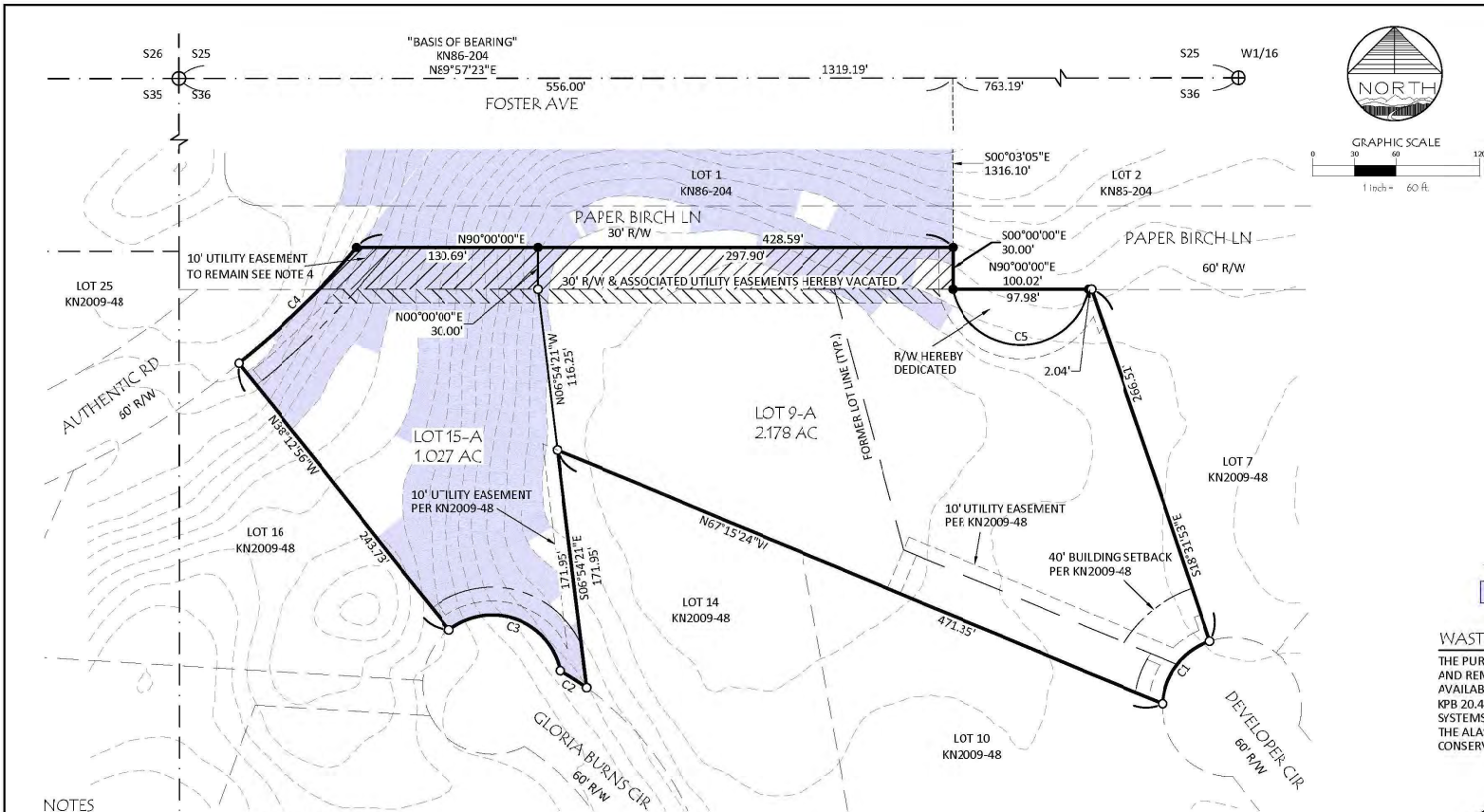






The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
  - FOUND 5/8" REBAR UNLESS NOTED
  - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
  - SLE SECTION LINE EASEMENT
  - CONTOUR INTERVAL = 4'
  - SLOPES GREATER THAN 20%

**WASTEWATER DISPOSAL**

THE PURPOSE OF THIS PLATTING ACTION IS TO VACATE R/W AND REMOVE A LOT LINE, WHICH WILL PROVIDE GREATER AVAILABLE WASTEWATER DISPOSAL AREA AS DESCRIBED BY KPB 20.40.020(A)(2). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- NOTES**
- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
  - BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  - THE FRONT 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT PER KN86-204.
  - NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
  - THE RIGHT-OF-WAY VACATION OF A PORTION OF PAPER BIRCH LANE AND ASSOCIATED UTILITY EASEMENTS WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2022.
  - THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
    - COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AUGUST 23, 2006 IN DOCUMENT No. 2006-009157-0 KRD. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS PER KPB 20.60.170(B).

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT LITTLEKNIFE INC., IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF LITTLEKNIFE INC., WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LITTLEKNIFE INC., STEVE BOWEN - OWNER LOT 8 & 9 KN2009-48  
36496 HALEY'S WAY, SOLDOTNA, AK 99669

LITTLEKNIFE INC., HALEY BOWEN - OWNER LOT 8 & 9 KN2009-48  
36496 HALEY'S WAY, SOLDOTNA, AK 99669

**NOTARY'S ACKNOWLEDGEMENT**

FOR: STEVE AND HALEY BOWEN

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF \_\_\_\_\_

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

GALE L SMITH, OWNER LOT 15 KN2009-48  
34701 GLORIA BURNS CIRCLE, SOLDOTNA, AK 99669

**NOTARY'S ACKNOWLEDGEMENT**

FOR: GALE L SMITH

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF \_\_\_\_\_

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2022.

AUTHORIZED OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING
C1	68°33'14"	50.00'	59.82'	34.08'	S 37° 03' 57" W
C2	5°33'18"	230.00'	22.30'	11.16'	V 56° 44' 05" W
C3	116°40'11"	50.00'	101.81'	81.07'	V 69° 52' 51" W
C4	10°45'42"	630.00'	118.33'	59.34'	N 45° 18' 13" E
C5	156°55'34"	50.00'	136.94'	244.95'	N 90° 00' 00" E

**KPB 2022-023VR1**

**Plat #**

Rec Dist \_\_\_\_\_

Date \_\_\_\_\_ 20\_\_\_\_

Time \_\_\_\_\_ M

**TULCHINA POINTE ESTATES 2022 REPLAT**

A RESUBDIVISION OF LOTS 8, 9 & 15 TULCHINA POINTE ESTATES SUBDIVISION PHASE 2 AMENDED (KN2009-48) w/ RIGHT-OF-WAY VACATION INCLUDING ASSOCIATED UTILITY EASEMENTS FOR A PORTION OF PAPER BIRCH LANE

LITTLEKNIFE INC., OWNER LOT 8 & 9 KN2009-48  
36496 HALEY'S WAY, SOLDOTNA, AK 99669

GALE L SMITH, OWNER LOT 15 KN2009-48  
34701 GLORIA BURNS CIRCLE, SOLDOTNA, AK 99669

3.272 AC. M/L - SITUATED IN THE NW1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 465  
SOLDOTNA, AK 99669  
VOICE: (907) 283-4218  
FAX: (907) 283-3285  
WWW.MCLANECG.COM

KPB FILE NO. 2022-xxx

PROJECT NO. 222039

SCALE 1" = 100'

DATE: FEB. 2022

BOOK NO.: xxx

DRAWN BY: JAH

AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - RIGHT-OF-WAY VACATION  
VACATE A PORTION OF PAPER BIRCH LANE AND ASSOCIATED UTILITY EASEMENTS**

<b>KPB File No.</b>	2022-023VR1
<b>Planning Commission Meeting:</b>	May 9, 2022
<b>Applicant / Owner:</b>	LittleKnife Inc and Gale Smith of Soldotna
<b>Surveyor:</b>	James Hall / McLane Consulting Group
<b>General Location:</b>	Sterling area, Paper Birch Lane, Mountain Ash Street
<b>Legal Description:</b>	Lots 8, 9, and 15 of Tulchina Pointe Estates Phase 2, Plat KN 2009-48.

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** Right-of-way vacation for southern 30' R/W of Paper Birch Lane from Authentic Road to the easterly property line of Lot 1 (KN 86-204).

Current right-of-way width is 60 feet over very difficult terrain with steep slopes. The remaining 30 foot R/W maintains public access to authentic road.

Proposed vacation is approximately .304 acres divided amongst 3 parcels per KPB Code 20.65.060.

All surrounding parcels remain with legal access.

Authentic Road is being extended through Lot 1 (KN 86-204). Preliminary approval by the Kenai Peninsula Borough on 11/12/2019 with vacation approval of Mountain Ash Street and Section Line Easements on 10/28/2019 under KPB File No. 2019-117.

Lot 2 (KN 86-204) remains with legal access from Paper Birch Lane, Foster Avenue, Authentic Road extension w/east extension and Quillback Drive.

Alternate route is 2.075 acres that is being constructed in summer 2022 with power and gas utilities being installed. This provided access points for future development.

**Notification:** Public notice appeared in the April 28, 2022 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the May 5, 2022 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Soldotna

Post Office of Soldotna

Twenty-five certified mailings were sent to owners of property within 300 feet of the proposed vacation. Fifteen receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to sixteen owners within 600 feet of the proposed vacation.

Sixteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game

State of Alaska DNR

State of Alaska DOT  
State of Alaska DNR Forestry  
Central Emergency Services  
Alaska Communication Systems (ACS)

ENSTAR Natural Gas  
General Communications Inc, (GCI)  
Homer Electric Association (HEA)

**Legal Access (existing and proposed):** Paper Birch Lane is a 60 foot wide right-of-way located in the Sterling Area. Paper Birch Lane is approximately 3,100 feet long with several intersections that break the road into segments. The petition is to vacate approximately 428 feet of the southern 30 feet of the western portion of Paper Birch Lane and the remainder of the right-of-way will remain. The road is located off Forest Lane, a state maintained right-of-way that runs south of the Sterling Highway near mile 90.

To access the portion being discussed there are multiple routes dedicated but not all are fully constructed. Foster Avenue, Moran Street, Authentic Road, and Quillback Drive intersect Paper Birch Lane. Foster Avenue and Moran Street are constructed and maintained by the Kenai Peninsula Borough. Authentic Road is constructed and connects to Diamond Willow Lane. Both are constructed and maintained by the Borough. Diamond Willow Lane connects back to Foster Avenue near the Forest Lane intersection. Quillback Drive is only a half width right-of-way that is not constructed.

Portions of Paper Birch Lane appear to be cleared and used for access. The Kenai Peninsula Borough does not maintain any portions of Paper Birch Lane. The areas cleared are northeast of the Quillback Drive intersection and are accessed via Moran Street and Foster Avenue.

Preliminary plat Forest Hills Lookout Bolder Heights Addition, KPB File 2019-117, is located to the north of the proposed vacation. That plat and the associated vacations have been approved. The plat, once recorded, will vacate a portion of Mountain Ash Street, a portion of Foster Avenue, and will provide a new right-of-way that continues Authentic Road to the north and provides a connection to Foster Avenue. A new right-of-way will be dedicated that provides access to the large acreage tract to the east. The owners are working to vacate some section line easements and the Planning Commission granted four year approvals to allow the vacations and plat to be recorded together.

A partial bulb is proposed to be dedicated to provide an adequate turn around area for Paper Birch Lane. The northern 30 foot width of Paper Birch Lane will remain and may be used for public access but does not meet the requirements for a borough right-of-way.

The 15 acre lot to the north will have access to Paper Birch Lane and to Foster Avenue to the north. Once the plat to the west is finalized, the parcel will also have access from the new dedications. If the 15 acre parcel to the north is ever subdivided, it will have multiple access routes to provide access and possible connections to internal rights-of-way.

Lot 15 has access from Authentic Road and Gloria Burns Circle. Lots 8 and 9 have constructed access on Developer Circle.

Paper Birch Lane, Quillback Drive, and Authentic Road provide a closed block. The length around Authentic Road is not compliant. Multiple rights-of-way are off Authentic Road but they are cul-de-sacs and do not improve the block. The reason for the placement for the new rights-of-way in the proposed subdivision to the north is due to terrain. The sketch provided shows the steep terrain within the Paper Birch Lane Dedication.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA does not object to this vacation.
SOA DOT comments	Comments not received when the staff report was prepared.

**Site Investigation:** The dedicated right-of-way contains steep slopes through the majority of the portion petitioned for vacation. There does not appear to be any lot wet areas within the dedication.



Quillback Drive, Paper Birch Lane and its intersections with Foster Avenue and Moran Street appear to be free from low wet areas. Steep slopes do not appear to be present within the rights-of-way. The slopes within Quillback Drive are approximately 9 percent.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
Alaska Fish and Game	No objections

**Staff Analysis:** This is a revised vacation design. On March 21, 2022, the Planning Commission approved a full 60 foot wide vacation for the same section of right-of-way. The vacation was forwarded to the Kenai Peninsula Borough Assembly and on April 5, 2022, the Assembly vetoed the Planning Commission decision. Based on the discussion and concerns brought forward by the Assembly the owners have provided another design. This is considered a new petition with a new and separate hearing from the previous petition.

Forest Hills Lookout Subdivision, Plat KN 86-204, dedicated the right-of-way being discussed. It was named Walker Street when dedicated. Resolution SN 2015-09 changed the street name. The parent subdivision created larger acreage lots. Many have been subdivided through the years and provide the current configuration of the area. The Tulchina Pointe Estates Preliminary Design was approved on April 10, 2006. Phase 1 was recorded in May of 2006. Phase 2 was reviewed again by the Plat Committee as there were changes from the original design. It was heard and approved on July 17, 2006. During the public hearing, the surveyor stated the terrain was a deciding factor in some of the road and lot design. The future plans included a vacation of Paper Birch Lane (Walker Street) and to provide a continuation of Authentic Road to connect to Foster Avenue. The owner at the time finalized Phase 2 but did not continue with any other development.

The lot to the northwest has received preliminary approval to vacate multiple rights-of-way and easements to allow for dedications that work with the terrain in the area. This included a continuation of Authentic Road to connect to Foster Avenue. The ability for Paper Birch Lane to provide a better connection to another right-of-way may be obtained in the future if Lot 2, located to the northeast, is ever subdivided.

The owner of Lots 8 and 9 is LittleKnife Inc. The owner is a construction company that recently built a home on the lots for a client. It was determined that the house was constructed partially within the right-of-way. The as-built shows the house at a slight angle and around a 35 foot length of the house is within the right-of-way. The widest width of the encroachment appears to be approximately 9.6 feet. The well is also 13.7 feet into the right-of-way.

A bulb is proposed for a turnaround area. The 50 foot radius bulb will be dedicated from Lot 8 and will provide an adequate turnaround area that should not require additional dedications in the future.

The 30 foot wide portion of Paper Birch Lane proposed to remain will not provide a compliant right-of-way width. If the vacation is approved as shown, an exception to KPB 20.30.120 – Streets-width requirements will be required. Staff notes that the remaining portion of Paper Birch Lane will not comply with KPB 20.30.090 – Streets-Maximum grades allowed. Due to the terrain and the reduced width Paper Birch Lane will not be able to be a borough maintained right-of-way according to KPB Code requirements. The right-of-way will be able to be used by the public for all allowable uses.

The petition is proposing to vacate the associated utility easements along the portion of Paper Birch Lane to be vacated. New 10 foot utility easements will be placed along the newly dedicated bulb and along the southern boundary of the remaining 30 foot wide right-of-way. 10 foot utility easements will also be required to remain adjacent to Authentic Road and along the eastern property line adjacent to Paper Birch Land. A twenty foot setback will also be put into place along the southern boundary of the remaining 30 foot wide right-of-way.

Per KPB Code 20.90.100, Definitions, a well casing is allowable within the 20 foot setback as it does not impact the sight distance along the right-of-way. The well will not be within the new utility easement. A plat note will be requested to address the existing well.

At the time the staff report was prepared no written comments have been received from the public regarding the revised proposal.

#### **20.65.050 – Action on vacation application**

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;  
**Staff comments:** This portion of Paper Birch Lane is not constructed. During the previous review, public noted that it was used for walking, horse riding, and all-terrain vehicles.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** The intersection with Authentic Road will be difficult due to the terrain. New rights-of-way are proposed to the north that used terrain to help determine locations. The along this portion to be vacated all have access from other rights-of-way.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** No lots will be denied access to utility easements.
  4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Staff comments:** Does not provide access to public lands or waters.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** The proposal of a remaining 30 foot wide right-of-way will not comply with KPB Code right-of-way width requirements. A road may be constructed but not to borough standards or receive borough maintenance.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:** The steep terrain may make pedestrian use difficult but could still be feasible. A 30 foot width remaining will provide possible pedestrian use.
  7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

**Staff comments:** Requests by utility providers will be reviewed and the surveyor/owner must work with utility providers to ensure all needed easements are provided. The proposed plat will grant easements along dedicated rights-of-way.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

**Staff comments:** There is a structure within the right-of-way.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled May 17, 2022 meeting.

If approved, Tulchina Pointe Estates 2022 Replat will finalize the proposed right-of-way vacation. The Plat Committee is scheduled to review the preliminary plat on May 23, 2022.

**KPB department / agency review:**

Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.  Material Site Comments: There are not any material site issues with this proposed plat.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Addressing	Reviewer: Haws, Derek Affected Addresses: 41258 AUTHENTIC RD 34426 DEVELOPER CIR  Existing Street Names are Correct: No  List of Correct Street Names: DEVELOPER CIR GLORIA BURNS CIR PAPER BIRCH LN AUTHENTIC RD FOSTER AVE  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: 41258 AUTHENTIC RD will remain with lot 1. 34426 DEVELOPER CIR will remain with lot 9A.
Assessing	Reviewer: Wilcox, Adeena Comments: No Comment

**Utility provider review:**

HEA	No comments
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown.

### **RECOMMENDATION:**

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

### **KPB 20.65.050 – Action on vacation application**

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

*Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.*

- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*



- *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
- *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
- *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
  - *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
    - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

*Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough*

- *Focus Area: Transportation*
  - *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
    - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
    - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

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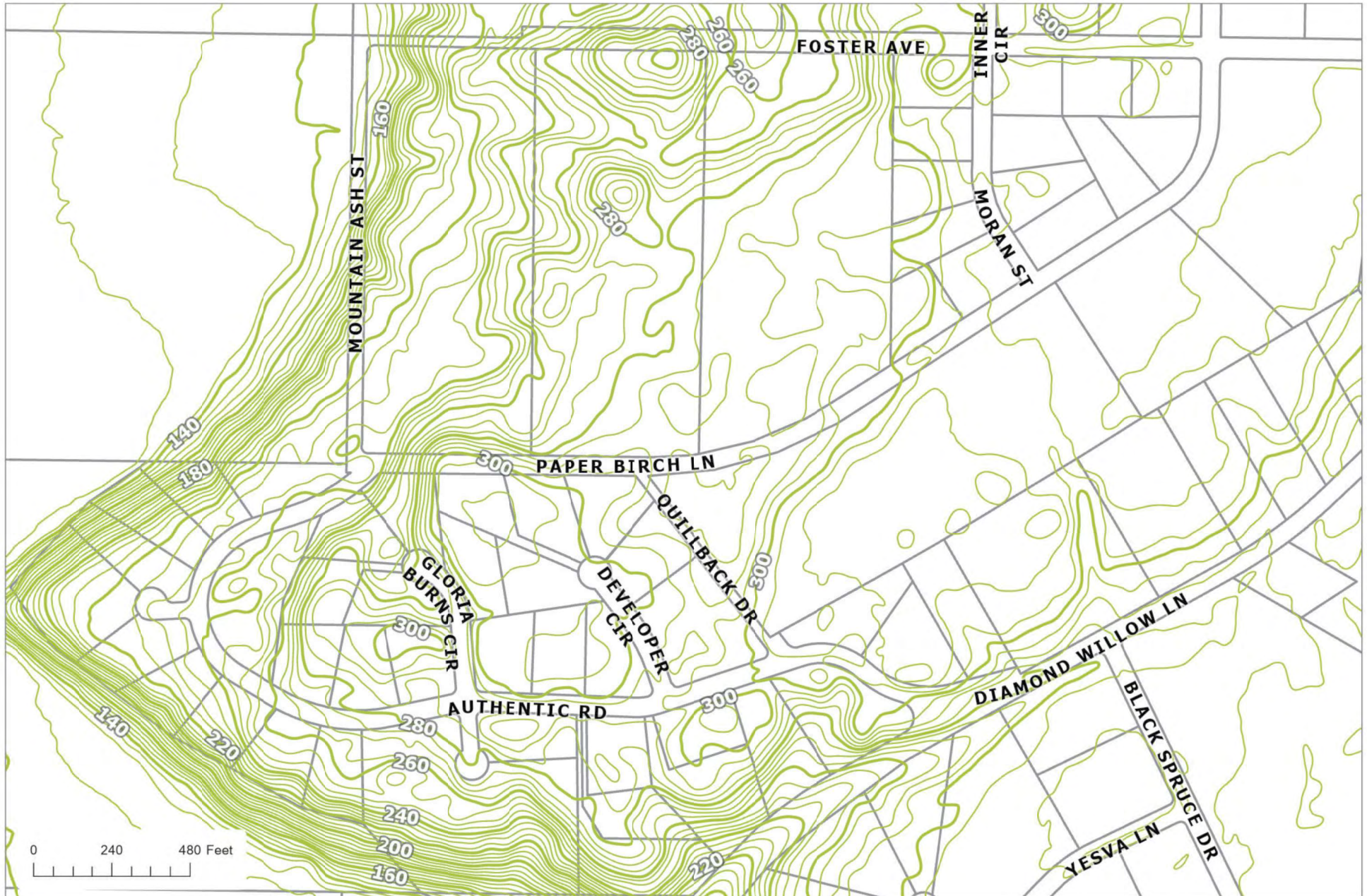
**END OF STAFF REPORT**





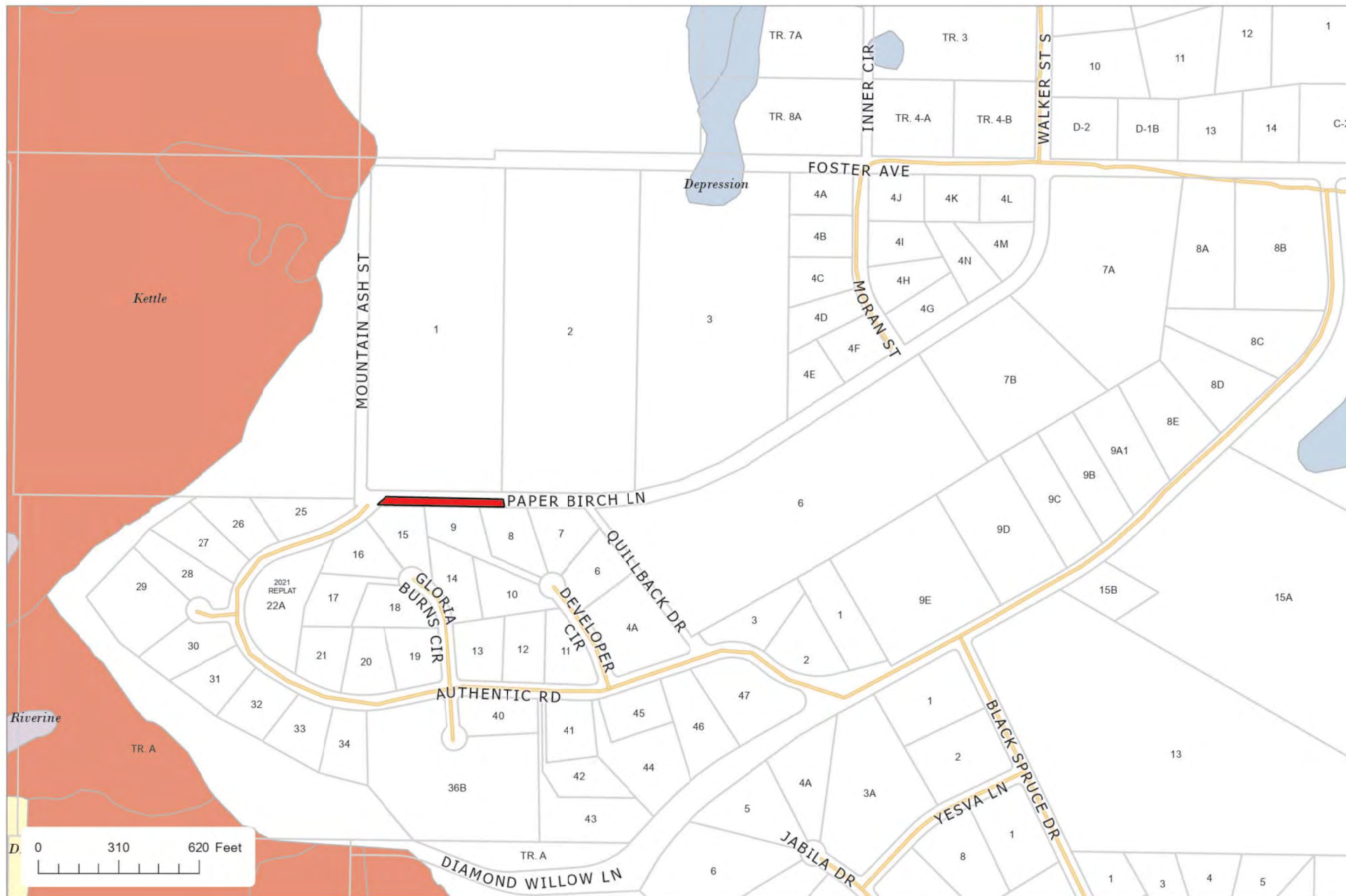
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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





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



60' R/W WALKER STREET

S 89°59'02" W 212.66

S 89°59'02" W 185.26

10' UTILITY EASEMENT

20' BUILDING SETBACK

110' WELL WINDS

LOT 7

N 18°31'53" W 266.40

LOT 8

N 15°00'00" W 194.33

LOT 9

BUILDING

116.25

S 06°54'21" E



# Swan Surveying

Michael Swan R.L.S.

P.O. Box 987 • Soldotna, AK 99669 • 907-252-5816

IN 22-005 FB DATE 02-18-22 SCALE 1"=50' DRWN MAS CHK

I hereby certify that I have performed a Mortgage Inspection of the following described property  
LOT 8 TULCHINA POINTE ESTATES  
SUBDIVISION PHASE 2 AMENDED

Located in the Kenai Recording District, Kenai, AK, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property lying adjacent thereto, that no improvements on property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said property except as indicated hereon.

Dated at 22 Alaska This 18<sup>th</sup> day of FEBRUARY 2022

AS-BUILT



02-18-22

40' BUILDING SETBACK  
10' UTILITY EASEMENT

L=29.89  
R=50.00  
L=30.51

60' R/W DEVELOPER CIRCLE

LOT 10

## NOTES

THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

ALL BOUNDARY DATA SHOWN IS OF RECORD INFORMATION UNLESS OTHERWISE NOTED.

THIS MORTGAGE LOCATION SURVEY IS A REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE LOCATION SURVEY WAS PERFORMED. THIS DOCUMENT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. INFORMATION CONTAINED ON THE DRAWING SHALL NOT BE USED TO ESTABLISH ANY FENCE, STRUCTURE, OR OTHER IMPROVEMENTS.

THIS MORTGAGE LOCATION SURVEY WAS PREPARED IN ACCORDANCE WITH THE ASPLS MORTGAGE LOCATION SURVEY STANDARDS.

SEE ANY LOCAL ZONING AUTHORITIES OR COVENANTS THAT MAY APPLY TO THIS PARCEL FOR BUILDING SETBACKS.

## SPECIAL NOTE

This document may not be recorded or copies sold without the written permission of the Surveyor. This Survey is to be used only for the purpose intended and is valid for 120 days from the date of original survey after which it must be re-surveyed.

Anthony Avenue

CERTIFICATE of OWNERSHIP  
and DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Patrick S. O'Neill  
Patrick S. O'Neill, Managing Member & Agent  
Pristine Properties, LLC  
P. O. Box 4281  
Soldotna, Alaska 99669

## NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 10th DAY OF August  
2006 FOR Patrick S. O'Neill

*Sarah Hanson*  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 3/1/09

OFFICIAL SEAL  
STATE OF ALASKA  
SARAH HANSON  
NOTARY PUBLIC  
My Comm. Exp.: 3/1/19

Paula M. Smith

- [illegible]

COMPARISON TABLE					
	Building	Design			
1.1	57.20.44	20.44			
1.2	59.30.10.5	20.10.5			

COMPARISON TABLE					
Case	Delta	Radius	Length	Cloud	Other Results
1.1	23.30.44	20.44	10.44	100.00	100.00.00.00
1.2	23.30.10.5	20.10.5	10.10.5	100.00	100.00.00.00

## AMENDED PLAINING

This and previous Part 10, SUBPART B11 by contacting: Canada 88 & 88  
and 888 21 & 22 with their respective offices. The 888 information  
line does have and does contain information about previous cases.










I certify that I have checked the corrections noted above and all other changes have been made.

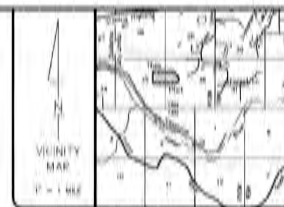
*C. J. B. C.* *2 April 69*

CERTIFICATE OF SURVEYOR

I hereby certify that I am properly registered and qualified to perform soil sampling in the State of Alaska, that this statement is correct to the best of my knowledge, and that the statements above are true and correct to the best of my knowledge.

LEGEND:

- |   |  |
|---|--|
|  | 2-1/2" Black Cap Management (Round)  |
|  | 3-1/4" Black Cap Management (Round)  |
|  | 5/8" Natural 2" Square Plastic Cap (Round)   |
|  | 5/8" Nylon (not for snow)  |
|  | Mini-Roller  |
|  | Formal Ltd 104   |
|  | Form and assembled by STEEL MANAGEMENT, Inc. (not<br>included by the following components during the<br>May 1994 to May 1995 period) |
|  | Rolling System - Formal Ltd (not included Substitution<br>Price 4,000.00 unit)   |
|  | Rolling System - Heavy Duty (not included Substitution<br>Price 4,117.00 unit)   |



CHINA 中国						
省、市、自治区	India	Indonesia	Malaysia	Philippines	Singapore	Thailand
北京	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
天津	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
上海	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
广东	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
广西	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
云南	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
四川	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
湖南	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
湖北	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
浙江	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
江苏	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
安徽	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
江西	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
福建	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
山东	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
河南	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
河北	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
山西	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
陕西	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
甘肃	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
宁夏	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
青海	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
新疆	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
海南	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
香港	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
澳门	10,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000

#### PLAT APPROVAL

THE PLAN WAS APPROVED BY THE KENAI PENINSULA MOUNTAIN PLANNING COMMISSION AT THE MEETING OF JULY 17, 2003.

JOURNAL OF MATHEMATICAL ANALYSIS AND APPLICATIONS

  
 ROBERT C. O'NEIL, JR.  
 Director of Operations

KPB FILE No. 2006-149 Amended Chart

**Tulchina Pointe  
Estates - Phase 2**

A subdivision of Lot 5 & 11 Forest Hill Subdivision (Amended), Plan No. 88-204, Tract A, Indiana Route Easement - Stage 1, Plot No. 204, within the SW1/4 NW1/4 S35, the SW1/4 NE1/4 S35 and partial NW1/4 NE1/4 NE1/4 S35, and the easement strip described.

Located within 100 ft. of the S.W. corner meeting point of the railroad through Athens.  
Contains 21,500 acres.

## Integrity: Pathways

8108 Kailash Spin Hwy      Kailash, Alaska 99511-0000  
Kailash      907-665-0000      907-665-0000

Job No.	20000	DATE	01 August 2000
DATE TO	April 1998	SCALE	1" = 100'
FIELD No.	2000-1	DATE	October 2000



## INTEGRITY SURVEYS

Tulchina Pointe Estates – Phase 2

### AFFIDAVIT

The above referenced subdivision plat, as filed in the office of the District Recorder, Kenai Recording District, under Plat File No. 2006-63, has been amended by:

Correcting the correcting curves 64 & 66 and lines 21 & 22 within their respective tables. The old information has been lined out and corrective tables provided.

The above revision constitutes the sole change to the plat, aside from its notation thereon.

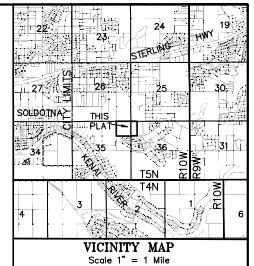
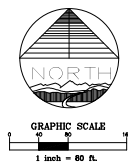
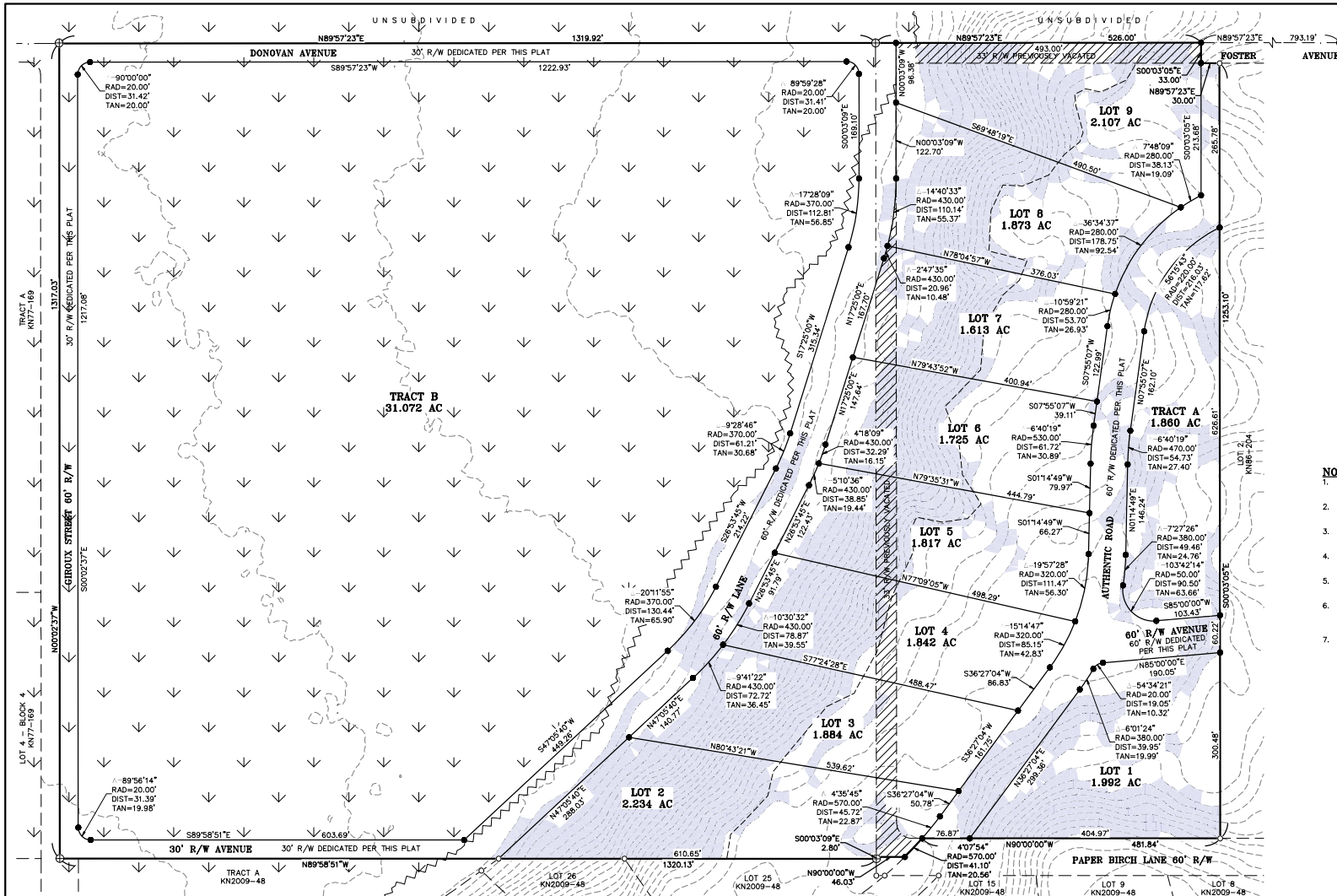
The above revision does not alter lot areas and does not affect or influence any change of ownership, drainage features, rights-of-way or any other item which would adversely affect this or adjacent properties. We, therefore, are submitting this plat for refile as corrected

Date: 19 August, 2009









- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
  - FOUND 1/2" REBAR UNLESS NOTED
  - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
  - ⚡ POWER POLE
  - OVERHEAD ELECTRIC
  - AREA SUBJECT TO INUNDATION
  - CONTOUR INTERVAL = 4'
  - 33' ROAD R/W PREVIOUSLY VACATED
  - SLOPES GREATER THAN 20%

- NOTES**
- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
  - BUILDING SET BACK - A BUILDING SET BACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  - THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
  - NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
  - ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
  - THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF THE 33' ROAD R/W FOSTER AVENUE, 33' ROAD R/W MOUNTAIN ASH STREET AND PORTION OF PAPER BIRCH LANE CREATED BY KN86-204 AT THE MEETING OF ????
  - THE KENAI PENINSULA BOROUGH PLANNING COMMISSION, ALASKA DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF NATURAL RESOURCES APPROVED THE VACATION OF THE 50' SECTION LINE EASEMENT AT ????????????

**WASTEWATER DISPOSAL**

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**WASTEWATER DISPOSAL**

THESE LOTS ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**CERTIFICATE OF OWNERSHIP**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY APPROVE OF THE SECTION LINE EASEMENT VACATION AS SHOWN HEREON.

CODY R. McLANE  
PO BOX 468  
SOLDOTNA, AK 99669

**NOTARY'S ACKNOWLEDGEMENT**

FOR: CODY R. McLANE  
ACKNOWLEDGED BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 2019

MY COMMISSION EXPIRES : \_\_\_\_\_

NOTARY PUBLIC FOR THE  
STATE OF ALASKA

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2019.

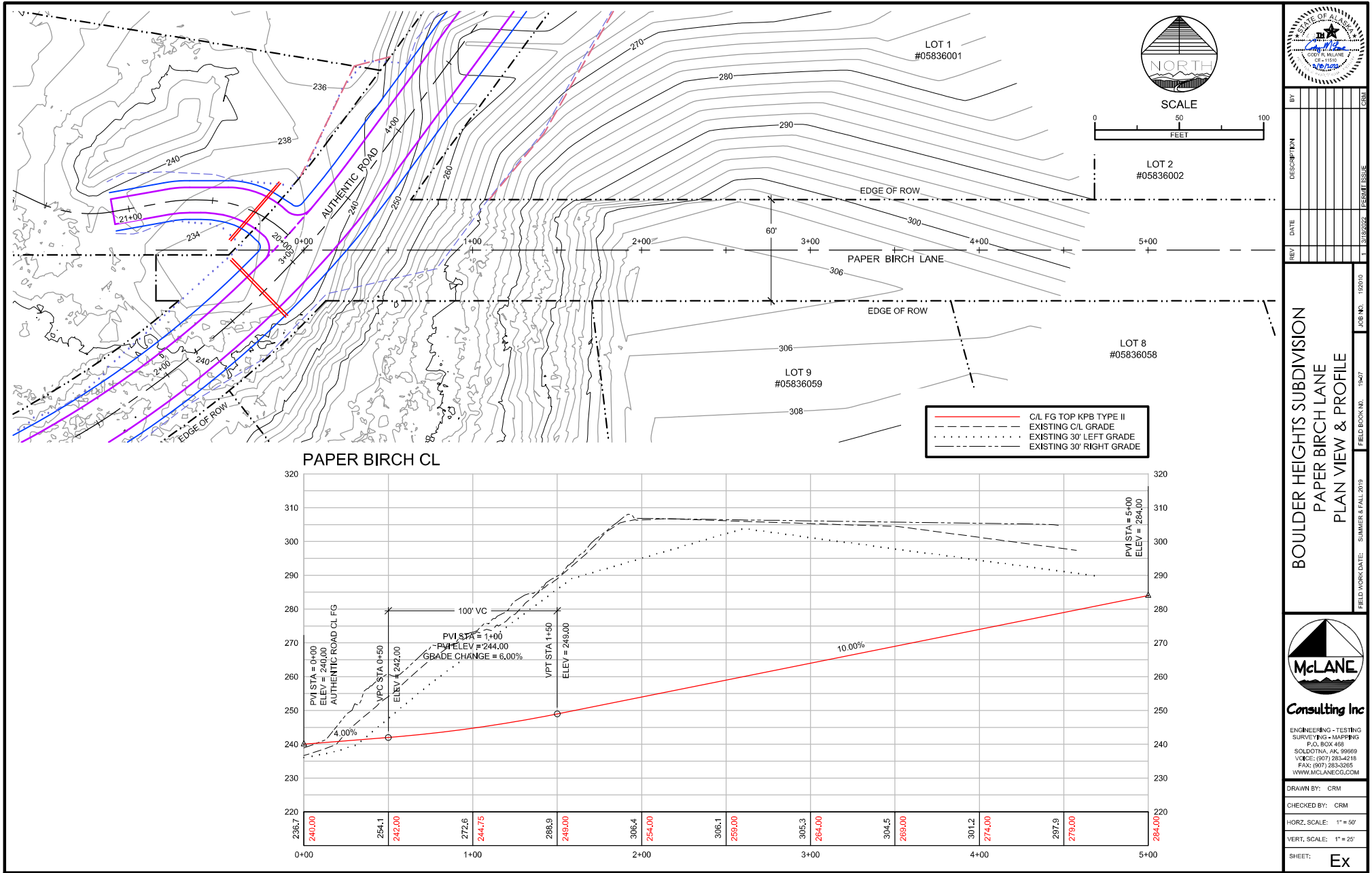
AUTHORIZED OFFICIAL

Plat #	
Rec. Dist.	
Date	
Time	

**FOREST HILLS LOOKOUT  
BOLDER HEIGHTS ADDITION**  
(A RESUBDIVISION OF LOT 1 AMENDED FOREST HILLS  
LOOKOUT SUBDIVISION KN86-204 AND UNSUBDIVIDED  
N81/4 OF NE1/4 OF SECTION 35, T5N, R10W, 5M, AK)  
CODY R. McLANE  
PO BOX 468  
SOLDOTNA, AK 99669

ENGINEERING - TESTING DATE: SEP. 2019 P.O. BOX 468 SOLDOTNA, AK 99669 VOICE (907) 284-4258 FAX (907) 284-4258 WWW.MCLANESG.COM	KPB FILE NO. 2019-KKK
PROJECT NO. 19201D	DATE: SEP. 2019
BOOK NO.: 19-KKK	DRAWN BY: JAH

CODY R. McLANE C.E. 11510 AK DATE





Approved R/W  
around steep  
terrain being  
dedicated per KPB  
File No. 2019-117

Current R/W





E3-21

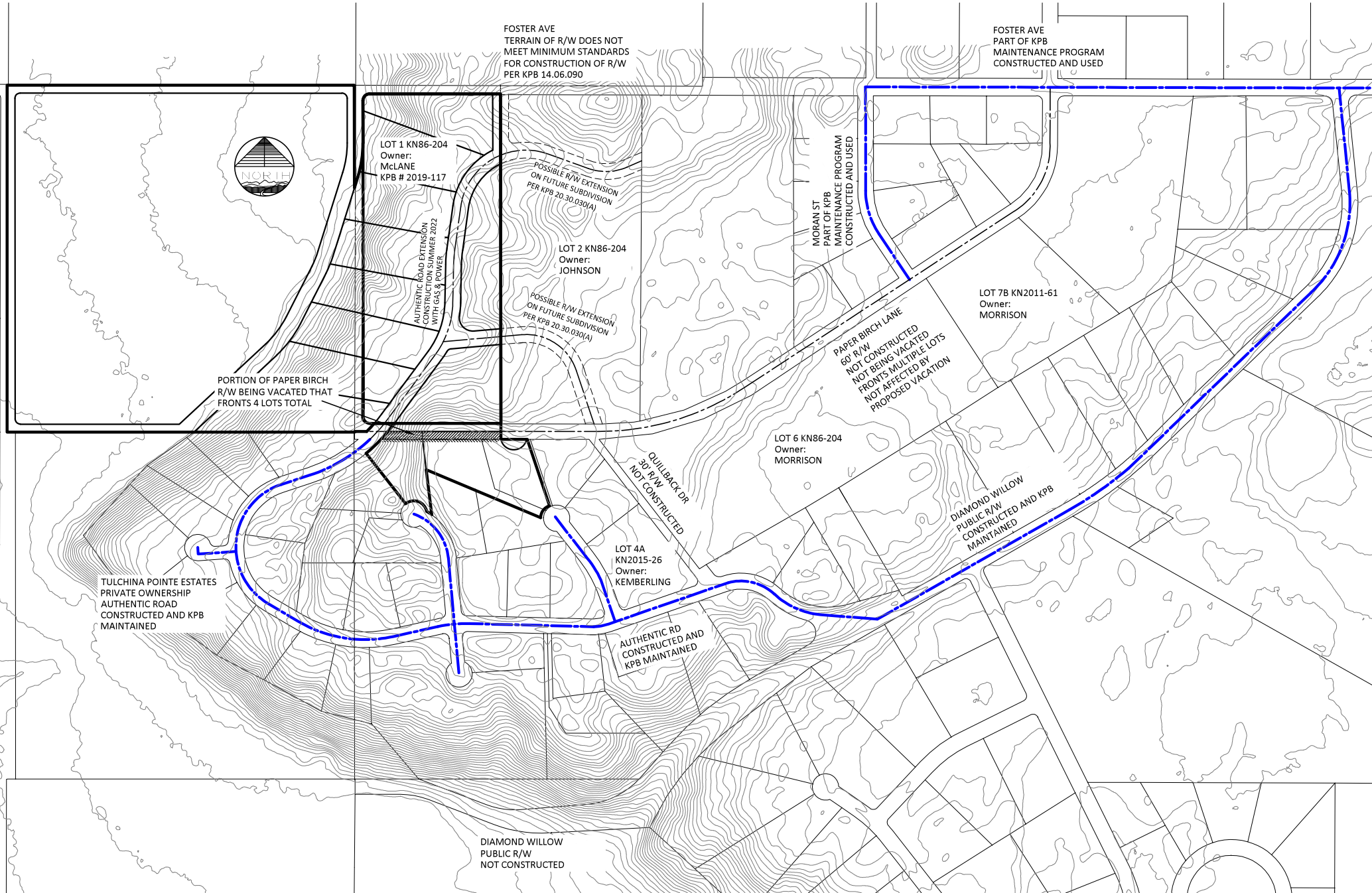




Approved R/W  
around steep  
terrain being  
dedicated per KPB  
File No. 2019-117

Current R/W





AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

15. Tulchina Pointe Estates Phase 2 Revised Preliminary  
KPB 2006-149; Integrity/Pristine Properties

Staff Report reviewed by Patti Hartley

Plat Committee Meeting: 7/17/06

Location: South of Sterling Hwy in Soldotna  
Proposed Use: Residential, Recreational, Commercial, Agricultural  
Zoning: Unrestricted  
Sewer/Water: On-site  
Assessing Use: Residential, Vacant

Supporting Information:

The Plat Committee reviewed and granted conditional approval to the preliminary plat, which subdivided and reconfigured 84 acres into 47 lots, on April 10, 2006. The Committee granted exceptions to KPB 20.20.180 3:1 for Lot 28, KPB 20.20.160 Maximum Block Length, and KPB 20.20.090 Cul-de-sac Length.

Phase 1 was recorded in May of 2006. Four lots were finalized by this phase.

The final plat submitted for Phase 2 review contains substantial design changes to the rights-of-way and lots so the plat has been brought back to the Committee as a revised preliminary.

The revised preliminary creates 46 lots and a tract leaving an unsubdivided remainder of approximately 121 acres. **Staff recommends** the unsubdivided remainder be labeled with area. A soils report will be required, and an engineer will sign the plat. **Staff recommends** the appropriate wastewater disposal note for Tract A be added to the final plat.

Four cul-de-sacs, a 30-foot half dedication, a 10-foot dedication for Diamond Willow Lane, and a portion of Mountain Ash Street are being provided by the subject plat. Names have not been selected for two cul-de-sacs and the half right-of-way off Authentic Road. **Staff recommends** the surveyor work with Planning Staff to select names in compliance with KPB 14.10.

The vacations of the Mountain Ash Street and the section line easement were conditional upon alternate dedications being provided. **Staff recommends** all alternate dedications be provided on Phase 2, including the looped extension to Walker Street/Mountain Ash Street and the extension of Anthony Avenue along the south boundary, curving at the east end to access both lots to the south and encompass the existing travel way.

**Staff recommends** the intersection with Mountain Ash Street meet Borough design code requirements.

**Staff recommends** that no phases leave unsubdivided remainders of previously subdivided lots.

The lot east of the 30-foot half dedication contains 15 acres. It is reasonable to expect a matching dedication in the future.

Local Option Zoning review was not available when the staff report was prepared. The submittal states the proposed subdivision is affected by a Rural Residential Local Option Zone adopted on September 7, 2004. Neither KPB Code 21.18 nor the September 7, 2004 meeting summary for the Assembly indicate a local option zone affects the property. **Staff recommends** Plat Note 1 be verified.

Sizes for the flag lots range from 1 acre to 1.7 acres. Further subdivision is not possible unless the lots are served by public water and sewer. Panhandle widths are not noted on the plat. **Staff recommends** the surveyor confirm the panhandles are sufficient for driveway access.

**Staff requests** the following note be placed on the plat: *Roads must meet the design and construction*



*standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*

A company owns the property. If the ownership shown on the final Certificate to Plat is in a company or corporation, **staff recommends** a corporate resolution be provided to the Planning Department to confirm who is authorized to sign the plat (KPB 20.16.155).

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

If the Certificate to Plat shows the property is affected by private covenants, **staff recommends** the recording information of the private covenants and restrictions of record in effect at the time the final plat is approved be noted on the plat (KPB 20.16.140).

The property is not within an advisory planning commission.

No exceptions have been requested.

**STAFF RECOMMENDATIONS:** Grant approval of the revised preliminary plat subject to any above recommendations, appropriate approved recommendations in the April 10, 2006 staff report, and the following conditions:

**REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:**

1. Confirm the name and/or address of the owners (KPB 20.12.060).

**ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF THE FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:**

2. Correct the date in Plat Note 2 to April 10, 2006.
3. Survey and monumentation must meet the ordinance requirements (KPB 20.16.160).
4. Conform to conditions of KPB Planning Commission Resolution 78-6.
5. Comply with Chapter 20.16.155 D and 20.14 Wastewater Disposal regulations.
6. Compliance with Ordinance 90-38 (Substitute) - Ownership.
7. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

**NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR ON A FORM PROVIDED BY THE BOROUGH WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION 2.40.080 BOROUGH CODE OF ORDINANCES).**

**THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.**

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment.

1. Cliff Baker, Integrity Surveys  
Mr. Baker addressed the vacation of Mountain Street and the extension of Anthony Avenue which is



along the south of the 40 acres on the west side. Anthony Avenue comes in from the west and is pretty much wet from where Anthony Avenue currently stops until they get over to the south end of this project and is tied into Diamond Willow. The owner is leaving a large unsubdivided remainder plus he owns the 80 acres that would be south of the extension of Anthony Avenue. Mr. Baker commented that in the future they would like to plan something around the wetlands. He wants to plan something that won't need to be vacated later. Mr. Baker didn't want to push something through just because it had to be extended across a large unsubdivided acreage that could be further developed to be aesthetic.

Mr. Baker brought a proposed intersection layout for Mountain Ash and Walker Street, which would provide dedicated access to the northwest. Walker would be vacated at the top of the knob and Authentic Road would connect to Foster Avenue. He stated what they are trying to do is to follow the terrain. His proposal at this time shows that the dedication will remain for the extension of Walker over to the 40 acres that is to the northwest and is shown as a driveway stub out. Mr. Baker also stated they are proposing to vacate the right of way for Mountain Ash Street going down the hill to the swamp. The easement will be left at this time. He also proposed to vacate the portion of Walker between the intersections at the top of the knob and install a cul-de-sac because the road can't be built over that terrain. A lot of the area can't be built and they are trying to work with the terrain as much as possible.

Chairman Bryson asked if there were questions for Mr. Baker.

Commissioner Heimbuch asked if it was Mr. Baker's long-term plan for Anthony to go down and hit Keystone. Mr. Baker replied no, Anthony already comes off of Keystone on the west. The long-term plan is that they will have to provide a connection there. Diamond Willow comes through Grandview Subdivision and connects to the end of what is being vacated. Mr. Baker has an overall plan that ties into Keystone, which is what Grandiosa is all about.

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

**MOTION:** Commissioner Foster moved, seconded by Commissioner Gross to grant approval of the revised preliminary with the staff recommendations, comments and conditions from this meeting and the April 10<sup>th</sup> meeting with the exception of the alternate dedication that is to be replaced that the client is working with staff and the Army Corp of Engineers to design appropriate dedications that take into account the terrain and wetlands.

Mr. Baker clarified that Anthony Drive needed to be included in the motion. Mr. Best stated that staff felt this is a good design and use of the property with the terrain involved.

**FRIENDLY AMENDMENT:** Commissioner Foster added to the motion that they would refer to the topographical lay down and put it in the record regarding Anthony Drive. Commissioner Gross concurred with the amendment.

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

BRYSON YES	FOSTER YES	GROSS YES	HEIMBUCH YES	4 YES
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#### AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

17. South Slope Subdivision Wilbanks Addition #2  
KPB File 2006-168; Johnson/Wilbanks

Staff Report reviewed by Patti Hartley

Plat Committee Meeting: 7/17/06

Location: east of Soldotna, off Tischer Avenue  
Proposed Use: Residential

7 April 2022

**TULCHINA POINTE ESTATES 2022 REPLAT & ASSOCIATED R/W VACATION**

**LEGAL DESCRIPTION:**

RESUBDIVISION OF LOTS 8, 9 & 15 TULCHINA POINTE ESTATES SUBDIVISION PHASE 2 AMENDED (KN2009-48) w/ RIGHT-OF-WAY VACATION INCLUDING ASSOCIATED UTILITY EASEMENTS FOR A PORTION OF PAPER BIRCH LANE LOCATED WITHIN SECTION 36, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA.

**RIGHT-OF-WAY VACATION:**

SOUTHERN 30' R/W OF PAPER BIRCH LANE FROM AUTHENTIC ROAD TO THE EASTERLY PROPERTY LINE OF LOT 1 (KN86-204).

CURRENT RIGHT-OF-WAY WIDTH IS 60 FEET OVER VERY DIFFICULT TERRAIN WITH STEEP SLOPES. THE REMAINING 30 FOOT R/W MAINTAINS PUBLIC ACCESS TO AUTHENTIC ROAD.

PROPOSED VACATION IS APPROXIMATELY 0.304 ACRES DIVIDED AMONGST 3 PARCELS PER KPB CODE 20.65.060.

**ADJOINING PROPERTIES:**

ALL SURROUNDING PARCELS REMAIN WITH LEGAL ACCESS.

**ALTERNATE ACCESS RIGHT-OF-WAY:**

AUTHENTIC ROAD IS BEING EXTENDED THROUGH LOT 1 (KN86-204). PRELIMINARY APPROVAL BY THE KENAI PENINSULA BOROUGH ON 11/12/2019 WITH VACATION APPROVAL OF MOUNTAIN ASH STREET AND SECTION LINE EASEMENTS ON 10/28/2019 UNDER KPB FILE NO. 2019-117.

LOT 2 (KN86-204) REMAINS WITH LEGAL ACCESS FROM PAPER BIRCH LANE, FOSTER AVENUE, AUTHENTIC ROAD EXTENSION w/ EAST EXTENSION AND QUILLBACK DRIVE.

ALTERNATE ROUTE IS 2.075 ACRES THAT IS BEING CONSTRUCTED IN SUMMER 2022 WITH POWER AND GAS UTILITIES BEING INSTALLED. THIS PROVIDES ACCESS POINTS FOR FUTURE DEVELOPMENT.

## Hindman, Julie

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**From:** Planning Dept,  
**Sent:** Friday, May 6, 2022 12:58 PM  
**To:** Hindman, Julie  
**Subject:** FW: <EXTERNAL-SENDER>KBP file# 2020-023VR1

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**From:** mk\*\*\*\*\*im k <mkinttrim@outlook.com>  
**Sent:** Friday, May 6, 2022 12:43 PM  
**To:** Planning Dept, <planning@kpb.us>  
**Subject:** <EXTERNAL-SENDER>KBP file# 2020-023VR1

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, I am Mark Kemberling a resident of lot 4A in Tulchina Pointe, 40790 Authentic RD. When I bought both of my lots in 2007 I KNEW where my property lines where! My builder verified this by survey. I really don't see an excuse for this at all. Most survey stakes that I have seen have writing on them referring to their purpose. The builder said in a previous hearing that he "thought" they were property lines. I find this hard to believe. Between the builder and the homeowner someone knew this in my opinion.

I agree with the Assembly's decision that this is a case of trespass and that only the footprint should be allowed.

Rewarding a mistake with property is not solving a problem and creates precedence! I believe that if you do reward littleknife with this property, that Developer Cr. be extended threw their property (lot to meet up with Paper Birch. All utilities are already on Developer. The land lost from lot 8 & 9 would be made up by the land gained.

As far as the vacate on lot 15, this has nothing to do with the original problem and should not be allowed. The assembly also questioned the reasoning of this. This should remain Borough property and would make great public access to Paper Birch.

My wife and I will be watching the meeting through Zoom.

Thank You,  
Mark & Jacqie Kemberling

Sent from [Mail](#) for Windows

## Quinton, Madeleine

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**From:** jan morrison <janmorrison35@yahoo.com>  
**Sent:** Friday, May 6, 2022 9:30 AM  
**To:** Planning Dept,  
**Subject:** <EXTERNAL-SENDER>Paper Birch Easement Vacation

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.

Sent from my iPhone

Begin forwarded message:

**From:**  
**Date:** May 6, 2022 at 9:12:02 AM AKDT  
**To:**  
**Subject:** Paper Birch Easement Vacation

I am writing in opposition of the proposal to vacate a portion of the Paper Birch Lane easement. There are other solutions available that don't require the Borough giving away free and/or placing additional development costs and difficulties on other land owners in the area. Even if only a part of the Paper Birch easement is vacated, it still pushes the road onto a side hill which will be more costly and difficult to develop. Also, just vacating the easement as currently proposed, sets a bad precedent from the Borough and does nothing to deter builders from doing this in the future. Another thing that makes no sense in this proposal is the vacation of the Paper Birch easement behind lot 15. This lot has nothing to do with correcting the house encroachment on lot 9. Granting a vacation of the easement behind lot 15 would only increase cost and difficulty to developing Paper Birch Lane.

Another option that is mentioned by the petitioners is connecting Authentic Road and Paper Birch Lane through lot 2 owned by Charles Johnson. At the last meeting about vacating the Paper Birch easement, Mr. Johnson said he would not approve a road going through his lot. So, being that Mr. Johnson has already said he will not approve a road going through his lot, this option should not even be considered.

Looking at the maps and plats of the subdivision and taking into consideration that the Borough is under no obligation to vacate part of the Paper Birch easement for the convenience of 1 land owner, there is a better option available. That option is to connect Paper Birch to Developer Circle through lot 8, which is also owned by the builder/ homeowner of lot 9. This option would be a win for all parties involved. It would still provide access from Paper Birch to Authentic. It would not place any additional costs or difficulties on other land owners to develop this connecting road. It would set a standard that the Borough will hold builders accountable for not following basic rules to make sure builders are building on their own property. The Borough would not just be giving away land to correct a builder's mistake. The owner of the house in the Paper Birch easement also owns lot 8. By connecting Paper Birch to



Developer, the Borough would basically “trade” the vacated portion of the Paper Birch easement for an easement connecting Paper Birch to Developer.

As currently proposed, I do not support the proposal to vacate part of the Paper Birch easement. It does nothing but place additional cost and burden on other land owners in the area, while at the same time rewarding the builder/ home owner on lot 9 for making a huge mistake.

Russ and Jan Morrison

To whom it may concern:

I am writing in opposition of the vacation of a portion of Paper Birch Lane proposal. Although this proposal is an improvement to the original proposal, the petitioners are not taking into account the Assembly's guidance on the direction they would favor. The petitioners trespassed on Borough property, staking claim to an ideal, flat, view-location. And now, just as in their first proposal, they want the Borough to give them and their neighbor Borough owned land when there are other solutions available. As Assembly member Eckland said, "this one is egregious". Mayor Charlie Pierce called for "relief for the Borough".

The house is perched on one of the flattest location in the entire 84 acre subdivision (see figure 1).



E3-23

Figure 1. Tulchina Pointe Estates in red bold. Location of house in red fine point.

Who else made plans to take advantage of that flat spot? How about the developers who planned for a road to go there! With a house taking up half of the road easement, plus the request for additional setback, any potential road is pushed over to the side of the hill (figure 2).

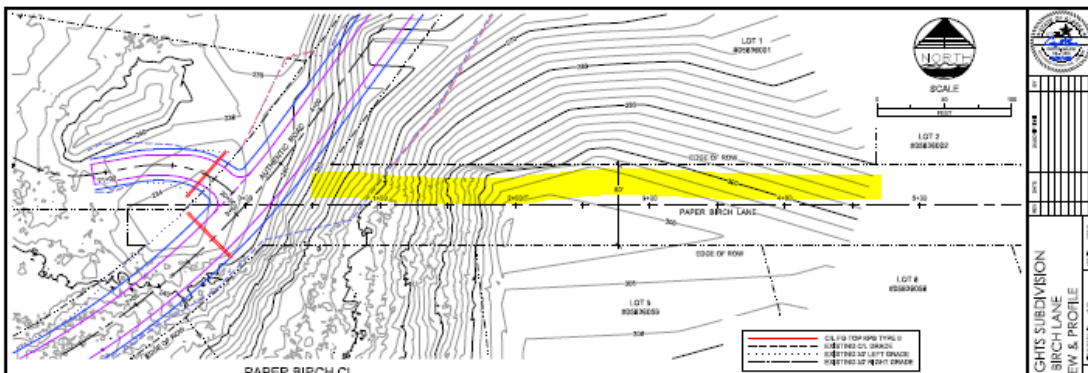


Figure 2. The highlighted segment would be the remaining easement if this partial vacation is approved. There is much more side hill and difficulties on this side of the easement.

Building a road/driveway on a slope, particularly right before the hill descends adds much cost and complexity to construction. This can be resolved in two ways: a foot print vacation, as Assembly President Johnson suggested, or moving the road easement to connect to Developer Circle on the petitioner's lot 8, which we will call the Developer Connection, see figure 3.



Figure 3. Developer Connection; a possible alternative. The angle of interesting Paper Birch is less than the already approved intersection of Quillback and Paper Birch.

In both proposals to vacate this easement, the petitioners are taking no responsibility for placing this house on property that did not belong to them. "This is troubling," said assembly member Bjorkman. Assembly member Cox said there are "consequences for not going through the right procedures." Vacating an easement and giving the petitioner an abundant amount of Borough land IS NOT A CONSEQUENCE. It is a REWARD! Relocating the easement onto their double lot to Developer Circle would show effort at remedying their mistake. This is such an obvious solution that, 1.) allows the petitioners to be a part of the remedy for the problem they created, 2.) addresses the difficulty of building a road alongside their house and 3.) no one is getting free land for making a huge "mistake".

## DEVELOPER CONNECTIN OPTION

The Developer Connection would involve turning Paper Birch Lane at the east corner of lot 8 and connecting to Developer Circle in a property exchange. It would show accountability, set a good standard for the Borough by seeking alternative remedies that provide relief for the Borough, and reduce the length and difficult terrain



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WALKER STREET

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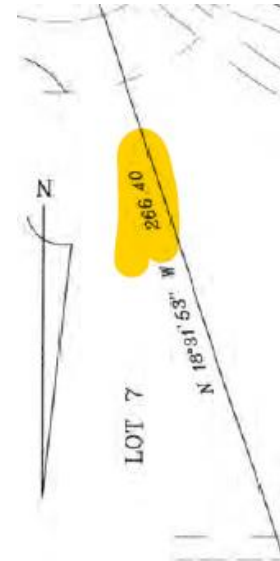
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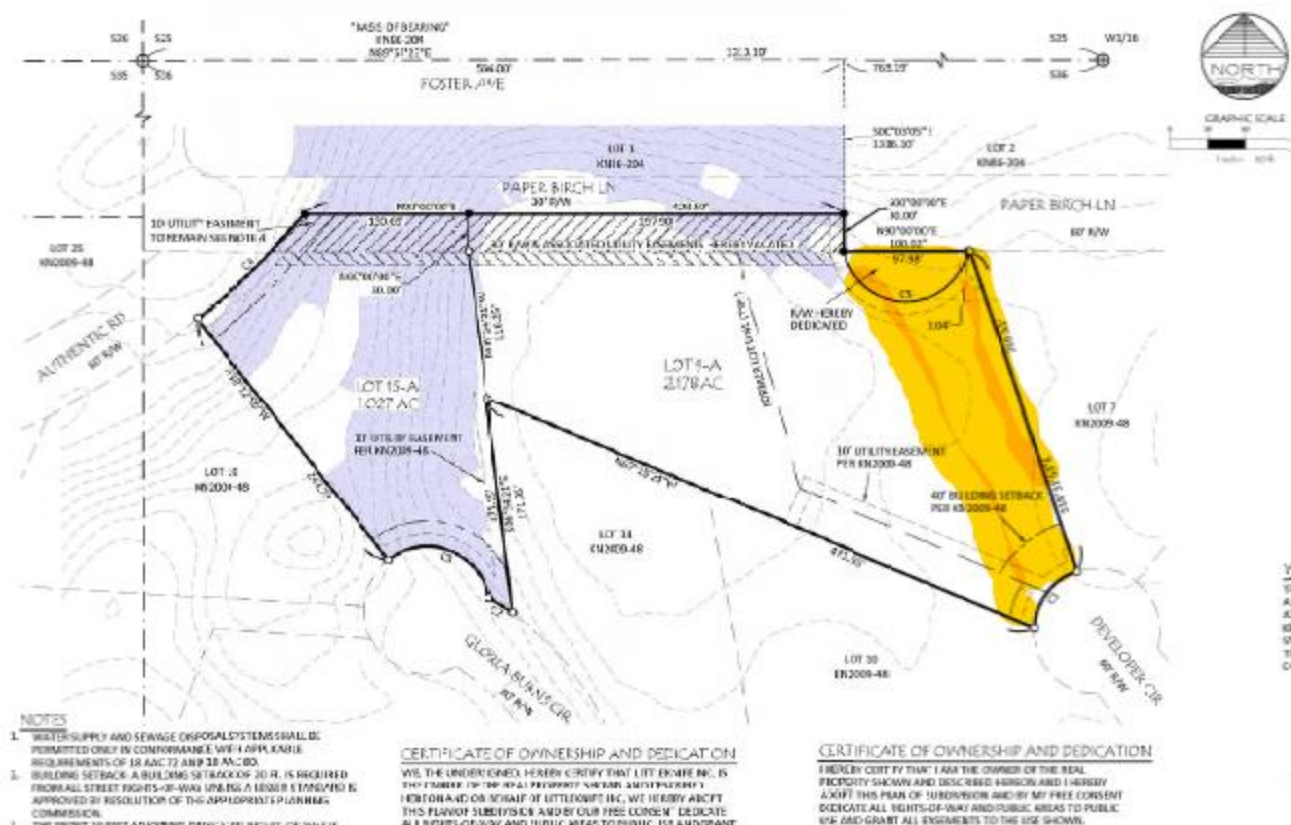


Figure 6. The yellow highlighted portion would be the Developer Connection. It has few terrain difficulties compared to remaining road easement if this vacation is approved.

The Developer Connection also “improve(s) the block” which was a concern of the KPB Road Department.

Why does the borough need to GIVE AWAY a third of an acre, which causes a reduction in access when they could EXCHANGE .36 (266’x60’) while creating better and cheaper access and not set a bad precedent for building in easements?

## FOOTPRINT VACATION OPTION

Assembly President Johnson suggested the petitioners consider a footprint vacation. This proposal is far from a footprint vacation. The petitioners are still seeking an outcome that most favors them! Not their neighbors or anyone desiring access. This vacation still AWARDS a third of an acre to them, whereas a footprint vacation would award the minimal amount of square footage needed to satisfy the encroachment. **The planning commission is under no obligation to give away more land than would satisfy the encroachment.** Just because they are asking for all of the easement (30’ x 428’), doesn’t mean the Borough has to give it away. Especially where there are other, better alternatives! Assembly member Elam said the petitioners (in their last proposal) were requesting a “full back yard”. This proposal is no different. “It’s a take,” he commented.

## LOT 15 EASEMENT VACATION

Another aspect in this proposal that should cause the entire case to be thrown out is the request that lot owner 15 also be awarded Borough property (see figure 4 for lot locations). This property is not relevant to the encroachment. Vacating the easement on lot 15 does nothing to help fix the house encroachment. If anything, it further limits the location of a road/driveway, which also increase the road construction cost. Adding the easement vacation of lot 15 into the proposal suggests that that this is nothing more than an egregious land grab.

The owner of lot 15 resides on Lot 16. Lot 15 is a side yard. This lot, which has not been altered since purchased a few years ago, is hilly. The owner, purchased the lot knowing the terrain (and road easement) would restrict development. The owner of the lots described the hill as Mount Alyeska; so steep that four-wheelers would topple over backward on their riders. Please see figures 7 and 8 to see the nature of the hill and terrain in question. Does it appear that a “tram is needed to get to the top”? Please judge with your own eyes from the pictures provided by the petitioners and weigh if exaggerations have been made.

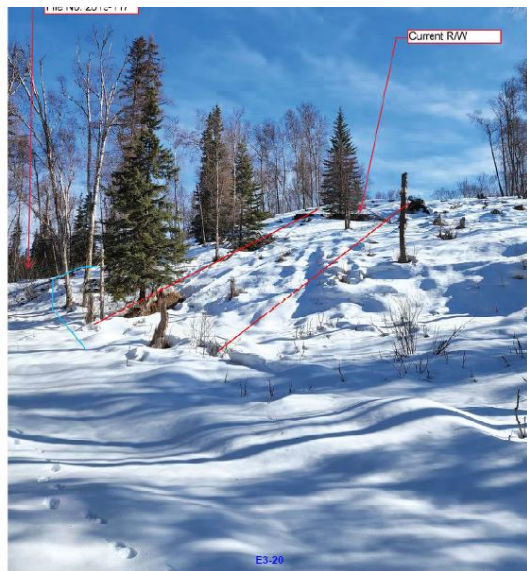


Figure 7 and 8. Photos of the terrain.

“I appreciate the Assembly standing up and showing support that the Planning Commission can say no,” said Assembly member Eckland. We encourage the Planning Commission to recognize that there are better options available than what is offered in this proposal; both for the Borough and neighbors desiring access. Please take the Assembly’s UNANIMOUS veto as a signal to ask the petitioners to provide a proposal that provides an acceptable replacement access instead of just vacating the existing access. Assembly President Johnson said the Assembly’s action of vetoing the original proposal was sending “a good direction for the Planning Commission.” Assembly member Hibbert encouraged Planning Commission members to “stand strong.” Please send this proposal back to the petitioners.

Sincerely,

Kevin and Heidi Morrison



## **E. NEW BUSINESS**

### **4. Conditional Use Permit; PC Resolution**

**Applicant: Ken Cushman**

**Location: Lot 10, Block 5, Kenai River Keys Amended  
Soldotna Area**















**Conditional Use Permit  
Anadromous Waters Habitat Protection District  
Staff Report**

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<b>KPB File No.</b>	<b>2022-06</b>
<b>Planning Commission Meeting:</b>	<b>May 9, 2022</b>
<b>Applicant</b>	<b>Kent Cushman</b>
<b>Mailing Address</b>	<b>PO Box 449</b> <b>Sterling, AK 99672</b>
<b>Legal Description</b>	<b>T 5N R 8W SEC 35 SEWARD MERIDIAN KN 0920044</b> <b>KENAI RIVER KEYS AMENDED LOT 10 BLK 5</b>
<b>Physical Address</b>	<b>34775 Sockeye Lane</b>
<b>KPB Parcel Number</b>	<b>06527005</b>

**Project Description**

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of 10-foot chainlink fence within the 50-foot Habitat Protection District of the Kenai River, as established in KPB 21.18.040.

**Background Information**

The applicant acquired this property last year and has had issues with others trespassing across his parcel. Applicant would like to extend the existing chain link fence by 10 feet, to the edge of his parcel, to prevent the trespass of vehicles on their private property.

**Project Details within the 50-foot Habitat Protection District**

1. Installation of a 10-foot chain-link fence, of which approximately 10 feet will be in the Habitat Protection District.
2. Installation of a metal fence post, at the end of the fence.
3. Minimal removal of vegetated material.

**Findings of fact pursuant to KPB 21.18.081 Conditional Use Permit**

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(2), fences may be permitted within the habitat protection district under a conditional use permit
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses
6. Pursuance to KPB 21.06.050, a chain link fence allows for unobstructed passage of water.
7. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.



8. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:  
*“...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways.”*
9. The River Center found the application complete and scheduled a public hearing for May 9, 2002.
10. Agency review was distributed on April 25, 2022. No comments or objections have been received from resource agencies to date.
11. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on April 25, 2022. A total of 39 mailings were sent. No comments or objections have been received to date.
12. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on April 28, 2022 and May 5, 2022.
13. The applicant is currently in compliance with Borough permits and ordinances.

### **Permit Conditions**

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The fence must be designed and installed to meet KPB floodplain requirements.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.
7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within one calendar year from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

### **General Standards**

**Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:**

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-5, 11, 12 and Finding 4 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 1-8, 11-13 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 7 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1-4, 8 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 13 appears to support this standard.**

#### **Attachments**

Vicinity Maps  
Multi-Agency Application  
Draft Resolution 2022-06

#### **Recommendation**

Based on the findings, staff finds that the proposed project meets the five general standards of KPB 21.18.081. The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses.

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2022-06.

**Note: An appeal of a decision of the Planning Commission may be filed to the Hearing Officer, in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.**

**END OF STAFF REPORT**

# Multi Agency Permit Application



514 Funny River Road, Soldotna, AK 99669 • (907) 714-2460 • KenaiRivCenter@kpb.us

## Applicant Information:

Name: Ken T.O. Cushman  
 Owner? ☒ Yes ☐ No  
 Mailing: P.O. BOX 449  
STERLING AK 99672  
 Phone: 907-301-4092  
 Email: KCCUSH@Gmail.com

## Agent Information: (if applicable)

Name: \_\_\_\_\_  
 Mailing: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

## Project Location:

KPB Parcel ID: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
 Physical Address: 34775 SOCKOYGLA, Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addn/No.: \_\_\_\_\_  
STERLING AK 99672 Directions to site: \_\_\_\_\_  
 Waterbody Name: KENAI RIVER  
 River Mile: KEYS Riverbank: ☐ Right  
 looking downstream ☐ Left

## Permit Fees: (please select the applicable permit fees)

- ☐ \$100 - ADNR State Parks Permit ☐ \$300 - KPB Conditional Use Permit  
☒ \$50 - KPB Habitat/Floodplain Permit ☐ \$300 - KPB Floodway Development Permit

## Project Description: ☒ New Project **OR** ☐ Extension ☐ Amendment to RC# \_\_\_\_\_

Provide a detailed description of your project and all related activities, use additional pages if needed. Include the following information for all existing and proposed structures:

- **Project location & dimensions**
- **Waterbody description & proximity**
- **Proximity to OHW and/or HTL**
- **Construction methods/equipment**
- **Filling/dredging/excavation:**
  - o type, volume, area, location
- **Fuel Storage:** location, quantities
- **Vegetation Removal:** location, amount, type

ADDING FENCE POST,

## KPB Tax Credit: (skip this section if your project is prior existing, only applicable to NEW projects)

Please provide your estimated project cost(s) below. Do not include grants or other funding assistance:

Elevated Light Penetrating Structure(s) \$ \_\_\_\_\_  
 Bank or Habitat Restoration & Protection \$ \_\_\_\_\_  
 Other Activities \$ \_\_\_\_\_



**Project Questions:**

**Note:** Use Ordinary High Water (OHW) for non-tidal waters, and Mean High Tide (MHT) for tidal waters.

1. Start date: 4-1 End date: 5-1 Estimated Days of Construction: 2 Days
2. Is the project located within 50 feet of OHW or HTL a waterbody? ☒ Yes ☒ No
3. Does any portion of the project extend below the OHW or HTL of the stream or waterbody? ☐ Yes ☒ No
4. Does any portion of the project cantilever or extend over the OHW of the waterbody? ☐ Yes ☒ No
5. Will anything be placed below OHW or HTL of the waterbody? ☐ Yes ☒ No
6. Will material be extracted or dredged from the site? ☐ Yes ☒ No
7. Including areas below OHW or HTL, what is the total area (in acres) that will be excavated or dredged?  
Total Area: \_\_\_\_\_ Type of Material: \_\_\_\_\_  
Location you will depositing fill: ONE POST HOLE
8. Will any material (including soils, debris, and/or overburden) be used as fill? ☒ Yes ☐ No  
Type of material: CEMENT Amount: \_\_\_\_\_ Permanent ☐ or Temporary ☐  
Will fill be placed below OHW or HTL: ☐ Yes ☒ No
9. List all motorized equipment to be used in this project, including access route to site, any stream or waterbody crossings, and (if applicable) how long equipment will be used below OHW or HTL: NONE
10. Is any portion of the work already complete? ☐ Yes ☒ No  
If yes, describe: \_\_\_\_\_

**Signature & Certification:**

This application is hereby made requesting permit(s) to authorize the work described in this application form. I certify the information in this application is complete and accurate to the best of my knowledge.

**If applying for a tax credit:** I certify that I have not begun construction of the project on this the property and that the proposed project will be constructed in a manner consistent with KPB 5.12 Real Property and Personal Property Taxes, KPB 5.14 Habitat Protection Tax Credit, and other applicable ordinances.

[Signature]  
Applicant Signature (required)

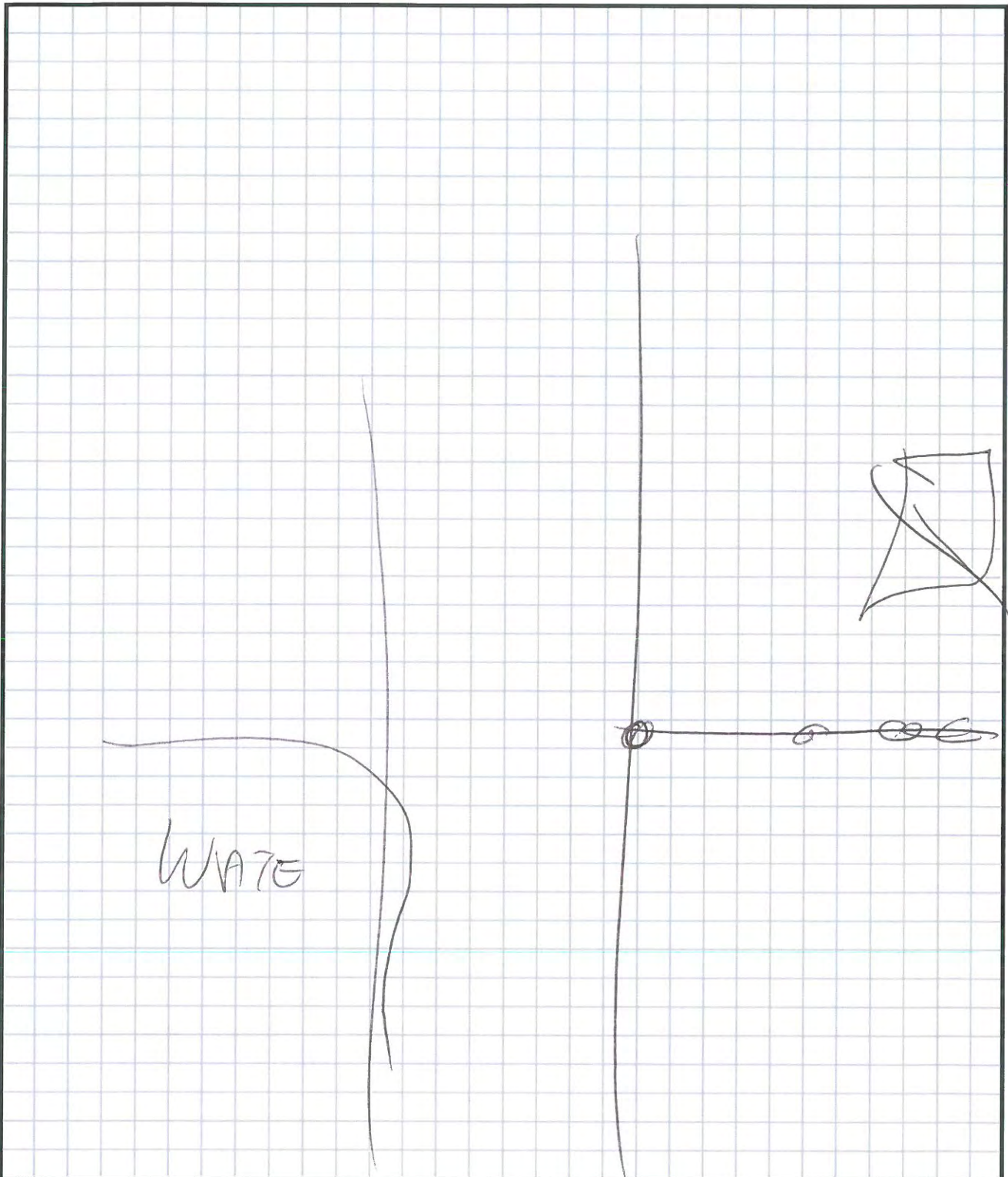
3-31-2022  
Date

\_\_\_\_\_  
Agent Signature (if applicable)

\_\_\_\_\_  
Date

# Site Plan: Top View

MUST show the OHW line

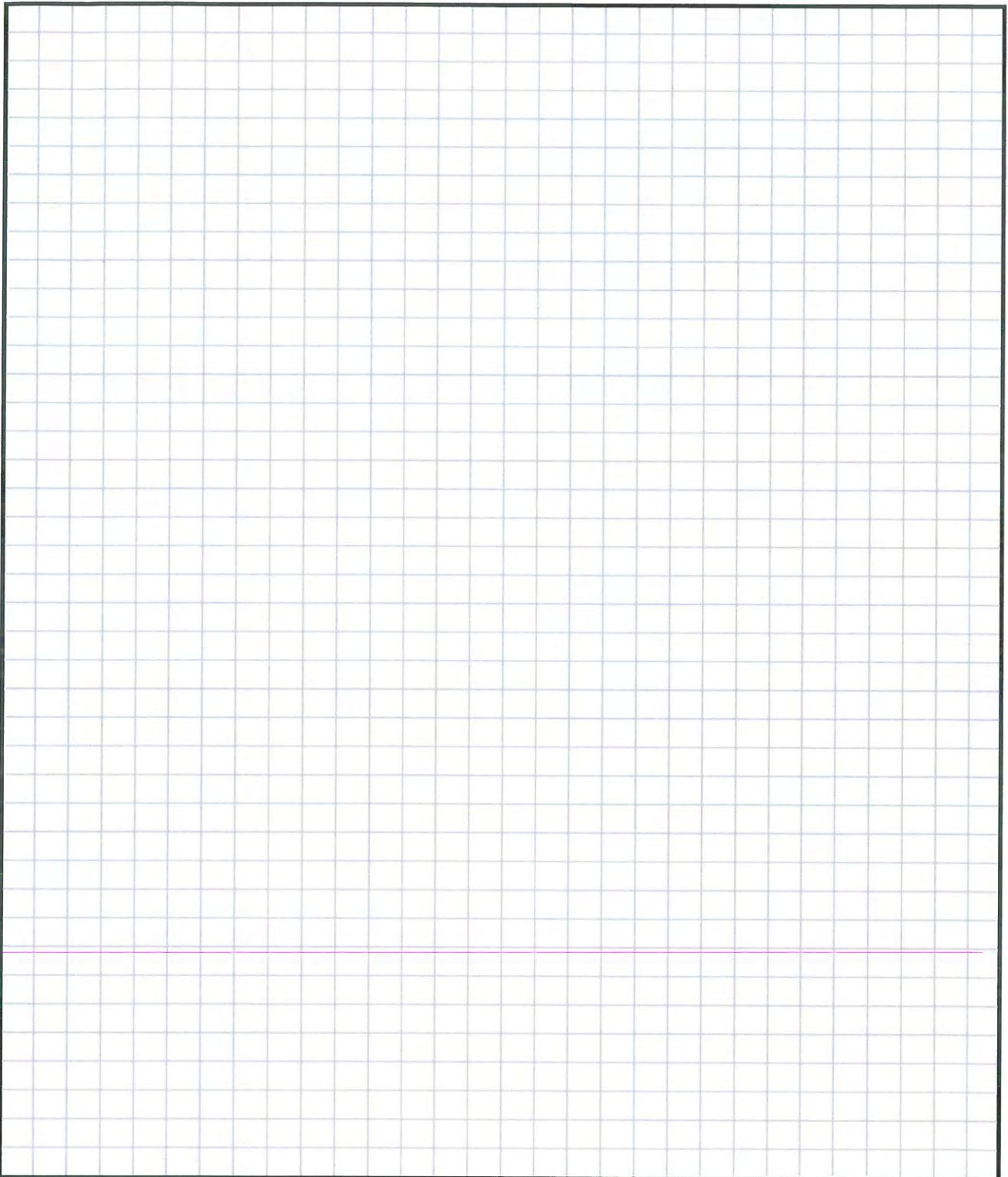


Additional comments or descriptions:



# Site Plan: Elevation or Side View

MUST show the OHW line



Additional comments or descriptions:

A large empty rectangular box for additional comments or descriptions, located below the grid area.





# Donald E. Gilman River Center

514 Funny River Road, Soldotna, Alaska 99669 • (907) 714-2460 • (907) 260-5992 Fax

*A Division of the Planning Department*

Charlie Pierce  
Borough Mayor

## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that an application for a Conditional Use Permit has been received to install a chain link fence on a parcel within the 50-foot Habitat Protection District of the Kenai River, near Sterling, Alaska. ***You have been sent this notice because you are a property owner within 300 feet of the described property.***

Pursuant to KPB 21.18.081(B)(3) Fences and KPB 21.18.091 Mitigation measures, projects within the 50-foot Habitat Protection District are not permitted unless a Conditional Use Permit (CUP) is approved by the Planning Commission. This project is located at T 5N R 8W SEC 35 SEWARD MERIDIAN KN 0920044 KENAI RIVER KEYS AMENDED LOT 10 BLK 5, Soldotna, Alaska.

**Petitioner:**     **Kent Cushman**  
                         **PO Box 449**  
                         **Sterling, Alaska 99672**

**Public Hearing:** The Kenai Peninsula Borough Planning Commission meeting will hold a public hearing on May 9, 2022 commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting is to be held in the Borough Administrative Building, 144 N. Binkley St., Soldotna, Alaska. The public may also attend the meeting electronically/telephonically via Zoom. To join the meeting from a computer visit <https://us06web.zoom.us/j/9077142200>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099 or 1-877-853-5247**. When calling in you will need the Meeting ID **907 714 2200**.

**Public Comment:** Anyone wishing to testify may attend the above meeting to give testimony, or may submit written comment via the methods below. **Written comments must be submitted by 1:00 pm Friday, May 6, 2022.**

**Mail comments to:**

Donald E. Gilman River Center  
514 Funny River Road  
Soldotna, Alaska 99669

**Fax comments to:**

(907) 260-5992

**Email comments to:**

[planning@kpb.us](mailto:planning@kpb.us)  
[KenaiRivCenter@kpb.us](mailto:KenaiRivCenter@kpb.us)

For additional information contact Morgan Aldridge, [maldridge@kpb.us](mailto:maldridge@kpb.us), Donald E. Gilman River Center, (907) 714-2465.

**KENAI PENINSULA BOROUGH PLANNING COMMISSION**

**RESOLUTION 2022-006**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE  
CONSTRUCTION OF A FENCE WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE  
KENAI RIVER.**

**WHEREAS,** Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and

**WHEREAS,** KPB 21.18.081 provides that a conditional use permit is required for construction not meeting the standards of KPB 21.18.071; and

**WHEREAS,** KPB 21.18.091 provides for mitigation measures by the planning department staff to address impacts to the Habitat Protection District from a proposed, ongoing, or completed project; and

**WHEREAS,** public notice was sent to all property owners within a 300-foot radius of the proposed activity as provided in Section 21.11.030; and

**WHEREAS,** public notice was published in the Peninsula Clarion on April 28, 2022 and May 5, 2022 as provided in Section 21.11.020; and

**WHEREAS,** public testimony was received at the May 9, 2022 meeting of the Kenai Peninsula Borough Planning Commission;

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

That the Planning Commission makes the following findings of fact pursuant to KPB 21.18:

**Section 1. Project Details Within the 50-foot Habitat Protection District**

1. Installation of a 10-foot chain-link fence, of which approximately 10 feet will be in the Habitat Protection District.
2. Installation of a metal fence post, at the end of the fence.
3. Minimal removal of vegetated material.

**Section 2. Findings of fact pursuant to KPB 21.18.081**

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(2), construction of fence may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.

4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. Pursuant to KPB 21.06.050, a chain link fence allows for unobstructed passage of water.
7. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
8. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:  
*"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."*
9. The River Center found the application complete and scheduled a public hearing for May 9, 2022.
10. Agency review was distributed on April 25, 2022. No comments or objections have been received from resource agencies to date.
11. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on April 25, 2022. A total of 38 mailings were sent. No comments or objections have been received to date.
12. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on April 28, 2022 and May 5, 2022.
13. The applicant is currently in compliance with Borough permits and ordinances.

### **Section 3. Permit Conditions**

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The fence must be designed and installed to meet KPB floodplain requirements.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.
7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within one calendar year from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the



Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).

10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

**Section 4. Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:**

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-5, 11, 12 and Finding 4 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 1-8, 11-13 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 7 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1-4, 8 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 13 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON 9<sup>th</sup> DAY OF May, 2022.

---

Blair Martin, Chairperson  
Planning Commission

ATTEST:

---

Ann Shirnberg  
Administrative Assistant

**Note: An appeal of a decision of the Planning Commission may be filed to the hearing officer, in accordance with the requirements of the KPB Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.**

May 5, 2022

Donald E. Gilman River Center  
514 Funny River Road  
Soldotna, Alaska 99669  
Planning Commission:

In regards to: Kent Cushman's CUP fence permit

Lot 11, Block 5 objects to this Conditional Use Permit for 10' of fence on Lot 10, Block 5. We purchased our lot in December 1972 (Plat 72-62) and are original owners. Lot 11, Block 5's address is 34785 Sockeye Lane. Sockeye Lane extension (Plat 74-85) is not a drivable surface. The area of this fence is in dispute and has been our access to Sockeye Lane since 1972 when the Kenai River Keys subdivision was subdivided.

Attached are aerial photographs from Quantum Spatial, Inc. located in Anchorage, AK. These are professional aerial photographs. The first one is dated September 24, 1972, **Page 2**. The second one is dated May 14, 1996, **Page 3**. Note it is dated one day before the Habitat Protection District came into existence.

Please note the circled areas on both photographs. You will notice the vegetation lines are the same in both photographs. This is the way the Sockeye Lane was originally made to access Lot 11, Block 5 from Sockeye Lane.

Other attached photographs are on **Page 4**. The top photograph was taken in 1976. It shows the driveway into Lot 11, Block 5 from Sockeye Lane. The photograph on the bottom was taken in 1978. It shows Patsy Shaw's van in Lot 11, Block 5's driveway. In the foreground you can see the surveying stake common to Lot 11 and Lot 10. We have always used this driveway until Mr. Cushman acquired Lot 10, Block 5 on June 18, 2019. Note the vegetation lines on the western (left) side of the driveway. When the subdivision was subdivided, the last several hundred feet of Sockeye Lane was created on the western edge of the Sockeye Lane Road easement, not in the middle of the easement.

Finally, attached is the current As-Built of Lot 11, Block 5 dated December 19, 2018, **Page 5**. In the circled area you can see where our driveway was surveyed.

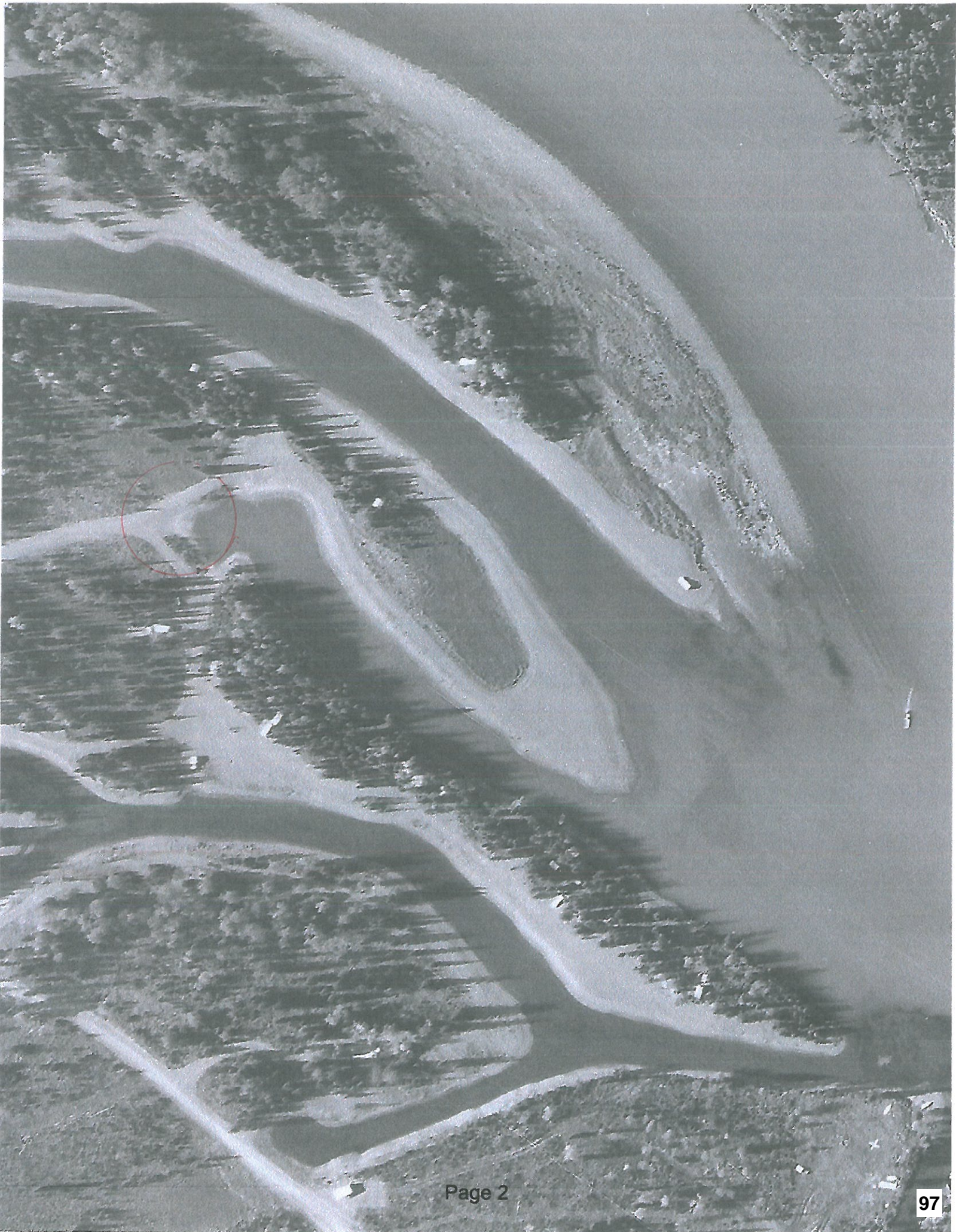
All of these documents taken together shows that Lot 11, Block 5 has used this as their driveway since 1972. Adverse possession laws in Alaska are quite clear. Blocking off this access is a huge liability for someone if we ever needed emergency services such as fire or ambulance.

Respectfully,

Robert Jeffries, Trustee, Shaw Trust  
PO Box 214  
Soldotna, AK 99669

  
\_\_\_\_\_

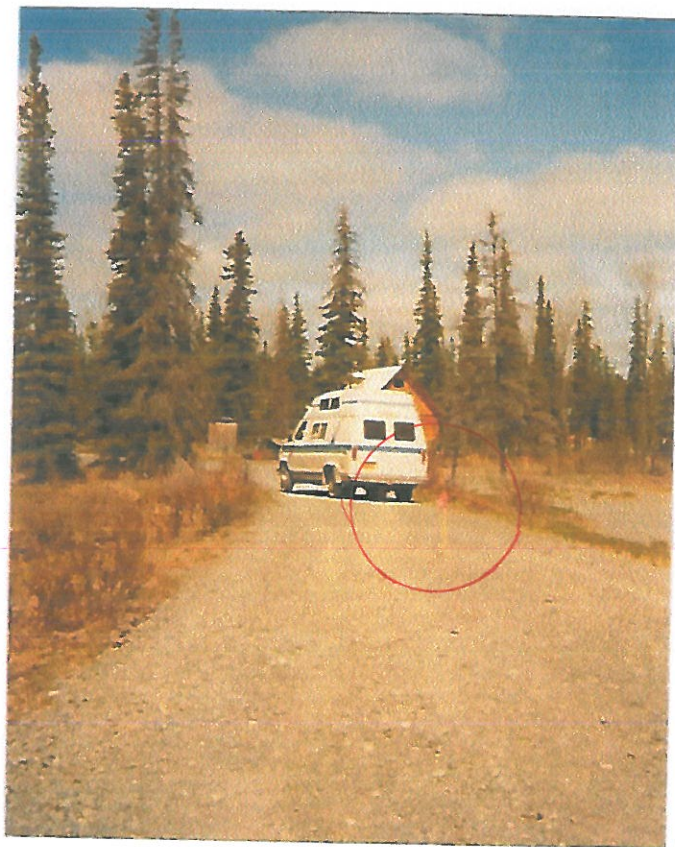




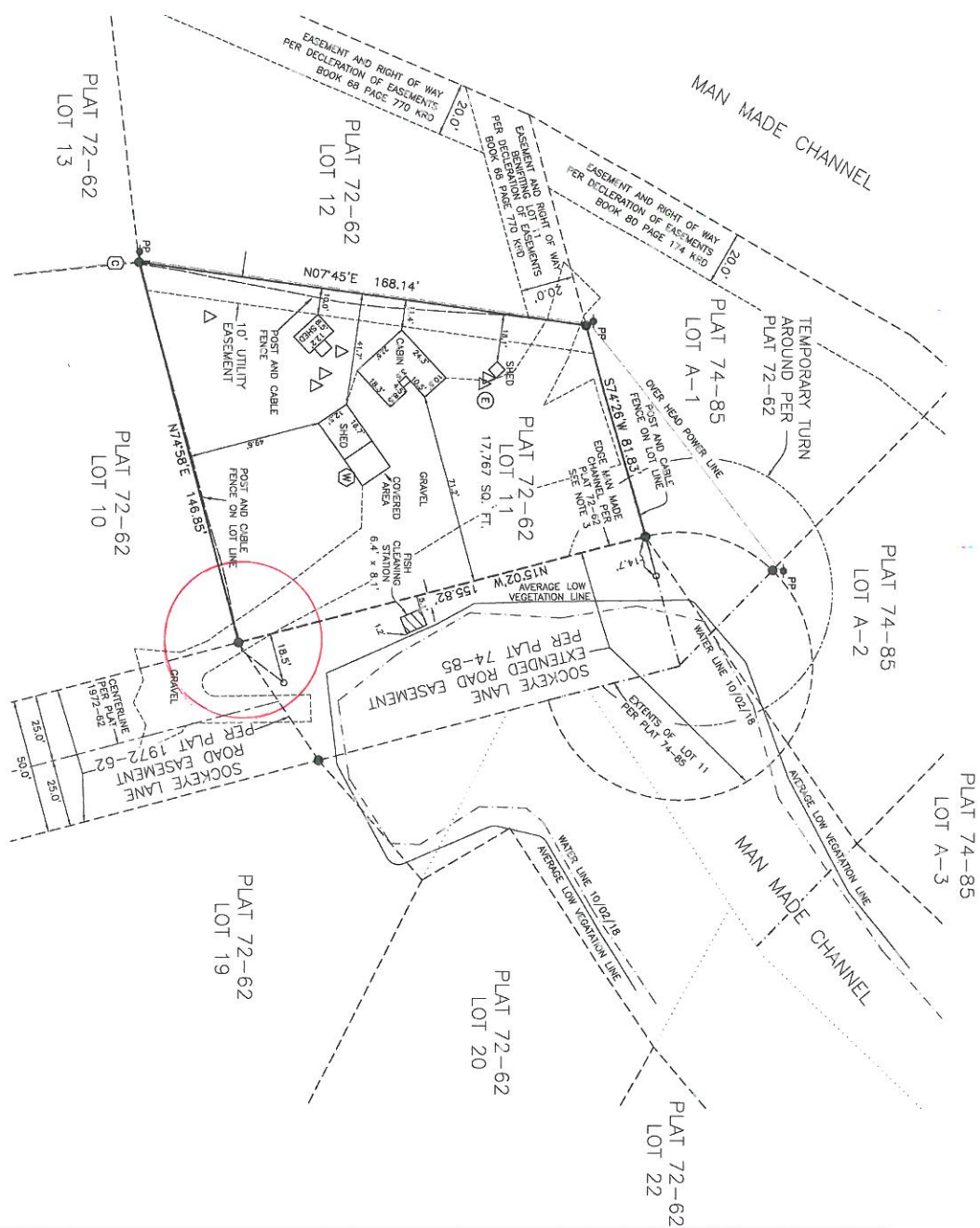












## NOTES:

1. THIS AS-BUILT SURVEY WAS PREPARED FOR MORTGAGE PURPOSES. RE-USE OF THIS DRAWING BY THE ORIGINAL CLIENT OR BY OTHERS, FOR ANY PURPOSE, WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR, IS PROHIBITED. THE SURVEYOR'S LIABILITY FOR NEGLIGENCE OR OTHERWISE, SHALL BE LIMITED TO THE AMOUNT OF FEES COLLECTED FOR SERVICES IN PREPARATION OF THIS PRODUCT.
2. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION. THIS AS-BUILT SURVEY, UNDER NO CIRCUMSTANCES, SHALL BE USED FOR CONSTRUCTION OR BOUNDARY LOCATIONS.
3. PLAT 1972-82 CONTAINS THE FOLLOWING NOTE: LOT LINES EXTEND TO THE CENTER LINES OF ROAD EASEMENTS AND MAN MADE CHANNELS.
4. RECORD DATA SHOWN HEREON IS PER PLATS 72-62 AND 74-85 KENAI RECORDING DISTRICT.

## SURETOR CERTIFICATE

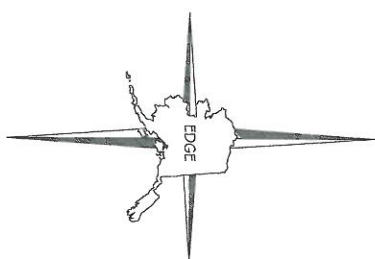
I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY SHOWN HEREON AND THE IMPROVEMENTS EXIST AS SHOWN. FIELD SURVEY 10/02/18.

MARK ANTONETTI  
PLS 13022-S  
12/19/18



## LEGEND:

- PROPERTY CORNER FOUND
- ⊙ WELL
- △ SEPTIC VENT PIPE
- ⊕ ELECTRIC METER BASE
- ⊙ UTILITY POLE
- ⊙ COMMUNICATION PEDESTAL
- PARCEL BOUNDARY
- ADJACENT PARCELS BOUNDARY
- EASEMENTS
- AVERAGE LOW VEGETATION LINE
- WATER LINE
- OVER HEAD POWER
- EDGE GRAVEL
- LOT LINE EXTENSIONS PER PLAT 72-62
- LOT LINE EXTENSIONS PER PLAT 74-85
- TEMPORARY TURN AROUND PER PLAT 72-62
- CENTERLINE PER PLAT 72-62



30' 15' 0' 30'  
1" = 30'

**EDGE**  
SURVEY AND DESIGN, LLC

12501 OLD SEWARD, D ANCHORAGE, AK 99515  
Phone (907) 344-5990 Fax (907) 344-7794

LOT 11 BLOCK 5 KENAI RIVER KEYS SUBDIVISION  
PLAT 72-62 KENAI RECORDING DISTRICT

AS-BUILT SURVEY  
DRAWN BY: DATE: 12/19/18 FIELD BOOK: 18-10  
CHECKED BY: SCALE: 1" = 30' SHEET: 1 OF 1

## **E. NEW BUSINESS**

### **5. Conditional Land Use Permit Modification**

**PC Resolution 2022-18**

**Legal Description Tract A-1A Kalifornsky Center Subdivision**

**Applicant/Landowner: Peninsula Resources, LLC**

**PIN: 055-072-93**

**Kalifornsky Area**

## Conditional Land Use Permit for a Material Site STAFF REPORT

PC MEETING: May 9, 2022

**Applicant:** Peninsula Resources, LLC.  
**Landowner:** Peninsula Resources, LLC.  
**Parcel Number:** 055-072-93  
**Legal Description:** T5N R11W SECTION 25 S.M. KALIFORNSKY CENTER SUBDIVISION TRACT A-1A  
**Location:** Ravenwood St. & Bonita Ave.

**BACKGROUND INFORMATION:** The applicant wishes to modify the existing permit granted through Resolution 2016-11 for gravel extraction on a portion of the parcel listed above.

The submitted site plan indicates that the material haul route will utilize Forest Wood Avenue.

The site plan and application proposes the following buffers:

North: No buffer, applicant requesting buffer waiver  
South: 6 foot earthen berm  
East: No Buffer, existing buffer waiver granted  
West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiver

(The existing permit, being modified herein, maintained a minimum of 50 foot vegetated buffer on the North, South, and West sides. The East side has no buffer due to an approved buffer waiver through Resolution 2016-11)

The subject property is bordered on the North side by undeveloped parcels owned by the Kenai Peninsula Borough and Trimark Earth Reserve LLC. Directly to the East is an existing gravel pit owned by Douglas Norris. Along the Southern boundary is the residential neighborhood of Bella Woods Phase 1 and Phase 2. To the West is an existing material site owned by Trimark Earth Reserve LLC and the residential subdivision of K-B, Part 5.

The existing ingress/egress and haul route is Bonita Ave. to Poppy Ridge Rd. A new ingress/egress is proposed at the intersection of Forest Wood Ave. and Ravenwood St. The new haul route would use Forest Wood Ave. which is designated as a Local Road and maintained by the Kenai Peninsula Borough. It is a paved, 2-Lane road with a posted speed limit of 25 MPH.

The site plan completed by McLane Consulting Inc., claims ground water is deeper than 30' below the existing surface based on the exploration of the adjacent property (PID# 055-550-43). The application states that the proposed depth of material excavation will equal 25'. Plan notes state that there are no wet lands or surface waters within the property boundaries. A central area will be maintained as a processing, staging and stockpile area. This process area is at least 300' from the South and West property lines. The applicant requests a waiver from the 300' processing distance on the North side of the property. An existing 300' processing distance waiver already exists on the East side of the property. Surface water protection is not necessary, according to the McLane report. The site plan also indicates that there are no wells located within 100' or 300' of the proposed excavation area.

Plan notes state that reclamation will include grading and re-contouring using strippings, overburden, and topsoil to a condition that allows for the re-establishment of natural vegetation. Slopes steeper than 2:1 will be seeded.



The applicant estimates a life span of 25 years for the site with an approximate annual quantity of less than 50,000 cubic yards.

**PUBLIC NOTICE:** Public notice of the application was mailed on April 20, 2022 to the 327 landowners or leaseholders of the parcels within 1/2 mile of the subject parcel. Public notice was sent to the postmaster covering the Kalifornsky area requesting that it be posted at the Soldotna Post Office.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on March 14, 2022.

### **ATTACHMENTS**

- Conditional Land Use Permit application and associated documents
- Aerial map
- Area land use map
- Ownership map
- Contour map

### **FINDINGS OF FACT**

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On March 14, 2022 the applicant, Peninsula Resources LLC, submitted a conditional land use permit modification application to the Borough Planning Department for KPB Parcel 055-072-93, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres.
5. The proposed cumulative disturbed area within the parcel is approximately 24.59 acres.
6. The proposed extraction meets material site standard 21.29.040(A)(1); "Protects against the lowering of water sources serving other properties", as evidenced by:
  - A. Permit condition number 6 requires that the permittee not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
  - B. The submitted site plan indicates that there are no wells located within 100' from the excavation area.
  - C. Permit condition number 7 requires that the permittee maintain a 2-foot vertical separation from the seasonal high-water table.
  - D. The site plan indicates that the depth of ground water is greater than 30' below existing ground. The application states that the proposed depth of material extraction will be less than 25'.
  - E. Permit condition number 8 requires that the permittee not dewater either by pumping, ditching or any other form of draining.
7. To meet material site standard 21.29.040(A)(2), the proposed activity must be conducted in a manner to protect against physical damage to adjacent properties by complying with the required permit conditions of KPB 21.29.050.
8. To meet material site standard 21.29.040(A)(3), the proposed activity must be conducted in a manner which minimizes the off-site movement of dust by complying with required permit

condition KPB 21.29.050(10), Dust Control.

9. The existing ingress and egress for the material site is located on Bonita Ave. to Poppy Ridge Rd. A new ingress and egress will be added at the intersection of Forest Wood Ave. and Ravenwood St.
10. To meet material site standard 21.29.040(A)(4), the proposed activity must be conducted in a manner which minimizes noise disturbance to other properties by complying with permit condition KPB 21.29.050(2), Buffer Zone; KPB 21.29.050(3), Processing; and KPB 21.29.050(11), Hours of Operation.
11. The site plan and application propose the following buffers:  
North: No buffer, applicant requesting buffer waiver  
South: 6 foot earthen berm  
East: No Buffer, existing buffer waiver granted through Resolution 2016-11  
West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiver  
These buffers shall not overlap an easement.  
(Requested buffer waivers granted through Resolution 2022-18)  
  
Per section 21.29.050(A)(2)(e), the planning commission at its discretion, may waive the buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary.
12. The applicant indicates that material processing may take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. Any equipment used for conditioning or processing materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.  
  
Per section 21.29.050(A)(3) the planning commission at its discretion, may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent property at the time.  
(Requested processing distance waiver granted through Resolution 2022-18)
13. To meet material site standard 21.29.040(A)(5), the proposed activity must be conducted in a manner which minimizes visual impacts by complying with the permit condition KPB 21.29.050(2), Buffer Zone. (See Number 11, above.)
14. To meet material site standard 21.29.040(A)(6), the proposed activity must be conducted in a manner which provides for alternate post-mining land uses by complying with the permit condition KPB 21.29.050(12).
15. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
16. The bonding requirement of KPB 21.29.050(12)(b) will not apply to this material site if extraction in any one year does not exceed 50,000 cubic yards of material.
17. A public hearing of the Planning Commission was held on May 9, 2022 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

## **STAFF RECOMMENDATION**

In reviewing the application staff has determined that the six standards contained in KPB 21.29.040 will be met and recommends that the Planning Commission approve the modification of the conditional land use permit with listed conditions, and adopt the findings of fact subject to the following:

1. Filing of the PC Resolution in the appropriate recording district after the deadline to appeal the Planning Commission's approval has expired (15 days from the date of the notice of decision) unless there are no parties with appeal rights.
2. The Planning Department is responsible for filing the Planning Commission resolution.
3. The applicant will provide the recording fee for the resolution to the Planning Department.
4. Driveway and roadway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit.

## **PERMIT CONDITIONS**

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300' of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries as shown in the approved site plan:
  - North: No buffer, applicant requesting buffer waiver
  - South: 6 foot earthen berm
  - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
  - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiverThese buffers shall not overlap an easement.  
(Requested buffer waivers granted through Resolution 2022-18)
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or process material at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. (Requested processing distance waiver granted through Resolution 2022-18)
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2' vertical separation from the seasonal high water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
9. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
10. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
11. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
12. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment



- requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
  14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
  15. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
  16. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
  17. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
  18. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
  19. This conditional land use permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
  20. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

**NOTE: Any party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. A "party of record" is any party or person aggrieved by the decision where the decision has or could have an adverse effect on value, use, or enjoyment of real property owned by them who appeared before the planning commission with either oral or written presentation. Petition signers are not considered parties of record unless separate oral or written testimony is provided (KPB Code 21.20.210.A.5b1). An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the \$300 filing and records preparation fee. (KPB Code 21.25.100)**

END OF STAFF REPORT



## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

PC Resolution #. \_\_\_\_\_  
App. Complete \_\_\_\_\_

### KPB 21.29 Conditional Land Use Permit Modification Application

For a Sand, Gravel or Material Site

#### I. APPLICANT INFORMATION

Applicant Peninsula Resources, LLC. Landowner \_\_\_\_\_

Address 39981 Dodge Court Address \_\_\_\_\_

City, State, Zip Kenai, AK 99611 City, State, Zip \_\_\_\_\_

Telephone 907-283-4581 Fax 907-283-6432 Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Cell Phone 907-398-6331 Cell Phone \_\_\_\_\_

Email pencon@alaska.net Email \_\_\_\_\_

#### II. CURRENT PERMITTED PARCEL INFORMATION

KPB Tax Parcel ID# 055-072-93 Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Parcel acreage \_\_\_\_\_

Legal Description T 05N R 11W SEC 25 SEWARD MERIDIAN KN 2020018 KALIFORNSKY CENTER SUB TRACT A-1A

#### III. INFORMATION/DOCUMENTATION "Check" boxes below to indicate items included.

☒ \$300.00 permit processing fee payable to: Kenai Peninsula Borough. (Include Parcel # on check comment line.)

☒ Site Plan Diagram, to scale, showing:

☒ parcel boundaries

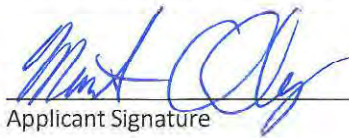
☒ existing required buffers

- ☒ existing and/or proposed processing area(s)
- ☒ all encumbrances on parcel, including easements
- ☒ points of ingress and egress
- ☒ existing permitted extraction area(s)
- ☒ proposed additional extraction area(s) and/or other requested permit modifications(s)
- ☒ a north arrow and diagram scale
- ☒ preparer's name and date

☒ Permit Modification Worksheet (attached)

#### IV. CERTIFICATION STATEMENT

The information contained on this form and attachments are true and complete to the best of my knowledge. I grant permission for borough staff to enter onto the property for the purpose of processing the permit modification request.

  
Applicant Signature

3/6/22  
Date

\_\_\_\_\_  
Property Owner Signature  
(required if not applicant)

\_\_\_\_\_  
Date



### Permit Modification Worksheet

Applicant Peninsula Resources, LLC Owner \_\_\_\_\_

CURRENT PERMITTED KPB Tax Parcel ID # 055-072-93 Parcel Acreage 25.04

1. Reason(s) for requesting permit modification:

- 1) Requesting 50 foot vegetation buffer changed to 6 foot berm buffer on the South property and South West.
- 2) Change phasing and process area.
- 3) Eliminate buffer on North property . (Property is also a material site)
- 4) Eliminate buffer on West property that adjoins Parcel 055-072-76. (Property is also a material site)
- 5) Add Ingress/ Egress to Ravenwood Street.

Please see attached letter.

2. Additional cumulative acres to be disturbed (excavation plus stockpiles,berms, etc.) \_\_\_\_\_
3. Additional type(s) of material to be mined (circle all that apply): gravel sand peat other SAME
4. Additional equipment to be used (circle all that apply): excavation processing other SAME
5. Modification(s) is requested on current permit buffers: K yes \_\_\_\_\_ no

CURRENT PERMIT REQUIRED BUFFERS – “check” all types, and circle all directions that apply:

- |  |            |            |            |            |
|--|------------|------------|------------|------------|
| <input checked="" type="checkbox"/> 50 ft. of natural or improved vegetation | <u>(N)</u> | <u>(S)</u> | E          | <u>(W)</u> |
| <input type="checkbox"/> minimum 6 ft. earthen berm                          | N          | S          | E          | W          |
| <input type="checkbox"/> minimum 6 ft. fence                                 | N          | S          | E          | W          |
| <input checked="" type="checkbox"/> other <u>Buffer WAIVER</u>               | N          | S          | <u>(E)</u> | W          |

MODIFIED BUFFER REQUEST, if applicable – “check” all types, and circle all directions that apply:

- |   |            |            |            |                       |
|---|------------|------------|------------|-----------------------|
| <input type="checkbox"/> 50 ft. of natural or improved vegetation | N          | S          | E          | W                     |
| <input checked="" type="checkbox"/> minimum 6 ft. earthen berm    | N          | <u>(S)</u> | E          | <u>(W)</u> South West |
| <input type="checkbox"/> minimum 6 ft. fence                      | N          | S          | E          | W                     |
| <input checked="" type="checkbox"/> other <u>Buffer WAIVER</u>    | <u>(N)</u> | S          | <u>(E)</u> | <u>(W)</u> North West |

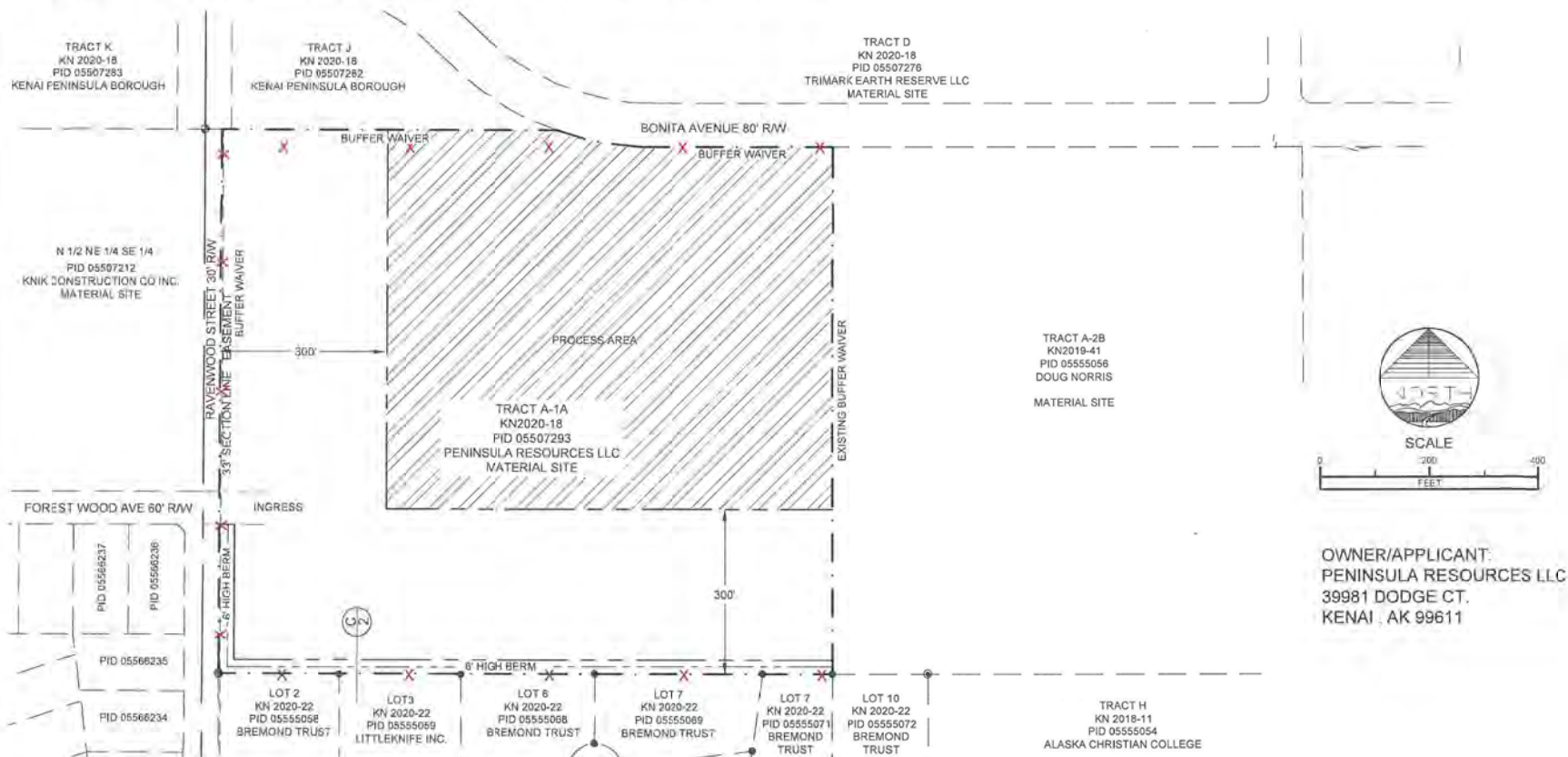
6. Permit modification is requested due to subdivision of originally permitted parcel? \_\_\_\_\_ yes ✓ no
7. Permit modification to enter the water table is requested? \_\_\_\_\_ yes X no
8. Additional excavation depth beyond permitted depth: 0 ft.  
Depth to groundwater: 730 ft.

9. Voluntary permit conditions proposed (additional buffers, dust control, limited hours of operation, etc.):

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_

# PERMIT MODIFICATION CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

224008



## LEGEND

- RECORD MONUMENT
- PROPERTY CORNERS
- INGRESS/EGRESS
- PROPERTY BOUNDARY
- INTERVISIBLE FLAGGING (2016)

## NOTES:

1. THIS PERMIT APPLICATION MODIFICATION IS FOR KPB PARCEL 05555042; T5N R11W SECTION 25 SEWARD MERIDIAN BREMOND FARM ESTATES NORRIS ADDITION TRACT A-1.
2. PROPOSED PERMIT MODIFICATIONS ARE SHOWN HEREON. THEY INCLUDE MODIFICATIONS TO BUFFERS, CHANGE OF PROCESS AREA, AND ADDITIONAL INGRESS AND HAUL ROUTE.

REV	DATE	DESCRIPTION

BREMOND FARM ESTATES  
NORRIS ADDITION TRACT A-1  
CONDITIONAL LAND USE PERMIT MODIFICATION  
FIELD BOOK NO. 15-15  
JOB NO. 224008  
FIELD DATE FEBRUARY 02, 2016

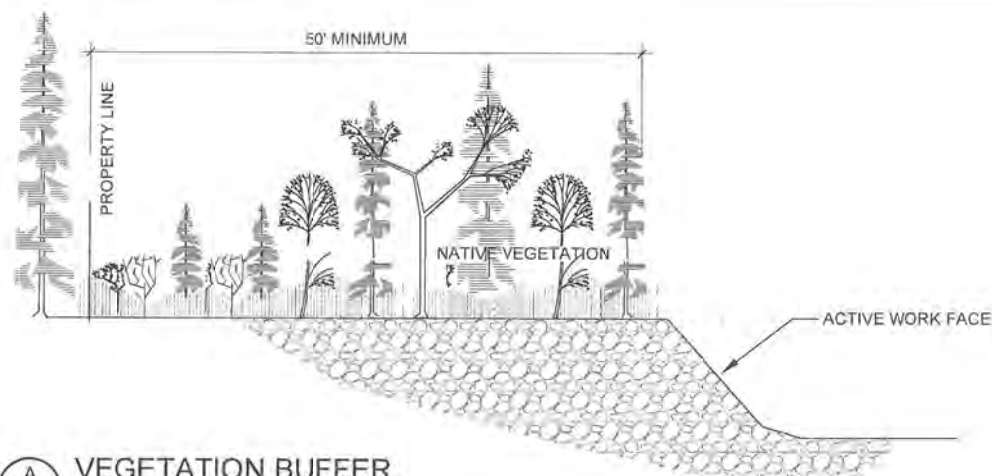


McLANE  
Consulting Inc.

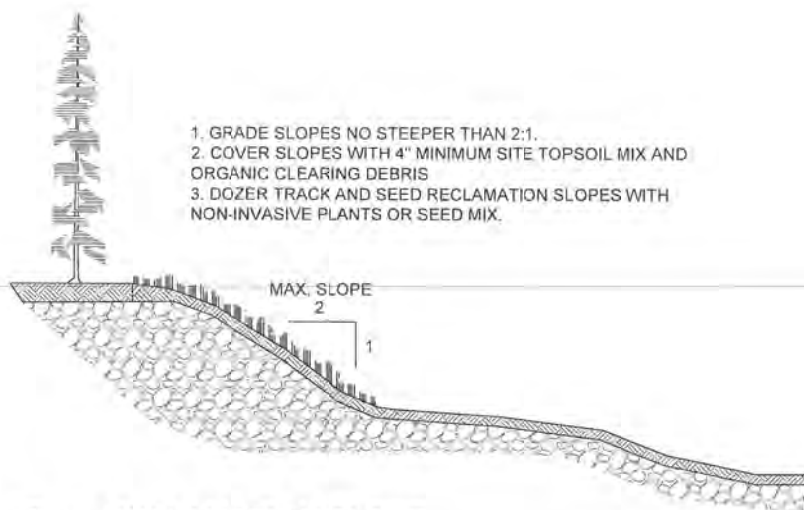
ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 448  
SOLDOTNA, AK 99688  
VOICE: (907) 283-4218  
FAX: (907) 283-4281  
WWW.MCLANECO.COM

DRAWN BY:	SIZE:
CHECKED BY:	DATE:
HORIZ. SCALE:	1" = 200'
VERT. SCALE:	1" = 10'
SHEET:	1

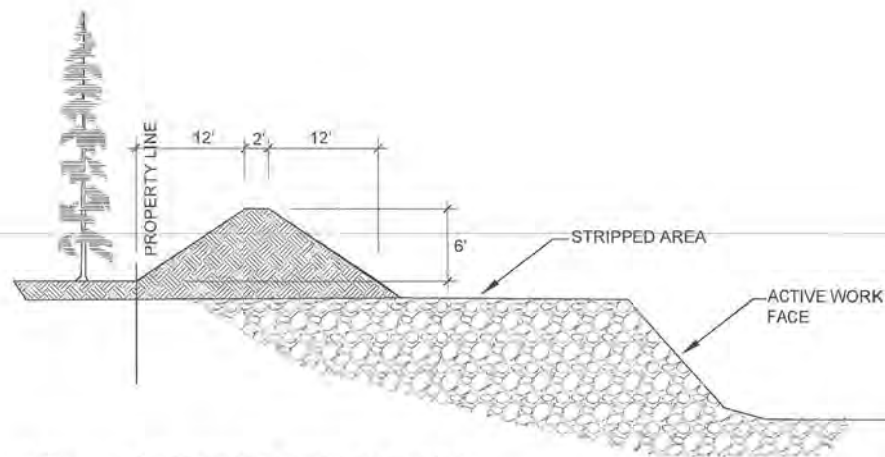
224008



**A**  
**2** **VEGETATION BUFFER**  
SCALE: 1" = 10 FT.



**B**  
**2** **RECLAMATION SLOPE**  
SCALE: 1" = 10 FT.



**C**  
**2** **EARTHEN BERM BUFFER**  
SCALE: 1" = 10 FT.

REV	DATE	DESCRIPTION	BY
1	2/7/2008	PERMIT MODIFICATION	OMD
2	2/24/08	ISSUE FOR PERMIT	OMD

BREMOND FARM ESTATES  
NORRIS ADDITION TRACT A-1  
CONDITIONAL LAND USE PERMIT MODIFICATION  
FIELD WORK DATE: FEBRUARY 22, 2008  
FIELD BOOK NO: 15-45  
JOB NO: 224008



Consulting Inc.

ENGINEERING • TESTING  
SURVEYING • MAPPING  
P.O. BOX 408  
SOLDOTNA, AK 99601  
VOICE: (907) 293-4215  
FAX: (907) 293-3281  
WWW.MCLANECO.COM

DRAWN BY: BOR

CHECKED BY: OMD

HORIZ. SCALE: 1" = 20'

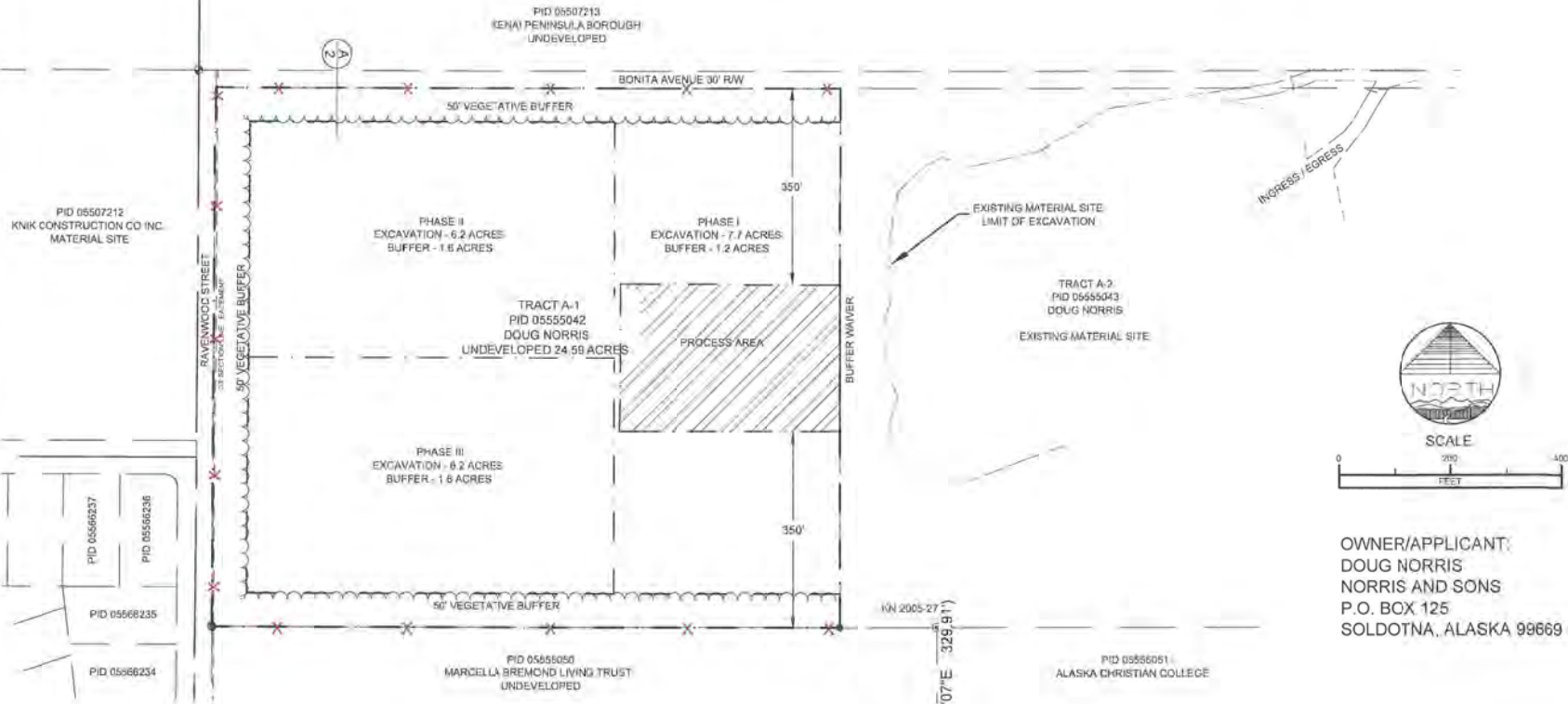
VERT. SCALE: N/A

SHEET: 2



# CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

164017



LEGEND	
	RECORD MONUMENT
	PROPERTY CORNERS
	INGRESS/EGRESS
	PROPERTY BOUNDARY
	INTERVISIBLE FLAGGING
	WATER WELL
	100' WELL SETBACK
	300' WELL SETBACK

- NOTES:
1. THIS PERMIT APPLICATION IS FOR KPB PARCEL 05555042; T5N R11W SECTION 25 SEWARD MERIDIAN BREMOND FARM ESTATES NORRIS ADDITION TRACT A-1.
  2. THE PARCEL IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION. THERE IS A MATERIAL SITE TO THE IMMEDIATE EAST AND WEST, AND UNDEVELOPED PARCELS TO THE NORTH AND SOUTH.
  3. THE PREFERRED BUFFERS ARE 50' VEGETATIVE BUFFERS TO THE NORTH, WEST AND SOUTH, AS SHOWN. THE PREFERRED BUFFERS MEET OR EXCEED KPB ORDINANCE. A BUFFER WAIVER IS REQUESTED OF THE EAST SIDE OF THE PROPOSED SITE AS THIS PARCEL BOUNDARY ADJOINS AN EXISTING MATERIAL SITE OF THE SAME OWNERSHIP.
  4. THERE ARE NO WATER WELLS WITHIN 100' OR 300' OF THE EXCAVATION AREA. THE RESIDENTIAL HOMES TO THE SOUTHWEST ARE ON A COMMUNITY WATER SYSTEM LOCATED >1000' TO THE SOUTHWEST. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED.
  5. THERE ARE NO WATERBODIES, RIPARIAN WETLANDS OR SURFACE WATERS WITHIN THE PROPERTY BOUNDARIES OR THE THE PROPOSED WORK AREA. SURFACE WATER PROTECTION IS NOT NECESSARY.
  6. GROUNDWATER IS ESTIMATED AT >30' BELOW EXISTING GROUND. THIS ESTIMATE IS FROM EXPLORATION ON THE ADJACENT PROPERTY.
  7. THE MATERIAL SITE INGRESS/ EGRESS AND HAUL ROUTE IS BONITA AVENUE TO POPPY RIDGE ROAD.
  8. THE RECLAIMED AREA WILL BE GRADED AND RECONTOURED USING STRIPPINGS, OVERBURDEN AND TOPSOIL TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION AND SLOPES STEEPER THAN 2:1 WILL BE SEEDED.
  9. PROPOSED MATERIAL EXTRACTION INCLUDING STRIPPING WILL BE DONE IN INCREMENTALLY BEGINNING AT THE EASTERLY LIMITS AND PROCEEDING WESTERLY. PROPOSED PROCESS AREA IS SHOWN.
  10. THE PROPERTY CORNERS WERE LOCATED. THE SECTION LINE EASEMENT ON THE WEST BOUNDARY AND THE PARCEL BOUNDARY ON THE NORTH AND SOUTH HAS BEEN FLAGGED AT VISIBLE INTERVALS.

BREMOND FARM ESTATES  
NORRIS ADDITION TRACT A-1  
CONDITIONAL LAND USE PERMIT



Consulting Inc.  
ENGINEERING TESTING  
SURVEYING MAPPING  
P.O. BOX 488  
SOLDOTNA, AK 99669  
VOICE: (907) 293-4215  
FAX: (907) 293-5081  
WWW.MCLANECG.COM

DRAWN BY:	SCB
CHECKED BY:	GMD
HORIZ. SCALE:	1" = 20'
VERT. SCALE:	N/A
SHEET:	1

## Peninsula Construction, Inc.

March 7, 2022

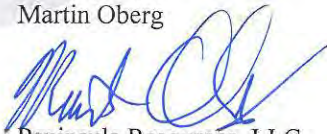
Kenai Peninsula Planning Department  
144 N. Binkley Street  
Soldotna, AK 99669

Peninsula Resources, LLC is making the following requests to our Conditional Land Use Permit 2016-11, please see attached application and drawing.

The reason for the request is the change of status of properties around Parcel 05507293 that is a material site 2016-11.

- 1) Change 50-foot Vegetation Buffer to Earthen Berm on the South and South West corner of permitted material site. This area was undeveloped when material site was permitted, now that it is an approved subdivision Bremond Trust, we feel that a berm would be a better buffer.
- 2) Change process area and phasing to be better aligned with changing ownership and usage of surrounding properties.
- 3) Eliminate buffer on the North side of material site. Property to the North was sold by Kenai Peninsula Borough as a material site.
- 4) Eliminate buffer on West side of Material site. This area adjoins an existing material site PID 0550212.
- 5) Add Ingress / Egress to Ravenwood Street.

Thank you,  
Martin Oberg



Peninsula Resources, LLC  
39981 Dodge Court  
Kenai, AK 99611

907-283-4581 Office  
907-283-6432 Fax  
907-398-6331 Cell

.....

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2022-18  
KENAI RECORDING DISTRICT**

**A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site for a parcel described AS T5N R11W SECTION 25 S.M. KALIFORNSKY CENTER SUBDIVISION TRACT A-1A, Kenai Recording District., Third Judicial District, State of Alaska.**

- WHEREAS,** KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough; and
- WHEREAS,** KPB 21.29 provides that a conditional land use permit is required for material extraction which disturbs more than 2.5 cumulative acres; and
- WHEREAS,** on March 14, 2022 the applicant, Peninsula Resources LLC, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcel 055-072-93, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on or before March 20, 2022 to the 327 landowners or leaseholders within ½ mile of the subject parcel pursuant to KPB 21.25.060; and
- WHEREAS,** public notice was sent to the postmaster in Kalifornsky area requesting that it be posted at the Soldotna Post Office; and
- WHEREAS,** public notice of the application was published in the April 28th 2022 & May 5th 2022 issues of the Peninsula Clarion; and
- WHEREAS,** a public hearing was held at the May 9, 2022 meeting of the Kenai Peninsula Borough Planning Commission;

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

**SECTION 1.** That the Planning Commission makes the following findings of fact pursuant to KPB 21.25 and 21.29:

**Findings of Fact**

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On March 14, 2022 the applicant, Peninsula Resources LLC, submitted a conditional land use permit modification application to the Borough Planning Department for KPB Parcel 055-072-93, which is located within the rural district.



4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres.
5. The proposed cumulative disturbed area within the parcel is approximately 24.59 acres.
6. The proposed extraction meets material site standard 21.29.040(A)(1); "Protects against the lowering of water sources serving other properties", as evidenced by:
  - A. Permit condition number 6 requires that the permittee not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
  - B. The submitted site plan indicates that there are no wells located within 100' from the excavation area.
  - C. Permit condition number 7 requires that the permittee maintain a 2-foot vertical separation from the seasonal high-water table.
  - D. The site plan indicates that the depth of ground water is greater than 30' below existing ground. The application states that the proposed depth of material extraction will be less than 25'.
  - E. Permit condition number 8 requires that the permittee not dewater either by pumping, ditching or any other form of draining.
7. To meet material site standard 21.29.040(A)(2), the proposed activity must be conducted in a manner to protect against physical damage to adjacent properties by complying with the required permit conditions of KPB 21.29.050.
8. To meet material site standard 21.29.040(A)(3), the proposed activity must be conducted in a manner which minimizes the off-site movement of dust by complying with required permit condition KPB 21.29.050(10), Dust Control.
9. The existing ingress and egress for the material site is located on Bonita Ave. to Poppy Ridge Rd. A new ingress and egress will be added at the intersection of Forest Wood Ave. and Ravenwood St.
10. To meet material site standard 21.29.040(A)(4), the proposed activity must be conducted in a manner which minimizes noise disturbance to other properties by complying with permit condition KPB 21.29.050(2), Buffer Zone; KPB 21.29.050(3), Processing; and KPB 21.29.050(11), Hours of Operation.
11. The site plan and application propose the following buffers:
  - North: No buffer, applicant requesting buffer waiver
  - South: 6 foot earthen berm
  - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
  - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiver

These buffers shall not overlap an easement.  
(Requested buffer waivers granted through Resolution 2022-18)

Per section 21.29.050(A)(2)(e), the planning commission at its discretion, may waive the buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary.
12. The applicant indicates that material processing may take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver from the 300-foot processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. Any equipment used for conditioning or processing materials will not be operated between 10:00 p.m.

and 6:00 a.m., to minimize noise disturbance to other properties.

Per section 21.29.050(A)(3) the planning commission at its discretion, may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent property at the time.

(Requested processing distance waiver granted through Resolution 2022-18).

13. To meet material site standard 21.29.040(A)(5), the proposed activity must be conducted in a manner which minimizes visual impacts by complying with the permit condition KPB 21.29.050(2), Buffer Zone. (See Number 11, above.)
14. To meet material site standard 21.29.040(A)(6), the proposed activity must be conducted in a manner which provides for alternate post-mining land uses by complying with the permit condition KPB 21.29.050(12).
15. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
16. The bonding requirement of KPB 21.29.050(12)(b) will not apply to this material site if extraction in any one year does not exceed 50,000 cubic yards of material.
17. A public hearing of the Planning Commission was held on May 9, 2022 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

**Section 2. That based on the above findings, the Planning Commission concludes as a matter of law that the application has met all the requirements of KPB 21.25 and KPB 21.29, and through imposition of the conditions under KPB 21.29.050, the Planning Commission concludes as a matter of law that the application meets the six standards found in KPB 21.29.040:**

### **Regulations and Standards for Material Sites**

A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts.

1. Material site standard 21.29.040(A)(1) is met because the seasonal high-water table is greater than 30 feet below the surface, and the applicant's intended depth of excavation is 25 feet below the existing grade, as set forth in number 6(C) and (D), above.
2. Material site standard 21.29.040(A)(2) is met because there is no evidence in the record to indicate that physical damage will occur to any other properties as a result of the operations of a material site at this location.
3. Material site standard 21.29.040(A)(3) is met because the permittee will use water and calcium chloride on the driveways throughout the excavation area to minimize the movement of off-site dust.
4. Material site standard 21.29.040(A)(4) is met because site plan indicates the following noise buffers:
  - North: No buffer, applicant requesting buffer waiver
  - South: 6 foot earthen berm
  - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
  - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiver

(Requested buffer waivers granted through Resolution 2022-18)

The Planning Commission deems the 50 feet buffer of natural vegetation alone to be sufficient to provide noise screening. Material site standard 21.29.040(A)(4) is also met, because any equipment used for conditioning or processing materials will be operated at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver from the 300-foot

processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. Any equipment used for conditioning or processing materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties. (Requested processing distance waiver granted through Resolution 2022-18).

5. Material site standard 21.29.040(A)(5) is met because the site plan indicates the following visual screening buffers:
  - North: No buffer, applicant requesting buffer waiver
  - South: 6 foot earthen berm
  - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
  - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiver(Requested buffer waivers granted through Resolution 2022-18)
6. Material site standard 21.29.040(A)(6) is met because the applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).

**SECTION 3.** That the land use and operations are described and shall be conducted as follows:

- A. A portion of KPB Tax Parcel Number 055-072-93. The disturbed area within the parcel is approximately 24.59 acres
- B. Legal Description: **T5N R11W SECTION 25 S.M. KALIFORNSKY CENTER SUBDIVISION TRACT A 1A**, Kenai Recording District, Third Judicial District, State of Alaska.
- C. The applicant, Peninsula Resources, LLC, proposes to:
  1. Extract gravel and sand from the subject parcel;
  2. Reclaim the site to a stable condition upon depletion of material.

#### **PERMIT CONDITIONS**

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300' of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries as shown in the approved site plan:
  - North: No buffer, applicant requesting buffer waiver
  - South: 6 foot earthen berm
  - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
  - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiverThese buffers shall not overlap an easement.  
(Requested buffer waivers granted through Resolution 2022-18)
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or process material at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver from the 300-foot processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. (Requested processing distance waiver granted through Resolution 2022-18)
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2' vertical separation from the seasonal high water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.



9. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
10. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
11. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
12. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
15. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
16. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
17. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
18. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
19. This conditional land use permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
20. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Blair Martin, Chairperson  
Planning Commission

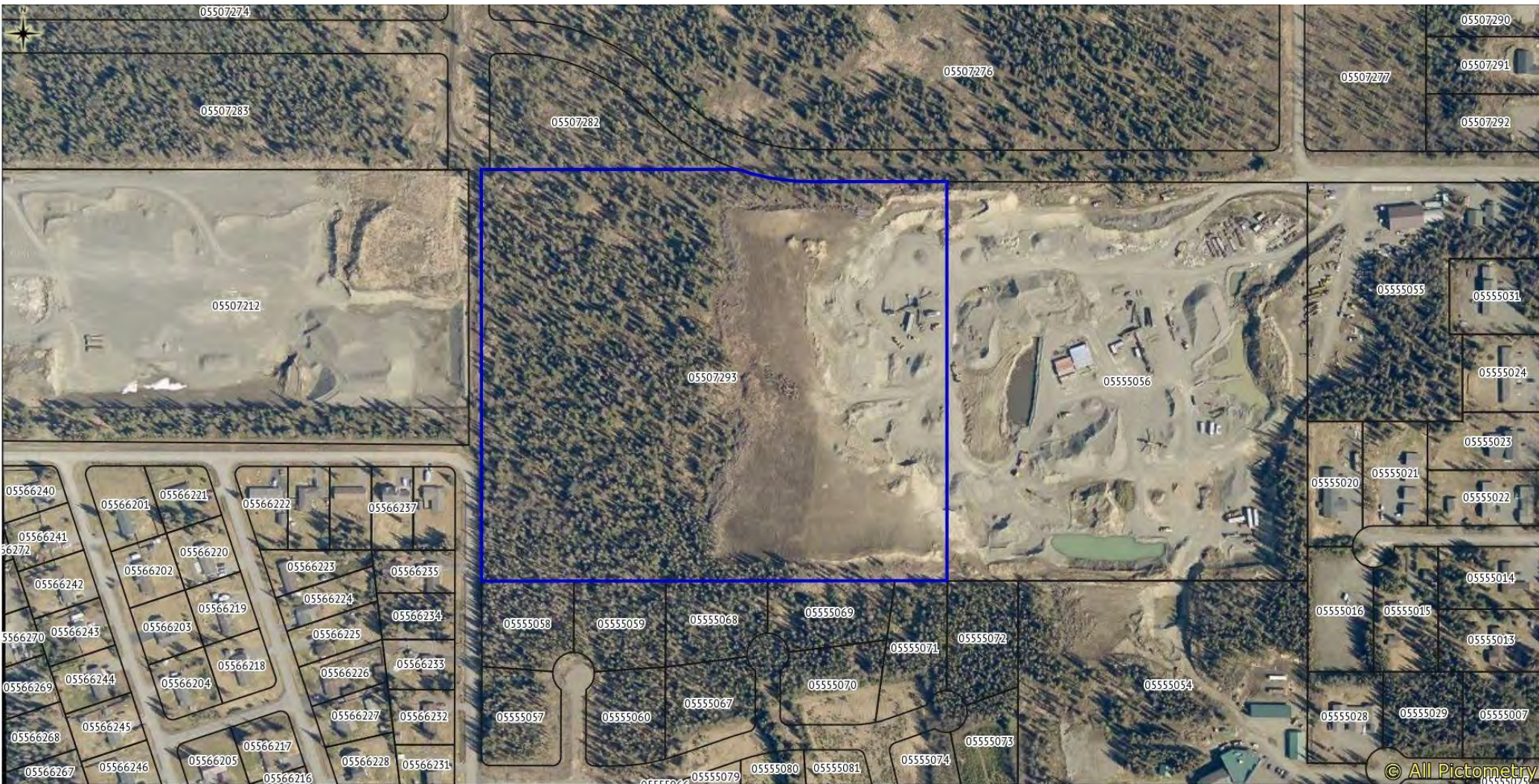
ATTEST:

\_\_\_\_\_  
Ann Shirnberg  
Administrative Assistant

PLEASE RETURN  
Kenai Peninsula Borough  
Planning Department  
144 North Binkley St.  
Soldotna, AK 99669



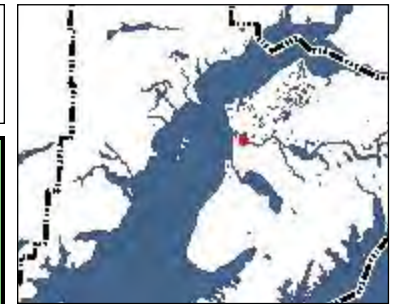
# Aerial Map: 055-072-93







# Ownership Map: 055-072-93



## Legend

- Mileposts
- Highways
- Major Roads
- Roads
  - Town Medium Volume
  - Town Low/Seasonal; Other
  - Proposed
- Ownership
  - Borough
  - Federal
  - Municipal
  - Native
  - Native Allotment
  - Private
  - State
- Boundary
- Footprint
- Image
  - Red: Red
  - Green: Green
  - Blue: Blue
- Boundary
- Footprint
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  - Green: Green



## Notes

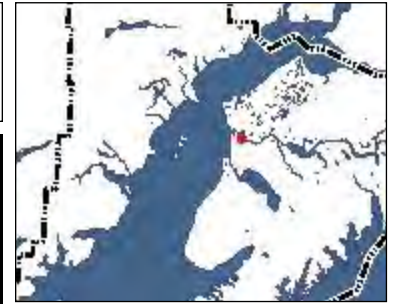
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

DATE PRINTED: 3/28/2022



## Area Land Use Map: 055-072-93



### Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
  - Town Medium Volume
  - Town Low/Seasonal; Other
  - Proposed
- Parcels
- Material Sites
  - Conditional Land Use Permit
  - Counter Permit
  - Dewatered Bar Exemption
  - Prior Existing Use
- Boundary
- Footprint
- Image
  - Red: Red
  - Green: Green
  - Blue: Blue
- Boundary
- Footprint
- Image
  - Red: Red
  - Green: Green
  - Blue: Blue

### Notes

Enter map notes here.

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DATE PRINTED: 3/28/2022





## Contour Map: 055-072-93



### Legend

- Major Roads
- [ ] Township Lines
- [ ] Section Lines
- [ ] Parcels
- Click for LiDAR info - Seward
  - High : 2600
  - Low : 0
- Click for LiDAR elevation info
  - High : 2600
  - Low : 0
- Hillshade
  - High : 254
  - Low : 0
- Hillshade Seward
  - High : 254
  - Low : 0
- HillshadeEast
  - High : 254
  - Low : 0



### Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

DATE PRINTED: 3/28/2022





## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

«OWNER»  
«ATTENTION»  
«ADDRESS»  
«CITY», «STATE» «ZIP»

### KENAI PENINSULA BOROUGH PLANNING COMMISSION

#### NOTICE OF PUBLIC HEARING

Public notice is hereby given that a conditional land use permit modification application has been received for material extraction on a parcel in the Kalifornsky Beach area. This notice is being sent to landowners located within 2640 feet of the subject property. All members of the public are invited to comment. The projects under consideration are described as follows:

**Applicant:** Peninsula Resources, LLC

**Landowner:** Peninsula Resources, LLC

**Parcel Number:** 055-072-93

**Legal Description:** T5N R11W Section 25 S.M. Kalifornsky Center Subdivision Tract A-1A

**Location:** Ravenwood St. & Bonita Ave.

**Proposed Land Use:** The applicant wishes to obtain a permit modification for sand and gravel extraction on a portion of the parcel listed above.

**KPB Code:** Conditional land use permit applications for material extraction are reviewed in accordance with KPB Code 21.25 and 21.29. Copies of these ordinances are available from the Planning Department or on the KPB website at: [borough.kenai.ak.us](http://borough.kenai.ak.us)

**Public Hearing:** A hearing will be held by the Kenai Peninsula Borough Planning Commission to consider the application on **Monday May 9, 2022** commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting will be held in the assembly chambers of the borough administration building located at 144 N. Binkley Street, Soldotna, Alaska and through Zoom, **Meeting ID 907 714 2200**. To attend the Zoom meeting via computer, visit : <https://us06web.zoom.us/j/9077142200>. To attend by telephone call toll free **1-888-788-0099 or 1-877-853-5247**.

**Public Comment:** Those wishing to comment may come to the above meeting to give testimony or may submit a written statement addressed to: Planning Commission Chairman, 144 N Binkley St, Soldotna, AK 99669. A statement addressed to the chairman may also be emailed to: [rraidmae@kpb.us](mailto:rraidmae@kpb.us), or faxed to (907) 262-5992. **Written statements must be provided by 1:00 pm Friday, May 6, 2022.** Persons, who participate in the public hearing, either by written or oral statement, may appeal the Planning Commission's decision within 15 days of the date of notice of the decision.

For additional information about this application, please call the planning department at (907) 714-2200, or 1-800-478-4441 (toll free within the Kenai Peninsula Borough).

Ryan Raidmae  
KPB Planner **Ph:** (907) 714-2462

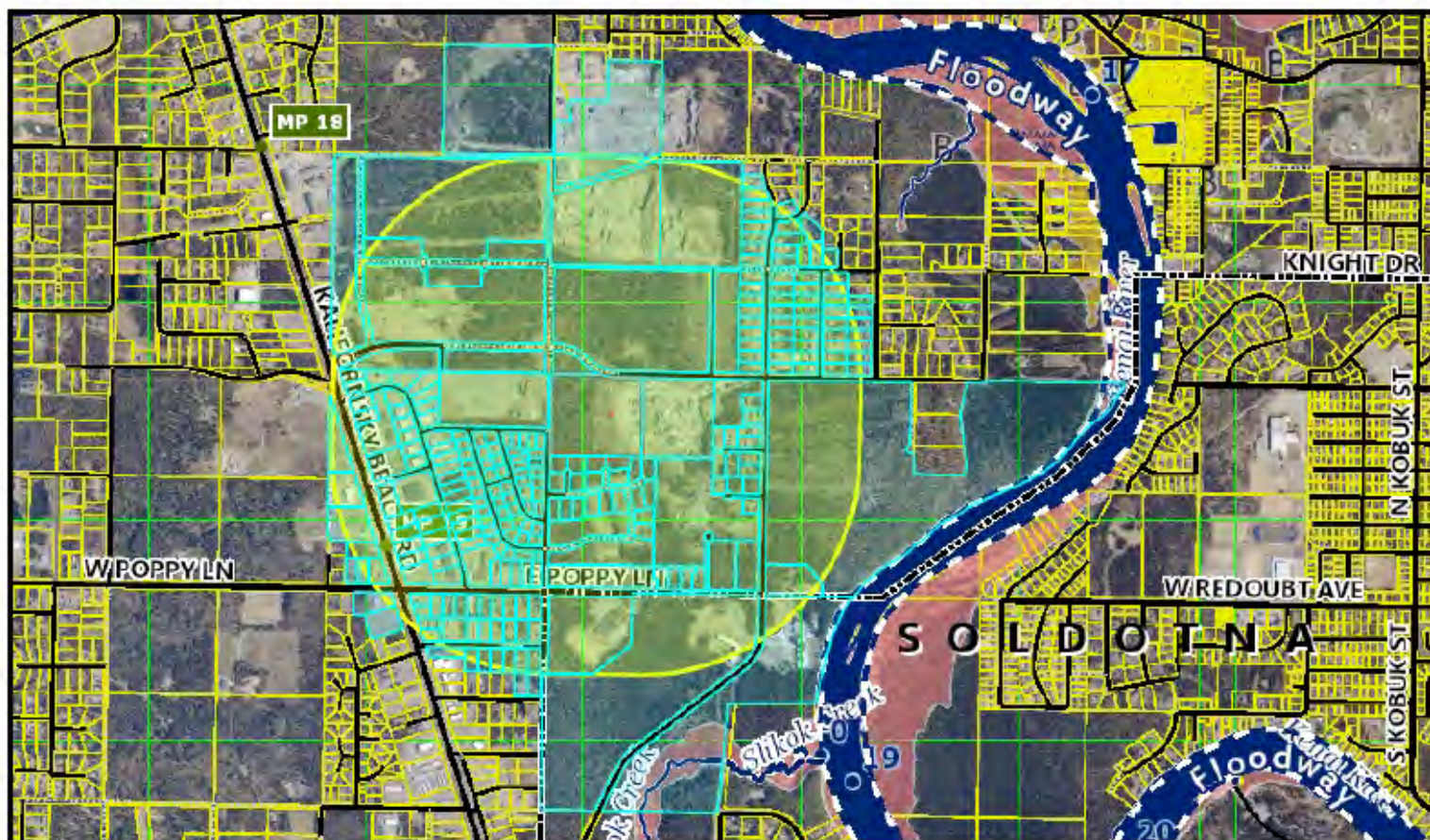
Please turn over for map.



Kenai Peninsula Borough

## Parcels Within 1/2 mile of Proposed Clup

3/21/2022 2:57



## **E. NEW BUSINESS**

- 6. Ordinance 2021-19-51: An ordinance appropriating funds from the Land Trust Fund, fund balance, for a project to conduct soils investigations and land planning on the 100-acre Unit 395, Juneau Bench, near Cooper Landing.**



# Kenai Peninsula Borough

## Planning Department – Land Management Division

### MEMORANDUM

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

THRU: Charlie Pierce, Mayor *AK for CP*  
Melanie Aeschliman, Planning Director *MA*  
Brandi Harbaugh, Finance Director *BH*

FROM: Marcus Mueller, Land Management Officer *[Signature]*

DATE: April 21, 2022

RE: Ordinance 2021-19-\_\_\_\_, Appropriating Funds from the Land Trust Fund, Fund Balance, for a Project to Conduct Soils Investigations and Land Planning on the 1,000-Acre Unit 395, Juneau Bench, Near Cooper Landing (Mayor)

The Kenai Peninsula Borough recently received management authority of the 1,000-acre block of land known as Unit 395, Juneau Bench, east of the Cooper Landing townsite. As DOT will be working in this area for the next few years with the Sterling Highway MP 45-60 realignment, which cuts 2 miles through Unit 395, it is an opportune time to develop a plan for Unit 395.

Understanding how Unit 395 will be used will enable value-added decision making when interfacing with the DOT project. Also, having a high quality multi-disciplinary plan will ensure responsible development and will enable future steps towards development of planned features. In the case of Unit 395, we anticipate planned features will include access routes, utilities, crossings, future residential lots, pedestrian trails, material sites, recreational features, green spaces, and forest lands.

RFP 2022-016 solicited proposals from professional consulting firms for soils investigations and land planning services. An intent to award has been issued to the highest-ranking responsive bidder. An appropriation for the proposed project amount of \$199,900 from the land trust fund is required to engage this project.

Your review and consideration of this ordinance is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account:	<u>250.27910</u>
Amount:	<u>\$199,999</u>
By: <i>CM</i>	Date: <u>4/20/2022</u>

Introduced by:	Mayor
Date:	5/03/2022
Hearing:	5/17/2022
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-19-XX**

**AN ORDINANCE APPROPRIATING FUNDS FROM THE LAND TRUST FUND, FUND  
BALANCE, FOR A PROJECT TO CONDUCT SOILS INVESTIGATIONS AND LAND  
PLANNING ON THE 1,000-ACRE UNIT 395, JUNEAU BENCH, NEAR COOPER  
LANDING**

- WHEREAS,** the Kenai Peninsula Borough (“KPB”) has management authority of the 1,000-acre Unit 395, Juneau Bench, east of the Cooper Landing townsite; and
- WHEREAS,** the Sterling Highway MP 45-60 project will realign the highway through Unit 395, and the highway project will be working within Unit 395 over the next few years as part of the construction effort; and
- WHEREAS,** Unit 395 includes a diverse and scenic landscape with a suite of possible uses and resources that will be important for KPB residents and visitors; and
- WHEREAS,** engaging in a multi-disciplinary land planning project will ensure the KPB can make responsible decisions regarding infrastructure and land use investments which align with land features and community values, and will position the borough to advance development projects in this area; and
- WHEREAS,** RFP 2022-016 solicited proposals for soils investigations and land planning services, and an intent to award was issued to the highest scoring responsive proposer with a proposed contract amount of \$199,900; and
- WHEREAS,** the Land Trust Fund receives reoccurring land management revenues and supports the operations and investments into land through the Land Management Division; and
- WHEREAS,** the KPB Planning Commission, at their regularly scheduled meeting of May 9, 2022, recommended \_\_\_\_\_;

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

**SECTION 1.** That \$199,900 is appropriated from the Land Trust Fund fund balance account 250.27910 to account 250.21210.22SOL.43011 for the Unit 395 soils investigation and land planning project.

**SECTION 2.** That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.

**SECTION 3.** That this ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MAY 2022.**

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Brent Johnson, Assembly President

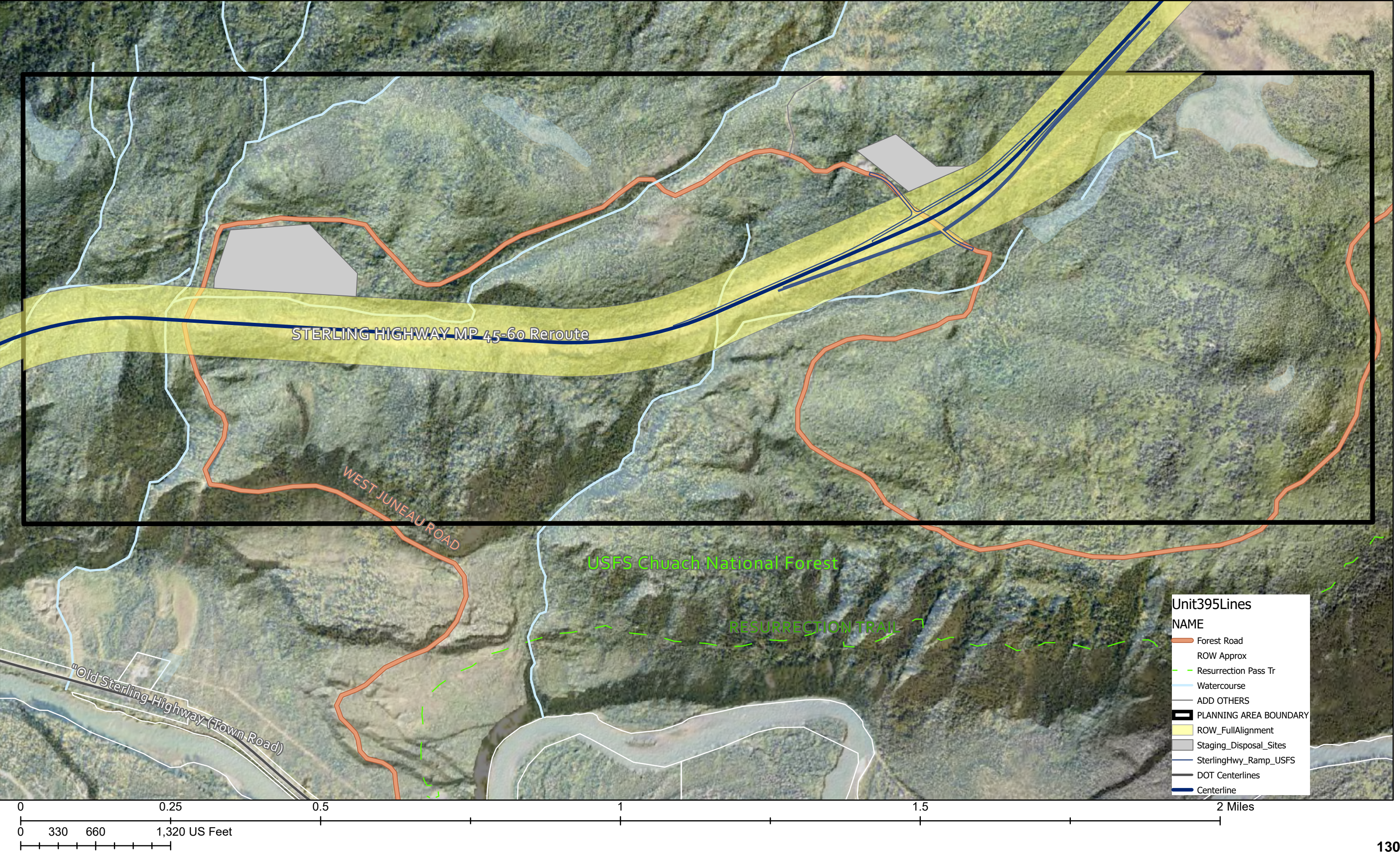
ATTEST:

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Johni Blankenship, MMC, Borough Clerk

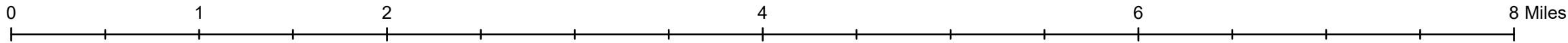
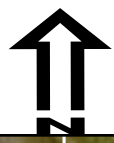


# KPB UNIT 395 PLANNING AREA





# UNIT 395: Cooper Landing, Alaska Vicinity





## **E. NEW BUSINESS**

- 7. Ordinance 2022-10: An ordinance authorizing a three-party agreement and real property lease with Verizon Wireless & Alaska Pipeline Company.**



# Kenai Peninsula Borough

## Planning Department – Land Management Division

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### MEMORANDUM

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

THRU: Charlie Pierce, Mayor *AK for CP*  
Melanie Aeschliman, Planning Director *MA*  
Marcus Mueller, Land Management Officer *mm*

FROM: Aaron Hughes, Land Management Agent *AH*

DATE: April 21, 2022

RE: Ordinance 2022-\_\_\_\_, Authorizing a Three-Party Agreement and Real Property Lease with Alaska Pipeline Company and Verizon Wireless (Mayor)

---

Verizon Wireless (VZN) has proposed to install cellular communication equipment on an existing microwave tower owned and managed by Alaska Pipeline Company (APC). The existing tower is located on Kenai Peninsula Borough (KPB) fee-owned property and authorized under right-of-way grant 051647, conveyed from the Bureau of Land Management to APC on April 25, 1963. The right-of-way grant was issued prior to KPB receiving title and was identified in language on the State of Alaska Patent.

In order to properly document the required relationships between KPB and VZN, APC and VZN, and KPB and APC, a three-party agreement and real property lease is necessary.

The terms of the Three-Party Agreement and Real Property Lease will result in the fair market rental amount split between KPB and APC, as follows:

- The initial monthly lease revenue to KPB in the amount of \$1,499.00 per month with an annual escalator of 3%.
- The initial monthly lease revenue to APC in the amount of \$1,500.00 with an annual escalator of 3%.
- A 5-year initial lease term is provided, with five additional 5-year renewal options.

Your consideration of this ordinance is appreciated.

Introduced by:	Mayor
Date:	05/03/22
Hearing:	05/17/22
Action:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-**

**AN ORDINANCE AUTHORIZING A THREE-PARTY AGREEMENT AND REAL  
PROPERTY LEASE WITH VERIZON WIRELESS AND ALASKA PIPELINE  
COMPANY**

**WHEREAS,** Verizon Wireless (“VZN”) is proposing to install cellular communication equipment on an existing microwave tower owned by Alaska Pipeline Company (“APC”); and

**WHEREAS,** APC is grantee of BLM Right-of-Way Grant 051647 dated April 25, 1963 for the specific permitted use being “Plant site for microwave relay station necessary to the operation of approved Right-of-Way, Anchorage 051647”; and

**WHEREAS,** the Kenai Peninsula Borough (“KPB”) through Municipal Entitlement selection, received fee patent from the State of Alaska on July 16, 2003, of the property subject to “A right-of-way easement for microwave relay station, ADL 223553”; and

**WHEREAS,** APC has expressed specific interest in preserving its authority as granted under the right-of-way grant without modification; and

**WHEREAS,** KPB is identified as the fee simple owner subject to the right-of-way grant wherein APC is the owner of the established microwave tower and supporting infrastructure requiring a three-party agreement and real property lease necessary to establish the various relationships between KPB and VZN, ACP and VZN, and KPB and APC under the proposed agreement; and

**WHEREAS,** the proposed Three-Party Agreement and Real Property Lease have been negotiated on terms which would provide monthly lease revenue to both KPB and APC, while preserving the existing terms of the initial grant of right-of-way to APC; and

**WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of May 9, 2022, recommended \_\_\_\_\_;

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

**SECTION 1.** That the assembly finds that entering into a three-party agreement and real property lease with APC, and VZN, pursuant to KPB 17.10.100(I), authorizing the negotiated lease of KPB lands, is in the best interest of KPB at the following location:

N½NE¼NE¼ of Section 1, Township 4 North, Range 12 West, Seward Meridian, Kenai Recording District, State of Alaska.

This finding is based on the following facts:

1. The KPB will receive a fair market rent, in the initial amount of \$1,499.00 per month with an annual escalator of 3%.
2. The lease terms provide for an initial 5-year term with an option to renew for five additional 5-year terms.
3. The land will be used to provide communication services that will improve connectivity for the residents of the KPB.
4. That the communication improvements are compatible with the site, existing improvements and uses.

**SECTION 2.** The terms of the agreement between KPB and VZN, KPB and APC are approved and consented with respect to the terms between APC and VZN.

**SECTION 3.** The terms of the agreement are exclusive to VZN, their successors and or assigns and does not expand or diminish APC's interest in the real property

**SECTION 4.** 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 Three-Party Agreement and Real Property Lease incorporates lease terms solely with APC and VZN, for the purpose of installing new cellular communication equipment on an existing microwave relay tower, wherein said tower is authorized by right-of-way grant conveyed prior to KPB ownership.
  - b. The proposed agreement does not expand the encumbered area outside that to which APC has received an existing right-of-way grant.
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 KPB property, which is unnecessary since the intent of the disposal is to enter into a three-party agreement and real property lease with APC and VZN.



- b. The communication 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. Terms of the Three-Party Agreement and Real Property Lease, are compatible with the existing land uses and surrounding land uses.
  - b. The addition of VZN installed communication equipment on the existing microwave tower will benefit the residents of the KPB.

**SECTION 5.** Based on the foregoing, the mayor is hereby authorized pursuant to KPB 17.10.100(I) to negotiate and enter into a three-party agreement and real property lease upon the property identified in Section 1. The authorization shall be for an agreement with APC and VZN for the installation of cellular communication equipment by VZN on an existing microwave tower owned by APC with terms and conditions substantially similar to the agreement accompanying this resolution.

**SECTION 6.** VZN and APC shall have 120 days from the date of enactment of this ordinance to execute the Three-Party Agreement and Real Property Lease.

**SECTION 7.** That rent revenue for the benefit of KPB shall be submitted to the KPB Finance Department and deposited as follows:

Land Trust Account: 250.00000.00000.36317.

**SECTION 8.** That this ordinance shall be effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \_\_\_\_ DAY OF MAY 2022.**

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

ATTEST:

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

## THREE PARTY AGREEMENT AND REAL PROPERTY LEASE

KPBL# XX-XXXX-XX

For good and valuable consideration, and pursuant to Ordinance 2022-\_\_\_\_, enacted May 17, 2022, this Three-Party Agreement and Real Property Lease (hereinafter called "Agreement"), is made and entered into by and between the Kenai Peninsula Borough, an Alaska municipal corporation, whose address is 144 N. Binkley Street, Soldotna, AK 99669, as Real Property Owner and Lessor ("KPB"), Cellco Partnership, dba Verizon Wireless whose address is 180 Washington Valley Road, Bedminster, NJ 07921, as Lessee ("VZN") and Alaska Pipeline Company, a subsidiary of SEMCO Energy, Inc., whose address is P.O. Box 190288, Anchorage, Alaska 99519-0288, as grantee of BLM Right-of-Way Grant dated April 25, 1963 and owner of improvements referred to as the Kalifornsky Tower ("APC").

This Agreement is intended to be the sole agreement to authorize VZN to place equipment on the Kalifornsky microwave tower and on ground space near the base of the tower as defined in the attached site plan.

**PART ONE:** Terms defining the relationship of this Agreement between KPB and VZN.

### DESCRIPTION OF REAL PROPERTY

This Agreement grants VZN non-exclusive use of a portion of the following- described parcel of real property, located in the Kenai Recording District, Third Judicial District, State of Alaska:

Section 01, Township 04 North, Range 12 West, Seward Meridian

Located within the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , consisting of approximately 20 acres of land, and as further identified on Exhibit F ("Property").

APC owns a microwave relay tower station ("Kalifornsky Tower"), located on the property as authorized under BLM Right-of-Way Grant dated April 25, 1963 ("Right-of-Way Grant"), attached as Exhibit D.

Ingress and egress to the Property is from Bypass Road along an existing traveled way to the Kalifornsky Tower.

## PURPOSE OF LEASE

1. Authority. Pursuant to Ordinance 2022-XX, the purpose of this lease is for the co-location and maintenance by VZN of three (3) cellular panel antennas, one (1) four-foot diameter parabolic dish, three (3) eight-foot panel antennas, along with all cables, mounts and necessary equipment on the Kalifornsky Tower.

Additionally, for the construction and maintenance by VZN of a 16' x 12' fenced-in equipment area adjacent to APC's existing microwave relay tower station, containing one (1) utility H-Frame with multi-gang meter base, one (1) primary cabinet, one (1) ILC, one (1) equipment platform, one (1) 30kW generator, and an 11' x 2.5' ice bridge area to the existing microwave relay tower ("Activities"). KPB makes no guarantee that the real property is suitable for VZN's purpose, and shall have no responsibility for the condition of the Property nor any damage suffered by VZN or any other person due to such condition. VZN is solely responsible for installing separate meters for utility use and payment, as applicable.

2. Site Plan. The Site Plan, entitled Verizon Wireless Final Construction Drawings Marathon and dated June 25, 2021, attached hereto as Exhibit A, illustrates the type and location of improvements, basic design and construction standards, landscaping features, location of utilities, and the nature of uses, authorized by this Agreement.
3. Purpose. The purpose of this Agreement is to lease to VZN a portion of the property for the colocation of certain communications equipment on the Kalifornsky Tower. The Property shall be utilized for the purposes of the development, management, and maintenance of improvements/facilities to support a communications site operation within the scope of the terms and conditions of the LEASE, and/or site plan. Utilization or development for other than the allowed uses shall constitute a violation of the Agreement and will become subject to cancellation.

Failure on the part of VZN to substantially complete the site plan or to be inconsistent with the proposed use and terms and conditions of the Agreement within two (2) years of the anniversary date of said lease shall constitute grounds for cancellation.



## TERMS AND CONDITIONS

**1.1. Lease Term.** This lease is for a term of five (5) years commencing \_\_\_\_\_, 2022, and includes an option to renew the lease for five (5) additional five-year terms upon the same terms and conditions unless VZN notifies KPb in writing of VZN's intention not to renew this lease at least ninety (90) days prior to the expiration of the Agreement.

**1.2. Lease Rental.** The monthly lease rental for this Agreement from VZN to KPb is \$1,499.00, plus any applicable sales taxes as may otherwise be required by law, which shall be due with each monthly lease payment. The first monthly lease rental payment shall be due within 30 days of the execution of this Agreement. Thereafter, the monthly lease payment is due and payable on or before 15<sup>th</sup> of each month. Rent shall be increased each year by 3 percent over the previous year's rent, as shown on Exhibit B, attached hereto. Rent will be prorated for any partial month.

**1.3 Memorandum.** A short-form Memorandum of Lease may be recorded at KPb's or VZN's option in the form depicted in Exhibit C, attached hereto. KPb will promptly execute any Memorandum of Lease or corrective amendments thereto, upon written request of VZN.

**1.4 Defense and Indemnification.** VZN shall indemnify, defend, save and hold KPb, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorney's fees resulting from VZN's performance or failure to perform in accord with the terms of this Agreement in any way whatsoever. VZN shall be responsible under this clause for any and all claims of any character resulting from VZN or VZN's officers, agents, employees, partners, attorneys, suppliers, and subcontractor's performance or failure to perform this Agreement in any way whatsoever. This defense and indemnification responsibility include claims alleging acts or omissions by KPb or its agents which are said to have contributed to the losses, failure, violations, or damage. However, VZN shall not be responsible for any damages or claims arising from the sole negligence or willful misconduct of KPb, its agents or employees.

1. Insurance. Insurance coverage required under this Agreement shall be primary and exclusive of any other insurance carried by KPb. Minimum levels of insurance coverage required under this Agreement shall remain in effect for the life of this Agreement and shall be a part of the contract price. If VZN's policies contain higher limits, KPb shall be entitled to coverage to the extent of such higher limits. There shall be no cancellation or material change of the insurance coverages, or intent not to renew the insurance coverages as specified in this Agreement, without thirty

(30) calendar days' prior written notice to KPB. Certificates of Insurance, reasonably acceptable in form and content, will be delivered to KPB at the time of submission of the signed Agreement and updated certificates shall be provided upon insurance coverage renewal, where applicable.

VZN shall provide and maintain Commercial General Liability Insurance (CGL). The CGL Policy shall be written on an occurrence basis and with a limit of not less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) each occurrence and aggregate. CGL insurance shall be written on standard ISO occurrence form (or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, broad form property damage, independent lessees, products-completed operations, personal injury and advertising injury, explosion, collapse, underground hazards, and liability assumed under a contract including the tort liability of another assumed in a business contract. If necessary to provide the required limits, the CGL policy's limits may be layered with a Commercial Umbrella or Excess Liability policy. This policy shall name KPB as Additional Insured. To the extent damages are covered by CGL, subrogation shall be waived.

VZN shall provide and maintain Auto Liability Insurance (AL). The AL Policy shall include a Combined Single Limit of not less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00); Underinsured and Uninsured Motorists limit of not less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00); Coverage shall include Non-Owned and Hired Car coverage. This policy shall name KPB as Additional Insured. To the extent damages are covered by AL, subrogation shall be waived.

If necessary to provide the required limits, required policy limits may be layered with a Commercial Umbrella or Excess Liability policy or policies. This policy shall name KPB as Additional Insured and waiver of subrogation language shall be included.

- 1.5 Assignments.** The property lease may be assigned with prior approval by KPB and APC of Notice of Assignment.
- 1.6 Subleasing.** VZN may not sublease the Property or any part thereof.
- 1.7 Waste.** VZN shall not commit waste upon or injury to the lands leased herein.

**1.8 Fire Protection.** VZN shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the Property, and comply with all laws, regulations, and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the Property is located.

**1.9 Safety.** VZN shall be solely responsible for maintaining the premises in a safe and fit condition, including without limitation snow and ice removal from all improvements and areas on the Property as needed for VZN's use of the Property. VZN is responsible for the safety of all persons conducting activities on the Property under this Agreement.

**1.10 Sanitation.** VZN shall comply with all laws, regulations or ordinances promulgated for the promotion of sanitation. The Property shall be kept in a clean and sanitary condition and every effort shall be made to prevent pollution of the waters and lands. Sanitary facilities shall be in accordance with the State of Alaska, Department of Environmental Conservation regulations.

**1.11 Hazardous Materials and Hazardous Waste.** Storage, handling, and disposal of hazardous waste shall not be allowed on Property. VZN shall comply with all applicable laws and regulations concerning hazardous chemicals and other hazardous materials, and shall properly store, transfer and use all hazardous chemicals and other hazardous materials and not create any environmental hazards on the Property. In no event may VZN utilize underground storage tanks for the storage or use of hazardous chemicals or other hazardous materials.

Should any hazardous chemicals or hazardous materials of any kind or nature whatsoever, or hazardous wastes be released upon the Property during the term of this Agreement, VZN shall IMMEDIATELY report such release to KPB and any other agency as may be required by law, and VZN shall, at its own cost, assess, contain, and clean up such spilled materials in the most expedient manner allowable by law.

As used herein, "hazardous chemical" means a chemical that is a physical hazard or a health hazard.

As used herein, "hazardous material" means a material or substance, as defined in 49 CFR 171.8, and any other substance determined by the federal government, the State of Alaska or KPB, to pose a significant health and/or safety hazard. The covenants and obligations described in this article shall survive the termination of this Agreement.

As used herein, "hazardous waste" means a hazardous waste as identified by the



Environmental Protection Agency under 40 C.F.R. 261, and any other hazardous waste as defined by the federal government, the state of Alaska or KPB.

**1.12 Compliance with Laws.** VZN shall abide by all applicable federal, state, city, and KPB statutes, ordinances, rules, and regulations. VZN is responsible for obtaining all federal, state, and local permits applicable to licensee's activities and shall keep such permits in good standing.

**1.13 Easements and Rights-of-Way.** This Agreement is subject to all easements, rights-of-way, covenants and restrictions of which VZN has actual or constructive notice.

**1.14 Inspections.** VZN shall allow KPB, through its duly authorized representative(s), to enter and inspect the Property at any reasonable time, with sufficient notice to VZN and APC, to ensure compliance with the terms and conditions of this lease.

**1.15 Property Taxes.** VZN shall timely pay all real property taxes, assessments and other debts or obligations owed to KPB. Pursuant to KPB Code, Section 17.10.120(F) this Agreement will terminate automatically should VZN become delinquent in the payment of any such obligations.

**1.16 Cancellation.** At any time that this Agreement is in good standing it may be canceled in whole or in part upon mutual agreement by VZN and KPB with notice to APC, so long as VZN pays KPB a cancellation fee equal to six (6) months' rent, at the then current rate.

**1.17 Termination.** Upon termination of this Agreement, VZN covenants and agrees to return the Property to KPB in the condition which existed immediately prior to entry on the Property by VZN, and to immediately remove all items of personal property subject to the conditions of Section 2.26 below. All terms and conditions set out herein are considered to be material and applicable to the use of the Property under this Lease. Subject to the following, in the event of VZN's default in the performance or observance of any of the Agreement terms, conditions, covenants and stipulations thereto, and such default continues for thirty (30) calendar days after written notice of the default, KPB may cancel this Agreement, or take any legal action for damages or recovery of the Property. No improvements may be removed during the time in which the Agreement is in default.

In the event VZN breaches any provisions prohibiting the release of hazardous chemicals, hazardous materials, or hazardous waste on the Property, and fails to immediately terminate the operation causing such release upon notice from KPB, then KPB may immediately terminate this Agreement without notice to VZN.

**1.18 Violation.** Violation of any of the terms of this Agreement may expose VZN to

appropriate legal action including forfeiture of lease interest, termination, or cancellation of its interest in accordance with state law.

**1.19 Notice of Default.** Notice of the default, where required, will be in writing and as provided in Section 1.23 of this Agreement.

**1.20 Entry or Re-entry.** In the event that this Agreement is terminated, canceled or forfeited, or in the event that the demised lands, or any part thereof, should be abandoned by VZN during the Agreement term, KPB or its agents, servants, or representatives, may immediately or any time thereafter, with sufficient notice to APC, enter or re-enter and resume possession of the Property or such part thereof, and remove all persons and property therefrom either without judicial action where appropriate, by summary proceedings, or by a suitable action or proceeding at law or equity without being liable for any damages therefor. Entry or re-entry by KPB shall not be deemed an acceptance of surrender of the contract.

**1.21 Removal or Reversion of Improvements Upon Termination of Lease.** Improvements on the Property owned by VZN shall, within sixty (60) calendar days after the termination of the Agreement, be removed by VZN; provided such removal will not cause injury or damage to the Property or Kalifornsky Tower; and further provided that KPB may extend the time for removing such improvements in cases where hardship is proven.

If VZN fails to remove improvements or chattels upon KPB's request, with sufficient notice to APC, KPB may do so at the expense of VZN.

**1.22 Rental for Improvements or Chattels Not Removed.** Any improvements and/or chattels belonging to VZN or placed on the Property during its tenure with or without its permission and remaining upon the Property after the termination of the Agreement shall entitle KPB to charge a reasonable rent therefor unless they have become the property of APC under Section 2.26 of this Agreement.

**1.23 Notice.** Any notice or demand, which under the terms of this Agreement must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the contract. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addressor.

All notices shall be sent to both parties as follows:

**LESSOR:**

Attn: Land Management Officer  
 Kenai Peninsula Borough  
 144 N. Binkley Street  
 Soldotna, AK 99669

**LESSEE:**

Cellco Partnership,  
 d/b/aVerizon Wireless  
 180 Washington Valley Road  
 Bedminster, NJ 07921

**1.24 Responsibility of Location.** It shall be the responsibility of VZN to properly locate itself and its improvements on the Property.

**1.25 Liens and Mortgages.** VZN shall not cause or allow any liens of any kind or nature whatsoever to attach to the Property during the term of this Agreement. In the event that any prohibited lien is placed against the Property, VZN shall immediately cause the lien to be released. VZN shall immediately refund to KPB any monies that KPB may, at its sole discretion, pay in order to discharge any such lien, including all related costs and a reasonable sum for attorney's fees.

For the purpose of interim financing or refinancing of the improvements to be placed upon the Property, and for no other purpose, VZN may, upon written approval of KPB, encumber by mortgage, deed of trust, assignment or other appropriate instrument, VZN's interest in the Property and in and to the Agreement, provided said encumbrance pertains only to the leasehold interest. Any such encumbrance shall be entirely subordinate to KPB's rights and interest in the Property.

A leasehold mortgagee, beneficiary of a deed of trust or security assignee shall have and be subrogated to any and all rights of VZN with respect to the curing of any default hereunder by VZN.

**1.26 Non-Waiver Provision.** The receipt of payment by KPB, regardless of KPB's knowledge of any breach by VZN, or of any default on the part of VZN in observance or performance of any of the conditions or covenants of this Agreement, shall not be deemed to be a waiver of any provision of the Agreement. Failure of KPB to enforce any covenant or provision herein contained shall not discharge or invalidate such covenant or provision or affect the right of KPB to enforce the same in the event of any subsequent breach or default. The receipt by KPB of any payment of any other sum of money after notice of termination or after the termination of the Agreement for any reason, shall not reinstate, continue or extend the Agreement, nor shall it destroy nor in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and the payment fully satisfies the breach.

**1.27 Jurisdiction.** Any lawsuits filed in connection with the terms and conditions of this Agreement, and of the rights and duties of the parties, shall be filed and prosecuted in



the State of Alaska, Third Judicial District at Kenai, and shall be governed by Alaska law, without regard to conflict of law principles.

**1.28 Savings Clause.** Should any provision of this Agreement fail or be declared null or void in any respect, or otherwise unenforceable, it shall not affect the validity of any other provision of this Agreement nor constitute any cause of action in favor of either party as against the other.

**1.29 Binding Effect.** It is agreed that all covenants, terms, and conditions of this Agreement shall be binding upon the parties hereto.

**1.30 Full and Final Agreement.** This Agreement constitutes the full and final agreement of the parties hereto and supersedes any prior or contemporaneous agreements. This Agreement may not be modified orally, or in any manner other than by an agreement in writing and signed by both parties in interest. VZN avers and warrants that no representations not contained within this Agreement have been made with the intention of inducing execution of this Agreement.

**1.31 Warranty of Authority.** VZN warrants that the person executing this Agreement is authorized to do so on behalf of VZN.

**PART TWO:** Terms defining the relationship of this Agreement between APC and VZN.

WHEREAS, APC operates several microwave radio towers and related ground facilities that are located on both the Kenai Peninsula and in Anchorage, Alaska;

WHEREAS, APC is Grantee of an existing Right-of-Way Grant initially conveyed under authority of the Bureau of Land Management and now administered by the Kenai Peninsula Borough;

WHEREAS, VZN owns and operates a cellular telephone system in south central Alaska and the lower 48 states;

WHEREAS, APC desires to lease a portion of APC's existing Kalifornsky microwave radio tower and related ground facilities for use in VZN's cellular telephone System;

IN CONSIDERATION OF THE ABOVE, APC and VZN agree as follows:

**2.1. Agreement.** APC does hereby consent to and authorize VZN the nonexclusive use of a portion of APC's existing Kalifornsky microwave radio tower for placement of three cellular antennas to be located at a height between 101 feet and 121 feet, one four-foot diameter parabolic dish to be located at a height of 100 feet, three 8-foot panel antennas at a height of 115 feet and all cables, mounts and equipment as shown in Exhibit "A" which is attached hereto and made a part hereof by this reference. APC shall additionally authorize VZN use of exterior ground space for access, utilities, and ground space near the base of the radio tower measuring 16 feet by 12 feet for the cellular carrier equipment described in Exhibit "A", which is attached hereto and made a part hereof by this reference. The Kalifornsky tower and related ground facilities are more fully described in Exhibit "A".

**2.2. Equipment.** VZN's antennas, parabolic dishes and cables shall be firmly anchored to the radio tower. All cellular carrier equipment must be distinctly marked with Lessee's name, call sign and frequency. During the term of this Agreement, VZN shall not alter, add to, replace or improve equipment without the prior written consent of APC, which consent shall not be unreasonably withheld. VZN covenants and agrees that the installation, operation and maintenance of equipment will:

Not damage, as determined in APC's sole discretion, APC's buildings, tower structures, or related facilities;

Not interfere with, as determined in APC's sole discretion, the operation and maintenance of APC's microwave radio communication system or other utility operations;

Comply with all applicable federal and state laws, rules, codes and regulations applicable to VZN's operations (as may currently exist or may hereinafter be adopted) including, but not limited to, those of the FCC, FAA, OSHA, MIOSHA and the Regulatory Commission of Alaska; and

Comply with the electrical codes and zoning ordinances of the Kenai Peninsula Borough (as now exist or may hereinafter be enacted or adopted).

**2.3. Access.** APC agrees that, during the term of this Agreement, VZN shall have 24/7 access to their ground equipment at the Kalifornsky facility for the purpose of maintenance, operation and repair of VZN equipment. VZN shall provide APC with a current list of employees authorized to work on VZN equipment. VZN shall maintain a log of entry and exit onto APC's facility and provide that data upon request. VZN shall contact ENSTAR Natural Gas Company Gas Communications ("ENSTAR") at (907) 334-

7750 prior to entering and upon exiting the Kalifornsky facility; provided, however, VZN shall not be required to give telephone notices to ENSTAR in the event of an emergency in VZN's sole discretion. Notwithstanding the foregoing, the parties agree that only qualified contractors approved by APC, under APC's direct supervision, will be permitted to install or remove antenna or coaxial cable or access the tower structure.

**2.4. Term.** The term of this Agreement shall be concurrent with the terms referenced in Part One, including the election and execution of renewals. VZN's notice of renewal shall include notice to APC. Each Extended Term shall be on the same terms and conditions as set forth herein except that the rent shall be adjusted as described in Paragraph 2.5.

**2.5. Rent.** VZN shall pay rent to APC in advance on the 1st day of each month during the first year of the Initial Term in the amount of \$1,500 per month. If VZN exercises its options to extend this Agreement, the rent shall be increased 15% at the beginning of each Extended Term. Rental payments that are past due by more than twenty days will incur interest at the rate of nine percent (9%) per annum. VZN shall pay all collection costs, including reasonable, actual attorney fees and court costs.

**2.6. Surveys and Testing.** During the first six months of the Initial Term, VZN shall have the right to perform surveys, structural, soils and environmental tests and other engineering tests and procedures on, under and over the facilities described in Paragraph 2.1. Any and all surface and subsurface testing by VZN will require the prior notice and approval of APC and KPB as provided in Part one of this Agreement. If during the first six months of the Initial Term defects are shown by such survey or tests which, in the opinion of VZN, may adversely affect VZN's use of Lessee Equipment, VZN shall have the right to terminate this portion of the Agreement between APC and VZN upon 60 days notice to APC and have no further obligation to APC.

**2.7. Licensing.** VZN shall obtain and maintain at its expense all licenses required by the FCC for VZN Equipment. A copy of VZN's FCC license shall be furnished to APC and KPB on or before the first effective day of this Agreement. Notwithstanding any other term or provision in this Agreement to the contrary, in the event that any license required by the FCC for either the APC or VZN is terminated or revoked (or the FCC threatens to terminate APC's license because of this Agreement), APC may, upon five days written notice, terminate this portion of the Agreement and APC shall have no further obligation to VZN hereunder.



**2.8. Interference.** VZN shall not use, nor shall VZN permit its employees, invitees, or agents to use VZN equipment in any way that interferes with (as determined by APC in its sole discretion) the operations of APC's microwave radio communication system or other utility operations. Upon notice from APC, VZN shall take all actions necessary to correct and eliminate said interference at VZN's cost and expense. The parties acknowledge that continuing interference will cause irreparable injury to APC, and APC shall have the right, in addition to any other rights that it may have at law or in equity, to bring action to enjoin such interference. APC agrees that VZN will be permitted to install only such radio and other equipment that is of the type and frequency which will not cause interference to APC. In the event of termination, APC shall have no further obligation to VZN.

**2.9. Utilities.** VZN, at their sole expense, shall arrange for its own supply of electrical power to VZN's equipment. APC will not be responsible for any power interruption or outage, regardless of the cause of such interruption or outage. With prior written consent of KPB and APC, VZN may, at VZN's sole expense, add new utilities and/or install an emergency power generator at the Kalifornsky location.

**2.10. Taxes.** VZN shall pay any personal property taxes assessed on VZN equipment. APC shall pay when due all real property taxes. However, upon notice from APC, VZN shall pay as additional rent any increase in real property taxes levied against the Kalifornsky property, which increase is directly attributable to VZN's use of said property.

**2.11. Insurance.** VZN shall, at its expense, procure and maintain insurance on all of its operations, with carriers reasonably acceptable to APC, including the following coverages:

Workers' Compensation in compliance with the statutory requirement of the state(s) of operation and Employer's Liability insurance with a limit of (\$1,000,000) each accident/disease/policy limit;

Commercial General Liability insurance with a limit of \$1,000,000 per occurrence from bodily injury and property damage and \$1,000,000 general aggregate covering all operations; and

Commercial Automobile Liability insurance in an amount of \$1,000,000 combined single limit each accident for bodily injury and property damage, covering all owned, hired and non-owned automobiles.

VZN shall include APC as additional insured as their interest may appear under this

Agreement under the Commercial General Liability policy and provide APC with a Certificate of Insurance, including a blanket waiver of subrogation endorsement as required by Paragraph 2.13 below before commencing operations under this Agreement. Upon receipt of notice from its insurer(s), VZN shall use commercially reasonable efforts to provide APC with thirty (30) days' prior written notice of cancellation of any required coverage.

**2.12. Indemnification.** Except as otherwise provided in Paragraph 2.17 below, to the fullest extent permitted by law, VZN agrees to indemnify, defend and hold APC harmless from and against any and all claims, liabilities, or causes of action (including, without limitation, court costs and reasonable attorney's fees) that may arise directly or indirectly from VZN's occupancy of APC buildings or other facilities and/or the installation, maintenance and operation of VZN equipment. Except as otherwise provided in Paragraph 2.17 below, to the fullest extent permitted by law, VZN agrees to indemnify, defend and hold APC harmless from and against any and all claims, liabilities, or causes of action (including, without limitation, court costs and reasonable attorney's fees) that may arise directly or indirectly from the installation, maintenance and operation by APC of APC's microwave radio communication system. The indemnity obligations under this paragraph shall survive termination of this Agreement. APC agrees to indemnify and hold VZN harmless from and against any and all claims, liabilities, or causes of action (including, without limitation, court costs and reasonable attorney's fees) that may arise directly or indirectly from any hazardous substance, pollutant or contaminant attributable to APC's personal property interest or APC's use of the premises hereunder. The parties recognize that VZN is only leasing a small portion of the Property, and that VZN shall not be responsible for any environmental condition except to the extent caused by VZN.

**2.13. Waiver of Subrogation.** To the extent it does not void either party's insurance coverage, the parties release each other and their respective authorized representatives from any claims for damage to any person or the premises and to the fixtures and personal property that are caused by or result from risks insured against under any insurance policies carried by the parties and in force at the time of any such damage. If available, each party shall cause each insurance policy obtained by it to provide that the insurance carrier waives all right of recovery by way of subrogation against either party in connection with any damage covered by any policy.

**2.14. Notices.** Notices shall be given by hand delivery, mail, or email to the following

addresses:

VZN:

Cellco Partnership  
d/b/a Verizon Wireless  
180 Washington Valley Road  
Bedminster, New Jersey 07921  
Attention: Network Real Estate

APC:

Alaska Pipeline Company  
401 E. International Airport Road  
Anchorage, Alaska 99519  
Telephone: 907-334-7983  
Email: [matt.bendis@enstarnaturalgas.com](mailto:matt.bendis@enstarnaturalgas.com)

**2.15. No Warranty.** Neither APC nor VZN make any representation (except as stated herein) or warranty of any kind or nature, directly or indirectly, express or implied, as to any matter whatsoever, including merchantability or fitness for a particular purpose.

**2.16. Waiver and Consent.** Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is in writing and signed by the party claimed to have waived a provision of this Agreement. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right. A waiver by either party of a provision of this Agreement shall not prejudice the party's right to demand strict compliance with that provision in the future.

**2.17. Waiver of Certain Damages.** Neither party shall be liable to the other for exemplary, punitive, incidental or consequential damages resulting from or arising out of this Agreement, whether the claim is based in contract, tort or strict liability.

**2.18. Destruction of or Damage to Premises.** If the premises that are the subject matter of this Agreement become substantially unusable, as determined in APC's sole discretion, due to fire, flood, earthquake or other cause, APC is not obligated to repair or restore the premises. VZN's sole remedy is to terminate this Agreement with APC. If the premises are damaged but are not rendered substantially unusable, as determined in APC's sole discretion, APC shall endeavor to repair such damage within 24 hours, subject however to the provisions of Paragraph 2.19 below.



## 2.19. Force Majeure.

Force Majeure Event. "Force Majeure Event" shall mean any act, event or circumstance that (a) renders it impracticable for the affected party to perform its obligations under this Agreement, (b) is beyond the affected party's reasonable control, (c) is not due to the affected party's fault or negligence and (d) cannot be avoided by the exercise of due diligence, including the expenditure of any reasonable sum of money and insurance proceeds available to the parties. The term "Force Majeure Event" shall include by way of example and not limitation, acts of God, natural catastrophes, acts of the public enemy or terrorists, strikes, lockouts or industrial disputes or disturbances, breakage or accident to equipment, interference or regulation by public bodies or officers acting under claim of authority, or any other cause whether or not similar to the foregoing, beyond the reasonable control of the party so unable to perform. Force Majeure.

APC's obligations under this Agreement shall be suspended insofar as the performance of its obligations is rendered impracticable by a Force Majeure Event, and any delay or failure that is directly and proximately caused by such Force Majeure Event shall not constitute a default under this Agreement.

(ii) A Force Majeure Event shall be effective upon its occurrence. APC shall promptly, and in any event not later than two days from such occurrence, deliver to VZN and KPB a notice declaring that a Force Majeure Event has occurred. Such notice shall set forth in reasonable detail (i) the events, conditions, circumstances or occurrences that constitute the Force Majeure Event, (ii) whether the Force Majeure Event is continuing, and (iii) the date and time on which such Force Majeure Event first occurred. Promptly thereafter, APC shall deliver to VZN a statement describing in reasonable detail all material facts and events with respect to the measures taken or proposed to be taken by it to resume APC's obligations under this Agreement.

(iii) APC shall use due diligence and reasonable commercial efforts and shall take reasonable precautions or pursue reasonable alternative measures available to it to prevent the occurrence or continuation of a Force Majeure Event, or to mitigate the effects thereof.

**2.20. Independent Entities.** For all purposes under this Agreement, APC and VZN are independent entities and are not the agent, partner or employee of the other.

**2.21. Outside Beneficiary.** Nothing in this Agreement is intended to benefit any party

not a signatory hereto.

**2.22. No Parties as Draftsperson.** The parties recognize that this Agreement is the product of the joint efforts of all parties and agree that it shall not be construed against one party or the other as a result of the preparation, submittal or other event of negotiation, drafting or execution hereof.

**2.23. Assignment.** Without approval or consent of APC, the interests of APC and VZN as defined under this section of the Agreement may be sold, assigned or transferred by either APC or VZN to (i) any entity in which the Party directly or indirectly holds an equity or similar interest; (ii) any entity which directly or indirectly holds an equity or similar interest in the Party; or (iii) any entity directly or indirectly under common control with the Party. It is expressly understood that this consent applies only to the relationship between APC and VZN as defined under this Agreement. Approval of above referenced transfers will require consent and approval of KPB. VZN may assign this Agreement to any entity which acquires all or substantially all of VZN's assets in the market defined by the FCC in which the improvements are located by reason of a merger, acquisition or other business reorganization without approval or consent of APC. VZN will not directly or indirectly sell, assign, sublet or otherwise transfer all or a portion of its interest under this Agreement, without the prior written consent of KPB and APC, which consent shall not be unreasonably withheld. The foregoing notwithstanding, VZN may, upon written notice to KPB and APC, and in accordance with Section 1.25 above, mortgage or grant a security interest in this Agreement and VZN's telecommunications facilities and may assign this Agreement and VZN's telecommunications facilities to any such mortgagees or holders of security interest including their successors or assigns (collectively, the "Mortgagees").

**2.24. Successors and Assigns.** This Agreement shall be binding on and inure to the benefit of the parties hereto and their respective successors and assigns.

**2.25. Governing Law.** The laws of the State of Alaska shall govern the jurisdiction, venue, interpretation and construction of this Agreement, excluding any choice of law rules that may direct jurisdiction, venue, interpretation or construction of this Agreement to other jurisdictions.

**2.26. Condition of Leased Premises following Termination.** Within 60 days following termination of this Lease Agreement, VZN, at VZN's sole cost, will remove from the leased premises all personal property including antennas, dishes and other equipment, unless

APC consents in writing to VZN leaving equipment in place on the property. Any equipment remaining on or attached to the personal property interest of APC with APC's consent will become the property of APC at no cost or charge.

**2.27. Miscellaneous.** This Agreement constitutes the entire agreement between APC and VZN and supersedes any and all previous agreements between them. This Agreement will not be amended, altered, or changed except by written agreement signed by all parties.

**2.28. Termination.** This Agreement may be terminated, without penalty or further liability, on thirty (30) days' written notice as follows:

by either party, upon a default of any covenant or term thereof by the other party, if such default is not cured within sixty (60) days (except for the payment of rent which must be cured within ten (10) days) from receipt of written notice of default (without limiting any other rights available to the parties pursuant to any other provisions hereof);

by VZN, if it is unable to obtain or maintain any license, permit or other governmental authority necessary for the construction and/or operation of the VZN's telecommunications facilities or VZN's business;

by VZN, upon the annual anniversary of the Commencement Date, following the expiration of the Agreement's initial five (5) year term, upon three (3) months' prior notice to KPB and APC, notwithstanding anything to the contrary contained herein, provided VZN is not in default hereunder beyond applicable notice and cure periods;

by APC, if it is unable to obtain or maintain any license, permit or other governmental authority necessary for the operation and maintenance of the APC's microwave radio communication system;

by APC, if a change in technology or change in law or other governmental regulation makes it necessary or desirable to cease operation and maintenance of the APC Kalifornsky tower.

This Lease Agreement may be terminated by either party for any reason or no reason, without penalty or further liability, on six months' written notice.

**2.29. Cellco Partnership Identity.** Cellco Partnership d/b/a Verizon Wireless is a general partnership formed under the laws of the State of Delaware. A disclosure statement



regarding Cellco Partnership identity is attached as Exhibit G and incorporated herein by reference.

**PART THREE:** Terms defining the relationship of this Agreement between KPB and APC.

**3.1 Mutual Consent to Colocation.** KPB as Fee Owner and Lessor hereby consents to the colocation of wireless apparatus, necessary components and improvements as they may specifically relate VZN's proposed use as defined in this Agreement. The KPB-approved colocation is to be confined to the existing tower and ground improvement locations as they may currently exist or as proposed on the site plan attached as Exhibit A. The approved colocation is exclusive to VZN. No future or additional colocation or expansion of the original use is allowed without approval from KPB. APC consents to the colocation and use by VZN as defined in this Agreement. KPB consents to the terms of the Agreement between APC and VZN, notwithstanding the rights and limitations of the 1963 Right-of-Way Grant attached hereto as Exhibit D, and to the extent it does not conflict with the terms of the agreement between VZN and KPB and APC and KPB.

**3.2 Only Agreement.** This Agreement, including all referenced Exhibits shall be the sole governing document authorizing the lease terms of the Property by VZN. APC may not enter into, modify, amend, assign or otherwise redefine the above stated relationship without KPB's written approval.

**3.3 No Alteration of BLM 1963 Right-of-Way Grant to APC.** APC is the grantee of that BLM Right-of-Way grant filed December 16, 1960 as BLM Serial Number 0535888 (Attached as Exhibit D). It is expressly understood and the intention of KPB and APC that the existence of this Agreement in no way modifies, alters, or implies changes to the rights of APC or KPB as provided under the Right-of-Way Grant. Acquisition of personal property as provided for under Section 2.26, shall in no way imply consent by KPB of expanded use by APC under the original Right-of-Way Grant. Notwithstanding any provisions in this Agreement to the contrary, this Agreement does not amend or supersede the BLM Right-of-Way Grant to APC.

**PART FOUR:** Three party provisions between KPB, VZN and APC.

**4.1. Three Party Provisions.** The provisions in this Agreement shall apply to one or all parties as defined.

**4.2. No Modifications.** No modifications shall be made to any part of this Agreement without the specific involvement of all parties. Any changes to this Agreement must be in writing and must bear the signature of all parties regardless of the relationship or specific part of the Agreement being addressed.

**4.3. Counterparts.** This Agreement may be executed in counterpart, and may be executed by electronic signature in compliance with AS 09.43 and 15 USC 7002, each of which when so executed and delivered shall be considered an original and all of which when taken together will constitute one and the same instrument.

**4.4. Memorandum.** A short-form Memorandum of Lease may be recorded in the form as depicted in Exhibit C, attached hereto. KPB will promptly execute any Memorandum of Three-Party Agreement and Real Property Lease, or corrective amendments thereto, upon written request of APC or VZN.

**4.5 Sole Agreement:** This Agreement and Exhibits, appendices or incorporated attachments hereto, constitute the only documentation memorializing the relationship of the parties and providing the authority and consent required for the proposed uses by VZN.

**4.6 Entire Agreement.** This Agreement its sections, parts, Exhibits, appendices or incorporated attachments hereto, constitute the entire "Agreement" and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this Agreement.

**4.7 Conflicting Terms.** In the event conflicting terms are discovered at any point during the term of the Agreement, all parties agree to endeavor to resolve the conflict by incorporating mutually approved language and; those changes may be addressed by way of addendum to the Agreement executed by all parties.

**4.8 No Parties as Draftsperson.** The parties recognize that this Agreement is the product of the joint efforts of all parties and agree that it shall not be construed against one party or the other as a result of the preparation, submittal or other event of negotiation, drafting or execution hereof.

## SO AGREED.

LESSEE:

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

By: \_\_\_\_\_ (Print Name)

Its: \_\_\_\_\_ (Title)

Dated: \_\_\_\_\_

## VZN ACKNOWLEDGMENT

STATE OF WASHINGTON           )  
County of King                 ) ss.

On this \_\_\_\_ of \_\_\_\_\_, 2022, before me, a Notary Public in and for the State of Washington, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the \_\_\_\_\_ of Cellco Partnership d/b/a Verizon Wireless, to be the free and voluntary act and deed of said party for the uses and purposes mentioned in this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public in and for Alaska  
Commission Expires: \_\_\_\_\_



**SO AGREED.**

OWNER OF KALIFORNSKY TOWER:

ALASKA PIPELINE COMPANY, A Subsidiary of SEMCO Energy, Inc.

\_\_\_\_\_  
By: \_\_\_\_\_ (Print Name)

Its: \_\_\_\_\_ (Title)

Dated: \_\_\_\_\_

**APC ACKNOWLEDGMENT**

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by \_\_\_\_\_, as \_\_\_\_\_ of ALASKA PIPELINE COMPANY, A Subsidiary of SEMCO Energy, Inc., on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

\_\_\_\_\_  
Notary Public in and for Alaska  
Commission expires: \_\_\_\_\_

**SO AGREED.**

LESSOR:

KENAI PENINSULA BOROUGH, a Municipal Corporation

By: Charlie Pierce

Its: Mayor (Title)

Dated: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY BY:

\_\_\_\_\_  
Johni Blankenship  
Borough Clerk

\_\_\_\_\_  
A. Walker Steinhage  
Deputy Borough Attorney

**KPB ACKNOWLEDGMENT**

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Charlie Pierce, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public in and for Alaska  
Commission expires: \_\_\_\_\_

**EXHIBIT A**  
***SITE PLAN***

[See attached]

DRAFT



**EXHIBIT B****RENTAL SCHEDULE KPB - VZN***Paid Monthly and Subject to Increase 3% annually*

<b>Year</b>	<b>Monthly Amount Due</b>
1	\$1,499.00
2	\$1,543.97
3	\$1,590.29
4	\$1,638.00
5	\$1,687.14
6	\$1,737.75
7	\$1,789.88
8	\$1,843.58
9	\$1,898.89
10	\$1,955.86
11	\$2,014.53
12	\$2,074.97
13	\$2,137.22
14	\$2,201.33
15	\$2,267.37
16	\$2,335.39
17	\$2,405.45
18	\$2,477.62
19	\$2,551.95
20	\$2,628.51
21	\$2,707.36
22	\$2,788.58
23	\$2,872.24
24	\$2,958.41
25	\$3,047.16
26	\$3,138.57
27	\$3,232.73
28	\$3,329.71
29	\$3,429.60
30	\$3,532.49

## **EXHIBIT C**

### *Memorandum of Lease*

[See attached]

DRAFT

### **MEMORANDUM OF THREE-PARTY AGREEMENT AND REAL PROPERTY LEASE**

This Memorandum of Three-Party Agreement and Real Property Lease is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022 by and between the Kenai Peninsula Borough, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, AK 99669 (as real property owner and Lessor), and Cellco Partnership, dba Verizon Wireless whose address is 180 Washington Valley Road, Bedminster, NJ 07921 ("VZN") and Alaska Pipeline Company, a subsidiary of SEMCO Energy, Inc., whose address is P.O. Box 190288, Anchorage, Alaska 99519-0288, (as grantee of BLM Right-of-Way Grant dated April 25, 1963 and owner of improvements referred to as the Kalifornsky Tower).

Pursuant to the terms of that certain Three-Party Agreement and Real Property Lease ("Agreement") by and between Kenai Peninsula Borough (KPB), Cellco Partnership, dba Verizon Wireless (VZN), and Alaska Pipeline Company, a subsidiary of SEMCO Energy, Inc. (APC) dated XX/XX/XX, and for the consideration therein stated, Parties have hereby agreed to a Third-Party Lease Agreement and leased unto VZN, and VZN has thereby hired and taken from KPB and APC certain real property, personal property and authorized rights located within Section 01, Township 04 North, Range 12 West, Seward Meridian, Third Judicial District, State of Alaska, and more particularly described as follows:

Located within the N1/2NE1/4NE1/4 and adjacent to an existing microwave relay tower station owned by the Alaska Pipeline Company and authorized under a Right-of-Way Grant dated April 25, 1963, and amended on December 27, 1972, from the United States Department of the Interior and serialized as Anchorage 053588.

The term of the Agreement as provided therein is for 5 years, commencing XX/XX/XX, and VZN has the option to extend the term of the Agreement for 5 additional five-year terms, according to the terms and conditions thereof.

All of the terms, conditions, warranties, covenants, and agreements pertaining to the rights granted and as set forth in the executed Agreement are unchanged hereby and incorporated herein by this reference. True and correct copies of the Agreement has been retained by all parties to be used for any legal purpose, including but not limited to disclosure to purchasers or lenders entitled to a security interest in the Agreement or any portion thereof or any person having a lawful right to know the content and details thereof.



IN WITNESS WHEREOF, the Parties to the Agreement have executed this instrument as of the date first above written.

KENAI PENINSULA BOROUGH

CELLCO PARTNERSHIP, DBA  
VERIZON WIRELESS

\_\_\_\_\_  
By: Charlie Pierce, Mayor

Dated: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_(Name, Title)

Dated: \_\_\_\_\_

Alaska Pipeline Company,  
a subsidiary of SEMCO Energy, Inc

\_\_\_\_\_  
By: \_\_\_\_\_(Name, Title)

Dated: \_\_\_\_\_

Record in the Kenai Recording District

Return to:

KPB Land Management Division  
144 North Binkley Street  
Soldotna, AK 99669

**EXHIBIT D**

*1963 Right-of-Way Grant*

DRAFT



ALD-244-31  
March 62

RECEIVED  
COMMUNICATIONS SECTION  
APR 24 1963

APR 24 1963  
7:09 PM  
11/12/11/21/12/14/15/16

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Land Office  
Cordova Building  
6th and Cordova  
Anchorage, Alaska

IN REPLY REFER TO:  
Serial Number below

Date: April 25, 1963

DECISION

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant	Anchorage 053588
Name of grantee	Alaska Pipeline Company
Map showing the location and dimensions of grant:	
Map designations	Alaska Pipeline Co., Anchorage Alaska - Delta Engineering Co. Houston, Texas
Date filed	December 16, 1960
Permitted use by grantee	Plant site for microwave relay station necessary to the operation of approved Right-of-Way Anchorage 051647
Authority for grant	Section 28 of the Act of February 25, 1920 (41 Stat. 449), as amended.
Regulations applicable to grant:	43 CFR 244, Subparts A & I
Code reference	
Circular numbers	1915, 2004, 2012, 2069, 2084
Date of grant	April 25, 1963
Expiration date of grant	None
Rental:	
Amount	\$1300 for 5 year period April 25, 1963 through April: 1968. The rental is subject to review prior to the end of each 5 year period.
<del>When payable by grantee</del>	



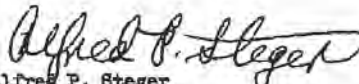
AIO-244-31  
(Page 2)

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 684 of the Director, Bureau of Land Management, dated August 28, 1961 (26 F.R. 8216), as amended, a right-of-way, the details of which are shown above, is hereby granted for the public lands involved 1/, subject to the following terms and conditions:

1. All valid rights existing on the date of the grant.
2. All regulations in the circulars specified herein.
3. Filing of proof of construction within five years from date of the grant.
4. Other:

None

  
Alfred P. Steger  
Chief, Lands Section

Attachment: Map  
Acknowledgment  
cc: Director

1/ For the purpose of this grant, public domain lands include those reserved or withdrawn for specific purposes, entered, selected, occupied and/or settled, and leased. Questions of priorities and/or damages are questions for the courts to determine.

2

NOTARIAL PUBLIC

UNITED STATES OF AMERICA

STATE OF ALASKA

ss.:}

THIS IS TO CERTIFY that on this 25<sup>th</sup> day of April, 1968, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Alfred P. Stear known to me and to me known to be the Chief, Lands Section of the United States Department of the Interior, Bureau of Land Management, Anchorage Land Office, who acknowledged to me that he signed the foregoing instrument in his said capacity for the uses and purposes therein stated.

Dolores B. Watson  
Notary Public in and for Alaska  
My Commission Expires: February 8, 1966





2800 (931)  
A-053588

ES  
12/12/72  
JAB  
12/19

State Office  
555 Cordova Street  
Anchorage, Alaska 99501

DEC 27 1972

DECISION

Alaska Pipeline Company	:	A-053588
P.O. Box 6288	:	
Anchorage, Alaska 99502	:	Right-of-Way

Partial Relinquishment Accepted

On May 4, 1972, Alaska Pipeline Company filed a partial relinquishment for the above-identified right-of-way which was granted for a plant site for a microwave relay station necessary to the operation of approved right-of-way A-051647 under Section 28 of the Act of February 25, 1920 (41 Stat. 449), as amended, (43 CFR 244, Subparts A & I). The land involved in the relinquishment is the S<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> section 1, T. 4 N., R. 12 W., Seward Meridian with 20 acres remaining in the right-of-way grant designated as the N<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> section 1, T. 4 N., R. 12 W., Seward Meridian.

The lands covered by the partial relinquishment have been examined, and it has been determined that the lands are suitable for return to the public domain. Therefore, the relinquishment filed May 4, 1972 is hereby accepted.

In view of the acceptance of the partial relinquishment, the advance rental as submitted is sufficient to cover the 5-year rental period.

Sincerely yours,

/s/ J. A. Hagans

J. A. Hagans  
Chief Adjudicator

CSHobe:cad 12/12/72

Found 1/2" Brass Capped Nail  
Marked 1/4 1/6

740 00 (Record)

Surveyed Dec. 2, 1960, under the direction  
of Carl H. Steeby, Registered Professional  
Civil Engineer.

BUREAU OF LAND MANAGEMENT  
JAN 13 1962 2:25 P.M.

STATE OF ALASKA  
1960  
Carl H. Steeby  
NO. 454-E  
REGISTERED  
PROFESSIONAL ENGINEER

ALASKA PIPELINE COMPANY ANCHORAGE, ALASKA			
DELTA ENGINEERING CORP. HOUSTON, TEXAS			
Drawn by R. H. Burt	Cechecked C.H.S.	Approved H.A. Spence	Approved

Board of Survey  
PAGE 74  
Range Reporting District

**EXHIBIT E**

*Entity Authority Documentation*

[attached]

DRAFT



## **EXHIBIT F**

### *Property Description*

#### Section 01, Township 04 North, Range 12 West, Seward Meridian

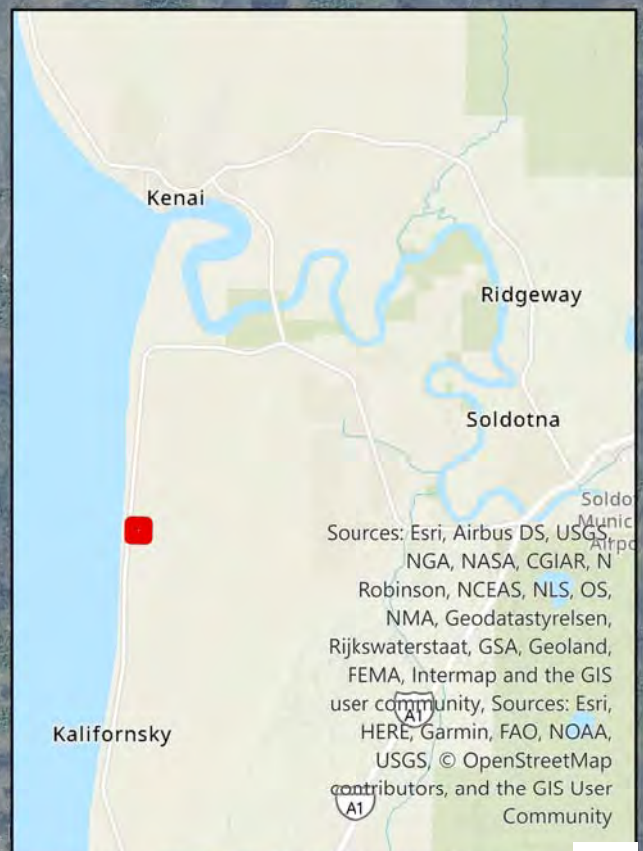
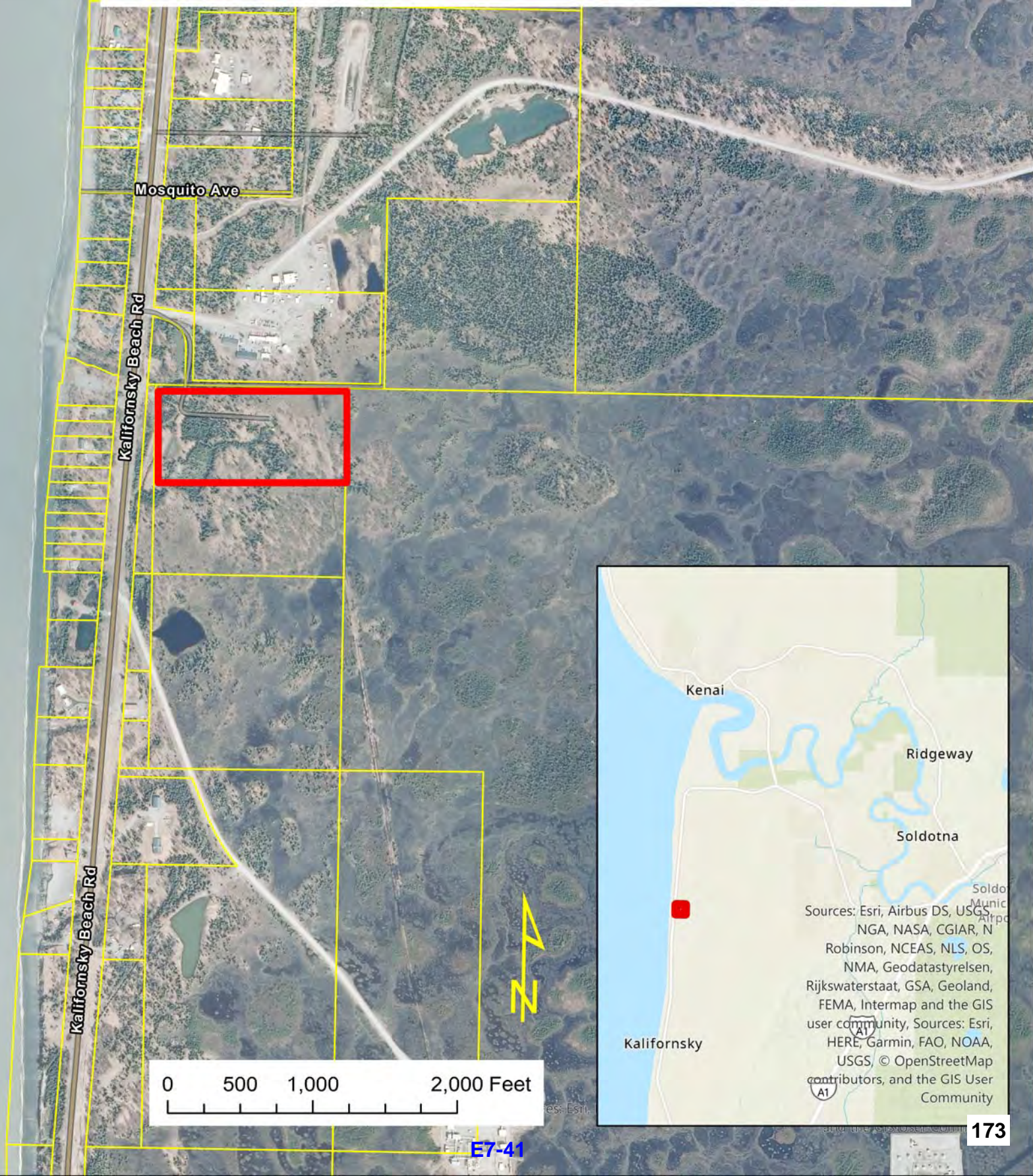
Located within the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , consisting of approximately 20 acres of land, and as further identified on Exhibit F (hereinafter called "Property").

APC owns a microwave relay tower station (hereinafter "Kalifornsky Tower"), located on the property as authorized under BLM Right-of-Way Grant dated April 25, 1963 (hereinafter "Right-Of-Way Grant"), attached as Exhibit D.

Ingress and egress to the Property is from Bypass Road along an existing traveled way to the Kalifornsky Tower.



# Three Party Agreement Lease Location





## **E. NEW BUSINESS**

- 8. Ordinance 2022-11: An ordinance authorizing emergency harvest of spruce bark beetle impacted forestlands including spruce which are dying, or susceptible to dying, and establishing a framework to guide forest treatments.**



# Kenai Peninsula Borough

## Planning Department – Land Management Division

---

### MEMORANDUM

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

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

FROM: Dakota Truitt, Land Management Agent *[Signature]*

DATE: April 21, 2022

RE: Ordinance 2022-\_\_\_, Authorizing Emergency Harvest of Spruce Bark Beetle Impacted Forestlands Including Spruce which are Dying, or Susceptible to Dying, and Establishing a Framework to Guide Forest Treatments (Mayor)

---

KPB Land Management has been working to develop management framework for a coordinated Spruce Bark Beetle (SBB) mitigation response in light of the progressing SBB outbreak that began in 2016. The estimated 195,000 acres severely impacted on the Kenai Peninsula are closely monitored and surveyed by the AK Division of Forestry Forest Health Program. These forests are experiencing high rates of spruce mortality averaging 60-70%, and up to 90% mortality, in highly impacted areas.

Implementing a KPB SBB mitigation response will depend upon authorization of necessary measures for emergency harvest on affected parcels of land, regardless of land classification. Framework for guidance would account for existing classifications, adjacent landowner notification, community meetings, and management best practices, through a defined process to guide forest treatments that incorporate public input.

The proposed program outlines forest management sale reports as the central format that include treatment prescriptions and harvest practices to reduce wildland fire hazard and encourage utilization of economically viable forest product values. Environmental protections and practices are enumerated in KPB 17.08, 17.10, 17.50, 21.18, and the Alaska Forest Resources and Practices Act. Practices will be adapted and applied for site-specific conditions for harvest and post-harvest treatments that include site preparation, reforestation practices, and harvesting infrastructure retainment or closure methods.

The project timeline includes hiring a temporary Forester position by July 2022 to produce SBB mitigation projects, analysis of forest inventory and prioritization of

Page -2-  
April 21, 2022  
RE: O2022-\_\_\_\_\_

---

initial forest management units, with the goal of releasing SBB timber sales at the beginning of 2023.

The ordinance includes a proposed sunset date of June 2025, with an annual comprehensive review. The ordinance sunset could be extended by future action of the assembly.

A project page has been developed online at [www.kpb.us/forestmanagement](http://www.kpb.us/forestmanagement).

Your consideration is appreciated.

Introduced by:	Mayor
Date:	05/03/22
Hearing:	05/17/22
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-**

**AN ORDINANCE AUTHORIZING EMERGENCY HARVEST OF SPRUCE BARK  
BEETLE IMPACTED FORESTLANDS INCLUDING SPRUCE WHICH ARE DYING,  
OR SUSCEPTIBLE TO DYING, AND ESTABLISHING A FRAMEWORK TO GUIDE  
FOREST TREATMENTS**

- WHEREAS,** Southcentral Alaska is experiencing a severe Spruce Bark Beetle outbreak with more than 1.6 million acres infested during the past 6 years; and
- WHEREAS,** the Kenai Peninsula Borough (“KPB”) Land Management Division has identified 21,000 acres of KPB -managed forested lands impacted by Spruce Bark Beetle; and
- WHEREAS,** Spruce Bark Beetle is killing White and Lutz Spruce, generally five-inch diameter-at-breast-height and greater, which then create hazards in the forest in the form of falling, jackstrawing, fuel loading, and leading to invasion of grasses that present a new fire risk and a significant vegetation shift; and
- WHEREAS,** in combination with increased hazards, KPB is losing a valuable timber resource which could be utilized for fuelwood, fiber wood, lumber, or house logs for building which could stimulate the local economy by providing forest products to the marketplace; and
- WHEREAS,** the 21,000 identified KPB acres are a high priority for planning and implementing forest management treatments, and additional areas are anticipated to become mapped as the infestation progresses; and
- WHEREAS,** timber harvest via selective thinning, sanitation cuts, and/or salvage harvests can be an economical means to mitigate fire hazard and prevent further degradation of resources, and could promote utilization of timber with commercial value; and
- WHEREAS,** the KPB Code of Ordinances provides for the disposition of KPB-owned forest resources by competitive bidding and for the over-the-counter sale of forest resources when a competitive bidding process results in no bids; and
- WHEREAS,** vegetation management treatments are needed regardless of how the land is



classified and land classifications are used to inform the most appropriate types and methods of treatment; and

**WHEREAS,** the forest conditions are anticipated to rapidly deteriorate, as will the quality and value of the timber, generating an urgent need to take action; and

**WHEREAS,** competition with *Calamagrotis canadensis* (Canada Bluejoint Grass) occurs rapidly, often within three years, and impacts spruce regeneration by creating thick root and litter mats that prevent spruce germination and recruitment thereby lowering natural regeneration success, without intervention; and

**WHEREAS,** site preparation and/or reforestation practices with resilient tree species are necessary management steps to conserve forest values, ecosystem services, and functions, and will provide important forest resources for future generations; and

**WHEREAS,** treatments will establish and preserve logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and

**WHEREAS,** allocating revenue generated from timber sales to reforestation efforts would support a responsible timber program; and

**WHEREAS,** forest management sale reports are the form which timber units are described, including location, unit size, access, harvest treatments, prescriptions, reforestation techniques, post-harvest treatments, and maps, and plans for compliance with the Alaska Forest Resource and Practices Act; and

**WHEREAS,** forest management sale reports designed for a given unit may exceed the standards of the Alaska Forest Resource and Practices Act, especially in areas determined to be sensitive, susceptible to damage, and in need of additional protection; and

**WHEREAS,** KPB's Planning Commission at its regularly scheduled meeting of May 9, 2022, recommended \_\_\_\_\_;

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

**SECTION 1.** That in addition to the authority under KPB 17.08.010 for the salvage or other harvest of dead and mature timber upon KPB-owned or KPB-managed lands, and notwithstanding KPB 17.08.020(J), the mayor is authorized to conduct salvage or other harvest of dying spruce and spruce susceptible to dying, due to Spruce Bark Beetle tree mortality in accordance with the provisions of this ordinance and KPB Chapter 17. Clear cutting practices are not authorized by this ordinance.

- SECTION 2.** That the mayor shall publish a map showing the location of forestlands dominated by White or Lutz Spruce that are affected by or susceptible to Spruce Bark Beetle infestation subject to this ordinance.
- SECTION 3.** That the KPB Land Management office will notify, solicit comments, and, when requested, consult with private landowners that share a border with a unit of borough land to be managed for forestry activities, before a forest management sale report for that unit is finalized.
- SECTION 4.** That the salvage or other harvest of dead, dying, or susceptible to dying spruce, due to Spruce Bark Beetle tree mortality, and mature timber subject to this ordinance, shall not have a classification requirement. Treatment types, means and methods shall be consistent with the purposes of any parcel's classification.
- SECTION 5.** That for the disposition of above-described timber resources, the mayor is hereby authorized to prepare a single forest management sale report for each unit. The forest management sale report shall be subject to review by the advisory planning commissions, where applicable, the KPB Planning Commission and approval through resolution by the assembly in accordance with KPB 17.50.035.
- SECTION 6.** That detailed plans of operations for all timber units shall be submitted to the Alaska Department of Natural Resources, Division of Forestry for review and approval prior to any salvage or other harvest.
- SECTION 7.** That the mayor shall provide the assembly with quarterly reports on the status of such timber activities and revenues as of December 31, March 31, June 30 and September 30, along with any changes to the map described in Section 2.
- SECTION 8.** That all timber sale receipts shall be deposited in account 250.00000.22SBB.37130 and will be available for appropriation for reforestation.
- SECTION 9.** That reforestation methods shall be prescribed, planned and implemented within three years of harvest, subject to appropriation and procurement requirements.
- SECTION 10.** That Sections 1 through 9 shall be subject to annual review and shall be automatically repealed on June 21, 2025, unless the assembly, by ordinance, extends that date.
- SECTION 11.** That the mayor is authorized to sign any documents necessary to effectuate this ordinance.
- SECTION 12.** That this ordinance shall be effective immediately upon its enactment.

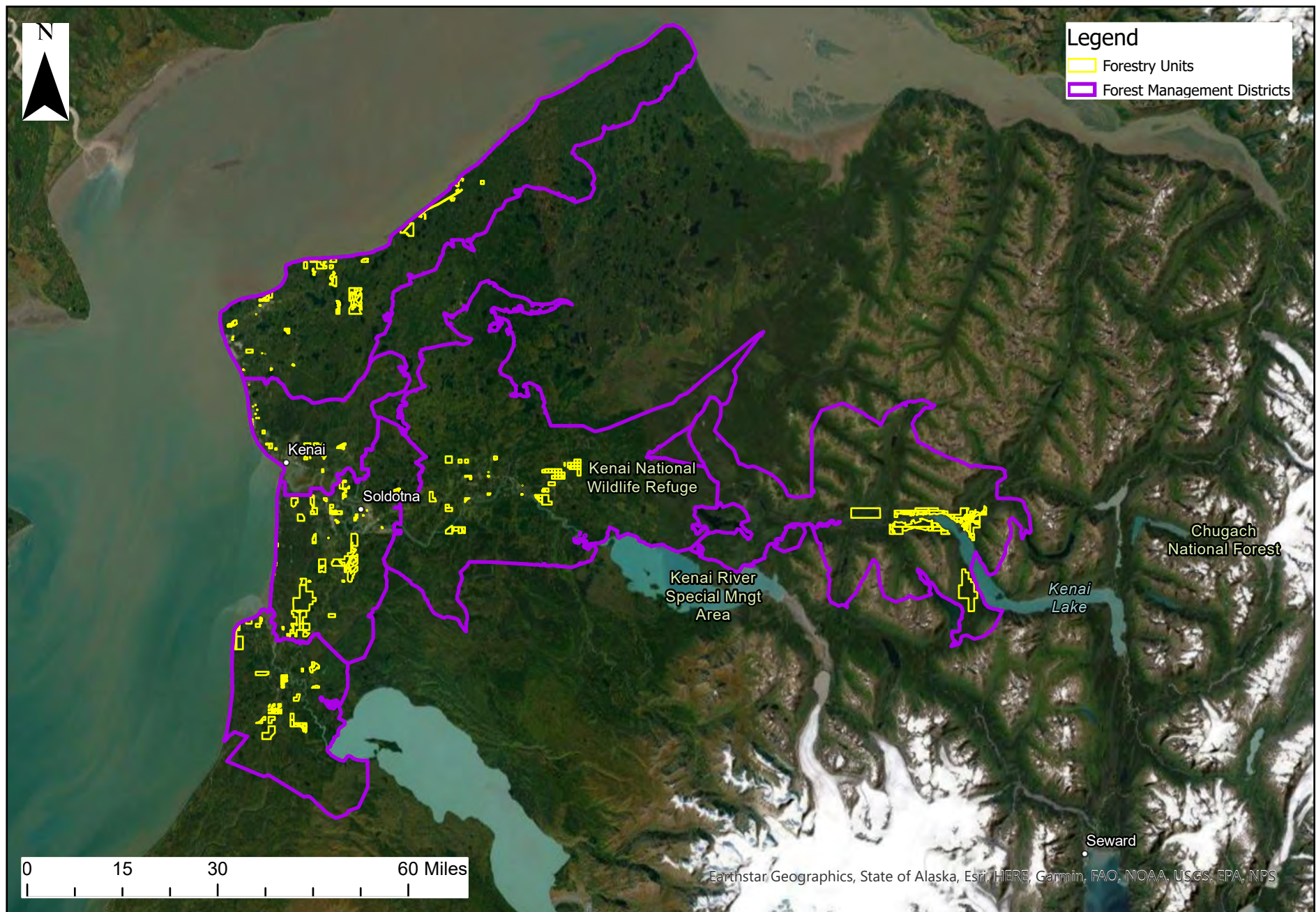
**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \_\_th  
DAY OF \_\_\_\_2022.**

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

ATTEST:

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





Official map is available at [www.kpb.us/forestmanagement](http://www.kpb.us/forestmanagement)

## Exhibit One.

### Kenai Peninsula Borough Forest Management Districts

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle. Forestry units are parcels with gross acreage. The net acreage considered for management activities will be determined through unit inventory and analysis presented through the Forest management sale report.

E8-7

April 2022  
Dakota Truitt, Land Management Agent  
Kenai Peninsula Borough





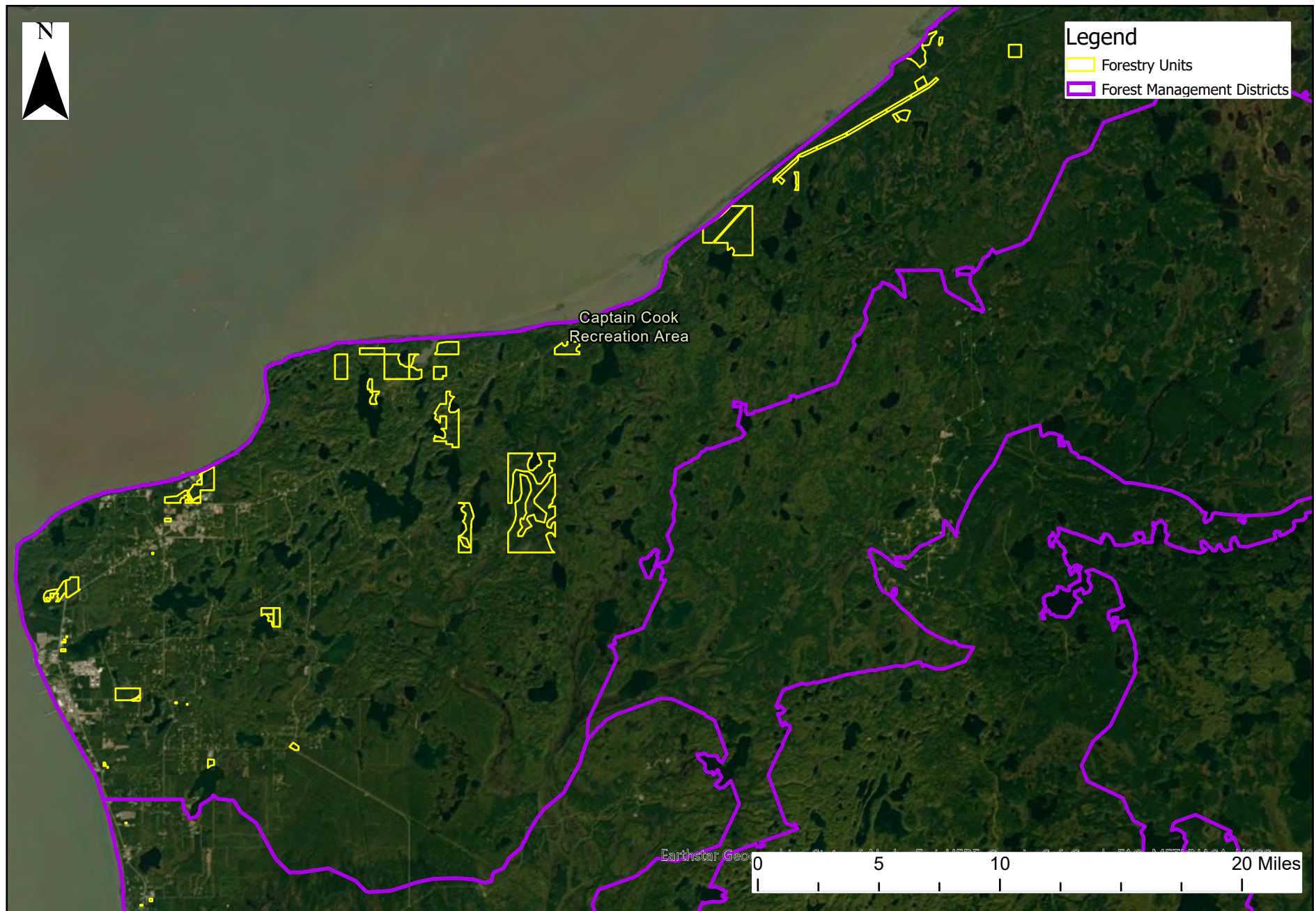


Exhibit A. Kenai Peninsula Borough Forest Management District  
Nikiski/ Point Possession

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022  
Dakota Truitt, Land Management Agent  
Kenai Peninsula Borough





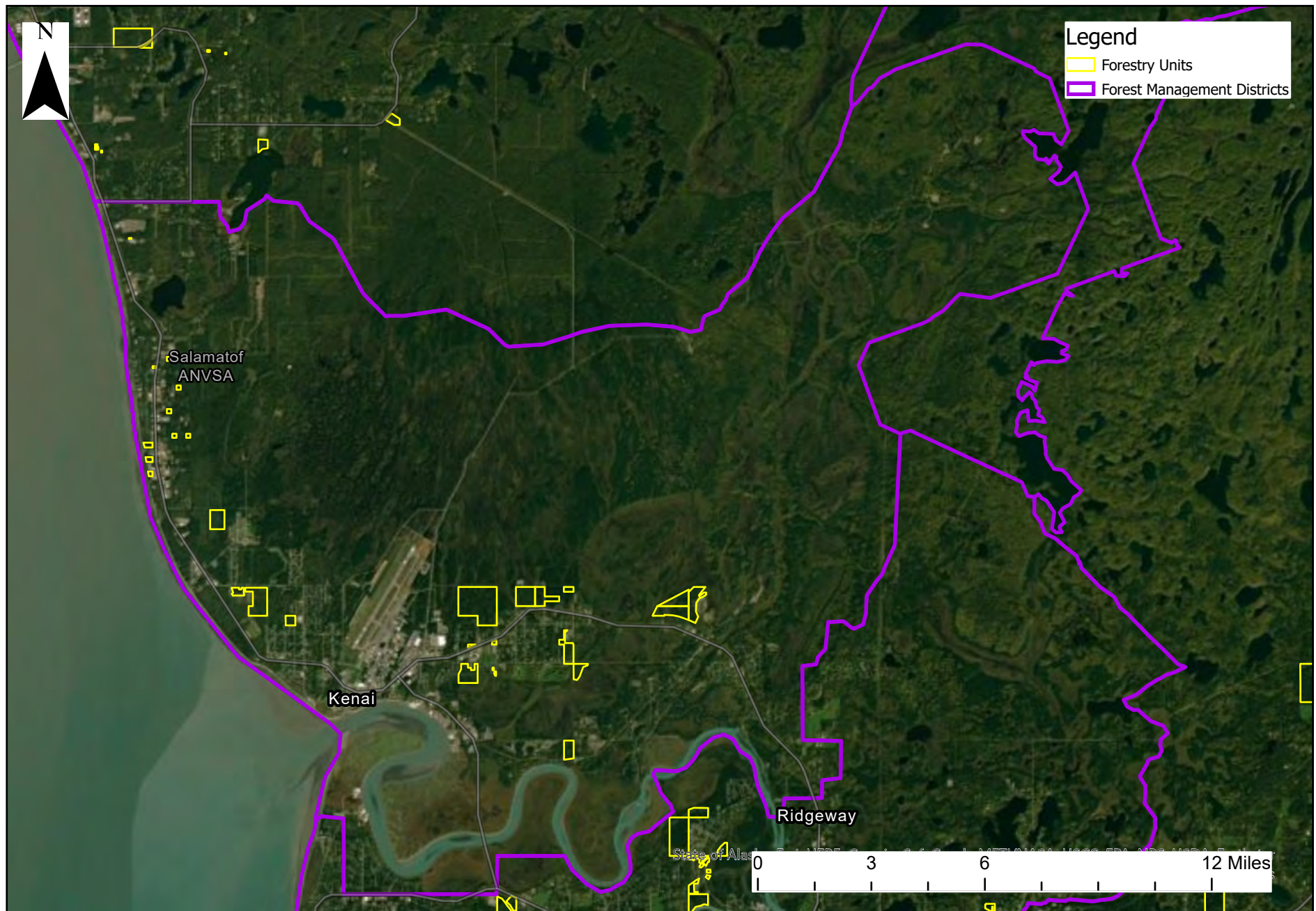


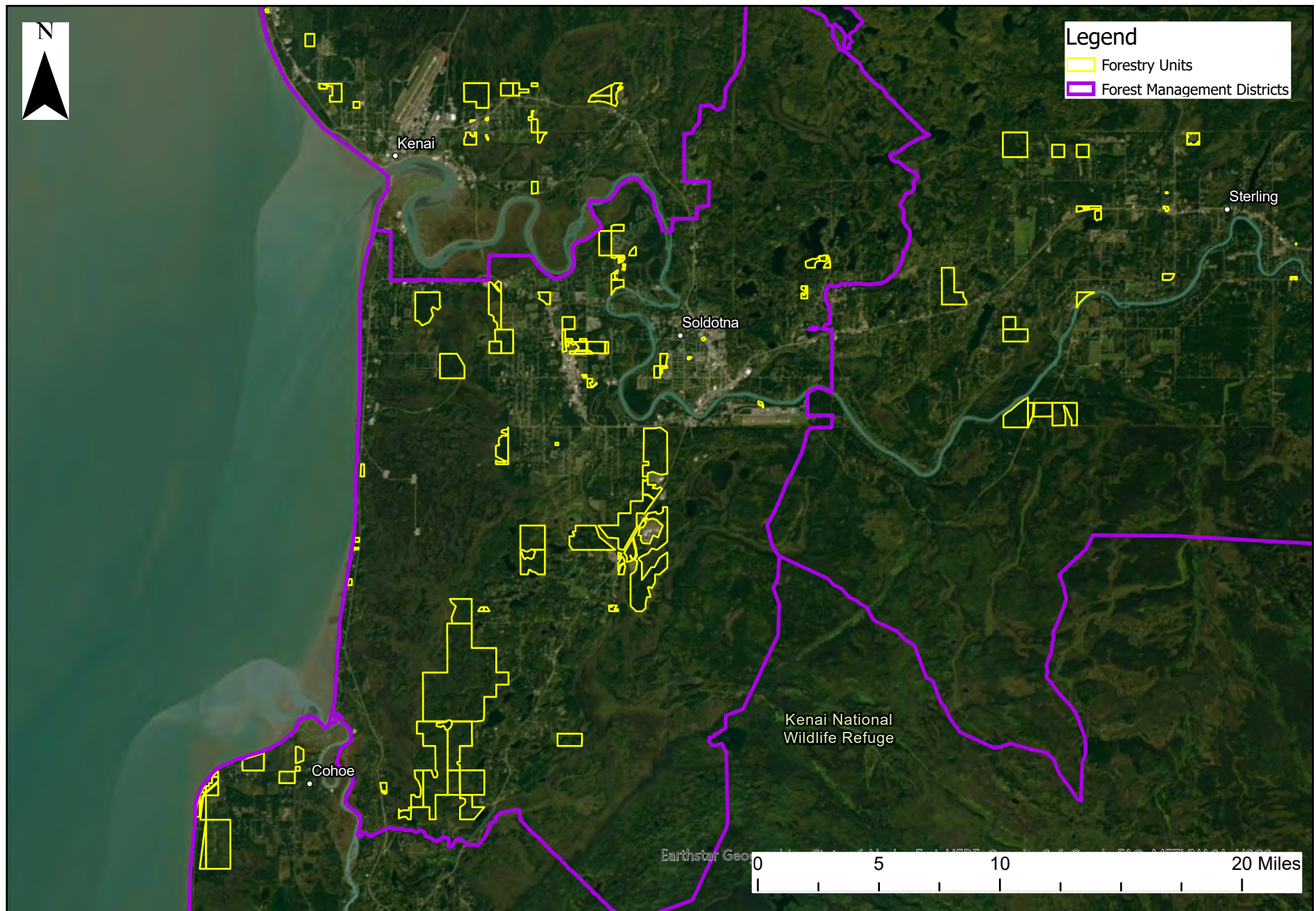
Exhibit B. Kenai Peninsula Borough Forest Management District  
Kenai

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022  
Dakota Truitt, Land Management Agent  
Kenai Peninsula Borough







# Exhibit C. Kenai Peninsula Borough Forest Management District Soldotna

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022  
Dakota Truitt, Land Management Agent  
Kenai Peninsula Borough





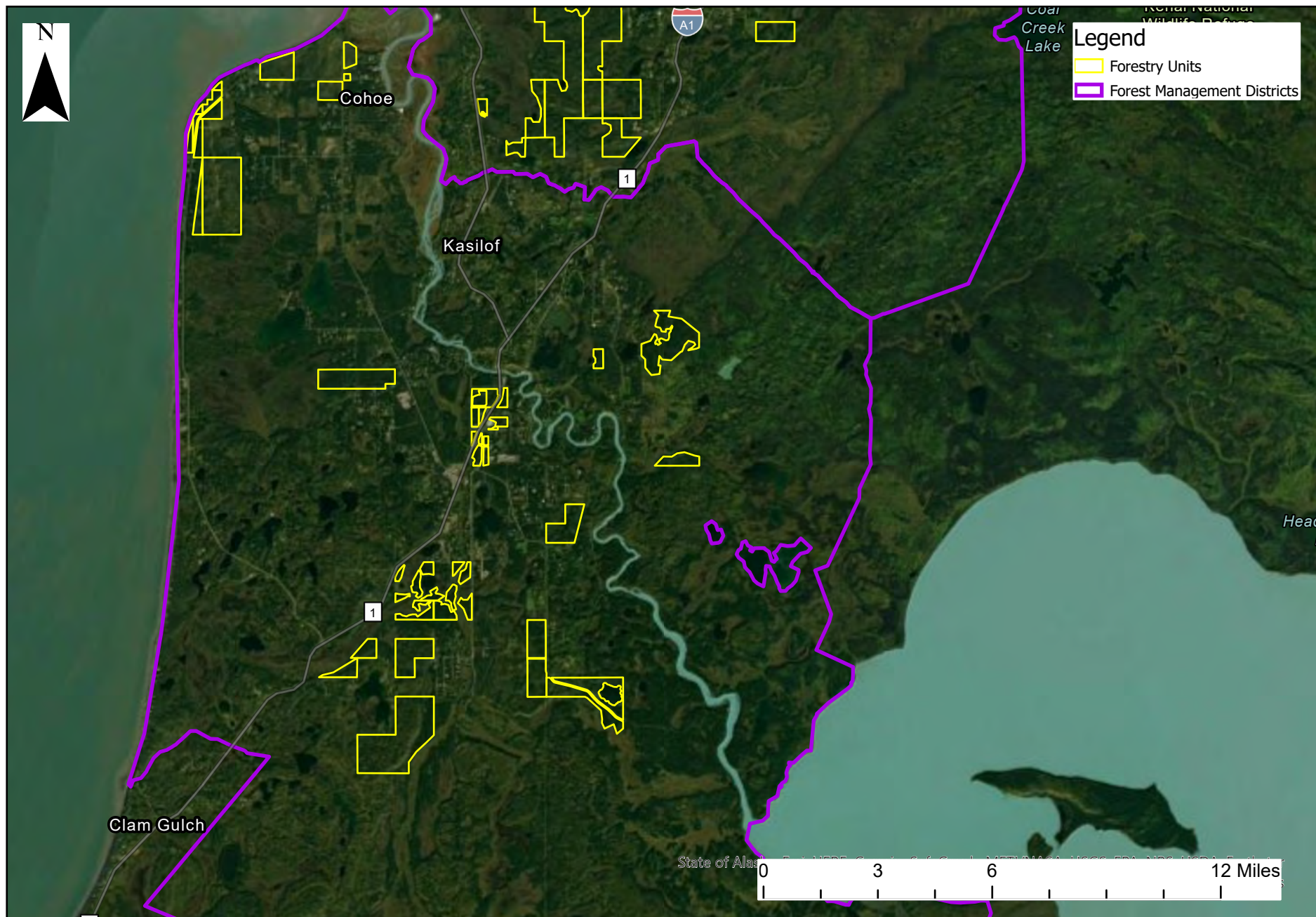


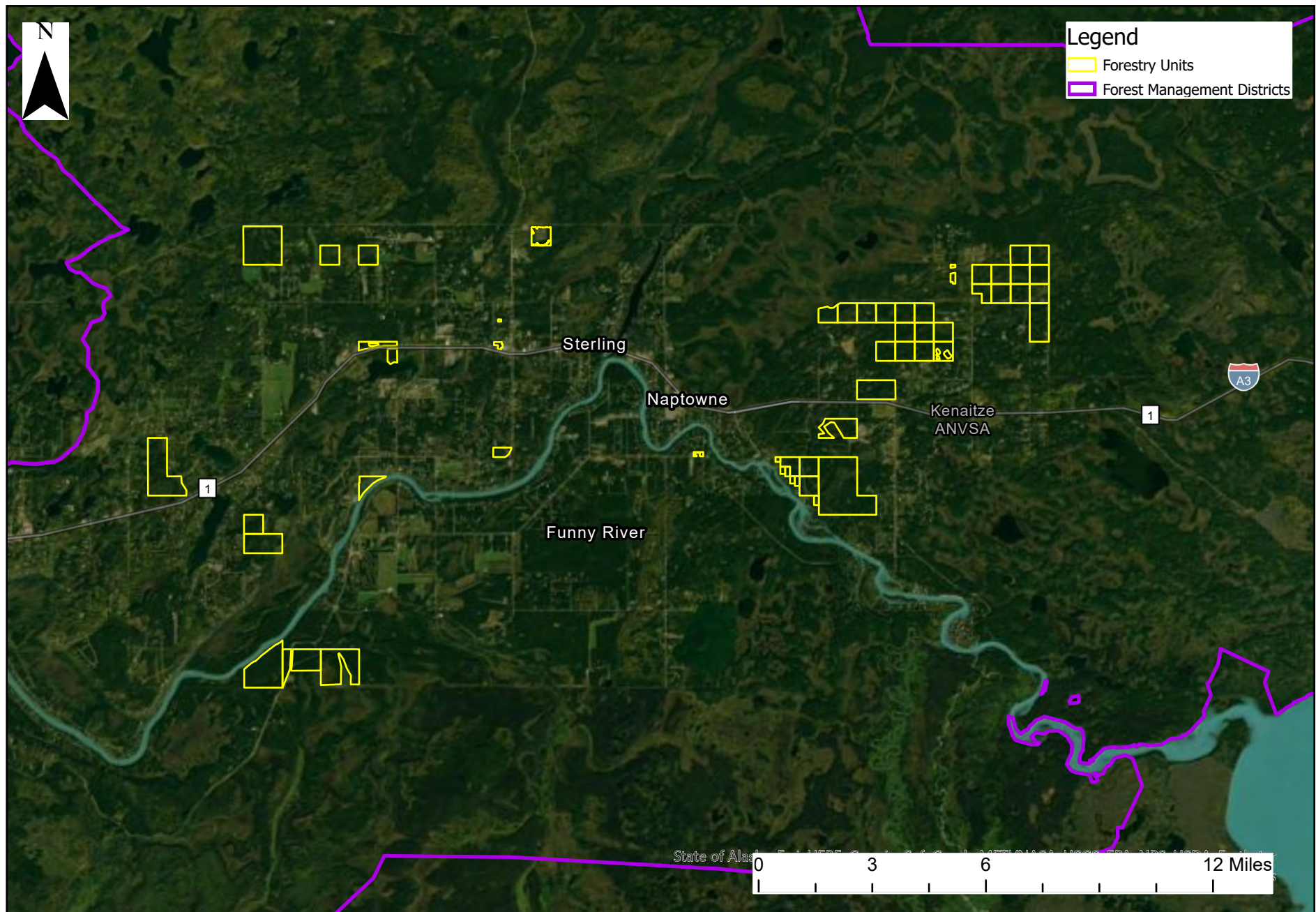
Exhibit D. Kenai Peninsula Borough Forest Management District  
Kasilof/ Cohoe

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022  
Dakota Truitt, Land Management Agent  
Kenai Peninsula Borough







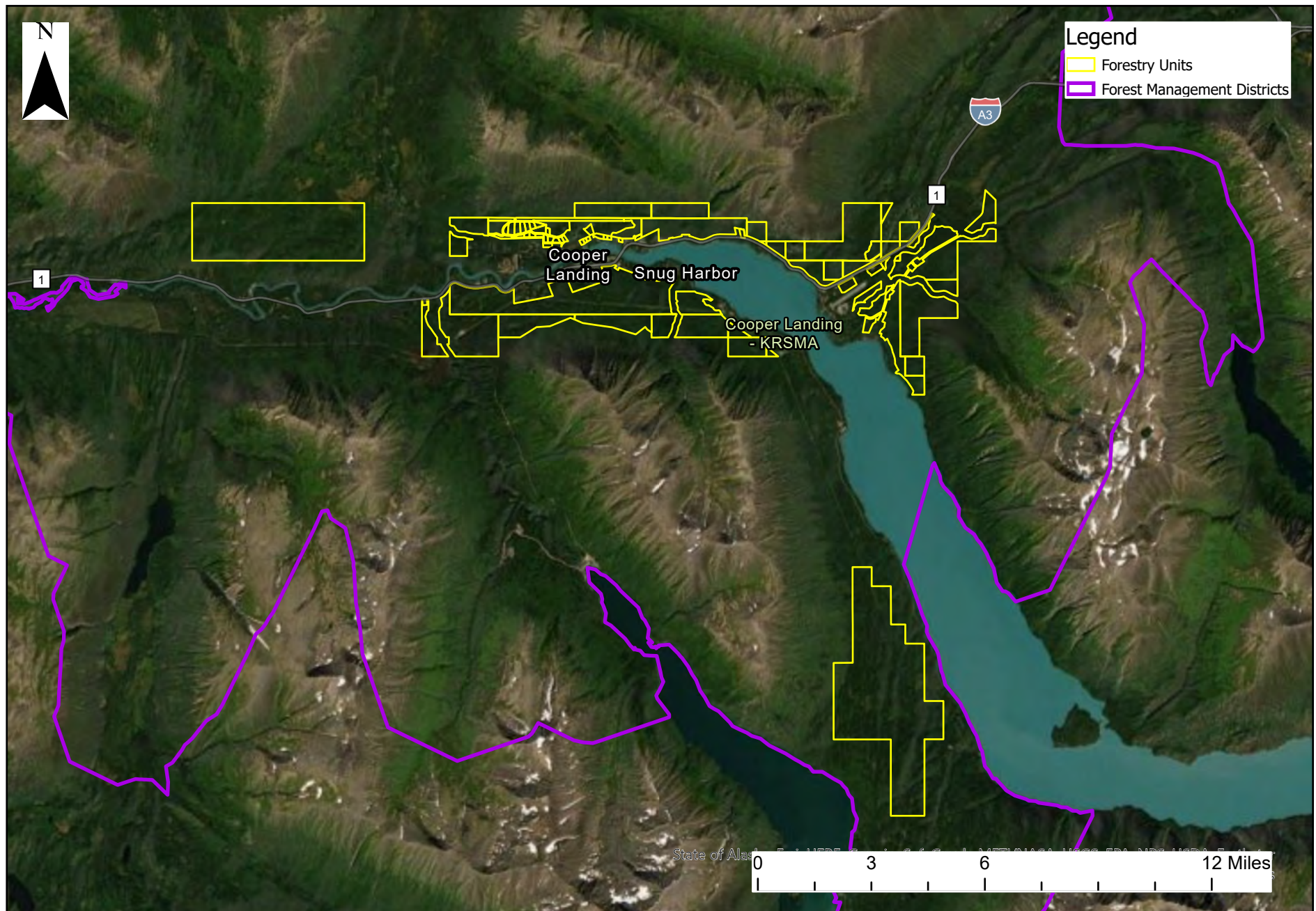
### Exhibit E. Kenai Peninsula Borough Forest Management District Sterling/ Funny River

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022  
Dakota Truitt, Land Management Agent  
Kenai Peninsula Borough







# Exhibit E. Kenai Peninsula Borough Forest Management District Sterling/ Funny River

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022  
Dakota Truitt, Land Management Agent  
Kenai Peninsula Borough



## **Public Comment on Kenai Peninsula Borough Management of Forested Lands in Response to Spruce Bark Beetle**

Thank you for the opportunity to provide public comment. I have outlined my comments by subtopic as the proposed management plan and ordinance change covers a wide breadth of content that is important to address. These comments are specific to the proposed management activities in Cooper Landing.

### **Agency and Organization Coordination:**

There is a glaring omission of two groups that are integral to managing a project of this scope within the Upper Kenai River watershed. These groups should have a place at the table throughout this process: Kenai Watershed Forum and The Kenai River Special Management Area Advisory Board.

### **New Ordinance Authorizing Forest Management**

Land Classifications- All land classifications should be authorized to be treated; however, there needs to be a distinction made regarding what treatments shall be carried out in each land classification type. Lands that are designated for preservation *should not* be treated in a way that removes the live (susceptible) trees. It should be outlined in the ordinance that only diseased and dead timber shall be removed in the parcels classified for preservation.

Borough Responsibility Requirements for the Authorization of Timber Sales- Any proposed ordinance that fails to outline the Borough's specific responsibilities and timeline for deliverables is deficient and should be rejected. The ordinance should not be a carte blanche blank check to authorize a timber sale with out any controls in place. The following responsibilities of the Borough should be acknowledged and outlined within the ordinance:

Monitoring, minimizing, and mitigating ecologic impacts: The management of a timber sale and related logging activities within as sensitive a watershed as the Upper Kenai River should involve crucial controls that provide for limiting ecologic impacts to the Upper Kenai River. It is imperative that the Borough land managers recognize that any activities anywhere within a catchment affect the entire watershed ecosystem. Proposed best management practices need to be developed for the entire catchment, not simply for a 300 foot buffer of protection near flowing waters. Within the ordinance, the Borough must declare responsibility for minimizing watershed-wide impacts, and recognize their duty to hold any contractor responsible for such, in these specific categories:

*Catchment sediment yield:* Turbidity of the Upper Kenai River and each tributary stream should be monitored prior to commencement of forestry management activities for baseline measurement and throughout any treatment periods to monitor impacts of sediment transport caused by the management activities. The same climate change that has created the spruce beetle infestation has also created large rain events, even unseasonably during winter months, that threaten to increase sediment transport to the Upper Kenai River. Contractors should also be required to install sediment barriers at any downslope point and in the riparian areas of all tributary streams within the treatment areas of the watershed in order to prevent increased sediment transport to the Upper Kenai River.

*Slope stability:* There already exist slope stability issues along the Sterling Highway Corridor in Cooper Landing. There have been landslides occurring after large rain events, as recently as October 2021. The Borough should outline their responsibility for preserving slope stability throughout the forestry management project within the ordinance. The parcels which have identified large slopes and runoff/erosion limitations should be managed in a way that only removes diseased and dead timber but preserves the live standing (susceptible) trees in order to limit impacts to slope stability. In these parcels, contractors should be required to immediately plant willow and alder after treatment in the downslope areas to improve slope stability.

*Wildlife:* A full survey of wildlife resources within the treatment parcels should be conducted prior to commencement of any management activities. All trees containing eagle nests should be identified and given an appropriate buffer to management activities. All activities should be halted by spring in order to minimize impacts to calving moose and bears coming out of winter hibernation.

*Closing any new roads or paths created by management activities:* The Borough should declare responsibility for closing access to all roads and paths created by the management activities within the ordinance. Logging roads open up access that is easily utilized by UTV's and ATV's which further leads to increased anthropogenic impacts including land degradation, garbage and human feces, and wildfire threats to the community by the related increase of campfires. These impacts are already currently occurring on Borough lands in Cooper Landing without any enforcement.

Commitment to Reforestation Efforts: The ordinance should contain written commitment that the Borough will follow through with all proposed reforestation efforts within the 3 year timeline of commencement of the timber sale.

## **Project Economics**

Overvaluation of Timber Assets: The Borough should recognize that there is a good possibility that the timber assets within the lands intended for treatment are overvalued and perform due diligence to create a contingency plan for much lower values than have been previously determined.

Cost to Contractors: The Borough should also recognize that there will be a great cost to any contractor who bids this project and that the economic viability of the project for a contractor could be much lower than expected, particularly with recent rises in costs of fuel and difficulty finding and retaining workers in the current economic environment. This could lead to corners being cut by the contractors. Again, the Borough needs to declare responsibility for oversight of the project forester as well as the contractors awarded the sales within the ordinance.

Project Budget and Allocations: The Borough should outline in the ordinance specifically how each step of the project will be funded. For example, if revenues fall below forecasts, the Borough needs to ensure that the most important deliverables i.e. mitigation and reforestation are accomplished before funds are allocated to formulating a forestry management plan.

In conclusion, I think the Borough recognizes that it is important that we do not trade one ecological disaster for another. However, we must recognize that verbal guarantees represent



a shortcoming and everything outlined above needs to be put in writing, in the ordinance, so that we can be ensured that the Borough will deliver what is promised and our resources, residents, and stakeholders will be protected. I appreciate your good faith effort to involve the Community in this process, and I hope you value the input provided and allow it to steer the project accordingly.

Sincerely,

Heather Pearson  
Cooper Landing Resident

CC: (via email)

**Marcus Mueller**, Kenai Peninsula Borough Land Manager  
**Branden Bornemann**, Kenai Watershed Forum Executive Director  
**Tel Wellman**, Kenai River Special Management Area Advisory Board President  
**Janette Cadieux**, Cooper Landing Advisory Planning Commission Chair  
**Cindy Ecklund**, Kenai Peninsula Borough Assembly District 6- Eastern Peninsula Representative  
**Virginia Morgan**, Kenai Peninsula Borough Planning Commission Representative  
**Brent Hibbert**, Kenai Peninsula Borough Assembly Vice President  
**Richard Derkevorkian**, Kenai Peninsula Borough Assembly Representative  
**Jesse Bjorkman**, Kenai Peninsula Borough Assembly Representative  
**Tyson Cox**, Kenai Peninsula Borough Assembly Representative  
**Bill Elam**, Kenai Peninsula Borough Assembly Representative  
**Brent Johnson**, Kenai Peninsula Borough Assembly President  
**Lane Chesley**, Kenai Peninsula Borough Assembly Representative  
**Mike Tupper**, Kenai Peninsula Borough Assembly Representative  
**Kenai Peninsula Borough Planning Commission**

March 20, 2022

Kenai Peninsula Borough Land Management  
Attn: Dakota Truitt, Land Agent  
144 N. Binkley St.  
Soldotna, AK 99669-7520

Dear Ms. Truitt:

I am writing to express my thoughts about the Kenai Peninsula Borough (KPB) Spruce Bark Beetle (SBB) Forest Management Project (FMP). I am using email to submit my comments because the online forum limits input to 4000 characters and my letter went beyond those constraints. I trust that you will incorporate my letter into public comment gathered by KPB on this timber harvest plan.

Our forests have significantly changed for a second time in 40-50 years. It is clear that some areas of the KPB will be getting removal of the SBB killed trees to hopefully protect communities from fire and to allow regeneration to move forward more rapidly. The clear message that comes forth so far from the Land Management materials online and from the presentation to the Cooper Landing Advisory Planning Commission (CLAPC) has been that the main goal is to avoid costs to KPB by developing a money-making timber harvest program. With financial constraints taking such a high level of priority, there is reason for concern about forest ecology and habitat for all animals and especially salmon/fish in the highly sensitive lands of the KPB encompassing communities such as my own, Cooper Landing. For this reason, I believe the crafting of an ordinance allowing this action to move forward should include specific language and not remain broad, generalized, and without assurances for the care that is otherwise warranted.

The following are some main points the ordinance should include:

1. Language in the ordinance should specifically state how sensitive and "Preservation" classification lands will be treated with extra care. If "best practices" are cited, they should be outlined and references given as to why they apply.
2. If regeneration is the goal then the ordinance should indicate how replanting is clearly funded and sources of seedlings identified before cutting begins. Live stands must be left standing.
3. If forest regeneration is not the end purpose for a specific parcel or forest stand then the ordinance should state specifically what those other "best uses" will be and where this will occur.
4. The ordinance must state that the KPB Forester will make the decisions for specific parcel prescriptions in conjunction with local land management plans, communities, neighborhoods, and adjacent land owners. Decision-making for forest prescriptions must not be left to timber harvest contractors.
5. Grassland conversion is difficult but avoidable and the ordinance must state clearly how KPB plans to prevent this from happening. Planting and tending are the keys.

6. Cooperation with other land managers such as USFS must be outlined in the ordinance so that prescriptions are best suited for individual communities, neighborhoods, and adjacent land owners through land manager cooperation.
7. Mitigation measures must be clearly outlined in the ordinance to assure communities and adjacent land owners that forestry cuts/roads will not become FWD and OHV mud-bogging routes that degrade habitat, bring down property values, create spaces for illicit camping increasing fire risk from untended campfires, and provide backdoor routes for home invasion.

**Point #1:**

Within many communities of KPB there are streams, trickles, seeps, and wetlands that support the health of the Kenai River Watershed, (KRW) and other anadromous waters by filtering and feeding them. The proposed KPB FMP has huge potential to negatively impact the uplands that surround and protect the Kenai River and other watersheds. The language of the ordinance should specifically state how those waters and surrounding uplands will be protected and which ones will be targeted at all. Chapter 17 of the KPB Code of Ordinances refers to limiting timber harvest 300' from anadromous streams and 100-300' of any riparian water body. The ordinance should specifically state how all of the small seeps, bogs, and wetlands are considered water bodies because we know of their high importance within the Kenai watershed system. Chapter 17 language should be recognized to include streams/seeps/bogs/wetlands/trickles that flow into anadromous waters and are vital to the health of the anadromous system. There should be a very clear statement within the ordinance that delineates how timber harvesting will be carried out in sensitive areas, both because of wet status and because of land designation as "Preservation" to protect them.

**Points 2, 3, and 4:**

The plan to cut all SBB killed trees plus any that "might" be susceptible and to take additional birches is incongruous with best practice in sensitive areas such as those listed above. It also is seemingly contradicting to the KPB statement that selective harvesting will be done to have mother trees that can both provide spruce seeds and support the very important mycorrhizal networks important to forest regeneration. Additionally, taking some of the oldest birches in these stands could also be detrimental to mycorrhizal networks within an area. (See Simard research.) For this reason, some work by the proposed Forester position with KPB may need to occur prior to the drafting and passing of a timber harvest ordinance. It should be made clear in the ordinance that the KPB Forester will make the determinations, in cooperation with local communities and adjacent property owners, of which stands of forest will be cut the most and which are sensitive and should be cut the least or not cut at all. It should not be left up to the timber harvest contractor no matter what the language of the contract stipulates. Where there are stands of spruce that are not impacted by SBB they should be allowed to stand. This language must be clear in the ordinance.

**Points 2 and 3:**

It may be reasonable to expect spruce forests to regenerate in the coming 50-100 years despite climate change and future possible SBB outbreaks. It is also possible that between SBB activity



and timber harvesting that our forests could convert to grasslands as they did with the timber harvest treatment on the southern peninsula during the last big SBB outbreak. On the one hand the KPB SBB FMP states that planting is a part of the planning and that will be necessary to avoid the worst grassland conversions but then it speaks about other “best uses.” Any ordinance that is developed should specifically outline which lands are to be reforested. Funding and plans must be in place for replanting before timber is cut. The ordinance must state which forest stands or parcels are to be assigned other, “best uses.” Explanation/reasoning for other “best uses” vs reforestation must be clear and have support of local land management plans, local communities, neighborhoods, and adjacent property owners. This must occur within the ordinance, not after.

#### **Points 2 and 5:**

Grassland fires travel very swiftly. There is some evidence that they are a greater risk than leaving SBB killed trees in place. Greater effort than that seen in the past must be made to avoid development of grasslands where forests previously existed. Past United States Forest Service (USFS) fire mitigation and moose browse enhancement projects in the areas surrounding Cooper Landing have had some success and some failure with regards to bluejoint grass invasion. The best work left stands of trees intact to provide seeds, mycorrhizal networks, and habitat support. These small isolated stands also tend to be more resistant to SBB kill. Additionally, there has been less blow-down in areas where stands of trees were left together. This should be an approach taken by KPB and language stating such should be in the ordinance. This is going to require tending of the parcels and funding for this should be in place before trees are cut.

#### **Points 6 and 7:**

KPB and USFS are already working together on the SBB problem in places where lands are adjacent. This of course exists in Cooper Landing where I live. The USFS did a large fire mitigation and moose browse enhancement project on the benchlands between Devil’s Creek and Dena’ina Creek in the 80s and 90s. Much of this effort is still working as a fuel break and line of defense from fire progress. KPB should work with USFS in this particular area to establish fire or fuel breaks that can protect the Russian Gap neighborhood and the community from wind-driven fire from the east. Revision of the project on USFS lands may mean that less harvesting will be needed on sensitive KPB lands. Since the USFS lands in this area are largely not immediately adjacent to the neighborhood and private property lines, efforts here will be less impactful and invasive to private property owners. This example is likely true for other specific locations across the peninsula.

#### **Point #1:**

The benchlands between Devil’s and Dena’ina Creeks are wet with seeps, small creeks, and wetlands dotted throughout. Special care will need to be taken to protect these areas if they are treated with tree removal. Dena’ina Creek is anadromous so the branched headwaters of it must be treated especially carefully. Where stands of trees are unaffected by SBB they should certainly not be harvested. The creek needs shade and materials that provide nutrients that not only support the Dolly Varden in the upper creek but the spawning red salmon in the lower

creek. This creek formerly supported silver salmon. The habitat for silver salmon fry remains good in the upper reaches of Dena'ina Creek according to former ADF&G biologist, Patty Berkahn. Just because silvers are not currently using the habitat doesn't mean we are free to change the habitat and ensure that they cannot return.

**Point #7:**

The idea that all forests should be walkable is laudable. Studies have shown that bike/pedestrian pathways and trails adjacent to neighborhoods can improve property values. Studies also prove that torn-up terrain from four-wheel drive (FWD) and off-highway vehicle (OHV) activity can reduce property values. In some cases leaving backdoor routes to neighborhoods can also provide backdoor routes for home invasion and illicit camping with untended fires. The Russian Gap neighborhood of Cooper Landing used to have open trails surrounding it both on KPB and USFS lands. When this was the case my husband and I often found untended fires and a lot of garbage that we had to clean up from folks who didn't want to pay for one of the campsites in town. Since the alders have grown in on these tracks and they are no longer readily traveled on wheeled vehicles we have found no fires burning. This does not mean there are less people using the land since an ever-increasing number of people use the trails to access hunting areas and hiking into the mountains. So yes, forests should be walkable but they should not be rideable by motorized vehicles. The ordinance should provide plans for how the forestry work will be mitigated once it is complete. Simply dropping a few large rocks or downing a large tree is frequently not enough to deter motorized incursion. Gates may be needed and posts used to widen the gate to block vehicles from just going around the gates.

**Point #7:**

Studies done by State Forestry have shown that winter forestry trails become avenues for OHV to run and the result has been torn up and degraded habitat. The ordinance for this timber harvest plan should be specific about how it will prevent habitat degradation from 4WD and OHV from happening. I have in the past and again will advocate for working with USFS where trails start on KPB lands and go onto USFS lands. Have one common gate that blocks motorized vehicle passage except in some cases over snow in winter. That gate should be at the start of the trail on KPB lands, not part way up the trail where USFS lands begin. There's a reason people destroy gates and break locks. Once they've gone the distance, they don't want to turn around. If the gate is at the beginning the message is clear. Any breaking of locks or gates are more easily seen and quickly addressed. Since KPB largely does not have enforcement powers then USFS as a partner can make enforcement possible. Human activity causes the most fires. If enforcement is not possible then means must be developed to control access in a way so as to avoid putting properties at higher risk from campfires left burning, creation of home invasion routes, or mud-bogging routes that degrade habitat, lower property values, and change the quality of life for adjacent property owners. "Shared resources without strong management often fall victim to selfish acts by individuals." (Craig Welch, National Geographic, April 2017).

The Kenai Peninsula forests are changing due to spruce bark beetle infestation. This is a big change to adapt to for us all. Timber harvesting has the potential to worsen that change or

speed the recovery of the forests. KPB must work carefully to avoid negative consequences to their work, prescribe treatments specific to areas and land classifications, include language in the ordinance that acknowledges sensitive areas that will be treated differently than other borough lands, and include language in the ordinance that commits KPB to working with other agencies, communities, neighborhoods, and adjacent property owners to develop prescriptions for stands of forest.

Thank you for allowing me to express my thoughts on this complex issue. I hope I have contributed some ideas that can be incorporated into the language of the ordinance and guide future actions taken with regard to spruce bark beetle infestation on the Kenai Peninsula.

Sincerely,

Janette Cadieux  
Cooper Landing

Cc: Marcus Mueller, KPB Land Manager  
Cc: Cindy Eklund, KPB Assembly Representative  
Cc: Virginia Morgan, KPB Planning Commission Representative  
Cc: Johni Blankenship, KPB Clerk  
Cc: Ann Shirnberg, Administrative Assistant KPB Planning Department  
Cc: Ted Wellman, Chair, Kenai River Special Management Area Board  
Cc: Branden Bornemann, ED, Kenai Watershed Forum



Theo Lexmond  
P.O. Box 873  
35925 Denaina Circle  
Cooper Landing, AK 99572

Dakota Truitt, Land Management Agent  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, Alaska 99669

March 14, 2022

Dear Ms. Truitt,

I am writing to offer comment on the Kenai Peninsula Borough's proposed plan for harvesting forest products from areas in the borough affected by spruce bark beetle infestation. I have reviewed the entire KPB Spruce Bark Beetle Forest Management Project descriptions online as well as the slide show that you developed, Ms. Truitt, and delivered to the Cooper Landing Land Use Advisory Planning Commission. I have also studied the project maps provided for the Cooper Landing area. Thank you for providing this information. My wife and I own a home in the Russian Gap neighborhood of Cooper Landing. Our home borders 425 feet of borough land. Because our property lies on a steep hillside, it was necessary to build our home right up against our property line with the borough, where the only relatively flat piece of our property is located. Our neighbors on either side of us were in the same situation and built their homes near their property line with the borough as well. Our property will be heavily impacted by any forest harvesting that occurs on the borough's side of our shared property line. The borough's forest harvesting plan, as currently proposed, may yield several unintended consequences that I wish to point out.

**1) The Impact of Mechanized "Clearcutting" or Near-Clearcutting on the Kenai Peninsula Borough's Private Landowner Neighbors Needs to be Addressed. A Tree Harvest Buffer Zone Between Borough Land and Private Land is Needed and/or, an Objection and Dispute Resolution Process is Needed for Landowners Who Object to the Borough "Clearcutting" or Near-Clearcutting up to Their Property Lines.**

It is my understanding that the proposed Kenai Peninsula Borough forest harvesting plan calls for using heavy machinery to mechanically cut nearly all of the spruce trees of medium to large diameter, whether they are beetle infested or not, as well as nearly all of the medium to large birch trees on forest lands designated for timber harvest. If this proves to be so, it essentially equates to "clearcutting" of the forests on borough land. More specifically, if such a harvest occurs on the borough's forest, just thirty feet from my home, it will vastly degrade the ecology and aesthetics of the forest that surrounds us in the Russian Gap Neighborhood. **The borough's forest harvest plan should include a provision to ensure that only beetle killed trees are removed from borough lands that lie within fifty yards of a private property owner's property line.** Maintaining the integrity of the forest near private property lines is a neighborly

responsibility that the borough has toward private property owners around the borough. “Clearcutting” this borough forest would destroy the ecology and aesthetics of the forest that surrounds these private homes that the borough, in fact, encouraged private citizens to build (by offering these lands for sale). **The borough’s harvest of timber within a buffer of 50 yards along private property lines should be selective in nature, culling by hand, only beetle infected spruce trees, not other tree species, and not a mechanical “clearcut.” If the borough planning department and assembly find that a 50 yard no “clearcut” buffer zone along all private property lines is not feasible, then the ordinance implementing the borough’s timber harvest plan should include a formal process for property owners to file a written objection to “clearcutting” or near-clearcutting up to the borough’s property line.** The borough ordinance should specify that for residents who file a formal objection, the borough land management department will work with the property owner to find a reasonable solution to resolve the property owner’s objection. Property owners would not have the right to veto the borough’s intent to harvest timber on its land, but neither would the borough have the right to force mechanized “clearcutting” or near-clearcutting, up to the property line, on its private property owners. A solution between these extremes would be the goal to be sought by the borough and its private landowner neighbors. As an example of such a solution, the borough and a private property owner might agree to keep mechanized logging equipment out of an area within 10 or 20 or 50 yards or so of the private property owner’s property line if the private property owner agrees to hand-harvest any dead spruce trees that emerge on that portion of the borough’s property. This would ensure effective removal of fuel materials while preserving the integrity of the unlogged forest and understory surrounding the property of nearby private landowners.

## **2) Mechanized “Clearcutting” or Near-Clearcutting of Borough Lands Around Cooper Landing May Increase Fire Danger.**

Mechanized “Clearcutting,” or cutting nearly all of the trees on the borough property behind our home, will create roads or other incursions into the forest that do not exist there now. If these incursions are left open by the borough they will be used by the public to access these lands for illicit, free-of-charge camping activity, particularly during the busiest periods of the summer. **The single greatest threat from wildfire to the homes in the Russian Gap neighborhood, is from fires left abandoned and smoldering by illicit campers.** When we moved into our home twelve years ago there existed a partially open road, from an old U.S. Forest Service logging cut, directly behind the Russian Gap neighborhood. My wife and I, on multiple occasions, while walking this old road, encountered abandoned camping sites with fires still smoldering. We have put out fires and cleaned up substantial trash left behind by illicit campers who do not wish to use paid camping facilities in the area when free camping can be had by accessing unregulated, unblocked incursions into the borough and federal forest near our homes. Over the past twelve years the old forest road to which I am referring became overgrown with alders and campers stopped using it because it became impassable, even to four wheelers. During the forest fire of 2019 this road was partially reopened by the U.S. Forest Service in order to provide a fire break to the neighborhood. After the danger had passed, however, the U.S. Forest Service “rehabilitated” this newly reopened incursion into the forest, by pulling tree stumps and brush back into the roadway, making it impassable once again. This

was done, in part, at our insistence, for the reasons specified above, to prevent future illicit camping activity that would, once again, put our neighborhood at risk of burning due to human-caused fire in the forest. The “rehabilitation” of this incursion into the forest has been successful. We have not had problems with illicit camping activity behind our neighborhood as a consequence of the Forest Service’s activity. I believe that the borough’s current forestry management proposal threatens our neighborhood once again if new roads are put in and old roads opened up by timber harvesters that will be left unblocked and unattended by the borough. Illicit campers will soon be back and the risk to our neighborhood from abandoned campfires will again be high. **The Kenai Peninsula Borough’s forest harvesting plan should include funds to “rehabilitate” new incursions into the forest so as to leave these roads in a state that make them impassable to four wheel drive vehicles.** If this is not done, illicit camping will increase dramatically in the forests around Cooper Landing wherever timber harvesting occurs. Forest fires, not to mention trash and other problems like occurred in the well-publicized, unregulated Jim Creek area of the Mat-Su Borough, will surely follow. This would be a travesty for Cooper Landing. Camping should only occur in the numerous designated campgrounds in the Cooper Landing area where human-caused fire risks can be observed, managed and controlled.

3) **The Impacts of Mechanized “Clearcutting” or Near-Clearcutting on Water Quality in the Kenai River Valley Watershed. A Highly Selective Tree Harvest Buffer Zone Around Creeks and Wetlands is Needed.** There are many small creeks and wetlands that wind through the mountains around Cooper Landing. These small creeks and wetlands form the high ground of the entire Kenai River watershed. Indiscriminate mechanized “clearcut” or near-clearcut logging along these creeks and wetlands will have a highly detrimental effect on their quality. This degrading effect will impact the overall quality of the whole Kenai River watershed. As an example, Denaina Creek runs several hundred feet behind the homes of the Russian Gap neighborhood in Cooper Landing. The east fork of this creek emerges fully formed from the ground about a half mile from our home. It flows through the forest, collecting water from many small wetlands and mountain seeps as it tumbles along toward the Sterling Highway. It crosses under the highway, through a long underground culvert, just southwest of Russian Gap Road. Most people never notice that a large creek crosses there as it is unmarked and unnamed at the highway. Yet, this creek makes a substantial contribution of water flow where it enters Quartz Creek a short distance beyond its crossing beneath the Sterling Highway. Quartz Creek, of course, is a major salmon spawning stream and home to a robust fall trout fishery. Quartz Creek feeds into Kenai Lake, which a short while later, becomes the headwaters of the Kenai River in Cooper Landing. Mechanized “Clearcut” or near-clearcut logging of the land on top of and around creeks and wetlands like Denaina Creek, in the Kenai River watershed, should never, ever happen. **The Kenai Peninsula Borough’s forest harvesting plan should include the identification of Kenai River Watershed headwaters, like Denaina Creek, and protection of the forest around these headwaters from “clearcutting” or near-clearcutting by creating a 25 yard buffer zone on both sides of these waters where only carefully selected harvesting of beetle infested spruce trees will be allowed to occur. Heavy equipment should not be allowed to cross and damage these creeks.** The permanent degradation of these waters through the siltation and loss of vegetative protection that mechanized near-clearcutting would cause should never be allowed to happen. It is contrary to



all of the efforts that the borough has made to protect the Kenai River. There is a real danger that the borough's forest harvesting plan, as currently proposed, implemented on many parcels over a short period of time, could result in an unintended, large scale degradation of wetlands and streams that are the bedrock of a healthy Kenai River watershed.

4) **The Dangers of Invasive grass.** My wife and I have observed that, wherever "clearcutting" of timber has occurred around Cooper Landing, the previously forested lands are frequently replaced, not by the former mosses, shrubs and small trees that formed the understory of a mature forest, but by knee to waist high grass that quickly covers nearly all the ground. This grass, known as Blue-Joint, dies off and regrows each year, eventually forming a thick mat of very dry grass through which fire might easily travel in the future, especially in dry windy conditions, like often occur in late spring and early summer, before summer green-up occurs. Mechanized "clearcutting" or near-clearcutting of forest on borough lands is likely to result, in a few years, in large swaths of dense, dry grass creating a new kind of fire danger to replace the danger posed by beetle killed spruce trees that the "clearcutting" was designed to fix. The proposed KPB forest harvesting plan speaks to the dangers posed by Blue-Joint grass if it is allowed to proliferate. **The Kenai Peninsula Borough's forest harvesting plan should ensure, with absolute clarity, that replanting of cut areas will be financially guaranteed and that specific measures will be taken to prevent invasive grass from overtaking large swaths of the borough's Cooper Landing area forests.**

Ms. Truitt, I look forward to hearing your thoughts regarding my concerns. Given the impact that this project will have on the ecology of the Kenai River watershed and on private properties that border borough lands, it may be wise for the borough to form a stakeholder/citizen's advisory committee to assist the borough in developing the details of this Spruce Bark Beetle Forest Management Project. If such a group is formed please know that I would be happy to serve.

Sincerely,

Theo Lexmond

cc: Marcus Mueller, Kenai Peninsula Borough Land Management Officer

KPB Planning Commission Testimony Delivered on 4-12-22  
Re: KPB Spruce Bark Beetle Forest Management Project Ordinance

Theo Lexmond  
P.O. Box 873 35925 Denaina Circle (Russian Gap Neighborhood)  
Cooper Landing, AK 99572

Mr. Chairman and Commission Members,

I am here to address the borough's Spruce Bark Beetle Forest Management Project, which is being introduced as a general draft ordinance this evening. I will likely be travelling when the Planning Commission meets two weeks from now, when the ordinance may be up for adoption, so I wanted to provide my comments on the subject to you this evening.

I have spent considerable time studying the borough's Forest Management Project website for information and studying pertinent borough ordinances and state regulations. I have attended a public meeting with borough land managers, I have written to the borough's Spruce Bark Beetle Forest Management project leaders regarding my concerns, and I have spoken with the Alaska Division of Forestry's Area Forester. Borough land managers have allayed some concerns with explanations of how the project is expected to unfold, and this I appreciate. But because these explanations remain oral, and are not yet reflected in the proposed general project ordinance that was unveiled to you this evening, I feel the need to express my concerns to you directly as well.

Briefly, my concerns are as follows:

- For private landowners whose homes are very close to borough property lines, next to units to be logged, how can this project be managed to avoid the worst impacts of mechanized logging on those home owners.
- How will logging roads that are put in behind neighborhoods be treated when logging is done? Logging roads left indefinitely open as four-wheel-drive accessible routes will invite unregulated camping activity with attendant drinking, shooting, trash and abandoned, smoldering campfires. This kind of unregulated camping, behind and close to existing neighborhoods, threatens the security of nearby homes by setting the stage for break-ins, property damage and worse. Smoldering campfires abandoned by unregulated campers represent a prime source for forest fires in the future. Most wildfires, after all, are human caused.
- Will there be an appeals process for homeowners who disagree with the borough's plan for mechanized logging on a borough parcel next to their home?
- How will delicate streams and wetlands that form the uplands of the Kenai River Watershed be protected under this ordinance? With multiple loggers operating at once over large swaths of land, and only one borough forester on staff, the potential for miscues and damage to the watershed seems high. I understand that the Kenai Watershed Forum is expected to be partnering with the borough on this project. This is hopeful. What role will the Watershed Forum play?

Since the borough ordinance that sets this project in motion is to be general in nature, I would like to offer two general concepts, for your consideration, to be added:

First: **Whereas,** It is deemed inevitable that riparian areas (streams and wetlands) within the Kenai River Watershed will be impacted by logging activities carried out through this ordinance, the Kenai Peninsula Borough Land Management Department will make every effort to ensure that “Best Management Practices for Timber Harvest Operations,” as specified in the Alaska Forest Resources and Practices Act (FRPA), will be followed. In addition, the borough may require within the “forest management sale report,” for a given unit, that specific FRPA standards may be exceeded, under this ordinance, in riparian areas deemed, by the borough’s forester, to be especially sensitive, susceptible to damage, and in need of additional protection.

Second: **Whereas,** KPB lands to be logged frequently share a property line with private landowners, it is acknowledged that the value of private property and the security of neighborhood residents may be adversely affected by logging and the long term impacts of logging roads constructed to carry out logging activity under this ordinance, particularly where logging is occurring very close to established neighborhoods. The KPB Land Management Office will notify, solicit comments, and when requested, consult with private landowners who share a border with a unit of KPB land to be logged, before a “forest management sale report” for that land is finalized. For landowners who object to the conditions specified within a final “forest management sale report,” a process whereby that objection can be registered and appealed will be developed.

Title 17 of Borough Ordinance addressing the use and disposal of Borough Lands and Resources notes in Chapter 17.10.010 (A 6) that, “It is the policy of the Kenai Peninsula Borough to manage all borough owned and municipal entitlement lands and resources to provide for, the orderly disposal of lands and resources in a manner which is fair to all.”

Through my testimony, this evening, I am hoping to secure explicit acknowledgement of the need to make extra effort to protect the Kenai River Watershed. I am also invoking the borough’s stated intention to treat myself and other neighboring landowners, who stand to be heavily impacted by the logging actions proposed in this ordinance, fairly.

Thank you very much for taking my comments at the end of such a long meeting.



## **E. NEW BUSINESS**

- 9. Resolution 2020-XX: A resolution classifying certain parcels of Borough owned and managed land in the Point Possession, Nikiski, North Kenai, Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward, Kalifornsky, Anchor Point, Happy Valley, Bear Cove and Beluga Areas**

# Kenai Peninsula Borough

## Planning Department – Land Management Division

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### MEMORANDUM

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

**THRU:** Charlie Pierce, Mayor  
  
Marcus Mueller, Land Management Officer

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

**DATE:** April 22, 2022

**RE:** Resolution 2022-\_\_\_\_, Classifying Certain Parcels of Borough Owned and Managed Land in the Point Possession, Nikiski, North Kenai, Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward, Kalifornsky, Anchor Point, Happy Valley, Bear Cove and Beluga Areas (Mayor)

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This resolution proposes to classify / reclassify 35 parcels of borough owned and managed lands as provided through various Final Finding and Decision documents issued from the State of Alaska and tax foreclosure proceedings. Although KPB does not currently have fee simple title to all of the Municipal Entitlement lands, KPB 17.10.080 authorizes the classification of Municipal Entitlement lands wherein KPB has been granted Management Authority. The attached staff report provides information regarding the classification process and detailed information regarding each parcel proposed for classification. The classification process includes public notice and solicitation of public comments from all land owners within ½ mile of each parcel to inform classification decisions. Upon classification the subject parcels would be available for future management actions consistent with the classification, including potential disposal. A "rural" classification has been proposed in many cases to match zoning restrictions where the recommendation is to sell "as is" and where the property is also within the "rural" zoning district.

Parcels 013-042-42, 013-092-76 were initially noticed for the proposed classification of Rural. After additional consideration and review, the proposed classification has been amended to Residential and Recreational.

Parcels 065-190-60, 065-190-61, 065-190-62, 065-190-63, 065-190-64, 065-190-65, 065-190-66, 065-190-67, 065-190-68, 065-190-69, 065-190-70, 065-190-71, 065-190-72,

were initially noticed for the proposed classification of Rural. After additional consideration and review, the proposed classification has been amended to Residential.

The attached resolution would classify the 35 parcels of borough land consistent with the findings contained in the staff report.

Your consideration of this resolution is appreciated.



Introduced by: Mayor  
Date:  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2022 - \_\_\_\_**

**A RESOLUTION CLASSIFYING CERTAIN PARCELS OF BOROUGH-OWNED AND  
BOROUGH-MANAGED LAND IN THE POINT POSSESSION, NIKISKI, NORTH  
KENAI, SOLDOTNA, STERLING, FUNNY RIVER, COOPER LANDING, HOPE,  
MOOSE PASS, SEWARD, KALIFORNSKY, ANCHOR POINT, HAPPY VALLEY,  
BEAR COVE, AND BELUGA AREAS**

**WHEREAS,** the Kenai Peninsula Borough (Borough) is either the title owner of the subject land, or has management authority from the state under the Municipal Entitlement Act to the subject land; and

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

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

**WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of May 9, 2022 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 May 9, 2022, the following classifications for Borough-owned lands described below are compatible with the surrounding land use and the land shall be classified as follows:

Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
013-042-42	Nikiski	GOVERNMENT LOTS 21, 27, 28, AND 29, SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	36.45	Residential / Recreational

013-092-76	Nikiski	GOVERNMENT LOTS 1, SECTION 3, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	1.06	Recreational
017-120-06	North Kenai	GOVERNMENT LOT 10, ACCORDING TO THE DIVISION OF LANDS SURVEY PLAT REFLECTING A REPLAT OF BLM SECTION LOTS 5, 6, 7, 9, 10, 12, 15, 16, 17, 18 AND THAT PORTION OF THE E1/2W1/2SW1/4SW1/4SE1/4 LYING ABOVE THE LINE OF MEAN HIGH WATER WITHIN SECTION 23, TOWNSHIP 6 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA, FILED IN THE KENAI RECORDING DISTRICT ON JUNE 16, 1969 AS K-1622 AND REFILED ON AUGUST 8, 1969 AS K-1637.	5.48	Rural
025-444-16	Point Possession	TRACT T, MOOSE POINT SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 84-65, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	11.08	Rural
035-080-11	Hope	LOT 5 US SURVEY 3390, SECTION 27, TOWNSHIP 10 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA	1.44	Rural
057-530-15	Soldotna	LOT ONE (1), BLOCK 2-A, BLOCK 2-A AND A PORTION OF BLOCK 3-A OF THE IRONS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER AMENDED PLAT NUMBER 75-4, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	0.34	Residential
055-010-16	Soldotna	THE S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	20	Residential

065-190-63	Sterling	LOT 4, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.31	Residential
065-190-60	Sterling	LOT 1, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.03	Residential
065-190-61	Sterling	LOT 2, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.14	Residential
065-190-62	Sterling	LOT 3, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.25	Residential
065-190-64	Sterling	LOT 5, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.52	Residential
065-190-65	Sterling	LOT 6, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.76	Residential
065-190-66	Sterling	LOT 7, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.86	Residential
065-190-67	Sterling	LOT 8, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.23	Residential



065-190-68	Sterling	LOT 9, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.71	Residential
065-190-69	Sterling	LOT 10, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.81	Residential
065-190-70	Sterling	LOT 11, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.68	Residential
065-190-71	Sterling	LOT 12, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.56	Residential
066-310-26	Funny River	LOT THREE (3), BLOCK FIVE (5), RIVER BEND RIDGE SUBDIVISION PART FIVE (5), FILED UNDER PLAT NO. 78-126, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.23	Rural
119-070-02	Cooper Landing	LOT 15 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.	1.6	Rural
119-110-19	Cooper Landing	LOT 28 OF THE DEPENDENT RESURVEY OF U.S. SURVEY NO. 3531, ALASKA, CONTAINING 1.62 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON OCTOBER 20, 1970.	1.62	Rural

119-070-01	Cooper Landing	LOT 14A 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.	1.46	Rural
119-071-06	Cooper Landing	LOT 13B 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.	2.02	Rural
125-160-05	Moose Pass	LOT 4, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.87	Rural
125-160-07	Moose Pass	LOT 6, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.88	Rural
125-160-10	Moose Pass	LOT 7, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.81	Rural
125-160-14	Moose Pass	LOT 11, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.72	Rural
131-070-32	Kalifornsky	GOVERNMENT LOTS 6 AND 7, SECTION 24, TOWNSHIP 4 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	10.03	Rural

144-010-38	Seward	TRACT 1-A, EXIT GLACIER SUBDIVISION, ACCORDING TO PLAT NO. 97-12 ON FILE IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	17.38	Residential
165-250-58	Anchor point	LOT ONE (1), ACCORDING TO THE PLAT OF DEED OF RECORD BOUNDARY SURVEY OF HEADACRES, FILED UNDER PLAT NO. 81-64, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.05	Rural
193-261-14	Bear Cove	LOT 2, BLOCK 6, OF MARINERS WALK SUBDIVISION AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 85-225, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA.	8.77	Rural
211-280-11	Beluga	TRACT D, 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.	6.76	Rural
211-280-13	Beluga	TRACT B, 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.	8.33	Rural
165-130-05	Happy Valley	E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA	20	Rural

**SECTION 2.** This resolution shall be effective immediately upon its adoption.

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



Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

DRAFT

AGENDA ITEM \_\_. PUBLIC HEARINGS

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

STAFF REPORT

PC Meeting May 9, 2022

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	Classification
013-042-42	Nikiski	GOVERNMENT LOTS 21, 27, 28, AND 29, SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	36.45	Residential / Recreational
013-092-76	Nikiski	GOVERNMENT LOTS 1, SECTION 3, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	1.06	Recreational
017-120-06	North Kenai	GOVERNMENT LOT 10, ACCORDING TO THE DIVISION OF LANDS SURVEY PLAT REFLECTING A REPLAT OF BLM SECTION LOTS 5, 6, 7, 9, 10, 12, 15, 16, 17, 18 AND THAT PORTION OF THE E1/2W1/2SW1/4SW1/4SE1/4 LYING ABOVE THE LINE OF MEAN HIGH WATER WITHIN SECTION 23, TOWNSHIP 6 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA, FILED IN THE KENAI RECORDING DISTRICT ON JUNE 16, 1969 AS K-1622 AND REFILED ON AUGUST 8, 1969 AS K-1637.	5.48	Rural
025-444-16	Point Possession	TRACT T, MOOSE POINT SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 84-65, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	11.08	Rural
035-080-11	Hope	LOT 5 US SURVEY 3390, SECTION 27, TOWNSHIP 10 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA	1.44	Rural
055-010-16	Soldotna	THE S½SW¼SE¼ OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	20	Residential

057-530-15	Soldotna	LOT ONE (1), BLOCK 2-A, BLOCK 2-A AND A PORTION OF BLOCK 3-A OF THE IRONS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER AMENDED PLAT NUMBER 75-4, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	0.34	Residential
065-190-60	Sterling	LOT 1, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.03	Residential
065-190-61	Sterling	LOT 2, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.14	Residential
065-190-62	Sterling	LOT 3, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.25	Residential
065-190-63	Sterling	LOT 4, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.31	Residential
065-190-64	Sterling	LOT 5, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.52	Residential
065-190-65	Sterling	LOT 6, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.76	Residential
065-190-66	Sterling	LOT 7, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.86	Residential



065-190-67	Sterling	LOT 8, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.23	Residential
065-190-68	Sterling	LOT 9, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.71	Residential
065-190-69	Sterling	LOT 10, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.81	Residential
065-190-70	Sterling	LOT 11, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.68	Residential
065-190-71	Sterling	LOT 12, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.56	Residential
066-310-26	Funny River	LOT THREE (3), BLOCK FIVE (5), RIVER BEND RIDGE SUBDIVISION PART FIVE (5), FILED UNDER PLAT NO. 78-126, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.23	Rural
119-070-01	Cooper Landing	LOT 14A 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.	1.46	Rural
119-070-02	Cooper Landing	LOT 15 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.	1.6	Rural
119-071-06	Cooper Landing	LOT 13B 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.	2.02	Rural

119-110-19	Cooper Landing	LOT 28 OF THE DEPENDENT RESURVEY OF U.S. SURVEY NO. 3531, ALASKA, CONTAINING 1.62 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON OCTOBER 20, 1970.	1.62	Rural
125-160-05	Moose Pass	LOT 4, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.87	Rural
125-160-07	Moose Pass	LOT 6, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.88	Rural
125-160-10	Moose Pass	LOT 7, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.81	Rural
125-160-14	Moose Pass	LOT 11, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.72	Rural
131-070-32	Kalifornsky	GOVERNMENT LOTS 6 AND 7, SECTION 24, TOWNSHIP 4 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	10.03	Rural
144-010-38	Seward	TRACT 1-A, EXIT GLACIER SUBDIVISION, ACCORDING TO PLAT NO. 97-12 ON FILE IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	17.38	Residential
165-130-05	Happy Valley	E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA	20	Rural
165-250-58	Anchor Point	LOT ONE (1), ACCORDING TO THE PLAT OF DEED OF RECORD BOUNDARY SURVEY OF HEADACRES, FILED UNDER PLAT NO. 81-64, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.05	Rural

193-261-14	Bear Cove	LOT 2, BLOCK 6, OF MARINERS WALK SUBDIVISION AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 85-225, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA.	8.77	Rural
211-280-11	Beluga	TRACT D, 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.	6.76	Rural
211-280-13	Beluga	TRACT B, 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.	8.33	Rural

**Public Notice:** Public notice was published in the Peninsula Clarion Newspaper, March 31, 2022, and April 9, 2022, and the Homer News, March 31, 2022 and April 7, 2022, and the Seward Journal on March 30, 2022 and April 6, 2022. 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., April 15, 2022.



Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
013-042-42	Nikiski	GOVERNMENT LOTS 21, 27, 28, AND 29, SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	36.45	Residential / Recreational	Rural
013-092-76	Nikiski	GOVERNMENT LOTS 1, SECTION 3, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	1.06	Recreational	Rural

Residential:... Lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses. [KPB 17.10.250(DD)]

Recreational:... Land located in an area where the potential for recreational use exists. This may include both indoor and outdoor uses such as gun ranges, archery ranges, camping, golf courses, snow machine trails, cross country trails, skiing, boating, fishing or which may provide access to those activities. Recreational does not include use of lands for amusement parks. Site conditions for any authorized use must be appropriate and suited for such uses. Recreational lands disposed of to private parties must allow public use unless specifically waived by ordinance. If recreational lands are for sale or lease then restrictions may be imposed for appropriate uses given conditions and surrounding use. Not all activities are suitable for all sites. [KPB 17.10.250(CC)]

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 13 miles northeast of Kenai on the North shore of Daniels Lake. Properties are contiguous, sharing one common boundary (North / South). Collectively the parcels are bound on three sides by Daniels Lake and to the North by the Alaska Mental Health Trust. Parcels are unique and high value to this area due to their collective larger size and amount of Daniels Lake frontage.

#### Findings of Fact:

1. Property Status: Borough received title by State of Alaska Patent No. 4455 subject to reservations. Parcels are subject to a right of way permit ADL 37591 and ADL 69354. Parcels are further subject to A.S. 38.05.127 reservation providing access to and along Navigable or Public Waters and a Section-line easement along the north / south shared property line. This parcel is currently not classified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B). Daniels Lake is catalogued as an anadromous water body. 21.18 Anadromous Waters Habitat Protection District applies.
3. Topography: Parcel topography is broken, rolling terrain of varying slopes with a dominant stand of birch.
4. Soil: 57% of the parcels are classified as "Cohoe Silt Loam", dry, 15-20 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 slope, depth to saturation zone and subsidence.  
16% of the subject parcels are classified as "Soldotna Silt Loam", 15-25 percent slopes, well drained with a depth to water table of more than 80 inches, very limited for dwellings without basements and very limited for septic absorption due to slope, depth to saturation zone and ponding.

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 [March 23, 2022].  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Neighbors Road is

the nearest public road located to the North of the subject parcels. Surrounding land use includes residential single-family homes (lakefront and non-lakefront), and undeveloped land of varying parcel sizes. Collectively, the subject parcels are unique in size and amount of lake frontage when compared to adjacent parcels on Daniels Lake.

6. Surrounding Land Ownership: Surrounding land is primarily in private ownership with The Alaska Mental Health Trust sharing the property boundary to the North. With the exception of the subject KPB owned parcels and that parcel owned by the State of Alaska Mental Health Trust, all other parcels that abut Daniels Lake are privately held.
7. Access: Parcels are accessible by water from Daniels 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. Land Management has entered into ongoing conversations with the Alaska Mental Health Trust for a collaborative development project of subject properties which when complete, will provide physical access to the parcels. Public access to Daniels Lake is limited.
8. Utilities: Gas and electric utility are in the area.
9. Public Comment:  
As of April 15, 2022, 19 pieces of public comment were received. All public comment was in opposition to the classification of borough land due to concerns of impacts to wildlife, loon nesting, salmon spawning areas, shoreline deterioration, impacts to existing lakeshore property owners and their historic use, and concerns over the potential of providing public access to the lake.
10. Advisory Planning Commission Review: No APC exists for this area.
11. Department / Agency Comments: None

#### **Analysis:**

Due to a lack of physical overland access to the subject KPB owned properties, Land Management has initiated conversations with the Alaska Mental Health Trust regarding a collaborative development project comprising KPB and AKMHT owned parcels. When complete, the proposed development (see attached design concept) would result in a 15 Lot development, legal platted physical access to the KPB owned parcels and public access to Daniels Lake. While soil conditions are unfavorable for conventional septic systems, an advanced engineered septic system may be necessary to overcome these challenges. Due to the proximity of the parcels to Daniels Lake, an identified anadromous water body, special consideration to runoff and septic leachate should be considered as part of any future management decisions. Future development plans should also account for established right of way reservations as identified within the State Patent. A reservation of a 50 foot wide to and along easement for public right of way exists along the entire shore line of the subject parcels, which would prohibit development within the defined easement. As proposed, the collaborative development project with AKMHT would qualify for enrollment into the KPB Residential Waterfront R-W, Local Option Zoning District. It is recommended that this be considered in order to offer additional protections to the existing character of the area and the adjacent anadromous water body, Daniels Lake. The proposed zoning would restrict development to one single family residence or one duplex, increased setbacks from all lot lines, and restrict the maximum lot coverage by developed structures to 10% of the total lot size (see attached R-W Zoning information). Of the approximate 3100 feet of lake frontage contained in the proposed design concept, an approximate 580 feet of lake frontage is proposed to be reserved under a Recreational classification for public use. Public comment received as of April 15<sup>th</sup>, 2022, indicate a concern of local residents to preserve the peninsula area of the KPB owned parcels for continuation of regular use by lake frontage property owners and the open space that currently contributes to the character of the lake. The proposed classification of Recreational would align with those expressed concerns. Currently, public access to Daniels Lake consists of undeveloped section line easements crossing privately owned lands or undeveloped platted roads immediately adjacent to private land, promoting the potential for user conflicts with private property owners and the general public attempting to access the lake via these locations. With the anadromous designation of Daniels Lake, State, Federal and / or Local entities may require access to Daniels lake for continued management measures. Providing for a suitable public access point to the lake would lessen the potential for user conflicts with private property owners and attempt to focus access to one location aiding in the management of public use and its potential impacts. The proposed development includes a large lot design to reduce persons on the lake and maintain character with surrounding uses.

**Conclusions:**

A Residential / Recreational Classification would be appropriate for these parcels. Pursuing a Residential – Waterfront Local Option Zone on a large lot subdivision and retaining the peninsula location under a residential classification balances development potential with public interests in access, habitat, and scenic character. The peninsula feature of this property is well suited to be reserved for its public values of scenic waterfront, lakeshore habitat, and recreational use. This area is proposed to be reserved under a recreational classification has sufficient area for future public access to Daniels Lake. Daniels Lake is an anadromous water body and includes spawning and rearing sockeye salmon.





Nikiski Vicinity Map





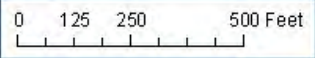


Legend

- Tax Parcels
- Concept Lots

OWNER

- ALASKA MENTAL HEALTH TRUST AUTHORITY
- KENAI PENINSULA BOROUGH



# Daniels Lake Development Design Concept

E9-19

**21.44.175. - Residential Waterfront (R-W).**

- A. *Purpose.* The purpose of this district is to promote orderly development adjacent to anadromous water bodies as defined by AS 41.17.950(1) consistent with the purpose clause of KPB 21.18.020 or lakes of 10 acres or larger.
- B. *Allowed principal use.* One of the following uses is allowed per lot for a permanent residence in this district:
  - 1. No more than one single-family dwelling;
  - 2. One duplex.
- C. *Allowed compatible uses.* Compatible uses allowed in the R-W district are parks, playgrounds, schools, community centers, libraries, churches, open space and home occupations as provided in 21.44.175(D).
- D. *Development standards.* The following development standards apply to principal use and accessory structures:
  - 1. *Setbacks.* Setbacks shall be a minimum 30 feet from the front yard line, a minimum of 20 feet from the rear yard line, a minimum of 15 feet from the side yard lines, and 50 feet from the mean high water mark of the river/lake, and where applicable subject to the provisions of KPB 21.18.
  - 2. *Maximum building height.* Maximum building height shall be 2½ stories above ground or 35 feet above average grade, whichever is less.
  - 3. *Lot size.* Minimum lot size shall be 40,000 square feet. Maximum lot size is 5 acres.
  - 4. *Coverage.* Maximum coverage by structures is 10 percent of the lot.
  - 5. *Drainage ways.* Existing natural drainage ways shall be retained.
  - 6. *Accessory structures.* Accessory structures commonly associated with residential dwellings, i.e. garages, storage sheds, greenhouses, wind turbines, workshops, and accessory dwellings are allowed within the district. Two rental cabins, not to exceed 500 square feet, are allowed if the principal dwelling is a single family residential. If the principal dwelling is a duplex, one rental cabin is allowed.
  - 7. *Prohibited uses and structures.* The following uses and structures are prohibited in the R-W district:
    - a. A lot within the LOZD shall not be subleased, subcontracted, or marketed for non-allowed uses.
    - b. No more than two travel trailers or motor homes may be on each lot at any time.
    - c. No more than two of either inoperable or unregistered vehicles are allowed on each lot at any time.
  - 8. *Livestock and pets.*
    - a. Dog Lots: Dog lots and kennels are prohibited.
    - b. Household pets including, but not limited to, dogs and cats shall be allowed provided that no more than four household pets of more than six months of age are kept on the lot.
    - c. Poultry, fowl and small animals shall be properly contained (e.g., chicken coop, rabbit hutch) and shall be located in accordance with the required accessory use setbacks. No more than 10 such animals over 6 months old are allowed.
    - d. Hoofed animals are prohibited, except for a single miniature horse used as a service animal.



Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
017-120-06	North Kenai	GOVERNMENT LOT 10, ACCORDING TO THE DIVISION OF LANDS SURVEY PLAT REFLECTING A REPLAT OF BLM SECTION LOTS 5, 6, 7, 9, 10, 12, 15, 16, 17, 18 AND THAT PORTION OF THE E1/2W1/2SW1/4SW1/4SE1/4 LYING ABOVE THE LINE OF MEAN HIGH WATER WITHIN SECTION 23, TOWNSHIP 6 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA, FILED IN THE KENAI RECORDING DISTRICT ON JUNE 16, 1969 AS K-1622 AND REFILED ON AUGUST 8, 1969 AS K-1637.	5.48	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 4 miles Northwest of Kenai. Parcel contains approximately 335 feet of Cook Inlet bluff frontage and is bound on three sides by parcels in private ownership. Access may be way of the Kenai Spur Highway to an unnamed, undeveloped, platted right of way lying directly West of Essence Avenue. Beach access may be difficult due to steep bluff. With proper lot preparation, subject property will provide views of Cook Inlet. The parcel is somewhat unique due to its size, undeveloped character, view potential, while in close proximity to the City of Kenai. As a result, the subject parcel is potentially desirable to a variety of future uses.

**Findings of Fact:**

1. Property Status: KPB received title by State of Alaska Patent No. 6210 subject to reservations. Parcel is subject to a right of way permit issued in 1969 to the Homer Electric Association under ADL 42393 for a 40 foot wide right of way. A Bluff Erosion Study was published in the Peninsula Clarion in 2007 providing information regarding Bluff Erosion rates along the East shore of Cook Inlet. Review of KPB aerial imagery indicate a potential encroachment of personal property along the East boundary of subject parcel. Conditions contained in fee patent require the platting of a dedicated 50 foot right of way for a perpetual lineal public easement along the mean high-water line of the property. This parcel is not currently classified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: The property consists of level to slightly rolling topography with a medium dense to sparse stand of spruce and birch trees.
4. Soil: 84% of the parcel is classified as "Longmare Silt Loam", 0-4 percent slopes, somewhat poorly drained with a depth to water table of 0-60 inches, somewhat limited for dwellings without basements and very limited for septic tank absorption, based on seepage and depth to saturation zone. 16% of the subject parcels are classified as "Bandland Sea Cliffs", steep slopes that otherwise have not been classified.

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 [March 28, 2022]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: Surrounding land use lying west of the Kenai Spur highway includes residential, developed and undeveloped parcels in private ownership. Those surrounding land use parcels lying East of the Kenai Spur Highway are commercial and light commercial also in private ownership.
7. Surrounding Ownership: Surrounding land ownership includes mostly private lands.

8. Access: Access to subject property is provided by the Kenai Spur Highway, North of Kenai to a platted, undeveloped right of way.
9. Utilities: Electric and gas 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, unique view potential and proximity to the City of Kenai, are all desirable qualities that will contribute to the future utility of this property. Vehicular access will require development of a platted right of way. The size of the parcel is somewhat larger than adjacent parcels when comparing adjacent parcels on the West side of the Kenai Spur Highway. Future management actions should take into consideration the existing right of way granted under ADL42393 and the 2007 Bluff Erosion Study. Management actions considering disposal of said parcel will require a record of survey defining property boundaries and location of the 50 foot public right of way along the mean high water mark. Potential use of an engineered septic absorption system may be necessary to overcome potential soil limitations.

**Conclusions:**

Parcel is in excess to borough needs. A Rural classification would be appropriate for this parcel and would be compatible with the existing adjacent uses and Rural District designation.



North Kenai Vicinity Map

0 200 400 Feet





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
025-444-16	Point Possession	TRACT T, MOOSE POINT SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 84-65, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	11.08	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(HH)]</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 located North of Kenai in the Point Possession area of the Peninsula and is part of the Moose Point Subdivision, a KPB development project. Ordinance 83-60 authorized the disposal of initial land offerings in Moose Point Subdivision by Land Sale Lottery. Lots within Moose Meadows Subdivision were initially sold with KPB supported incentives for initial purchase and development. The subject parcel was initially designated to be retained by KPB for a public purpose. The parcel was later classified as "Preservation" by KPB memo dated 3/25/1996.

**Findings of Fact:**

1. Property Status: KPB received title to the parent parcel of Moose Point Subdivision by Patent No. 4481, subject to reservations. Moose Point Subdivision, a KPB development, was recorded on March 27, 1984. The parcel is currently Classified as Preservation by way of KPB Memo dated March 25, 1996. Subject property is consistent in size and unique in shape when compared to adjacent platted parcels. Although initially classified as Preservation, KPB records do not provide supporting documentation or a basis for that determination.
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcel is relatively level to broken with smaller diameter stands of birch and spruce being present.
4. Soil: 95% of this parcel is classified as "Cohoe Silt Loam", dry, 8-15 percent slopes, well-drained with a depth to water table at more than 80 inches, somewhat limited for dwellings without basements but somewhat limited for septic tank absorption, based on slope. 5% of this parcel is classified as Typic Cryorthents 100-150 percent slopes with a depth to water table of more than 80 inches, very limited for dwellings without basements and septic tank absorption due to slope 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 [March 28, 2022]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
5. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential single family homes, recreational cabins, and undeveloped parcels of similar size.
6. Surrounding Ownership: Surrounding land ownership consists of privately owned and KPB owned parcels.
7. Access: Potential access to parcels by way of platted, undeveloped roads originating from the Kenai Spur Highway extension. Physical access may be limited and difficult.
8. Utilities: No developed utilities are available 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, topography and vegetative cover is consistent with adjacent developed and undeveloped properties. Potential use of an engineered septic absorption system may be necessary to overcome potential soil limitations. Although the subject parcel was initially identified to be retained for public purpose no documentation exists supporting this future public purpose. It is unclear as to the basis for the Classification of Preservation identified by KPB Memo dated March 25, 1996.

**Conclusions:**

The parcel is 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.





Point Possession Vicinity Map

0 200 400 Feet  
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Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
035-080-11	Hope	LOT 5 US SURVEY 3390, SECTION 27, TOWNSHIP 10 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA	1.44	Rural	Rural District
Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(HH)]					
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 1.44 acres in size and adjacent to the Hope Highway approximately 1.5 miles East of Hope. Access may be gained directly from the Hope Highway subject to approval and permitting by the State of Alaska.

#### Findings of Fact:

1. Property Status: The Borough received Management Authority to the subject property under ADL Number 227983. Fee patent has been requested for the property through the State of Alaska and is anticipated to be issued in June 2022. Review of KPB aerial imagery disclose the potential existence of an undocumented driveway and parking area used to access adjacent private property to the North. Property may be subject to additional conditions, reservations or prior use authorizations as identified on the final recorded patent. 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 and birch.
4. Soil: Although U.S.D.A. Natural Resources Conservation Service is not available in this area, topography and vegetation present on this property are consistent with adjacent developed and undeveloped properties.

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 (3/30/2022).  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: The Hope Land Use Plan identifies the subject property as Uncategorized. Surrounding land use includes residential developed, undeveloped and recreational properties.
6. Surrounding Land Ownership: Includes private, KPB, State and Federal land holdings in a mix of similar and larger size parcels.
7. Access: Access is by way of the Hope Highway which abuts the subject property along its entire southeast property boundary. Access from the Hope Highway may be subject to approval and permitting through the State of Alaska.
8. Utilities: Electric utility is in the area.
9. Public Comment: One public comment from an adjacent property owner expressing concern over historic use relating back to original homestead of property.
10. APC Review:
11. Department / Agency Comments:

#### Analysis:

Subject parcel is similar in size to other residential and recreational properties commonly found in the Hope area. The

property provides approximately 397 feet of Hope Highway frontage along the entire southeast property boundary. Access is by way of the Hope Highway subject to State of Alaska review and permitting. Although no USDA Soils Data exists in this area, the topography and vegetation present are consistent to those of adjacent developed and undeveloped properties. KPB aerial imagery indicates the existence of an undocumented driveway crossing a portion of the property. KPB has received Management Authority of the subject property granted under ADL Number 227983. The requested fee patent should be issued by the State of Alaska in June 2022. Although KPB does not currently have fee title to the property, KPB 17.10.80 authorizes the classification of Municipal Entitlement properties under Management Authority of KPB. Classification of the parcel will provide for the application of future management actions required to resolve boundary line issues, including potentially working directly with the adjacent property owner who has reported historical uses of the property in conjunction with homestead entry dating back to the 1960's. Land Management will also consider dedication of standard right of way widths for the Hope Highway to 100 feet from road centerline.

**Conclusions:**

A Rural classification is appropriate for this parcel and is compatible with the surrounding area and identified Land Use Recommendations.





Hope Vicinity Map

0 200 400 Feet  
| | | | |





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
055-010-16	Soldotna	THE S½SW¼SE¼ OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	20	Residential	Rural
<p>Residential Classification: ... Lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses. [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 20 acre +/- parcel is located in the North Ciechanski area. This parcel is adjacent to developed residential neighborhoods to the South and undeveloped State of Alaska owned lands to the North.

#### Findings of Fact:

1. Property Status: KPB received title to this parcel by Fee Patent from the State of Alaska with reservations for a 50' wide Section Line Easement along the entire South property line and a reservation for an undisclosed gas pipeline easement to Alaska Pipeline Company. The parcel is not currently classified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B)
3. Topography: The topography is relatively flat and mostly forested with spruce and birch. This parcel is situated 40 feet above and adjacent to the Kenai River lowlands and the State's Kenai River Special Management Area. The lowland area is identified as "Drainageway".

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

4. Soil: 84%± of this parcel is classified as "Soldotna Silt Loam", sandy substratum, undulating", well drained with a depth to water table at more than 80 inches, not limited for dwellings without basements and very limited for septic tank absorption, based on filtering capacity.

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

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

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed (September 19, 2017).  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: Surrounding land use consists of large undeveloped parcels under KPB, State or Private ownership to the North, East and West, with residential development to the South.
6. Surrounding Land Ownership: Includes private and State, and KPB owned lands.
7. Access: Potential access may be by way of Maudi Drive, a platted developed road to the South and Heather Avenue, a platted undeveloped road to the East.
8. Utilities: Electric and gas utility are in the area.

9. Public Comment: As of April 15, 2022, one piece of public comment was received regarding this parcel. Comment was opposed to the proposed classification based on concerns of potential increased use, traffic, impacts on local wildlife and caribou migration, and noise if the property was subdivided for future residential development.

10. APC Review: NA

11. Department / Agency Comments:

**Analysis:**

Subject parcel is larger in size when compared to adjacent developed properties to the South. Adjacent property uses include residential development and large undeveloped land holdings. The properties location, proximity to existing residential development, desirable soil conditions, and potential mountain and Kenai River views, provide for a number of desirable future uses. Local real estate market demands and adjacent existing property uses should be considered when reviewing future management decisions for subject parcels.

**Conclusions:**

A Residential classification is appropriate for this parcel and is compatible with the existing uses found in the surrounding area and zoning.





Soldotna Vicinity Map

0 200 400 Feet





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
057-530-15	Soldotna	LOT ONE (1), BLOCK 2-A, BLOCK 2-A AND A PORTION OF BLOCK 3-A OF THE IRONS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER AMENDED PLAT NUMBER 75-4, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	.34	Residential	Rural
<p>Residential Classification: ... Lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses. [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 approximately .34 +/- acres in size, located in Soldotna and approximately 750 feet North of the existing Soldotna City Limit boundary.

#### Findings of Fact:

1. Property Status: KPB received title to subject property by Clerks Deed in December 14, 2010 recorded as Document Number 2010-011217-0. Ordinance 2012-23 authorized the retention of the subject parcel for a public purpose with a proposed Classification of Government. While the parcel is considered substandard by borough standards, the lot size is consistent or larger when compared to neighboring developed and undeveloped properties in the area. The property is subject to a 20' wide building setback along the West and North property lines and a 10' wide utility easement along the East property line. Although initially reserved for a public purpose no further documentation exists regarding its intended future use. KPB aerial imagery has identified undocumented use of the parcel along the South boundary.
2. Zoning: Rural District pursuant to KPB 21.04.010(B)
3. Topography: Parcel consists of level topography with a mixed stand of medium to small diameter spruce and birch.
4. Soil: Although U.S.D.A. Natural Resources Conservation Service is not available in this area, topography and vegetation present on this property are consistent with adjacent developed and undeveloped properties.  
  
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 (4/4/2022).  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
5. Surrounding Land Use: Surrounding land use includes residential and undeveloped land. Development in this area is of higher density and includes single family residences, multifamily residences and small business private.
7. Access: Potential access may be gained by Forerunner Street to the West or Glory Street to the North. Potential access routes are comprised of platted developed gravel and improved paved roads.
8. Utilities: Electric and gas utility are in the area.
9. Public Comment: As of April 15, 2022, one piece of public comment was received. Comment requested that the lot for single family residential development only.
10. APC Review:
10. Department / Agency Comments:

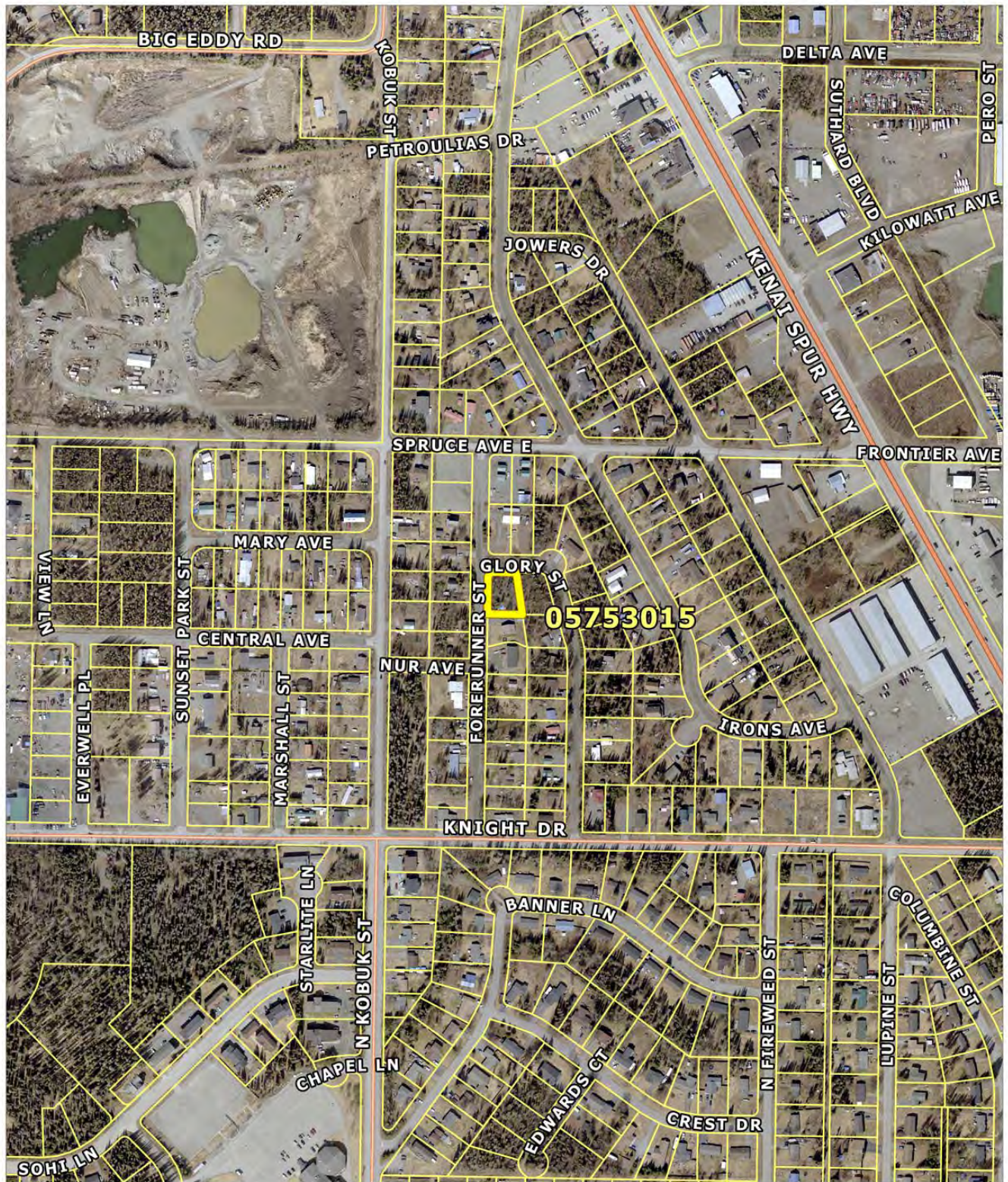
**Analysis:**

Subject parcel is consistent or larger in size when compared to other parcels in the immediate area. While initially retained by the borough for a public purpose, no further documentation exists regarding the parcels future intended use. Adjacent use in the area consists of residential, and some small business use. Although soils data information is not available, the topography and vegetation type is consistent with adjacent developed and undeveloped lots. The parcel has been retained by KPB in excess of 10 years, marketable or clear title should now be available and the property can be considered for future management decisions including sale.

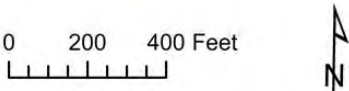
**Conclusions:**

The parcel is surplus to borough needs. A Residential Classification is appropriate for this parcel and is compatible with the existing uses and development of the surrounding area.





Soldotna Vicinity Map





<b>Assessor's Parcel No.</b>	<b>General Location</b>	<b>Legal Description</b>	<b>Acres</b>	<b>Proposed Classification</b>	<b>Zoning</b>
065-190-60	Sterling	LOT 1, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.03	Residential	Rural
065-190-61	Sterling	LOT 2, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.14	Residential	Rural
065-190-62	Sterling	LOT 3, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.25	Residential	Rural
065-190-63	Sterling	LOT 4, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.31	Residential	Rural
065-190-64	Sterling	LOT 5, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.52	Residential	Rural
065-190-65	Sterling	LOT 6, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.76	Residential	Rural
065-190-66	Sterling	LOT 7, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.86	Residential	Rural
065-190-67	Sterling	LOT 8, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.23	Residential	Rural
065-190-68	Sterling	LOT 9, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.71	Residential	Rural
065-190-69	Sterling	LOT 10, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.81	Residential	Rural

065-190-70	Sterling	LOT 11, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.68	Residential	Rural
065-190-71	Sterling	LOT 12, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.56	Residential	Rural
<p>Residential Classification: ... Lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses. [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 range in size from 2.68 - 3.86 +/- acres in size and are located along the Northerly bank of the Kenai River approximately 2.25 Miles South of the Sterling Highway and 4 Miles West of Skilak Lake. All parcels contain Kenai River frontage.

#### Findings of Fact:

1. Property Status: KPB received Management Authority to the subject parcels through ADL Number 201275. Fee patent has been requested through the State of Alaska and will be subject to reservations contained on said deed. Recording of the requested Patents is anticipated to take place in June 2022. The properties as described were platted while under the ownership of the State of Alaska and filed of public record on May 9, 1979. These parcels are not classified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B)
3. Topography: Parcel topography is rolling to broken with a steep bluff towards the West side of the lots fronting the Kenai River. The vegetation present on the parcels is relatively young due to having been burned in recent wildland fire activity.
4. Soil:

44.9% ± of these parcels are classified as "Soldotna Silt Loam", 4 to 8 and 15-25 percent slopes, well drained with a depth to water table more than 80 inches, not limited for dwellings without basements, very limited for septic tank absorption, based on depth to saturation zone, and seepage bottom layer.

43.6%± of these parcels are classified as "Naptown Silt Loam", 25 to 60 percent slopes, well drained with a depth to water table at more than 80 inches, very limited for dwellings without basements, very limited for septic tank absorption, based on slope, slow water movement, depth to saturation zone, and seepage bottom layer.

6.8%± of these parcels are classified as "Killey and Moose River Soils", 0 to 2 percent slopes, poorly drained with a depth to water table of 12 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.

4.7%± of these parcels are classified as "Cohoe Silt Loam", dry, 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 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 [4/4/2022].  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
5. Surrounding Land Use: Surrounding land use consists of residential, recreational and vacant parcels of various sizes. Subject properties are on average substantially larger when compared to typical Kenai Riverfront parcels.

6. Surrounding Land Ownership: Surrounding ownership is greatly varied in this area with the majority of the Kenai Riverfront parcels being under private ownership. Those properties located off the river are under private, state, federal and KPB ownership.
7. Access: Access may be by way of Kenai Keys Road, a platted developed road, and Slough Avenue, a platted undeveloped road. Access to the river maybe challenging and difficult on specific lots due to the steep bank along the Kenai River.
8. Utilities: Electric and gas utility are in the area.
9. APC Review:
10. Public Comment: One public comment was received conveying the concern of the properties being sold to the public and the potential impacts to access for fisherman during the red run. Restricted access to this area may displace fisherman to other areas increasing use. Requesting that the shoreline be designated for public access.
11. Department / Agency Comments: KPB Office of Emergency Management recommended the following:  
06519069 and 06519070: Classify as "utility/transportation." Recommend retaining these parcels for future bridge egress connecting to parcel 06622025 (AK Department of Natural Resources ownership). The secondary bridge aligns with the Funny River wildfire risk assessment recommendations.

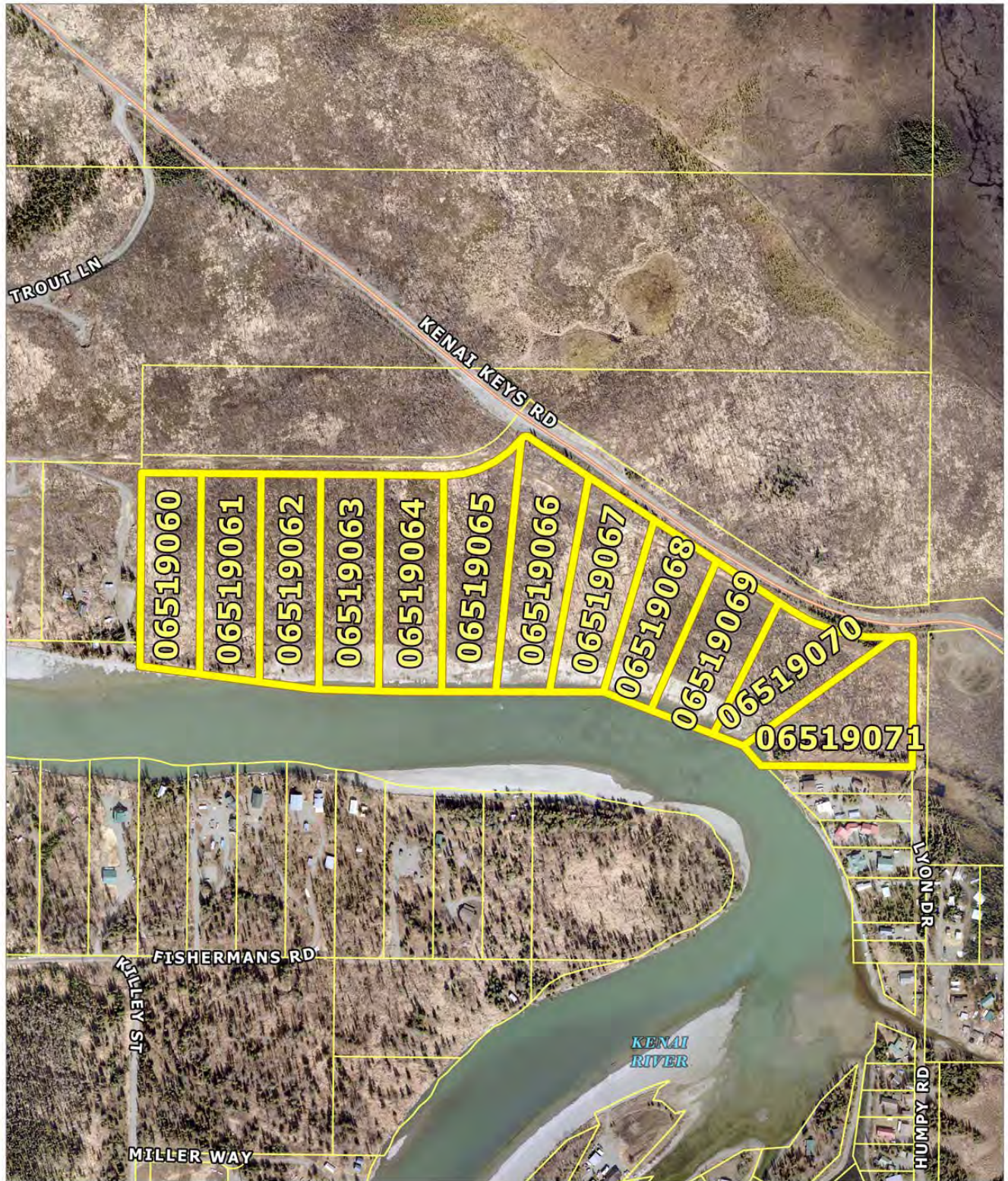
**Analysis:**

Subject parcels are currently under KPB Management Authority, with fee patents having been requested from the State of Alaska. Although KPB does not currently have fee title to the property, KPB 17.10.80 authorizes the classification of Municipal Entitlement properties under Management Authority of KPB. The parcels are larger in size when compared to other similar Kenai Riverfront parcels. All parcels within the development have been impacted by wildfire, revegetation may be necessary. Any future management actions should take into consideration the proximity of the parcels to the Kenai River. Implementing potential development standards and enrolling the properties into an appropriate KPB Local Option Zone, such as Residential Waterfront LOZ (R-W), may be necessary to preserve the current character of the parcels and prevent future degradation to the Kenai River. Access to the Kenai River may be difficult from some parcels due to topography.

**Conclusions:**

Platting of Stephenkie Alaska Subdivision was completed while under State of Alaska ownership. Parcels are extremely desirable for future utility based on their large size, proximity to the Kenai River and view potential. Special management considerations need to be address as part of any future management actions. A Residential classification is appropriate and is compatible with the surrounding area and proposed local option zoning.





Sterling Vicinity Map

0 200 400 Feet





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
066-310-26	Funny River	LOT THREE (3), BLOCK FIVE (5), RIVER BEND RIDGE SUBDIVISION PART FIVE (5), FILED UNDER PLAT NO. 78-126, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.23	Rural	Rural
Rural Classification:... Lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(HH)]					
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:** Parcel is located approximately 10 miles West of Soldotna in the Funny River area off of Rousing Road.

#### Findings of Fact:

1. Property Status: KPB received title to this parcel by Clerks Deed in 1992 as a result of a tax foreclosure action. The parcel has been retained by KPB in excess of 10 years, marketable or clear title should now be available and the property can be considered for future management actions including sale. The parcel is encumbered by a 10 foot wide utility easement along the entire East boundary. Although initially retained for a public purpose, the ordinance authorizing retention did not disclose a future intended use or proposed classification. As a result, the property is undesignated or not classified.
2. Zoning: Rural District pursuant to KPB 21.04.010(B)
3. Topography: Parcel topography is rolling with a slight elevation gain to the North property corner. Vegetation consists of a mixed stand of medium to small diameter spruce.
4. Soil:  
100% ± of this parcel is classified as "Coal Creek Silt Loam", 4 to 8 percent slopes, very 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, 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 [4/06/2022].  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
5. Surrounding Land Use: Consists of platted residential developments in private ownership with both developed and undeveloped parcels. The subject property is similar in size and unique in size and shape when compared to surrounding lots.
6. Surrounding Land Ownership: Surrounding land ownership is private.
7. Access: Access may be by way of Funny river road to Rousing Road, a platted and developed road.
8. Utilities: Electric and gas utility are in the area.
9. Public Comment:
10. Department / Agency Comments:

#### Analysis:

Subject parcel is similar in size to other platted residential lots in the area. Potential septic issues may be overcome with an engineered system. Parcel was acquired by KPB through a tax foreclosure action. The property is surrounded by residential development on all sides. Subject property has been retained by KPB in excess of 10 years, marketable or clear title to parcel should now be available and can be considered for future management decisions.

**Conclusions:**

The subject property is surplus to borough needs. A Rural classification is appropriate for this parcel and is compatible with the surrounding area and zoning.





Funny River Vicinity Map

0 200 400 Feet





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
119-070-01	Cooper Landing	LOT 14A 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.	1.46	Rural	Rural
119-070-02	Cooper Landing	LOT 15 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.	1.6	Rural	Rural
119-071-06	Cooper Landing	LOT 13B 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.	2.02	Rural	Rural
<p>Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(HH)]</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:** Three adjacent lots varying in size from 1.46 – 2.02 acres located off of Bean Creek Road on the North side of the Kenai River. Subject parcels are located adjacent to similar developed and undeveloped platted residential lots.

**Findings of Fact:**

1. Property Status: Subject properties were acquired by State of Alaska Patent No. 15264 subject to reservations. Parcels are subject to a 10' wide telecom easement recorded as 101-880. These parcels are currently not classified (undesigned).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcels are comprised of broken terrain with steep 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.
4. Soil: 100% ± of these parcels are 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 available in the area.
9. Public Comment:
10. Advisory Planning Commission Review:
11. Department / Agency Comments:

**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:**

The subject parcels are surplus to borough needs. A Rural classification is appropriate and is compatible with the surrounding area and zoning.





Cooper Landing Vicinity Map

0 200 400 Feet





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
119-110-19	Cooper Landing	LOT 28 OF THE DEPENDENT RESURVEY OF U.S. SURVEY NO. 3531, ALASKA, CONTAINING 1.62 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON OCTOBER 20, 1970.	1.62	Rural	Rural District
Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(HH)]  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 approximately 1.62 +/- acres located off of Snug Harbor Road, East of Cooper Landing and South of the Kenai River.

#### Findings of Fact:

1. Property Status: Property was acquired by KPB through fee patent No. 15264 from the State of Alaska subject to reservations. A 50' wide section line easement runs along the entire South boundary. Snug Harbor road right of way abuts the parcel to the North. While the parcel was identified in the Cooper Landing Land Use Plan, a proposed classification designation was not assigned. This parcel is currently not classified (undesigned).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcel topography is fairly level with a somewhat gradual uphill grade beginning along Snug Harbor Road.
4. Soil: 100% "Bernice Very Fine Sandy Loam", 3 to 8 percent slopes.  
  
Source Data: 1984 USDA Agricultural Soil Survey, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [4/06/2022]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
5. Surrounding Land Use: Surrounding land use is predominately recreational, residential and undeveloped land. Parcel is of similar size and character when compared to adjacent platted residential properties in the immediate area. The property is bound to the South by a large undeveloped borough owned parcel.
6. Surrounding Land Ownership: The majority of the surrounding parcels are in private, Federal and KPB ownership.
7. Access: Access is by way of Snug Harbor road, East of Cooper Landing.
8. Utilities: Electric utility is available in the area.
9. Public Comment:
10. Advisory Planning Commission Review:
11. Department / Agency Comments:

#### Analysis:

Subject property is located in Cooper Landing along Snug Harbor Road and is adjacent to existing developed residential, recreational and undeveloped parcels of similar size and character. Although no soils information is available, topography and vegetation cover is consistent with adjacent properties. Access to this property is by way of

Snug Harbor Road which is adjacent to the subject parcel to the North. Proximity to Cooper Landing and the Kenai River enhances the desirability and future management options for parcels. Potential mountain and river views and local real estate market demands should be considered when reviewing future management decisions for subject parcel

**Conclusions:**

The subject parcel is 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.





Cooper Landing Vicinity Map

0 200 400 Feet





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
125-160-05	Moose Pass	LOT 4, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.87	Rural	Rural
125-160-07	Moose Pass	LOT 6, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.88	Rural	Rural
125-160-10	Moose Pass	LOT 7, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.81	Rural	Rural
125-160-14	Moose Pass	LOT 11, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.72	Rural	Rural
Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(HH)]					
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:** Properties are located approximately 4 miles South of Moose Pass off of Lower Trail Lake Road (aka Mine Road), East of the Seward Highway. The State of Alaska subdivided the property in 1998 creating a small residential development South of Lower Trail Lake, consisting of 12 lots varying in size from .72 acres to .97 acres.

#### Findings of Fact:

1. Property Status: KPB was conveyed Management Authority to subject parcels from the State of Alaska by Final Findings and Decision Document through ADL Number 201306. Although KPB does not currently have fee title to the property, KPB 17.10.80 authorizes the classification of Municipal Entitlement properties under Management Authority of KPB. Formal requests to the State of Alaska for issuance of the fee patents have been made with an anticipated issuance date in June of 2022. The subject parcels were platted while under the ownership of the State of Alaska under Alaska State Land Survey No. 86-176, recorded April 27, 1988. These parcels are currently not classified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Topography of subject parcels is relatively level with some slightly broken terrain.
4. Soil: No USDA Soil Survey data is available for this area. However, parcels have similar topography and vegetation cover to adjacent parcels indicating likelihood of consistent soils to similar developed and undeveloped parcels.

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 [4/06/2022].  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: The parcels are consistent with the February 1993 Moose Pass Comprehensive Plan, C(2), providing for future land transfers for homesites and recreation cabins. Parcels are similar in size to adjacent lots within the same development. The parcels are surrounded by larger blocks of undeveloped land.

6. Surrounding Land Ownership: The majority of the surrounding parcels are in either KPB, State or Federal ownership.
7. Access: Properties are accessed by the Seward Highway to Lower Trail Lake Road (aka Mine Road) a developed platted road.
8. Utilities: Electric utility is available in the area.
9. Public Comment:
10. Advisory Planning Commission Review:
11. Department / Agency Comments:

**Analysis:**

Subject properties are located South of Moose Pass and East of the Seward highway. KPB has been conveyed Management Authority through ADL Number 201306. The parcels are consistent with the February 1993 Moose Pass Comprehensive Plan, C(2), providing for future land transfers for homesites and recreation cabins. Although KPB does not currently have fee title to the property, KPB 17.10.80 authorizes the classification of Municipal Entitlement properties under Management Authority of KPB. Parcels are unique in character based on their location and proximity to adjacent recreation opportunities and large blocks of public ground. Current real estate market conditions and a lack of available inventory should be considered when contemplating future management actions.

**Conclusions:**

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





Moose Pass Vicinity Map





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
131-070-32	Kalifornsky	GOVERNMENT LOTS 6 AND 7, SECTION 24, TOWNSHIP 4 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	10.03	Rural	Rural
Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(HH)]					
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 property is located approximately 3 miles North of the Kasilof River and on the West side of the Kalifornsky Beach Road. Parcel is 10 +/- acres in size with approximately 670 feet of Cook Inlet bluff frontage.

#### Findings of Fact:

1. Property Status: This parcel was acquired by KPB by fee patent from the State of Alaska with reservations. KPB records indicate the property was previously considered for future sale in 2004 and for potential future development. Soil samples conducted at the time indicate areas of the parcel may be unsuitable for the use of conventional drain field systems in the event the property was divided into smaller parcels. Engineering report indicates areas along the North and South boundaries of the parcel are suitable for use of conventional drain field systems.
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: The parcel is relatively flat with areas of slightly broken terrain and a substantial bluff along its entire westerly property line. Vegetation consists of smaller diameter spruce with an understory of woody shrubs.
4. Soil:  

42.3% of this parcel is classified as "Starichkof Peat", 0-4 percent slopes, very poorly drained with a depth to water table of 0-10 inches, very limited for dwellings without basements but very limited for septic tank absorption, based on ponding, subsidence and depth to saturation zone.

25.9% of this parcel is classified as "Soldotna-Nikolai Complex", 0-4 percent slopes, well-drained with a depth to water table of 0-18 inches, not limited for dwellings without basements and not limited for septic tank absorption.

16.3% of this parcel is classified as "Tuxedni Silt Loam, Warm", 0-8 percent slopes, poorly drained with a depth to water table of 14-30 inches, somewhat limited for dwellings without basements and somewhat limited for septic tank absorption, based on depth to saturation zone.

7.8% of this parcel is classified as "Badland, Sea Cliffs-Typic Cryorthents Complex", very steep slopes, well-drained with a depth to water table at more than 80 inches, not rated for dwellings without basements and not rated for septic tank absorption.

7.6% of this parcel is classified as "Kenai Silt Loam", 0-4 percent slopes, well-drained with a depth to water table of 0-60 inches, somewhat limited for dwellings without basements and somewhat limited for septic tank absorption, based on shrink-swell.

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 [April 11, 2022]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
5. Surrounding Land Use: Surrounding land use is predominately residential, recreational, and vacant land of smaller size. Parcel is unique based on in its size and amount of bluff frontage.
6. Surrounding Land Ownership: Surrounding land is primarily under private ownership.

7. Access: Access may be by way of Kalifornsky Beach Road to a platted, undeveloped right of way to the northeast corner of the subject property.
8. Utilities: Electric utility is available in the area.
9. Public Comment:
10. Advisory Planning Commission Review:
11. Department / Agency Comments:

**Analysis:**

Subject property is unique in its size and amount of Cook Inlet bluff frontage. The majority of the properties in the area lying West of the Kalifornsky Beach Road are platted developed and undeveloped residential lots. Cook Inlet view potential, size of the parcel and proximity to developed access are characteristics desirable for future residential development, with potential soil and water table limitations. Real estate market conditions and market availability of similar parcels should be reviewed when considering future management actions including disposal.

**Conclusions:**

The parcel is 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.





Kalifornsky Vicinity Map

0 200 400 Feet



Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
144-010-38	Seward	TRACT 1-A, EXIT GLACIER SUBDIVISION, ACCORDING TO PLAT NO. 97-12 ON FILE IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	17.38	Residential	Rural
<p>Residential Classification:..... Lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses. [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 property is 17.38 +/- acres in size and located approximately .6 miles from the Seward Highway on Old Exit Glacier Road.

#### Findings of Fact:

1. Property Status: Parcel was acquired by KPB by State of Alaska Quitclaim Deed No. 1179, with reservations, recorded as Book 61 Page 32, Seward Recording District. A 20 foot wide electrical Easement was granted to the City of Seward along the entire East boundary of the subject parcel. A 50 foot wide section line easement exists along the entire South boundary encompassing an unplatted road identified as Clear Creek Avenue. An anadromous stream has been identified along the South boundary of the parcel and within the section line easement. The subject parcel was initially classified as Recreational by Ordinance 96-039 along with adjacent KPB owned lands located directly to the West being classified as Residential. The parcel is located within both the Seward Mapped Flood Data Area (SMFDA) and X Zone. X Zone parcels are located in areas with "minimal flood risk". SMFDA parcels are located in areas that has historically experienced a flood impact in either the 1986, 1995, or 2006 flood events. The property is developable under the current floodplain code and would require additional permitting. Parcel is subject to a 20 foot building setback from all streets or right of ways, a 10 foot setback from utility easements and a 5 foot setback from sides of lots. A 10 foot wide utility easement is located along the North boundary. A platted overhead power line easement exists in the northwest corner of the property. Access from Old Exit Glacier Road may require additional permitting and final approval from the State of Alaska. An anadromous stream has been identified along the south boundary of the parcel and within the section line easement. A land use permit currently exists on the subject parcel for recreation tour activities, which is set to expire in July of 2022.
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcels are relatively flat with areas of slightly broken terrain. Vegetation consists of a dense stand of Sitka Spruce with a varied understory.
4. Soil: While no soils data exists for this area through the USDA Web Soils Survey, the topography, character and vegetation of the subject parcel is similar to those of adjacent parcels of both developed and undeveloped properties.

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 [April 11, 2022]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: Surrounding land use is predominately residential, recreational, and vacant land of similar and smaller sizes.
6. Surrounding Land Ownership: Surrounding land is primarily under private or KPB ownership.
7. Access: Access may be by way of the Seward Highway to Old Exit Glacier Road which abuts the entire East



boundary of the parcel.

8. Utilities: Electric utility is available in the area.
9. Public Comment: As of April 15, 2022, 4 pieces of public comment were received. Both comments were opposed to the proposed classification based on concerns of impacts to riparian areas, bluff erosion, and concerns of the non-residential development that may result from a rural classification. One commenting party advised they were an adjacent property owner.
10. Advisory Planning Commission Review:
11. Department / Agency Comments: KPB Office of Emergency Management recommended the following:  
14401038: Classification unchanged. Recommend retaining this parcel to deter land development with known flood reoccurrence history. Potential sale after the upland mitigation project(s) have been completed in Box Canyon.

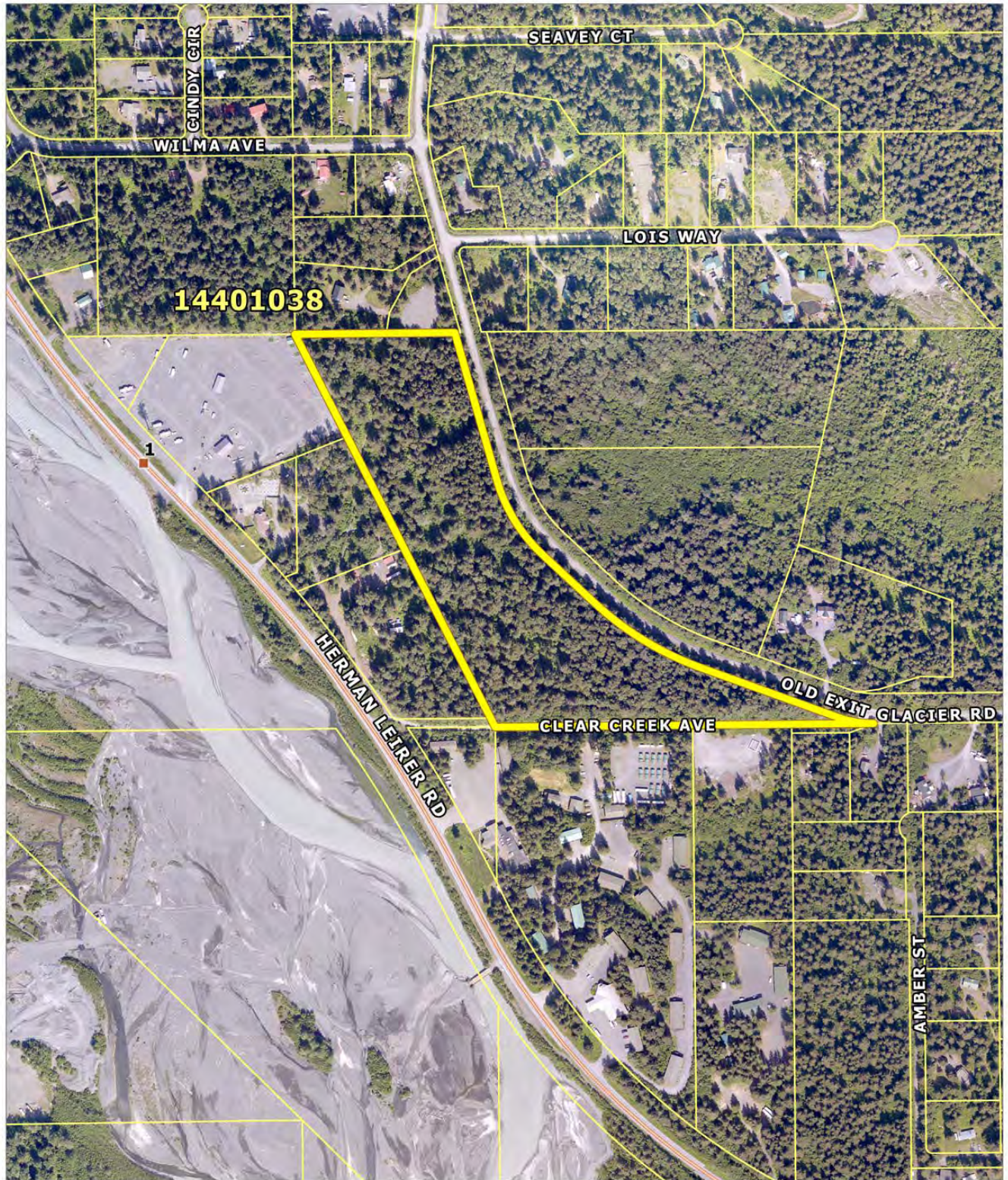
**Analysis:**

Subject property is unique in size and proximity to the City of Seward, local recreational activities and developed road access. The majority of the properties in the area are platted developed and undeveloped residential lots with larger acreage parcels located to the East. Current real estate market conditions in the Seward area indicate a substantial need for residential lots for future development. A draft development concept has been proposed that would provide for 9 residential lots, a platted dedication for the existing Clear Creek Avenue and a reserved parcel in the southeast corner for future utility as a fire response water fill site. A land use permit currently exists on the subject parcel for recreation tour activities, which will expire in July of 2022. Current real estate market conditions and available inventory should be considered as part of any future management actions, including development and disposal. Potential development standards and enrollment of any future residential development into a KPB designated LOZ may be necessary to preserve the character and potential flood hazard mitigation.

**Conclusions:**

The parcel is surplus to borough needs. A Residential classification would be appropriate for this parcel and would be compatible with the existing uses in the surrounding area and anticipated future utility of the subject parcel and consistent with the Rural Zoning District.





Seward Vicinity Map

0 200 400 Feet





## Future Fire Response Water Fill Site

## Road Dedication

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, AeroGRID, IGN, SIA, USGS Earth Explorer, AeroGRID, IGN, SIA, USGS Earth Explorer, GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA

0 100 200 400 Feet

Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
165-130-05	Happy Valley	E½SE¼NE¼ OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA	20	Rural	Rural
Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(HH)]					
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:** The subject 20 +/- acre property is part of a larger 320 acre parent tax parcel, located approximately 3.75 miles northeast of Nikolaevsk.

**Findings of Fact:**

1. Property Status: The parent parcel was acquired by from the State of Alaska by Patent No. 10476, recorded June 9, 1989, with reservations. The property currently has a personal use cabin authorized under KPB Land Use Permit and located in the southwest corner of the parcel. The legal description referenced above was intended to capture the location of the personal use cabin and surrounding acreage for future management actions. Land Management records indicate a history of now expired agricultural and grazing leases on the parent parcel originating back to 1974. The parcel is currently unclassified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcel is broken with areas of steep topography and benches. Vegetation is comprised of a stand of small spruce and birch.
4. Soil: While no soils data exists for this area through the USDA Web Soils Survey, the topography, character and vegetation of the subject parcel is similar to those of adjacent parcels of both developed and undeveloped properties.

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 [April 11, 2022].  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: Surrounding land use is predominately large sections of vacant land.
6. Surrounding Land Ownership: Surrounding land is primarily under private, State or KPB ownership.
7. Access: Property is remote in character and difficult to access. Access may be by atv or tracked vehicle. No dedicated or platted public access exists
8. Utilities: No public utilities are available in the area.
9. Public Comment:
10. Advisory Planning Commission Review:
11. Department / Agency Comments:



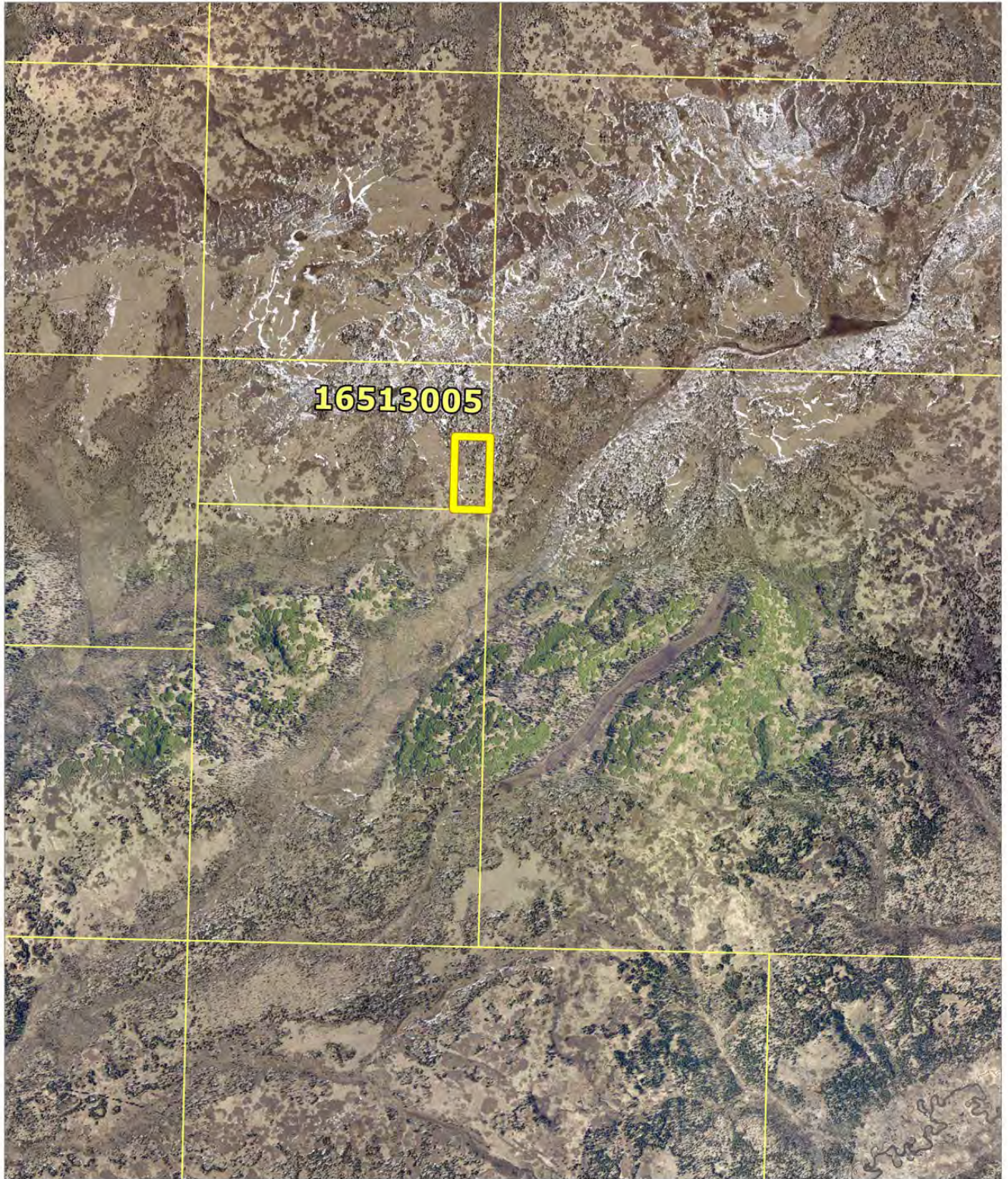
**Analysis:**

Subject property is located northeast of Nikolaevsk in a remote area of Happy Valley. The legal description provided is an approximate 20 +/- acre parcel proposed to identify the immediate area surrounding a permitted personal use cabin for the purpose of future management actions by KPB. Potential management actions may include additional permitted uses, easements and termed leases. The permitted cabin is a local landmark known as Eden Cabin. In addition to the personal use, it is traditionally used in cooperation with the permit holder as part of organized public snowmachine events held by the Snowmads Snowmachine Club. Future management will consider the private interests and history of use. The parent parcel is approximately 320 +/- acres in size. The property is unique due to its location and proximity to large undeveloped publicly owned sections of land.

**Conclusions:**

A Rural classification would be appropriate for this parcel, consistent with the Rural Zoning District, compatible with existing uses in the surrounding area, and anticipated future utility of the subject parcel.





Happy Valley

0 1,000 2,000 Feet  
| | | | |





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
165-250-58	Anchor point	LOT ONE (1), ACCORDING TO THE PLAT OF DEED OF RECORD BOUNDARY SURVEY OF HEADACRES, FILED UNDER PLAT NO. 81-64, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.05	Rural	Rural
Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(HH)]					
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 property is 1.05 +/- acres in size and located approximately 3 miles East of the Sterling Highway along the North Fork Road.

#### Findings of Fact:

1. Property Status: Parcel was acquired by Statutory Warranty Deed with exceptions, from Leo F. Foster and Geraldine Foster on November 12, 1985 as Book 163, Page 69, records of the Homer Recording District. No Land Management records exist as to the intended future use at the time of acquisition. The South peninsula Plan references an APC Classification Recommendation of Residential. This parcel was at one point under consideration for a waste transfer facility, but was not acted upon. A number of residents have made inquiries with Land Management to purchase the property along with one formal land sale nomination form having been submitted. The parcel is currently unclassified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcel is relatively flat and appears to have been partially cleared in preparation for development. Vegetation consists of a small stand of spruce located in the southern corner of the parcel.
4. Soil: 100% of this parcel is classified as "Chulitna Silt Loam", 0-4 percent slopes, Well drained with a depth to water table of more than 80, not limited for dwellings without basements but very limited for septic tank absorption, based on seepage bottom layer, slow water movement 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 [April 11, 2022].  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
5. Surrounding Land Use: Surrounding land use is predominately residential or vacant land of similar sized lots. Aerial imagery indicates a materials site located to the North and East of subject parcel on the North side of the North Fork Road.
6. Surrounding Land Ownership: Surrounding land is primarily under private or KPB ownership.
7. Access: Access is by way of the Sterling Highway to the North Fork Road which abuts the North boundary of the parcel.
8. Utilities: Electric utility is available in the area.
9. Public Comment: As of April 15, 2022, one public comment was received regarding this parcel. Comment was opposed to the proposed classification of Rural based on concerns of the potential impact it may have to the otherwise residential area. Requesting that the parcel stay in its current undeveloped and residential state.
10. Advisory Planning Commission Review:
11. Department / Agency Comments: KPB Office of Emergency Management recommended the following:



16513005: Classify as "utility/transportation." Recommend retaining this parcel for future communications/broadband tower site

**Analysis:**

Subject property is somewhat unique in its shape, although its size is comparable to contiguous lots. Adjacent use would indicate that a demand exists for the parcel to be developed. Land Management records indicate a number of parties expressing interest in purchasing the property for future development. Although soil limitations exist for the use of a conventional septic system, those could potentially be overcome with the use of an advanced system. It appears the property has previously been partially cleared in preparation for development. Classification as Residential for future management actions, including disposal, is consistent with the recommendations found in the South Peninsula Plan.

**Conclusions:**

The parcel is surplus to borough needs. A Rural classification would be appropriate for this parcel, compatible with existing uses in the surrounding area, anticipated future utility of the subject parcel and consistent with the Rural Zoning District.





Anchor Point Vicinity Map

0 200 400 Feet





Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
193-261-14	Bear Cove	LOT 2, BLOCK 6, OF MARINERS WALK SUBDIVISION AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 85-225, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA.	8.77	Rural	Rural
<p>Rural Classification means lands which are located in a remote area. This classification will have no restrictions. [KPB 17.10.250(HH)]</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 property is 8.77 +/- acres in size and located approximately 16 air miles southeast of the Homer airport. Parcel is located in the remote area of Bear Cove and only accessible by floatplane or boat.

#### Findings of Fact:

1. Property Status: Parcel is currently under Management Authority by KPB under ADL Number 227981. Formal request has been made for fee patents and are expected to be received in June of 2022. Although KPB does not currently have fee title to the property, KPB 17.10.80 authorizes the classification of Municipal Entitlement properties under Management Authority of KPB. Once conveyed in fee, the property may be subject to restrictions and other matters contained on that conveyance instrument. Mariners Walk Subdivision is a State of Alaska DNR development filed in 1986. The property is remote in character and is accessible by floatplane or boat from Homer to Bear Cove followed by the use of an undeveloped platted trail (Aurora Trail). Parcel is unique in character due to its location, accessibility to recreational activities and limited availability of other privately held parcels. The parcel is currently unclassified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcel is broken and undulating with a stand of small spruce and birch.
4. Soil: While no soils data exists for this area through the USDA Web Soils Survey, the topography, character and vegetation of the subject parcel is similar to those of adjacent parcels of both developed and undeveloped properties.

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 [April 11, 2022]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: Surrounding land use is predominately developed and undeveloped recreational lots or vacant land.
6. Surrounding Land Ownership: Surrounding land is primarily under private, State or KPB ownership. Parcel abuts a larger block of State of Alaska land to the South.
7. Access: Access is by way of boat or floatplane to Bear Cove. Access to the lot is from shore along a platted Trail (Aurora Trail) to the subject parcel.
8. Utilities: No public utilities are available in the area.
9. Public Comment:
10. Advisory Planning Commission Review:
11. Department / Agency Comments:

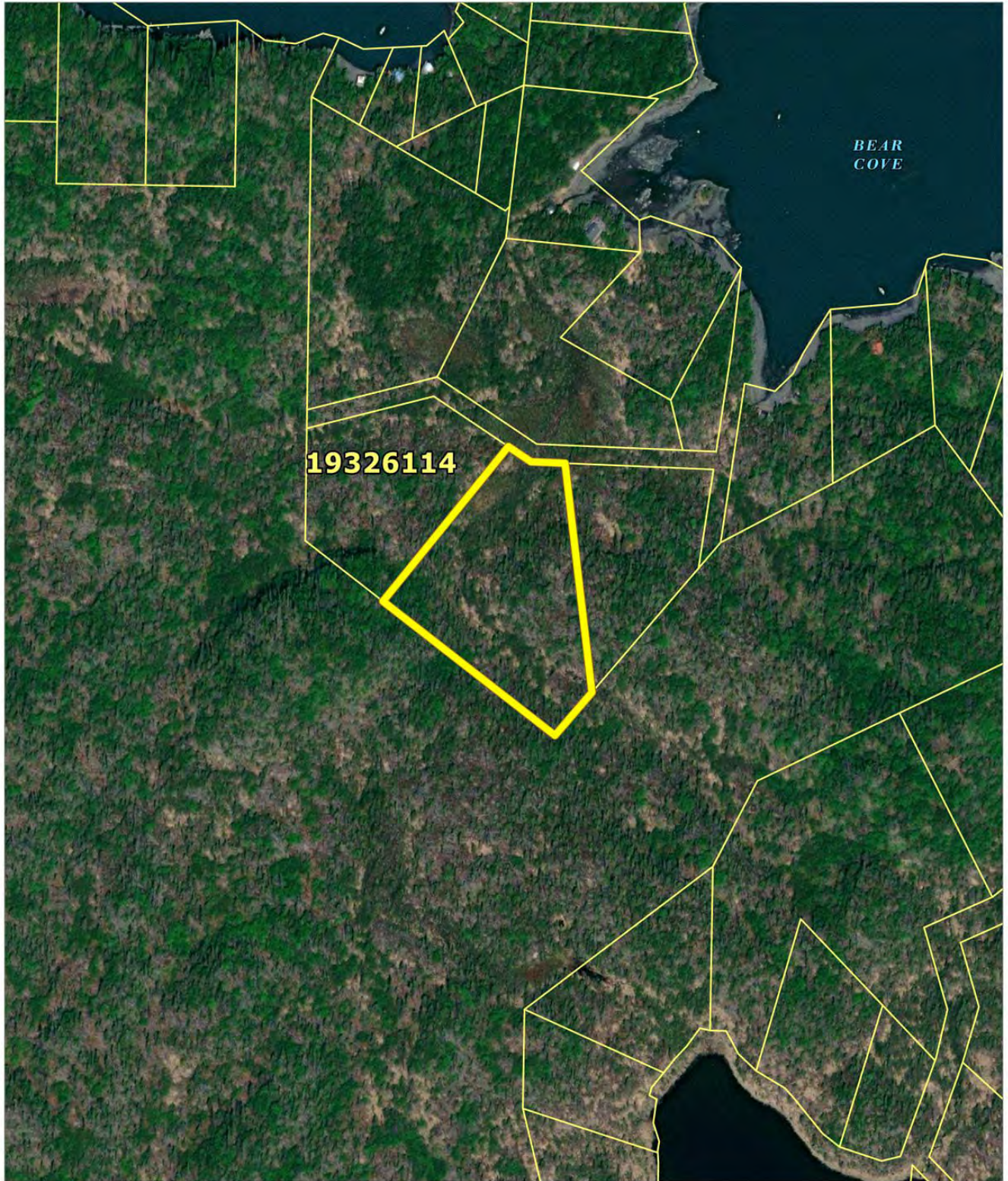


**Analysis:**

Subject property is located southeast of Homer across Kachemak Bay. The parcel is part of a larger residential / recreational lot development platted by the State of Alaska DNR in 1986. Access to the property requires boat or floatplane travel in addition to traversing an undeveloped, platted trail. Existing use in the area consists of residential and recreational developed and undeveloped lots. The parcel is somewhat unique in location as it fronts larger blocks of vacant State of Alaska and Federal owned lands. Although KPB does not currently have fee title to the property, KPB 17.10.80 authorizes the classification of Municipal Entitlement properties under Management Authority of KPB. Classification for potential disposal is consistent with adjacent property uses.

**Conclusions:**

The parcel is surplus to borough needs. A Rural classification would be appropriate for this parcel, consistent with the Rural Zoning District, compatible with existing uses in the surrounding area, and anticipated future utility of the subject parcel.



Bear Cove Vicinity Map

0 200 400 Feet  
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Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
211-280-11	Beluga	TRACT D, 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.	6.76	Rural	Rural
211-280-13	Beluga	TRACT B, 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.	8.33	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:** Two individual remote lots located on the Beluga Highway in the Three Mile Creek Subdivision of Beluga, on the west side of 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 211-280-11 is subject to a 10 foot wide utility easement along the entire South property lines. KPB Land Records reference a letter dated June 20, 1988 from the Kenai Peninsula Borough School District requesting to identify an adjacent parcel as a parcel of interest for future school use. No additional documentation regarding this request exists in the file. This parcel is currently not classified (undesignated).
2. **Zoning:** Rural District pursuant to KPB 21.04.010(B).
3. **Topography:** Parcels are relatively flat with some areas of rolling terrain. Both parcels are densely covered with a stand of birch and spruce.
4. **Soil:** 100% of this parcel is classified as "Nancy-Kashwitna Complex", 2-7 percent slopes, well-drained with a depth to water table at more than 80 inches, not limited for dwellings without basements but very limited for septic tank absorption, based on seepage bottom layer, filtering capacity, and slow water movement.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [June 9, 2021].  
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. **Surrounding Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use is predominately remote residential with some limited commercial use. Parcels are consistent in size to that of adjacent lots.
6. **Surrounding Land Ownership:** Surrounding land is primarily under KPB or private ownership.
7. **Access:** The Beluga area is primarily accessed from the Beluga airstrip, which is privately maintained. Parcel 211-280-11 fronts the Beluga Highway a developed gravel road. Parcel 211-280-13 is accessed off the Beluga Highway and Chickaleutun Look, a platted and partially developed road. Several other platted developed and undeveloped roads exist in the area.
8. **Utilities:** Electric utility is available in the area.



9. Public Comment:

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

11. Department / Agency Comments:

**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 consider the remote nature of the subject lots.

**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

0 200 400 Feet  
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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 2022-\_\_\_\_ classifying subject land as follows:

Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
013-042-42	Nikiski	GOVERNMENT LOTS 21, 27, 28, AND 29, SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	36.45	Residential / Recreational
013-092-76	Nikiski	GOVERNMENT LOTS 1, SECTION 3, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	1.06	Recreational
017-120-06	North Kenai	GOVERNMENT LOT 10, ACCORDING TO THE DIVISION OF LANDS SURVEY PLAT REFLECTING A REPLAT OF BLM SECTION LOTS 5, 6, 7, 9, 10, 12, 15, 16, 17, 18 AND THAT PORTION OF THE E1/2W1/2SW1/4SE1/4 LYING ABOVE THE LINE OF MEAN HIGH WATER WITHIN SECTION 23, TOWNSHIP 6 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA, FILED IN THE KENAI RECORDING DISTRICT ON JUNE 16, 1969 AS K-1622 AND REFILED ON AUGUST 8, 1969 AS K-1637.	5.48	Rural
025-444-16	Point Possession	TRACT T, MOOSE POINT SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 84-65, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	11.08	Rural
035-080-11	Hope	LOT 5 US SURVEY 3390, SECTION 27, TOWNSHIP 10 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA	1.44	Rural
055-010-16	Soldotna	THE S½SW¼SE¼ OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	20	Residential
057-530-15	Soldotna	LOT ONE (1), BLOCK 2-A, BLOCK 2-A AND A PORTION OF BLOCK 3-A OF THE IRONS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER AMENDED PLAT NUMBER 75-4, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	0.34	Residential



065-190-60	Sterling	LOT 1, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.03	Residential
065-190-61	Sterling	LOT 2, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.14	Residential
065-190-62	Sterling	LOT 3, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.25	Residential
065-190-63	Sterling	LOT 4, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.31	Residential
065-190-64	Sterling	LOT 5, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.52	Residential
065-190-65	Sterling	LOT 6, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.76	Residential
065-190-66	Sterling	LOT 7, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.86	Residential
065-190-67	Sterling	LOT 8, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.23	Residential
065-190-68	Sterling	LOT 9, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.71	Residential

065-190-69	Sterling	LOT 10, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.81	Residential
065-190-70	Sterling	LOT 11, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.68	Residential
065-190-71	Sterling	LOT 12, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.56	Residential
066-310-26	Funny River	LOT THREE (3), BLOCK FIVE (5), RIVER BEND RIDGE SUBDIVISION PART FIVE (5), FILED UNDER PLAT NO. 78-126, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.23	Rural
119-070-01	Cooper Landing	LOT 14A 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.	1.46	Rural
119-070-02	Cooper Landing	LOT 15 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.	1.6	Rural
119-071-06	Cooper Landing	LOT 13B 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.	2.02	Rural
119-110-19	Cooper Landing	LOT 28 OF THE DEPENDENT RESURVEY OF U.S. SURVEY NO. 3531, ALASKA, CONTAINING 1.62 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON OCTOBER 20, 1970.	1.62	Rural

125-160-05	Moose Pass	LOT 4, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.87	Rural
125-160-07	Moose Pass	LOT 6, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.88	Rural
125-160-10	Moose Pass	LOT 7, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.81	Rural
125-160-14	Moose Pass	LOT 11, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.72	Rural
131-070-32	Kalifornsky	GOVERNMENT LOTS 6 AND 7, SECTION 24, TOWNSHIP 4 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	10.03	Rural
144-010-38	Seward	TRACT 1-A, EXIT GLACIER SUBDIVISION, ACCORDING TO PLAT NO. 97-12 ON FILE IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	17.38	Residential
165-130-05	Happy Valley	E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA	20	Rural
165-250-58	Anchor Point	LOT ONE (1), ACCORDING TO THE PLAT OF DEED OF RECORD BOUNDARY SURVEY OF HEADACRES, FILED UNDER PLAT NO. 81-64, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.05	Rural
193-261-14	Bear Cove	LOT 2, BLOCK 6, OF MARINERS WALK SUBDIVISION AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 85-225, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA.	8.77	Rural
211-280-11	Beluga	TRACT D, 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.	6.76	Rural



211-280-13	Beluga	TRACT B, 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.	8.33	Rural
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END OF STAFF REPORT

# Public Comment

013-042-42

013-092-76



Nikiski Vicinity Map



## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 9:19 AM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Nikiski Land Reclassification(013-042-42 & 013-092-76)

-----Original Message-----

From: TOBY ALLRED <doubletz1@aol.com>  
Sent: Friday, April 15, 2022 7:39 AM  
To: Planning Land Management <LMWeb@kpb.us>  
Subject: <EXTERNAL-SENDER>Nikiski Land Reclassification(013-042-42 & 013-092-76)

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.

To whom it may concern-

I strongly oppose the development of parcels 013-042-42 & 013-092-76 merely for the profit of the borough. The folks that bought and developed this area in the late 60's and early 70's came to this area for privacy and tranquility, not in hopes of future development. How is this proposal "just" for the folks that live on Neighbors drive? A few years back the borough basically "took" the shoreline properties from lake front property owners and claimed this was for the benefit of the spawning salmon. What kind of impacts will there be on the spawning salmon if more homes/people are introduced to the shoreline of Daniels Lake?

Allreds  
Neighbors Drive/Daniels Lake

Sent from my iPad



## Hughes, Aaron

---

**From:** Dan Baeten <[dbaeten49@gmail.com](mailto:dbaeten49@gmail.com)>  
**Sent:** Friday, April 15, 2022 4:06 PM  
**To:** Michele Hartline  
**Cc:** Mueller, Marcus; Hughes, Aaron; Aeschliman, Melanie  
**Subject:** <EXTERNAL-SENDER>Re: Public comment on Daniels Lake parcels

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.

Good afternoon,

I was also very confused regarding the letter. It rather seems that the borough is trying to push this through quietly. It almost appears that there is already a prospective buyer, or a hidden agenda!

I am opposed to the sale of this property. Nearly everyone on the lake utilizes this area due to its pristine condition. It's actually one of the few areas to go to on the lake to enjoy some privacy. There is also a variety of wildlife that utilizes this area. There are several nesting pairs of common loons that nest on the islands and the point of land in question. Moose will calve in this area as well, since they can get away from the bears.

You would be taking away a common / public resource, and placing it into private hands.

Dan and Lisa Baeten & family  
Daniels Lake residents

On Fri, Apr 15, 2022 at 3:41 PM Michele Hartline <[hartlines@hotmail.com](mailto:hartlines@hotmail.com)> wrote:

Marcus, Melanie, and Aaron,

Regarding reclassification of Daniels Lake parcels 013-042-42 & 013-082-76.

I have been told by a local neighbor that the public comment regarding this subject ends today. I have not seen any public notification of this comment period, It was not mentioned on the letter that I received and I have searched the Kenai Peninsula Borough website and still can't find it, therefore I'm emailing you directly with confidence that you will get it to the appropriate public comment portal, The planning and zoning commission and the KPB assembly.

When I called Aaron earlier this week to inquire about this issue and asked what is the backstory for reclassifying these parcels from unclassified to rural, he stated that there is a "conceptual design" that is as far along as being written on "the back of a napkin."

I think you can understand that people that live on Daniels lake will be very concerned about this action until we can see a more defined and complete "conceptual design" of what the Borough has planned, especially in relationship to the fact that it is an anadromous waters lake and that a large amount of this acreage is directly affected with the 50 foot setback for anadromous waters.

I am not in favor of this reclassification until the public can see what the Boroughs and the States subdivision plans are with this parcel.

Thank you,

Michele Hartline

Daniel's Lake property owner

--

Dan Baeten  
907-513-8304

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 1:22 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Opposition to Daniel's Lake proposal

---

**From:** Ryan Broussard <broussard.ryan@yahoo.com>  
**Sent:** Friday, April 15, 2022 12:34 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Opposition to Daniel's Lake proposal

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.

I only recently learned about a proposal that would potentially develop a key piece of property on Daniel's Lake in Nikiski (Swimmers Cove).

The centrally located area being talked about is the hub or meeting place for many families to gather. Because of its location and seclusion from other homes, along with wind protection and ideal depth for swimming children, it provides a place where Daniels Lake recreationist routinely enjoy and share. The windsock for float/ski planes that was placed on the property by my late Uncle Bill McGahn, has always been an iconic waypoint, well known and even charted in the flying community. Because of the undeveloped land where the windsock is located, along with the shape of the lake which naturally provides a long runway down the calmest stretch of the lake, pilots can take advantage of this life-saving tool without buzzing any residential areas or homes. Bill McGahn was one of the original homeowners on the lake and he was also a pilot. He valued family and safety, and also respected the serene environment. Sometime during the 1970s or 80s, he placed the windsock on a firmly planted 1" galvanized pole which provided the least possible environmental impact while being durable enough to last.

Daniel's Lake is one of the only lakes in the area large enough for many families to recreate at the same time without overcrowding. It is important to maintain a safe congregating location which encourages fellowship between lake neighbors and helps bond these families together. Daniel's Lake community has taken advantage of this particular place for many years and now possesses a unique closeness that I have never witnessed between so many neighbors.

My family gathered just off the edge of the proposed property as we entered this new



year. From that location we were not invading anybody's privacy and could look down the lake in every direction as our lake families lit fireworks together in unison. My family has made many forever-memories in that very place.

If development of these parcels lines even one pocket, then it was done out of greed and not for the greater good. I could think of hundreds of reasons for not developing this little utopia in Daniel's Lake, and only one reason for developing it. Money

Sometimes I feel like because I am not a politician, I don't have a voice. I am praying for your consideration in this particular case as it is very important to so many.

Sincerely, Ryan Broussard

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 1:20 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Comment on proposed reclassification of Daniels Lake parcels for development.

---

**From:** Broussard, Beau <Bbroussard@HomerElectric.com>  
**Sent:** Friday, April 15, 2022 10:47 AM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Comment on proposed reclassification of Daniels Lake parcels for development.

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.

KPB Land Management Division

As a longtime resident of the Daniels Lake community in Nikiski and as a current landowner of properties on the lake, I oppose the forward motion of proposed **land reclassification** and potential development of the currently undeveloped parcels **01304242** and **01309276**, known to the Lake Community as "Swimmers Cove". This area is the last place on the lake that is publicly owned and not developed, it is the place where we take our children, to enjoy the wind protected cove to swim, without interrupting other land owners on the lake. On a warm summer day, swimmers cove is where we find our neighbors all tied up to each other's boats, barbecuing, fishing and swimming, it's why we live on this lake. It would be tremendously sad to see a development of any kind on the property there, myself and many of my neighbors that I have discussed this with, feel that our lake community would be negatively impacted by this property being developed.

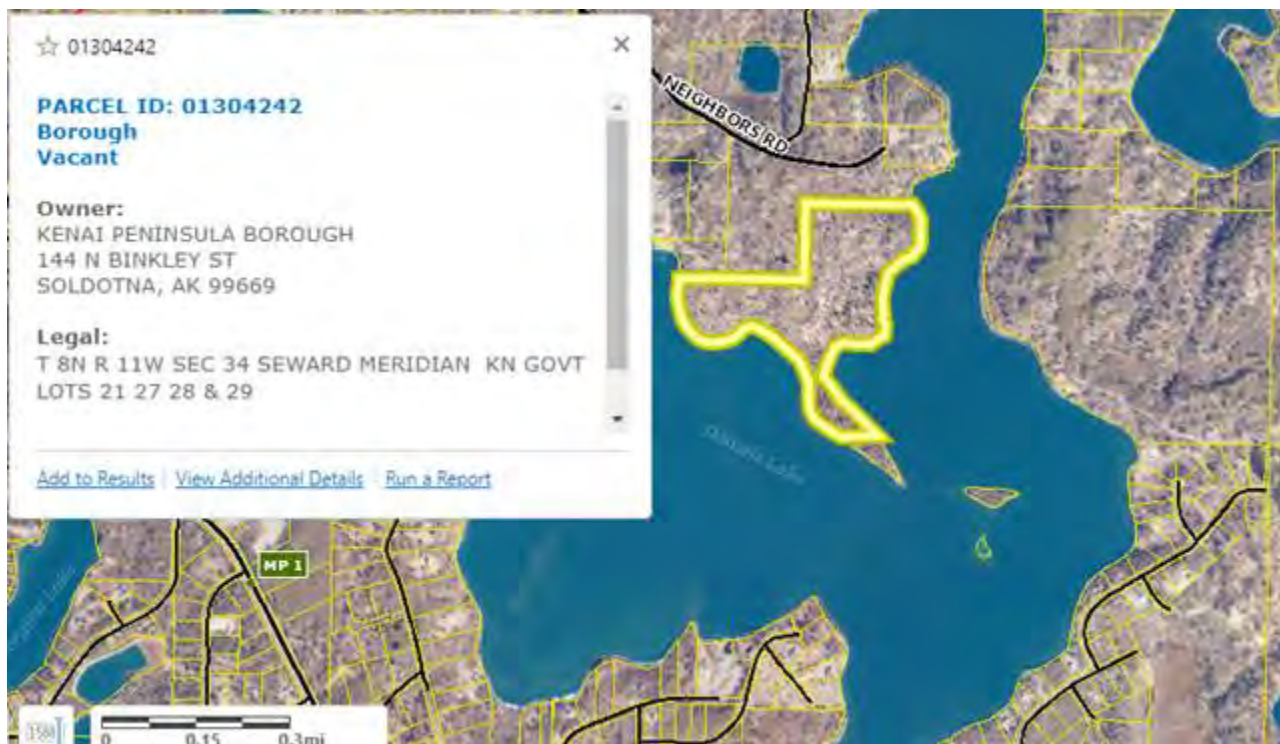
The larger of the two coves surrounded by the proposed development are often filled with spawning salmon in the fall. Adding a road, subdivision or any kind of soil transfer would almost certainly cause a negative impact to one of the largest healthy **salmon spawning grounds** for north Kenai's Bishop Creek drainage.

For these reasons and for the somewhat secluded lifestyle that attracted most Nikiski residents to the area, I politely ask that the above mentioned parcels remain, **unclassified** and **undeveloped**. These parcels serve a much higher purpose and value to the property owners and tax payers on the lake in their current state.

Thank you for your consideration.

Beau Broussard,

T 8N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOTS 21 27 28 & 29  
T 7N R 11W SEC 3 SEWARD MERIDIAN KN GOVT LOT 1





## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 1:20 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Land Classification for Parcels 01304242 & 01309276

---

**From:** Camille Broussard <chuber907@gmail.com>  
**Sent:** Friday, April 15, 2022 10:20 AM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Land Classification for Parcels 01304242 & 01309276

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.

Good morning,

In reference to the land classification of Parcels 01304242 & 01309276, I do not support classification. I understand this means it is going to be sold. This land is enjoyed by many people who live and recreate on Daniel's Lake for its undeveloped and Borough owned status. It is peaceful and tranquil and has been enjoyed for walking, camping, watching the terns, swimming just offshore and more. It has been this way for decades and I do not want it to change. Please do not approve the classification.

Thank you,

Camille Broussard  
Nikiski, AK

APRIL 15, 2022  
DANIEL SCHMIT  
52189 LUCILLE DRIVE  
KENAI, AK 99611

KPB LAND MANAGEMENT DIVISION

I UNDERSTAND THAT THE BOROUGH HAS PROPOSED A MOTION TO RECLASSIFY THE PARCELS 01309276 AND 01304242. I OPPOSE THIS MOTION AND POTENTIAL DEVELOPMENT. I FEEL THAT DEVELOPMENT IN THIS AREA WOULD BE DETRIMENTAL TO THE LAND, THE LAKE AND THE WILDLIFE IN THE AREA.

I FEEL THE INTRODUCTION OF A PUBLIC USE RECREATIONAL AREA WOULD NEGATIVELY IMPACT THE NATURAL RESOURCE THAT WE SHOULD BE PROTECTING. AS AN OWNER OF LAKE PROPERTY, WE HAVE A RESPONSIBILITY TO TAKE CARE OF AND MAINTAIN THE INTEGRITY OF THE WILDLIFE HABITAT WE ARE IN. I BELIEVE THE BOROUGH FEELS THE SAME WAY CONSIDERING THE INITIATION OF THE ANADROMOUS STREAMS ACT. BUILDING A ROAD, RECREATIONAL AREA AND SUBDIVISION SEEMS TO GO AGAINST THIS PROTECTIVE INITIATIVE.

ONE OF THE BENEFITS OF THIS UNPOPULATED AREA IS THE ENTIRE DANIELS LAKE COMMUNITY CAN USE IT WITHOUT ENCROACHING ON SOMEONE'S PERSONAL PROPERTY. THERE ARE NO STRUCTURES LIKE DOCKS, BOATS OR RAMPS TO DISTURB THE SALMON SPAWNING AREA, OR THE COUNTLESS LOON NESTS ALL OVER THE AREA.

THESE PARCELS OF LAND IN THEIR CURRENT STATE ARE WHAT MAKES DANIELS LAKE A DESIRABLE PLACE TO LIVE. SOMETHING VERY NEARBY THAT IS UNTOUCHED BY MAN, USED BY WILDLIFE TO MAKE A FUTURE FOR OUR CHILDREN.

PLEASE DO NOT DEVELOP THESE PARCELS AND HELP MAINTAIN THE NATURAL INTEGRITY OF THIS UNDEVELOPED PART OF THE LAKE.

PLEASE DO NOT HESITATE TO CONTACT US WITH ANY QUESTIONS OR CONCERNS.

THANK YOU,

DAN SCHMIT  
1-907-598-7010  
STEELHEAD INDUSTRIAL, LLC  
[DANS@STEELHEADINDUSTRIAL.COM](mailto:DANS@STEELHEADINDUSTRIAL.COM)

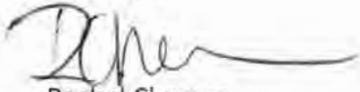
BIANCA CHASE  
1-907-394-7700  
STEELHEAD INDUSTRIAL, LLC  
[BIANCA@STEELHEADINDUSTRIAL.COM](mailto:BIANCA@STEELHEADINDUSTRIAL.COM)

April 15, 2022

To Whom It May Concern,

We, Davin and Rachel Chesser, oppose the reclassification of parcels 013-042-42 and 013-092-76.

Thank you,

A handwritten signature in black ink, appearing to read 'Rachel', with a long horizontal flourish extending to the right.

Rachel Chesser

907-229-6973

PO Box 8675

Nikiski, AK

99635



## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 1:20 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Opposing reclassification of parcels 013-042-42 and 013-092-76

---

**From:** jhardesty@acsalaska.net <jhardesty@acsalaska.net>  
**Sent:** Friday, April 15, 2022 9:38 AM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Opposing reclassification of parcels 013-042-42 and 013-092-76

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.

To Whom it May Concern:

RE: OPPOSING Proposed reclassification of parcels [013-042-42](#) and 013-092-76

We residents of Daniels Lake adamantly oppose the reclassification of the aforementioned parcels of land located on the shoreline and/or adjacent to Daniels Lake. Every resident I spoke to are opposed to this proposal.

The Kenai Peninsula Borough Assembly has previously restricted current land owners who own lakefront property with the intention of protecting the salmon. Now, in direct contradiction to those restrictions imposed on current landowners, the borough wants to subdivide and add many more lots, unrestricted, and also many more residents to the lake they claim to want to protect. There enough jet skis and boats on the lake now. We don't want to see this become like Longmere Lake with constant noise from float planes, jet skis and boats.

This lake not only has spawning salmon, but also is home to bald eagles (including nests around the lake - one in my front yard) and a variety of waterfowl including loons, mergansers, mallards, osprey and trumpeter swans who stop over in spring and fall on their migration routes. It's also home to river otters, beavers, muskrats and other wildlife.

Current landowners respect the nature of the lake. Let's keep it that way. We have lived on the lake since 1982, many of the residents grew up on the lake and now also own property here. I quote from the your letter dated April 1, 2022 - "This classification will HAVE NO RESTRICTIONS". Let's keep Daniel's Lake uncluttered, clean and safe. Please do the right thing. Leave this parcel alone. You asked for our input, please respect it.

Respectfully yours,

Joanne Hardesty  
48271 Wild Rose Lane (residence address)

PO Box 8124  
Nikiski, AK 99735

[907-252-8418](tel:907-252-8418)

## Hughes, Aaron

---

**From:** Michele Hartline <hartlines@hotmail.com>  
**Sent:** Friday, April 15, 2022 3:42 PM  
**To:** Aeschliman, Melanie; Mueller, Marcus; Hughes, Aaron  
**Subject:** <EXTERNAL-SENDER>Public comment on Daniels Lake parcels

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.

Marcus, Melanie, and Aaron,

Regarding reclassification of Daniels Lake parcels 013-042-42 & 013-082-76.

I have been told by a local neighbor that the public comment regarding this subject ends today. I have not seen any public notification of this comment period, It was not mentioned on the letter that I received and I have searched the Kenai Peninsula Borough website and still can't find it, therefore I'm emailing you directly with confidence that you will get it to the appropriate public comment portal, The planning and zoning commission and the KPB assembly. When I called Aaron earlier this week to inquire about this issue and asked what is the backstory for reclassifying these parcels from unclassified to rural, he stated that there is a "conceptual design" that is as far along as being written on "the back of a napkin."

I think you can understand that people that live on Daniels lake will be very concerned about this action until we can see a more defined and complete "conceptual design" of what the Borough has planned, especially in relationship to the fact that it is an anadromous waters lake and that a large amount of this acreage is directly affected with the 50 foot setback for anadromous waters.

I am not in favor of this reclassification until the public can see what the Boroughs and the States subdivision plans are with this parcel.

Thank you,

Michele Hartline

Daniel's Lake property owner



## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 5:20 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Comment on proposed reclassification of Daniles Lake Parcels for development.

---

**From:** Alexa McClure <alexakmcclure@gmail.com>  
**Sent:** Friday, April 15, 2022 5:01 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Comment on proposed reclassification of Daniles Lake Parcels for development.

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.

KPB Land Management Division,

As a longtime resident of the Daniels Lake community in Nikiski first as a renter and now as a current landowner of property on the lake, I oppose the forward motion of proposed **land reclassification** and potential development of the currently undeveloped parcels **01304242** and **01309276**, known to the Lake Community as "Swimmers Cove".

This area is the last place on the lake that is publicly owned and not developed, it is the place where we take our children, to enjoy the wind protected cove to swim, without interrupting other land owners on the lake. On a warm summer day, swimmers cove is where we find our neighbors all tied up to each other's boats, barbecuing, fishing and swimming, it's why we live on this lake. It would be tremendously sad to see a development of any kind on the property there, myself and many of my neighbors that I have discussed this with, feel that our lake community would be negatively impacted by this property being developed.

I'd like my kids to continue having this experience and not lose something that we are adventurous to enjoy.

For this reasons I politely ask that the above mentioned parcels remain, **unclassified** and **undeveloped**. These parcels serve a much higher purpose and value to the property owners and tax payers on the lake in their current state.

Thank you for your consideration.



## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Thursday, April 14, 2022 5:03 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>reclassification of parcels 013-042-42 & 013-092-76

-----Original Message-----

From: Taylor McGahan <tlmcgahan@gmail.com>  
Sent: Wednesday, April 13, 2022 5:01 PM  
To: Planning Land Management <LMWeb@kpb.us>  
Subject: <EXTERNAL-SENDER>reclassification of parcels 013-042-42 & 013-092-76

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.

To whom it may concern,

We are owners of 8 acres on Daniels Lake in Nikiski and have lived on the lake for 6 years. We have always loved this area of the lake for the abundance of loon nests and salmon spawning areas. It's one of the only places left on the lake that doesn't have a house close by and is just for wildlife. I am strongly opposed to reclassification of this property. Please keep this property and lake unique with natural beauty and not more neighborhoods.

Taylor McGahan

Sent from my iPhone



## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 1:20 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Reclassification KPB Parcel 013-042-42 & 013-092-76 Daniels Lake

---

**From:** Stacy Oliva, <stacy.oliva@gmail.com>  
**Sent:** Friday, April 15, 2022 10:07 AM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Reclassification KPB Parcel 013-042-42 & 013-092-76 Daniels Lake

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.

Dear Lands Management Team:

Thank you for your letter dated April 1st 2022 regarding public input on the above referenced matter.

While I generally support the KPB selection and disposal of lands, at this current time I would like to oppose reclassification of parcels 013-042-42 & 013-092-76.

Sincerely,  
Stacy A.Oliva  
52360 Sara Jane St.  
Daniels Lake  
Nikiski, Alaska 99635

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 5:19 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Reclassification KPB Parcel 013-042-42 & 013-092-76 Daniels Lake

---

**From:** Lou Oliva <lou@ljalaska.com>  
**Sent:** Friday, April 15, 2022 4:36 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Reclassification KPB Parcel 013-042-42 & 013-092-76 Daniels Lake

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.

KPB Land Management:

I oppose reclassification of parcels 013-042-42 & 013-092-76 at this time.

Sincerely,  
Lou Oliva  
Daniels Lake Resident  
Nikiski, Alaska 99635

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 5:19 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Reclassification KPB Parcel 013-092-76 Daniels Lake

---

**From:** Jakelynn Oliva <jakelynnoliva@gmail.com>  
**Sent:** Friday, April 15, 2022 4:30 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Reclassification KPB Parcel 013-092-76 Daniels Lake

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.

Dear Lands Management Team,

I am contacting you about a letter received regarding public input about the proposed land classification.

I am opposed to this Reclassification KPB Parcel 013-092-76 Daniels Lake at this time.

Opposed: 013-042-42  
Opposed: 013-092-76

Best regards,  
Jakelynn Oliva  
48011 Neighbors Dr.  
Nikiski, AK 99635



## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 5:19 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Public Notice of Proposed Land Classification  
  
**Importance:** High

---

**From:** amber oliva <amberoliva@hotmail.com>  
**Sent:** Friday, April 15, 2022 4:53 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Public Notice of Proposed Land Classification  
**Importance:** High

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.

Good afternoon,  
I am writing in response to the public notice of proposed land classification issued 4/1/22 by the Kenai Peninsula Borough.

The parcels proposed are:  
013-042-42 NIKISKI GOVERNMENT LOTS 21, 27, 28 AND 29, SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA  
013-092-76 NIKISKI GOVERNMENT LOTS 1, SECTION 3, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA

I am writing to have my comment be included in the public comments with regard to these parcels in the planning department, and further hearings or proceedings relevant to this item.

I am resolutely opposed to this reclassification at this time.

Thank you,  
Amber Douglas

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Thursday, April 14, 2022 5:04 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>013-042-42 and 013-092-76 Opposed

---

**From:** Misty Peterkin <mistys@gci.net>  
**Sent:** Thursday, April 14, 2022 1:58 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Cc:** Husband <ryan@akheater.com>  
**Subject:** <EXTERNAL-SENDER>013-042-42 and 013-092-76 Opposed

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.

KPB Land Management Division

To whom this may concern,

With regards to Public Notice of Proposed Land Classification of lots 013-042-42 and 013-092-76. We opposed this reclassification. I find it discouraging that these lots would not have any restrictions. Especially since Daniels Lake has been added to the **CATALOG OF WATERS IMPORTANT FOR SPAWNING, REARING, OR MIGRATION OF ANADROMOUS FISHES**. Our family consist of myself(Misty), husband(Ryan) and two kids that have lived on this lake for over 25 years. We enjoy the beauty and the pristine wild life that live on and around Daniels Lake. We would like to see it preserved as one of the last greatest lake on the Kenai Peninsula for future generations. However, if these parcel do end up being reclassified. Could there please be limited usage of these lots? Like no commercial usage, government, heavy industrial, institutional, light industrial, recreational, utility/transportation, waste handling, and resource development as these land classifications could be detrimental to anadromous fishes.

Thank you  
Ryan and Misty Peterkin

## Hughes, Aaron

---

**From:** John Quick <john@empireconsulting.co>  
**Sent:** Friday, April 15, 2022 11:22 AM  
**To:** Aeschliman, Melanie; Mueller, Marcus; Hughes, Aaron  
**Subject:** <EXTERNAL-SENDER>public comment

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Public comment regarding: reclassification of parcels 013-042-42 & 013-092-76.

I am not in favor of this until the public can see the subdivision plan with this parcel.

Thanks

John Quick

Get [Outlook for iOS](#)



## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 2:12 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Public Notice of Proposed Land Classification 013-042-42 and 013-092-76 Against

---

**From:** p4psmith@gmail.com <p4psmith@gmail.com>  
**Sent:** Friday, April 15, 2022 1:59 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Public Notice of Proposed Land Classification 013-042-42 and 013-092-76 Against

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KPB Land Management Division

To whom this may concern

In regards, to the Public Notice of Proposed Land Classification of parcel's 013-042-42 and 013-092-76 we are against this. Please note that Daniel Lake is part of The Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes. With that being said. According to the Kenai Peninsula Borough Ordinance 2013-xx Section 3 Line 1 "Minimizing the number and impacts of structures within the habitat protection district." Adding more lots, structures and so on will not minimizing the impact on the protected habitat.

Phil Smith

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 2:12 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Public Notice of Proposed Land Classification of 013-042-42 and 013-092-76 oppose

---

**From:** jewelbug@alaska.net <jewelbug@alaska.net>  
**Sent:** Friday, April 15, 2022 1:56 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Public Notice of Proposed Land Classification of 013-042-42 and 013-092-76 oppose

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.

KPB Land Management Division

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Penny Smith

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 4:09 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Public Notice of Proposed Land Classification 013-042-42 and 013-092-76 Against

---

**From:** p4psmith@gmail.com <p4psmith@gmail.com>  
**Sent:** Friday, April 15, 2022 1:59 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Public Notice of Proposed Land Classification 013-042-42 and 013-092-76 Against

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.

KPB Land Management Division

To whom this may concern

In regards, to the Public Notice of Proposed Land Classification of parcel's 013-042-42 and 013-092-76 we are against this. Please note that Daniel Lake is part of The Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes. With that being said. According to the Kenai Peninsula Borough Ordinance 2013-xx Section 3 Line 1 "Minimizing the number and impacts of structures within the habitat protection district." Adding more lots, structures and so on will not minimizing the impact on the protected habitat.

Phil Smith



# Public Comment

035-080-11



Hope Vicinity Map

0 200 400 Feet



## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Thursday, April 14, 2022 5:03 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Fw: Parcel 035-080-11 Lot 5 Hope Alaska  
**Attachments:** SURVEYED.pdf

---

**From:** Lynn Miller <ljmiller123@yahoo.com>  
**Sent:** Thursday, April 14, 2022 10:17 AM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Fw: Parcel 035-080-11 Lot 5 Hope Alaska

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----- Forwarded Message -----

**From:** Lynn Miller <[ljmiller123@yahoo.com](mailto:ljmiller123@yahoo.com)>  
**To:** [lmweb@kpb.us](mailto:lmweb@kpb.us) <[lmweb@kpb.us](mailto:lmweb@kpb.us)>  
**Sent:** Thursday, April 14, 2022, 10:11:54 AM AKDT  
**Subject:** Parcel 035-080-11 Lot 5 Hope Alaska

Hello Marcus and Aaron

Per our conversation on 4/11/2022 I am sending you some history of this this lot. As you know it started out as lot 1 of US Survey 3390. In 1964 my uncle William Miller filed on this home site and proceeded to with clearing the driveway and parking area to build his cabin. After starting construction he was informed that the lot design was going to be changed to allow for a 200 Foot road setback. In an attempt to compensate they added the lot to the north but this too had to be 200FT from the road. For some unknown to me reason 60FT was cut from the south west edge of the property as well. My point is that the driveway and parking areas have been used to access this home for almost 60 years now and if the lot should become available for sale I would like to be able to purchase it directly from the borough as well as the 60 Ft lot on the south west side of the property. I am enclosing a copy of the 1960 hope highway project which shows the 200 Ft setback listed as "special treatment" they decided to cut from Lot 1. To my knowledge this is the only property that this was done to and it makes no sense. Should you need any more information or have any questions please feel free to call me at anytime at 907-315-5449 or E-Mail me at [ljmiller123@yahoo.com](mailto:ljmiller123@yahoo.com)

Thank you  
Lynn Miller



# Public Comment

055-010-16



Soldotna Vicinity Map

0 200 400 Feet





## Hughes, Aaron

---

**From:** GENE MOYER <ogem55@hotmail.com>  
**Sent:** Friday, April 15, 2022 11:30 AM  
**To:** Hughes, Aaron  
**Subject:** <EXTERNAL-SENDER>FW: Proposed land classification 055-010-16

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.

Aaron can you confirm this email  
Thanks  
Gene  
Sent from [Mail](#) for Windows

---

**From:** [GENE MOYER](#)  
**Sent:** Wednesday, April 13, 2022 8:39 PM  
**Subject:** Proposed land classification 055-010-16

GENE MOYER  
Wed 4/13/2022 8:29 PM



Cc:

• lmweb@kpb.us

Aaron Hughes

REFER: ASSESSORS PARCEL NO 055-010-16 Maudi rd

I talked to you last week about the proposed land classification change.

I am strongly opposed to this change.

BECAUSE OF:

Referring to the many problems that the Woodwill Dr subdivision caused.

We do not need a bunch of housing units at the end of the one-way street.

All the traffic and motorcycles, 4 wheelers that we have experienced with Woodwill Dr. problems.

All the additional noise

The complete removal of the area's trees etc.

This is the home of a Caribou herd that has decreased with the Woodwill Dr problems.

Lots of Moose in the area, with the flats to the river, houses would further cause harassment of the wildlife.

We do not need some fly-by-night outfit doing the same thing they did to Woodwill Dr area.

If you look at the Maudi rd area, it looks like someone cares, trees to the road and houses, cabins back off the road.

The residents of Maudi RD and the area fought this 3 years ago. Why does the Borough have to bring it up again?

Refer to the past objection to this proposal.

PLEASE STOP THIS LAND GRAB. If you must, why not do the area north of Woodwill DR. There is a vacated lot that is the Boroughs for future access to that area

Olen Moyer  
PO BOX 433  
KENAI, AK 99611  
907-690-0830

# Public Comment

131-070-32



Kalifornsky Vicinity Map

0 200 400 Feet





## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 1:28 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Proposed land classification parcel 131-070-32

---

**From:** patricia meyers <handson907@gmail.com>  
**Sent:** Friday, April 15, 2022 1:22 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Proposed land classification parcel 131-070-32

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.

I'm an owner of property at parcel 131-070-02. It is adjacent to the parcel that is up for reclassification to rural to facilitate possible sale.

The property in question includes a designated wetlands and the bluff there is steadily eroding and unstable. Currently there is no road access to this property. I

feel that construction on this land will negatively impact the wetlands and affect drainage and bluff stability.

We have noted and reported to the borough destruction on the beach and to the bluff in front of parcels up for reclassification. All of the larger rocks protecting the bluff and all of the driftwood on the beach has been moved to a private property by heavy equipment. This damage has been reported to the borough and ignored.

I have no reason to think that your stewardship of this bluff will improve and I don't feel that the community interest is served by your reclassification of this parcel.

We property owners are doing what we can to save our homes. The bluff is eroding at a steady rate and you'd know that if you had watched your garden and well disappear as we have.

Patricia Meyers  
Fred Hall

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 4:09 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Fwd: To whom it may concern:

---

**From:** Bill <kaufmansnowbirds@yahoo.com>  
**Sent:** Friday, April 15, 2022 2:35 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Fwd: To whom it may concern:

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Sent from my iPad

Begin forwarded message:

**From:** Bill <[kaufmansnowbirds@yahoo.com](mailto:kaufmansnowbirds@yahoo.com)>  
**Date:** April 15, 2022 at 1:14:25 PM AKDT  
**To:** [lmweb@kpb.us](mailto:lmweb@kpb.us)  
**Subject:** Fwd: To whom it may concern:

I agree with Benjamin. I am the owner, since 1980, of lot 8D, and I appeared at and testified at the 2017 hearing on this issue. I was left to believe we neighbors would get a chance to but lot 7 if up for sale.

Also wonder why the "rural" classification?

Please consider this my letter of comment, William R Kaufman, 9072839247

Sent from my iPad

Begin forwarded message:

**From:** Benjamin Jackinsky <[benjaminjackinsky@acsalaska.net](mailto:benjaminjackinsky@acsalaska.net)>  
**Date:** April 14, 2022 at 8:24:41 PM AKDT  
**To:** [kaufmansnowbirds@yahoo.com](mailto:kaufmansnowbirds@yahoo.com)  
**Subject:** To whom it may concern:

To whom it may concern:

I am writing regarding the proposed land classification of Assessor's parcel number 131-070-32 as "Rural" (and the potential sale of the parcel).

\*According to Borough mapping the parcel is two lots not one.

\*The parcel is surrounded by individual privately owned lots that contain single family homes, size ranging less than an acre to three acres. Accordingly, the classification should be "Residential "

However, realistically the parcel should not even considered for disbursement. According to the borough map (attached), a large portion of the parcel is wetlands.

The shoreline is quickly eroding into Cook Inlet. There are innumerable attempts to stabilize the bluff from Anchor Point to Nikiski and none seem to be successful. The city of Kenai is proposing to spend million (billions?) of dollars trying to save a mile of shoreline. It is irresponsible of the borough to attempt to pass the problem off to the highest bidder. In that scenario the classification should be "Preservation".

Or I suppose it could be considered "Recreational" - until it falls into the Inlet.

Additionally, I object to the timeline of the comment period. The notice was dated April 1, a Friday, and I assume not mailed until the following week. That is less than a 10 day window to write and mail a response to you to be received by April 15. (And in the middle of income tax filing.).





The image cannot be displayed. Your computer may not have enough memory to open the image, or the image may have been deleted. Restart your computer and try again.

Sent from my iPad

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Friday, April 15, 2022 2:12 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>parcel 131-070-32

-----Original Message-----

From: Steve Okkonen <steveokkonen@gmail.com>  
Sent: Friday, April 15, 2022 1:45 PM  
To: Planning Land Management <LMWeb@kpb.us>  
Subject: <EXTERNAL-SENDER>parcel 131-070-32

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.

To whom it may concern:

I am writing opposition to the proposed land classification of Assessor's parcel number 131-070-32 as 'rural'.

There are two principal issues with a rural classification and subsequent likely sale as a 'rural' parcel:

- 1) Much of the parcel, according to the borough map, is identified as wetlands and should not be developed.
- 2) The parcel resides among what is largely a residential area comprised of year-round, single-family homes. A rural designation potentially allows development scenarios that are incompatible with the residential character of surrounding lots.

# Public Comment

165-250-58



Anchor Point Vicinity Map

0 200 400 Feet





**April 15,2022**

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

Dear Anchor Point Planning Commissioners, KPB Planning Commissioners, and Borough Assembly Members,

I write to you to you in response to the proposed Anchor Point 1652558 land classification. I am a land owner of 16525043. I feel strongly of the importance to maintain this area as a living environment maintaining the natural integrity of the land as a comfortable home and community for residents, animals and plants.

Opening up the classification to “rural” opens up possibility to resource development. I am aware of Hilcorp’s development interests in this area and am concerned. Resource development comes with high risk of pollution to the land, the water, and the air. The interference then negatively effects the health of all life in the area.

This land has more use in an undeveloped and residential state which is a safer and better use of the land.

Sincerely,

Margaret Parsons

8819 Browning Drive

Anchorage, AK 99507

907-240-255

Map957@gmail.com

## **Department / Agency Review Notice for the Classification of Borough Land**

**DATE:** April 1, 2022

**TO:** Distribution List

- ☒ KPB Planning Dept. / S. Lopez
- ☒ KPB River Center / S. Lopez
- ☒ KPB Solid Waste Dept. / L. Frey
- ☒ KPB Maintenance Dept. / T. Nelson
- ☒ KPB Road Maintenance / D. Uhlin
- ☒ KPB Purchasing & Contracting / J. Hedges
- ☒ KPB Risk Management / S. Kisenia
- ☒ KPB School District / K. Lyon
- ☒ KPB Office of Emergency Mgt. / B. Ahlberg

**Hospitals:**

- ☒ South Peninsula Hospital Service Area / R. Smith
- ☒ Central Peninsula Hospital Service Area / B. Richards

**Soil and Water Conservation Districts:**

- ☒ Kenai / T. Diamond
- ☒ Homer / K Wagner
- ☒ Alaska Fish & Game / W. Schock

- ☒ State Historic Preservation Office / J. Bittner
- ☒ Alaska Dept. of Environmental Conservation / L. Achee
- ☒ Central Emergency Services / R. Browning
- ☒ Kachemak Emergency Service Area / B. Ciciarella
- ☒ Nikiski Fire Service Area / T. Burnett
- ☒ Western Emergency Service Area / J. Marsh
- ☒ Seward Bear Creek Fire Service Area / R. Brackin
- ☒ Seward Bear Creek Flood Service Area Board / S. Presley
- ☒ North Peninsula Recreational Service Area / R. Parra
- ☒ Seldovia Recreational Service Area
- ☒ Anchor Point Adv. Plan. Comm. Members
- ☒ Cooper Landing Adv. Plan. Comm. Members
- ☒ Hope/Sunrise Adv. Plan. Comm. Members
- ☒ Moose Pass Adv. Plan. Comm. Members
- ☒ Kachemak Bay Adv. Plan. Comm. Members
- ☒ Funny River Adv. Plan. Comm. Members

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

**SUBJECT:** Classification of Borough Land

Pursuant to Kenai Peninsula Borough Code of Ordinances, Chapter 17.10.080(G), the Borough Land Management Division has proposed to classify / re-classify 35 parcels of borough owned land in the Hope, Cooper Landing, Seward, Nikiski, Soldotna, Funny River, Beluga, Bear Cove, Moose Pass and Anchor Point areas. Land Management proposes to classify these parcels as follows:

<b>Assessor's Parcel No.</b>	<b>General Location</b>	<b>Legal Description</b>	<b>Acres</b>	<b>Proposed Classification</b>	<b>Zoning</b>
013-042-42	Nikiski	GOVERNMENT LOTS 21, 27, 28, AND 29, SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	36.45	Rural	Rural
013-092-76	Nikiski	GOVERNMENT LOTS 1, SECTION 3, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	1.06	Rural	Rural
017-120-06	North Kenai	GOVERNMENT LOT 10, ACCORDING TO THE DIVISION OF LANDS SURVEY PLAT REFLECTING A REPLAT OF BLM SECTION LOTS 5, 6, 7, 9, 10, 12, 15, 16, 17, 18 AND THAT PORTION OF THE E1/2W1/2SW1/4SW1/4SE1/4 LYING ABOVE THE LINE OF MEAN HIGH WATER WITHIN SECTION 23, TOWNSHIP 6 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA, FILED IN THE KENAI RECORDING DISTRICT ON JUNE 16, 1969 AS K-1622 AND REFILED ON AUGUST 8, 1969 AS K-1637.	5.48	Rural	Rural

025-444-16	Point Possession	TRACT T, MOOSE POINT SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 84-65, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	11.08	Rural	Rural
035-080-11	Hope	LOT 5 US SURVEY 3390, SECTION 27, TOWNSHIP 10 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, SEARD RECORDING DISTRICT, STATE OF ALASKA	1.44	Rural	Rural
057-530-15	Soldotna	LOT ONE (1), BLOCK 2-A, BLOCK 2-A AND A PORTION OF BLOCK 3-A OF THE IRONS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER AMENDED PLAT NUMBER 75-4, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	0.34	Residential	Rural
055-010-16	Soldotna	THE S½SW¼SE¼ OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	20	Residential	Rural
065-190-63	Sterling	LOT 4, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.31	Rural	Rural
065-190-60	Sterling	LOT 1, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.03	Rural	Rural
065-190-61	Sterling	LOT 2, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.14	Rural	Rural
065-190-62	Sterling	LOT 3, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.25	Rural	Rural
065-190-64	Sterling	LOT 5, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.52	Rural	Rural
065-190-65	Sterling	LOT 6, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.76	Rural	Rural



065-190-66	Sterling	LOT 7, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.86	Rural	Rural
065-190-67	Sterling	LOT 8, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.23	Rural	Rural
065-190-68	Sterling	LOT 9, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.71	Rural	Rural
065-190-69	Sterling	LOT 10, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.81	Rural	Rural
065-190-70	Sterling	LOT 11, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	2.68	Rural	Rural
065-190-71	Sterling	LOT 12, BLOCK 8 STEPHENKIE ALASKA SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 73-146, KENAI RECORDING DISTRICT, STATE OF ALASKA.	3.56	Rural	Rural
066-310-26	Funny River	LOT THREE (3), BLOCK FIVE (5), RIVER BEND RIDGE SUBDIVISION PART FIVE (5), FILED UNDER PLAT NO. 78-126, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.23	Rural	Rural
119-070-02	Cooper Landing	LOT 15 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.	1.6	Rural	Rural
119-110-19	Cooper Landing	LOT 28 OF THE DEPENDENT RESURVEY OF U.S. SURVEY NO. 3531, ALASKA, CONTAINING 1.62 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON OCTOBER 20, 1970.	1.62	Rural	Rural

119-070-01	Cooper Landing	LOT 14A OF US SSURVEY 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.	1.46	Rural	Rural
119-071-06	Cooper Landing	LOT 13B OF US SSURVEY 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.	2.02	Rural	Rural
125-160-05	Moose Pass	LOT 4, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.87	Rural	Rural
125-160-07	Moose Pass	LOT 6, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.88	Rural	Rural
125-160-10	Moose Pass	LOT 7, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.81	Rural	Rural
125-160-14	Moose Pass	LOT 11, ALASKA STATE LAND SURVEY 86-176, SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, STATE OF ALASKA.	0.72	Rural	Rural
131-070-32	Kalifornsky	GOVERNMENT LOTS 6 AND 7, SECTION 24, TOWNSHIP 4 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA.	10.03	Rural	Rural
144-010-38	Seward	TRACT 1-A, EXIT GLACIER SUBDIVISION, ACCORDING TO PLAT NO. 97-12 ON FILE IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	17.38	Residential	Rural
165-250-58	Anchor point	LOT ONE (1), ACCORDING TO THE PLAT OF DEED OF RECORD BOUNDARY SURVEY OF HEADACRES, FILED UNDER PLAT NO. 81-64, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	1.05	Rural	Rural

193-261-14	Bear Cove	LOT 2, BLOCK 6, OF MARINERS WALK SUBDIVISION AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 85-225, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA.	8.77	Rural	Rural
211-280-11	Beluga	TRACT D, 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.	6.76	Rural	Rural
211-280-13	Beluga	TRACT B, 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.	8.33	Rural	Rural
165-130-05	Happy Valley	ESENE OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, STATE OF ALASKA	20	Rural	Rural

**Basis for Proposed Classifications:** To establish the most appropriate use and management intent for borough land.

Rural: Lands which are located in a remote area. This classification will have no restrictions.

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

If you wish to retain subject parcel(s) for a public purpose, please provide written justification for consideration. Comments on the proposed classifications are requested not later than 5:00pm, May 2, 2022. If you have questions please contact Marcus Mueller or Aaron Hughes at (907) 714-2205.

☐ No comment, ☐ No objection, ☒ Other, see attached.



Signature

Date: 04/01/2022

Printed Name/Title: Brenda Ahlberg, Emergency Manager

Agency: KPB/OEM



**Kenai Peninsula Borough Land Classification Definitions**  
**Borough Code of Ordinances, Title 17**

- "Agriculture"** means activities that result in products for human or animal use. Agriculture activities may include raising crops, animals, or grazing animals. Agriculture does not include human habitation.
- "Commercial"** means lands suitable for development or location of service oriented facilities such as stores, offices, medical clinics, restaurants, lodges, vehicular service stations, hotels, and camper parks. Lands must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, near public utilities and be in proximity to residential areas.
- "Government"** means lands that may be or are required for use by a federal, state or local governmental entity. Such uses include existing and future school sites; sites for service area facilities; or, any governmental use determined to be beneficial to the public.
- "Heavy Industrial"** means lands suitable for processing chemicals or manufacturing from or extraction of raw materials, stockyards, fish processing plants, distilleries, or uses that may discharge water, create hydrocarbons, excessive noise, odors, danger of explosions, or waste material, making them incompatible with most other land uses. Lands should not be located in or immediately adjacent to residential development; parcels should be of sizes reasonably appropriate to accommodate the activities together with sufficient buffers zones for the activity associated with this class of use. Appropriate access shall be available or feasible without going through residential areas. The lands shall be in a location that is reasonably convenient to conduct the activity.
- "Institutional"** means lands which may be of value for the location of churches, private schools, clubs, associations, nonprofit organizations, or cemeteries.
- "Light Industrial"** means lands suitable for industrial uses that generally do not have offensive characteristics and can be conducted primarily inside closed buildings. Such uses may include warehousing, storage inside enclosed areas, and light manufacturing not inside buildings.
- "Preservation"** means lands needed for stabilization or maintenance of natural features, historic value, known nesting areas of migratory birds or required to maintain the integrity of certain types of easements or as buffers, green belts, water sheds or other reservations to preserve natural resources and aesthetic qualities. Soils may be of such a nature as to not be usable for construction of buildings.
- "Recreational"** means land located in an area where the potential for recreational use exists. This may include both indoor and outdoor uses such as gun ranges, archery ranges, camping, golf courses, snow machine trails, cross country trails, skiing, boating, fishing or which may provide access to those activities. Recreational does not include use of lands for amusement parks. Site conditions for any authorized use must be appropriate and suited for such uses. Recreational lands disposed of to private parties must allow public use unless specifically waived by ordinance. If recreational lands are for sale or lease then restrictions may be imposed for appropriate uses given conditions and surrounding use. Not all activities are suitable for all sites.
- "Residential"** means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses.
- "Rural"** means lands which are located in a remote area. This classification will have no restrictions.
- "Utility/Transportation"** (not including oil and gas and electricity generation or production facilities) means lands which may be of value for airports, port and harbor facilities, power lines, pipelines, utility services, rights-of-way, easements and related activities but does not include general and production facilities for oil and gas and electricity.
- "Waste Handling"** means land with suitable characteristics and location for the express purpose of providing facilities to handle solid waste, recyclable materials, transfer stations, junked or wrecked vehicles, demolition refuse, septic and sewage waste and industrial waste. Disposal or use of any tract so classified will be subject to determination of the tract being suitable for a particular proposed activity.

**"Resource Development"** means land containing resources of sufficient volume and quality and located so that on-going development or production of those resources would yield an overall net economic return. Lands so classified may be sold or leased subject to appropriate restrictions concerning operations or future reclamation. Lands so classified may be retained by the KPB and resources on those lands may be sold or permitted for use.

**"Resource Management"** means land having resources which may be extracted as an interim use in a manner which will not create a negative impact on the most appropriate use of the land. This classification is not exclusive and may overlap any other classification thereby allowing other non-conflicting uses. Resources on these lands may be sold or permitted for use.

**"Grazing Lands"** means those lands which in their natural state have the physical and climatic features that make them primarily useful for the pasturing of domestic livestock. This classification is not exclusive and may overlap any other classification thereby allowing other nonconflicting uses.

# Kenai Peninsula Borough


## Office of Emergency Management

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### MEMORANDUM

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

**THRU:** Marcus Mueller, Land Management Officer

**FROM:** Brenda Ahlberg, Emergency Manager 

**DATE:** 04/01/2022

**RE:** 04/01/2022 Agency Review Notice for Classification of Borough Land

---

Office of Emergency Management recommendations for the following parcels:

06519069 and 06519070: Classify as “utility/transportation.” Recommend retaining these parcels for future bridge egress connecting to parcel 06622025 (AK Department of Natural Resources ownership). The secondary bridge aligns with the Funny River wildfire risk assessment recommendations.

14401038: Classification unchanged. Recommend retaining this parcel to deter land development with known flood reoccurrence history. Potential sale after the upland mitigation project(s) have been completed in Box Canyon.

16513005: Classify as “utility/transportation.” Recommend retaining this parcel for future communications/broadband tower site.

19326114: Ownership cites AK Department of Natural Resources ownership. Is this intentional?



## Hughes, Aaron

---

**From:** Uhlin, Dil  
**Sent:** Friday, April 1, 2022 9:55 AM  
**To:** Hughes, Aaron  
**Subject:** Re: Agency Review Notice for the Classification of Borough Land

RSA has no comment at this time.

Dil

---

**From:** Hughes, Aaron  
**Sent:** Thursday, March 31, 2022 5:07:39 PM  
**To:** Hughes, Aaron  
**Subject:** Agency Review Notice for the Classification of Borough Land

Good afternoon. Please find attached the Agency Review Notice for proposed 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 May 2, 2022. If you should have any questions in regards to the attached notice, please let me know. Thank you for your time in review of the attached.

Sincerely,

**Aaron Hughes**  
Land Management Agent  
(907) 714-2200 (Direct)  
(907) 714-2378 (Fax)

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669



## Hughes, Aaron

---

**From:** Presley, Stephanie  
**Sent:** Tuesday, May 3, 2022 8:43 AM  
**To:** Hughes, Aaron  
**Cc:** Mueller, Marcus; Ahlberg, Brenda; Cinereski, Heather  
**Subject:** RE: Agency Review Notice for the Classification of Borough Land  
**Attachments:** KPB parcel map 14401038.pdf

Good morning.

Thank you for attending the board meeting last night. The SBCFSA board of directors reviewed the proposed Classification for parcel 144-010-38 in Seward. The board voted 4-2 to not recommend classification of this parcel to residential. Best available flood hazard data from 2021 AWR Engineering shows up to 2 feet of flood depths on some portions of the parcel, based on a modeled breach of the Box Canyon Creek gravel embankment during a 1% AEP flood event. The embankment has breached during the 2012 and 1995 flood events. The service area's number 2 priority project for long-term mitigation is to armor this water diversion structure. Once completed, new flood hazard analysis would likely remove this parcel from the special flood hazard area.

Thank you for the opportunity to comment on this classification.

Stephanie Presley  
Program Lead, CFM  
907.224.3340



---

**From:** Hughes, Aaron <AaronHughes@kpb.us>  
**Sent:** Thursday, March 31, 2022 5:08 PM  
**To:** Hughes, Aaron <AaronHughes@kpb.us>  
**Subject:** Agency Review Notice for the Classification of Borough Land

Good afternoon. Please find attached the Agency Review Notice for proposed 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 May 2, 2022. If you should have any questions in regards to the attached notice, please let me know. Thank you for your time in review of the attached.

Sincerely,

**Aaron Hughes**  
Land Management Agent  
(907) 714-2200 (Direct)  
(907) 714-2378 (Fax)

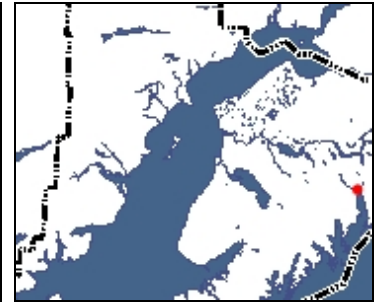
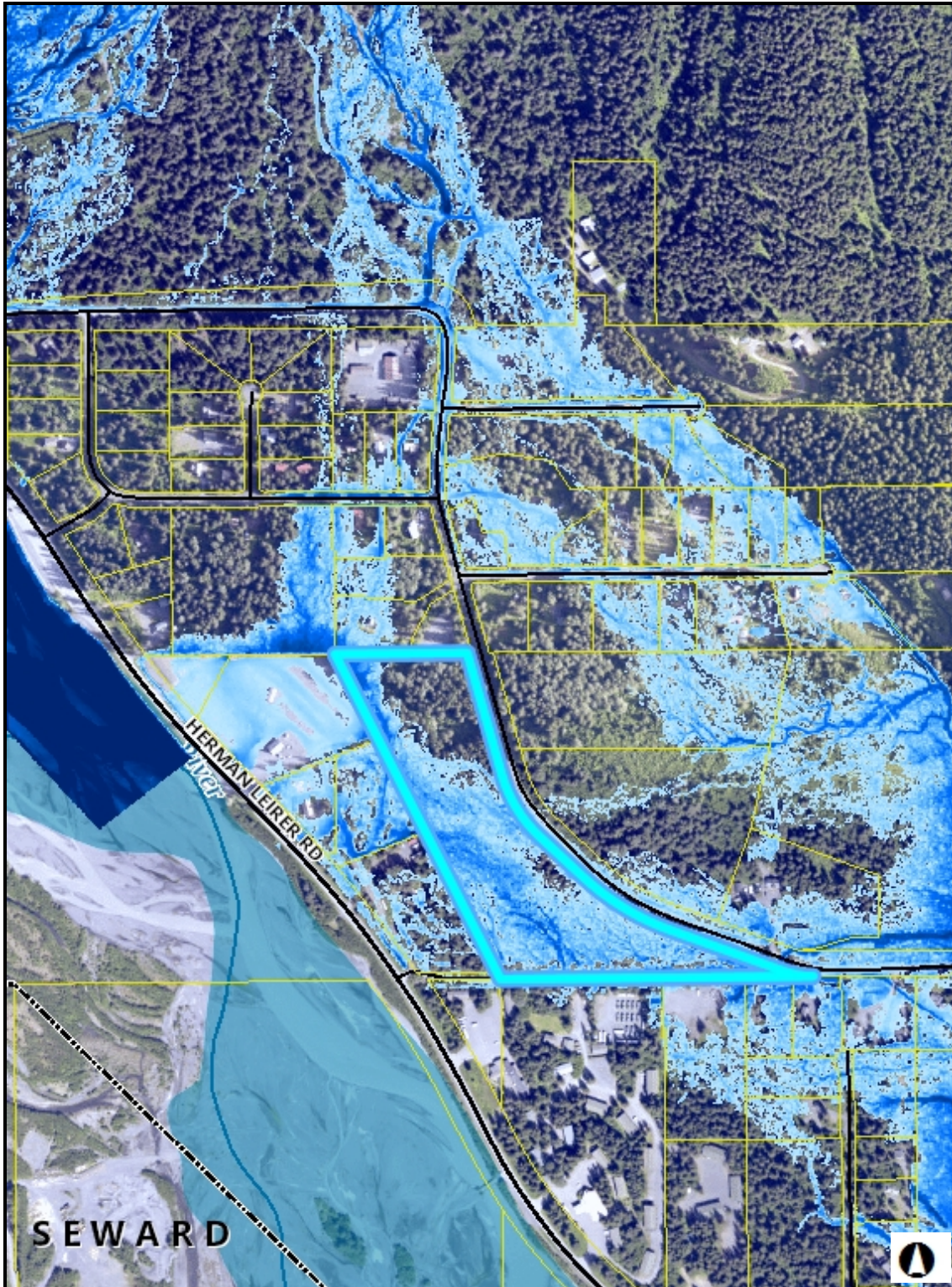
KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669







# KPB 144-01-038 Flood Depths



## Legend

- SBCFSA Boundary
- City Limits
- Mileposts
- Parcels
- LOT LINES
- Highways
- Major Roads
- Roads**
  - Town Medium Volume
  - Town Low/Seasonal; Other
  - Proposed
- Old Mill
- Old Exit Glacier
- Nashwoods

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

## Notes

DATE PRINTED: 4/4/2022



7-11-75

F16CN

0006

02210

2874-62

2-3-2





5-22-82

1" = 400'

1982

KENAI R

120

N

39

330





COOPER LANDING 1"=500'

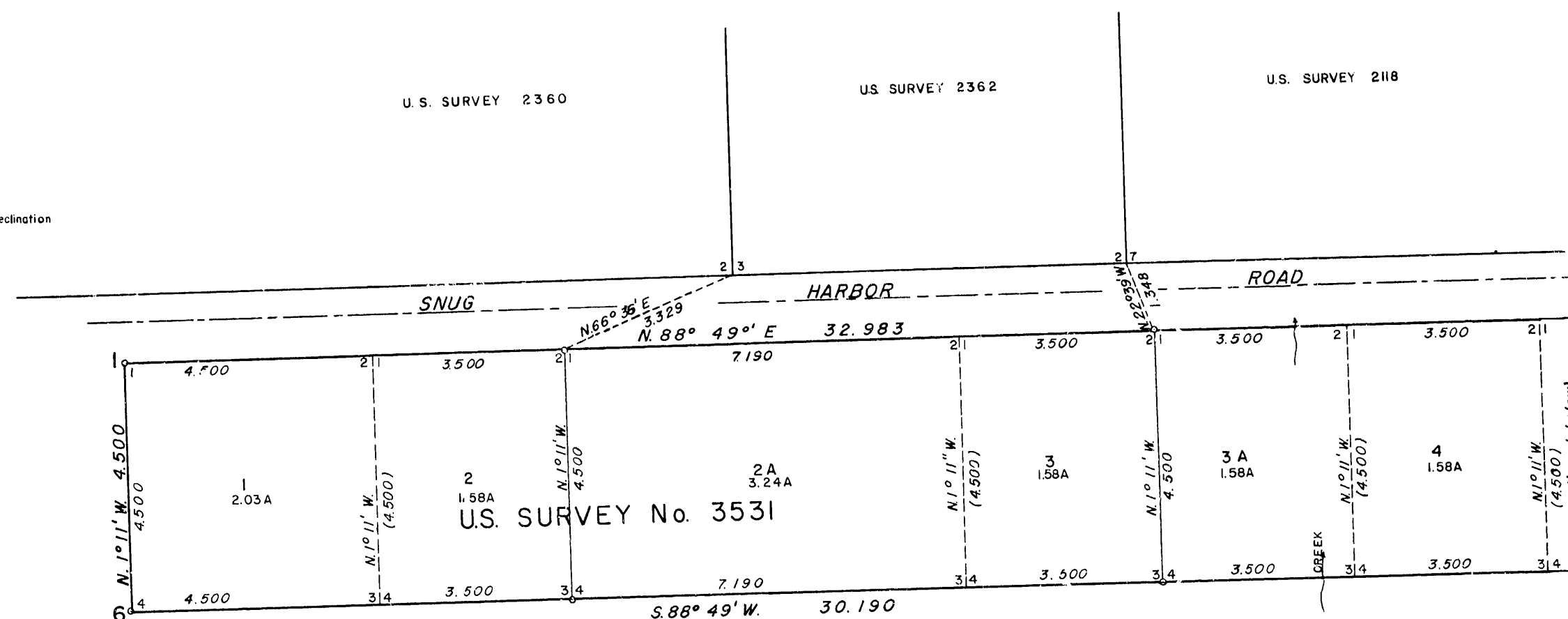
5-31-90

9-12

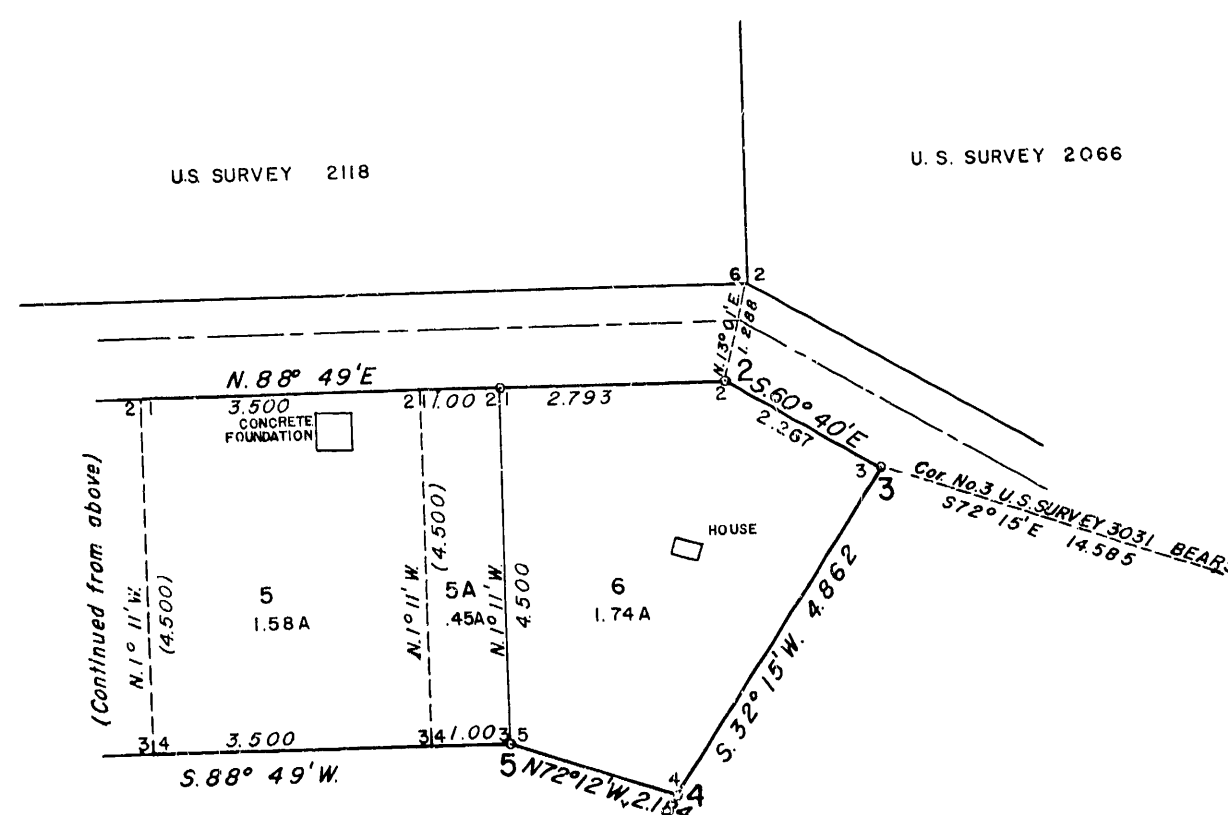
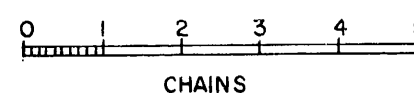
1990







○ INDICATES AN IRON POST MONUMENT  
OTHER MONUMENTS ARE WOODEN POST



EMBRACING  
LOTS 1, 2, 2A, 3, 3A, 4, 5, 5A, and 6  
SITUATED  
ON THE SOUTHERLY SIDE OF THE SNUG HARBOR ROAD  
AT KENAI LAKE

Geographic Position at Corner No. 1

Latitude  $60^{\circ}29\frac{1}{2}'$  N. Longitude  $149^{\circ}47'$  W.  
(Approximate)

AREA: 15.36 ACRES

SURVEYED BY  
HAROLD RADCLIFFE, CADASTRAL SURVEYOR

Survey Commenced May 2, 1957  
Survey Completed May 11, 1957

Under Special Instructions  
Dated May 2, 1957  
Approved May 4, 1957

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C.      August 26, 1958

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

**For the Director**

Earl G. Harrington  
Cadastral Engineering Staff Officer

DEPENDENT RESURVEY  
OF  
U.S. SURVEY  
No. 3531, ALASKA

THE DEPENDENT RESURVEY OF LOT 2A,  
THE SUBDIVISION OF LOT 2A,  
THE ADDITION OF LOT 2D,  
AND REMONUMENTATION OF CERTAIN LOT CORNERS  
SITUATED  
ON THE SOUTHERLY SIDE  
OF THE SNUG HARBOR ROAD  
AT KENI LAKE

APPROXIMATE GEODETIC POSITION  
OF CORNER NO. 1, LOT 1  
LATITUDE 60° 29.5' NORTH, LONGITUDE 149° 47' WEST

AREA RESURVEYED: 3.24 ACRES  
AREA SURVEYED: 0.54 ACRES

SURVEYED BY:  
EDWARD T. PRENDERGAST, CADASTRAL SURVEYOR  
AUGUST 22 THROUGH AUGUST 25, 1969

Under Special Instructions  
Dated January 20, 1969  
Approved January 20, 1969

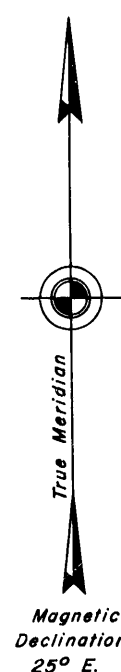
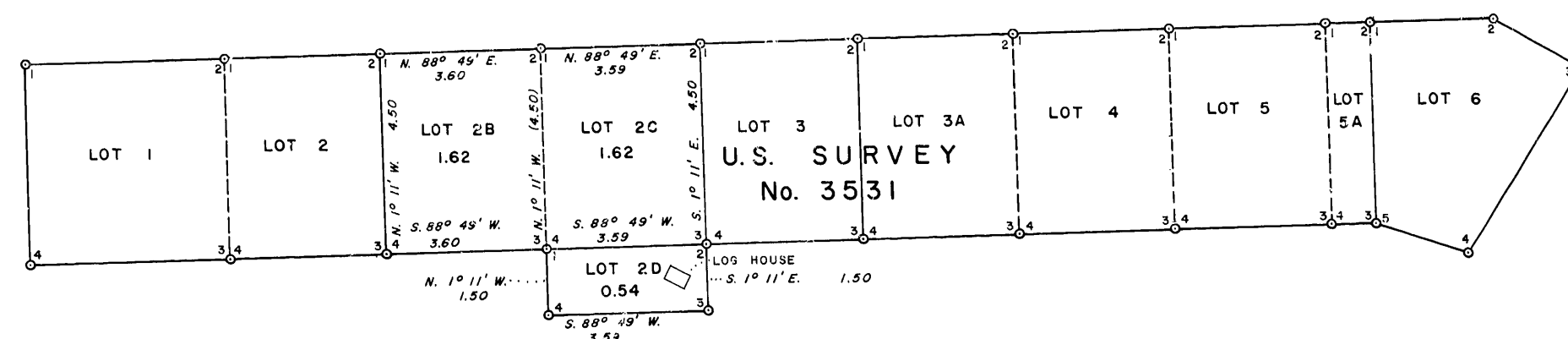
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C. October 20, 1970

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*Clark F. Lumm*

Chief, Division of Cadastral Survey



○ BRASS CAPPED IRON POST



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

BUREAU OF LAND MANAGEMENT

RECEIVED  
SEP 17 1958

FIELD NOTES

SURVEY OFFICE  
Anchorage, Alaska

OF

U. S. SURVEY NO. 3531

EMBRACING LOTS 1, 2, 2A, 3, 3A, 4, 5, 5A, AND 6.

SITUATED

ON THE SOUTHERLY SIDE OF THE SNUG HARBOR ROAD AT KENAI LAKE

GEOGRAPHIC POSITION AT COR. NO. 1

LATITUDE  $60^{\circ} 29\frac{1}{2}'$  N. LONGITUDE  $149^{\circ} 47'$  W.  
(APPROXIMATE)

Of the Meridian,

In the ~~State of~~ TERRITORY OF ALASKA

EXECUTED BY

HAROLD RADCLIFFE, CADASTRAL SURVEYOR

Under special instructions dated MAY 2, 1957, which provided  
U.S. Survey  
for the surveys included under ~~Group~~ No. 3531, approved MAY 4, 1957  
supplemental  
and assignment instructions dated APRIL 29, 1957

Survey commenced MAY 2, 1957.

Survey completed MAY 11, 1957.

1.

## U. S. SURVEY NO. 3531

## Chains

Survey commenced May 2, 1957. In the execution of this survey, I use the same transit, tape and method as used in U. S. Survey No. 3392.

Due to adverse weather conditions during the survey, I was unable to obtain an azimuth by direct observations upon the sun, therefore I use the same azimuth which was established in 1930 in U. S. Survey No. 2066 by Chas. P. Seelye.

All lines are deflected from the true meridian, and carried throughout the survey, by the double center method.

The magnetic declination is  $25^{\circ}$  E.

Begin at the point for Cor. No. 1, U. S. Survey No. 3531, and Cor. No. 1, Lot 1, offset 50 ft. from the center line of the Snug Harbor Road.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., flush with the ground with brass cap mkd.

S3531  
C1  
L1

1957

from which

A spruce, 3 ins. diam., bears S.  $38^{\circ}$  E., 0.125 chs. dist., mkd. BT.

A spruce, 3 ins. diam., bears S.  $67^{\circ}$  E., 0.04 chs. dist., mkd. BT.

N.  $88^{\circ} 49'$  E.

On line 1-2, identical with line 1-2 Lots 1, 2, 2A, 3, 3A, 4, 5, 5A, and 6, 50 ft. from center line of road.

Over gently rolling land through spruce and aspen timber, alder and willow undergrowth.

4.50 Point for Cor. No. 2, Lot 1, identical with Cor. No. 1, Lot 2.

Set a wood post, 2 X 3 ins., 36 ins. long, 18 ins. in the ground mkd. L1 on W., L2 on E., and S3531 on S. side.

8.00 Point for Cor. No. 2, Lot 2, identical with Cor. No. 1, Lot 2A.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., flush with the ground with brass cap mkd.

L2 L2A  
C2 C1

S3531

1957

from which

A spruce, 4 ins. diam., bears S.  $18^{\circ}$  W., 0.215 chs. dist., mkd. S 3531 L2 C2 BT.

A spruce, 5 ins. diam., bears S.  $63^{\circ}$  E., 0.495 chs. dist., mkd. S 3531 L2A C1 BT.

## U. S. SURVEY NO. 3531

## Chains

- Cor. No. 2, U. S. Survey No. 2360, identical with Cor. No. 3, U. S. Survey No. 2362, monumented with an iron post, 2 ins. diam., projecting 6 ins., firmly set, mkd., and witnessed as described in the official record, bears N. 66° 36' E., 3.329 chs. dist.
- 15.19 Point for Cor. No. 2, Lot 2A, identical with Cor. No. 1, Lot 3.
- Set a wood post, 2 X 3 ins., 36 ins. long, 18 ins. in the ground, mkd. L2A on W., L3 on E., and S 3531 on S. side.
- 18.69 Point for Cor. No. 2, Lot 3, identical with Cor. No. 1, Lot 3A.
- Set an iron post, 28 ins. long, 2½ ins. diam., flush with the ground, with brass cap mkd.
- |    |     |
|----|-----|
| L3 | L3A |
| C2 | C1  |
- S 3531  
1957
- from which
- A spruce, 8 ins. diam., bears S. 59° W., 0.145 chs. dist., mkd. S 3531 L3 C2 BT.
- A cottonwood, 6 ins. diam., bears S. 34° E., 0.185 chs. dist., mkd. S 3531 L3A C1 BT.
- Cor. No. 2, U. S. Survey No. 2362, identical with Cor. No. 7, U. S. Survey No. 2118, monumented as described in the official record, bears N. 22° 39' W., 1.348 chs. dist.
- 21.27 Creek 4 lks. wide, 3 ins. deep; course North.
- 22.19 Point for Cor. No. 2, Lot 3A, identical with Cor. No. 1, Lot 4.
- Set a wood post, 2 X 3 ins., 36 ins. long, 18 ins. in the ground mkd. L3A on W., L4 on E., and S 3531 on S. side.
- 25.69 Point for Cor. No. 2, Lot 4, identical with Cor. No. 1, Lot 5.
- Set a wood post, 2 X 3 ins., 36 ins. long, 18 ins. in the ground mkd. L4 on W., L5 on E., and S 3531 on S. side.
- 29.19 Point for Cor. No. 2, Lot 5, identical with Cor. No. 1, Lot 5A.
- Set a wood post, 2 X 3 ins., 36 ins. long, 18 ins. in the ground, mkd. L5 on W., L5A on E., and S 3531 on S. side.
- from which
- NE. corner of a concrete foundation, 30 X 30 ft., bears S. 70° W., 0.87 chs. dist., side extends West.
- 30.19 Point for Cor. No. 2, Lot 5A, identical with Cor. No. 1, Lot 6.
- Set an iron post, 28 ins. long, 2½ ins. diam., flush with the ground with brass cap mkd.
- |     |    |
|-----|----|
| L5A | L6 |
| C2  | C1 |
- S 3531  
1957
- from which



## U. S. SURVEY NO. 3531

## Chains

A spruce, 4 ins. diam., bears S.  $57^{\circ}$  W., 0.445 chs. dist., mkd.  
S 3531 C2 I5A BT.

A spruce, 4 ins. diam., bears S.  $75^{\circ}$  E., 0.37 chs. dist., mkd.  
S 3531 I6 C1 BT.

32.983 Point for Cor. No. 2, U. S. Survey No. 3531, identical with Cor. No. 2, Lot 6.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., flush with the ground with brass cap mkd.

S 3531

C2

I6

1957

from which

The most easterly corner of a building, 15 X 18 ft., bears  
S.  $8^{\circ} 42'$  W., 2.085 chs. dist., longside extends N.  $75^{\circ}$  W.

Cor. No. 2, U. S. Survey No. 2066, identical with Cor. No. 6,  
U. S. Survey No. 2118, monumented as described in the official  
record, bears N.  $13^{\circ} 01'$  E., 1.288 chs.

S.  $60^{\circ} 40'$  E.

On line 2-3, identical with line 2-3, Lot 6.

2.267 Point for Cor. No. 3, U. S. Survey No. 3531, identical with Cor. No. 3, Lot 6.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., flush with the ground with brass cap mkd.

S 3531

C3

I6

1957

from which

An aspen, 8 ins. diam., bears S.  $83^{\circ}$  W., 0.515 chs. dist., mkd.  
S 3531 C3 I6 BT.

An aspen, 8 ins. diam., bears S.  $55^{\circ}$  W., 0.31 chs. dist., mkd.  
S. 3531 C3 I6 BT.

Cor. No. 3, U. S. Survey No. 3031, monumented as described in the  
official record bears S.  $72^{\circ} 15'$  E., 14.585 chs. dist.

S.  $32^{\circ} 15'$  W.

On line 3-4, U. S. Survey No. 3531, identical with line 3-4, Lot 6.

Ascend gentle N. slope, through small spruce and aspen timber, alder  
and willow undergrowth.

4.862 Point for Co. No. 4, U. S. Survey No. 3531, identical with Cor. No. 4, Lot 6.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., flush with the ground with brass cap mkd.

## U. S. SURVEY NO. 3531

Chains

S 3531.

Ch

16

1957

from which

An aspen, 6 ins. diam., bears N. 30° W., 0.035 chs. dist., mkd.  
S. 3531 Ch 16 BT.

An aspen, 8 ins. diam., bears N. 30° E., 0.53 chs. dist., mkd.  
S 3531 Ch 16 BT.

N. 72° 12' W.

On line 4-5, identical with line 4-5, Lot 6.

2.184 Point for Cor. No. 5, U. S. Survey No. 3531, identical with Cor. No.  
5, Lot 6 and Cor. No. 3, Lot 5A.

Set an iron post, 28 ins. long, 2½ ins. diam., flush with the ground  
with brass cap mkd.

S 3531 C5

15A

C3

16

C5

1957

from which

An aspen, 8 ins. diam., bears N. 13° W., 0.455 chs. dist., mkd.  
S 3531 C5 15A C3 BT.

A spruce, 6 ins., diam., bears S. 78° E., 0.175 chs. dist.,  
mkd. S 3531 C5 16 BT.

S. 88° 49' W.

On line 5-6, identical with line 3-4 Lots 5A, 5, 4, 3A, 3, 2A, 2, and 1.

Over gently rolling land through small spruce and aspen timber, willow  
and alder undergrowth.

1.00 Point for Cor. No. 4, Lot 5A, identical with Cor. No. 3, Lot 5.

Set a wood post, 2 X 3 ins., 36 ins. long, 18 ins. in the ground mkd.  
15 on W., 15A on E., and S 3531 on N. side.

4.50 Point for Cor. No. 4, Lot 5, identical with Cor. No. 3, Lot 4.

Set a wood post, 2 X 3 ins., 36 ins. long, 18 ins. in the ground mkd.  
14 on W., 15 on E., and S 3531 on N. side.

8.00 Point for Cor. No. 4, Lot 4, identical with Cor. No. 3, Lot 3A.

Set a wood post, 2 X 3 ins., 36 ins. long, 18 ins. in the ground mkd.  
13A on W., 14 on E., and S 3531 on N. side.

8.58 Creek 4 lks. wide, 3 ins. deep, course North.

11.50 Point for Cor. No. 4, Lot 3A, identical with Cor. No. 3, Lot 3.

Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground

U. S. SURVEY NO. 3531

Chains

with brass cap mkd.

S 3531  
L3 L3A  
C3 Ch

1957

from which

An aspen, 4 ins. diam., bears N. 48° W., 0.07 chs. dist., mkd.  
S 3531 L3 C3 BT.

A spruce, 4 ins. diam., bears N. 47° E., 0.105 chs. dist., mkd.  
S 3531 L3A Ch BT.

15.00 Point for Cor. No. 4, Lot 3, identical with Cor. No. 3, Lot 2A.

Set a woodpost, 2 X 3 ins., 36 ins. long, 18 ins. in the ground, mkd.  
L2A on W., L3 on E., and S 3531 on N. side.

22.19 Point for Cor. No. 4, Lot 2A, identical with Cor. No. 3, Lot 2.

Set an iron post, 28 ins. long, 2½ ins. diam., flush with the ground  
with brass cap mkd.

S 3531  
L2 L2A  
C3 Ch

1957

from which

A spruce, 8 ins. diam., bears N. 24° E., 0.315 chs. dist., mkd.  
S 3531 L2A Ch BT.

A spruce, 8 ins. diam., bears N. 13° W., 0.245 chs. dist., mkd.  
S 3531 L2 C3 BT.

25.69 Point for Cor. No. 4, Lot 2, identical with Cor. No. 3, Lot 1.

Set a wood post, 2 X 3 ins., 36 ins. long, 18 ins. in the ground,  
mkd. L1 on W., L2 on E., and S 3531 on N. side.

30.19 Point for Cor. No. 6, U. S. Survey No. 3531, identical with Cor. No.  
4, Lot 1.

Set an iron post, 28 ins. long, 2½ ins. diam., flush with the ground  
with brass cap mkd.

S 3531  
C6  
L1 Ch

1957

from which

A spruce, 14 ins. diam., bears N. 30° E., 0.36 chs. dist., mkd.  
S 3531 C6 L1 Ch BT.

A spruce, 6 ins. diam., bears N. 83° E., 0.20 chs. dist., mkd.  
S 3531 C6 L1 Ch BT.

N. 1° 11' W.

On line 6-1, identical with line 4-1, Lot 1.



## U. S. SURVEY NO. 3531

Chains

Descend N. slope, through scrub spruce timber.

4.50

Cor. No. 1, place of beginning, containing 15.36 acres.

## GENERAL DESCRIPTION

This tract is located on the South side of the Snug Harbor Road and West of Schakleford Creek at Kenai Lake, and is subdivided into 9 lots. The land is on a gentle North and covered with small spruce and aspen timber, willow and alder undergrowth. The soil is composed of moss, silt and gravel.



# CERTIFICATE OF CADASTRAL ENGINEER

I, HAROLD RADCLIFFE, HEREBY CERTIFY upon honor that, in pursuance of special instructions bearing date of the 2nd day of MAY, 1957, I have surveyed U. S. SURVEY NO. 3531, EMBRACING LOTS 1, 2, 2A, 3, 3A, 4, 5, 5A, AND 6. SITUATED ON THE SOUTHERLY SIDE OF THE SNUG HARBOR ROAD AT KENAI LAKE.

of the Meridian, in the STATE TERRITORY OF ALASKA, which are represented in the foregoing field notes as having been executed by me and under my direction; and that said survey has been made in strict conformity with said instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, and in the specific manner described in the foregoing field notes.

June 1958  
Anchorage, Alaska

Harold Radcliffe  
Harold Radcliffe, Cadastral Surveyor

## CERTIFICATE OF APPROVAL

BUREAU OF LAND MANAGEMENT,

Washington, D. C., AUG 26 1958, 19

The foregoing field notes of the survey of U. S. SURVEY NO. 3531, EMBRACING LOTS 1, 2, 2A, 3, 3A, 4, 5, 5A, AND 6. SITUATED ON THE SOUTHERLY SIDE OF THE SNUG HARBOR ROAD AT KENAI LAKE.

executed by HAROLD RADCLIFFE, CADASTRAL SURVEYOR

having been critically examined and found correct, are hereby approved.

Earl G. Harrington  
Cadastral Engineering Staff Officer

## ~~CERTIFICATE OF TRANSCRIPT~~

~~I CERTIFY that the foregoing transcript of the field notes of the above described surveys in~~  
~~is a true copy of the original field notes.~~

~~Cadastral Engineering Staff Officer~~



ORIGINAL

Form 9180-t.  
(April 1965)  
(formerly 4-679)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

282

## FIELD NOTES

OF

THE DEPENDENT RESURVEY OF LOT 2A U.S. SURVEY NO. 3531

THE SUBDIVISION OF LOT 2A,

THE ADDITION OF LOT 2D

AND

REMONUMENTATION OF CERTAIN LOT CORNERS

SITUATED

ON THE SOUTHERLY SIDE OF THE SNUG HARBOR ROAD AT KENAI LAKE

APPROXIMATE GEODETIC POSITION OF CORNER NO. 1, LOT 1

LATITUDE  $60^{\circ} 29.5'$  NORTH - LONGITUDE  $149^{\circ} 47'$  WEST

Of the \_\_\_\_\_ Meridian,

In the State of \_\_\_\_\_ ALASKA \_\_\_\_\_.

### EXECUTED BY

EDWARD T. PRENDERGAST, CADASTRAL SURVEYOR

Under special instructions dated \_\_\_\_\_ JANUARY 20 \_\_\_\_\_, 19 69, which provided for the surveys  
U.S. SURVEY NO. 3531

included under ~~Contract~~ \_\_\_\_\_, approved \_\_\_\_\_ JANUARY 20, 1969 \_\_\_\_\_,

and assignment instructions dated \_\_\_\_\_ AUGUST 14 \_\_\_\_\_, 19 69.

Survey commenced \_\_\_\_\_ AUGUST 22 \_\_\_\_\_, 19 69

Survey completed \_\_\_\_\_ AUGUST 25 \_\_\_\_\_, 19 69

DEPENDENT RESURVEY OF  
U. S. SURVEY NO. 3531

CHAINS

This survey, commenced August 22, 1969, was executed in accordance with the specifications as set forth in the Manual of Surveying Instructions, 1947, and the Special Instructions dated January 20, 1969.

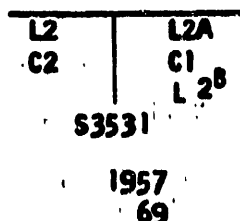
The approximate geodetic position of corner No. 1, Lot 1, is Latitude  $60^{\circ} 29.5'$  North, Longitude  $149^{\circ} 47'$  West.

The bearings used in this survey were obtained from the record bearing of line 5-6, U.S. Survey No. 3531.

The magnetic declination is  $25^{\circ}$  East.

Begin at point for cor. No. 1, Lot 2B, identical with cor. No. 2, Lot 2, monumented with an iron post,  $2\frac{1}{2}$  ins. diam., extending 6 ins. above ground, firmly set, mkd. and witnessed as described in the official record.

I add marks to read:



No additional accessories taken.

N.  $88^{\circ} 49'$  E., on line 1-2, Lot 2B, identical with a portion of line 1-2, U.S. Survey No. 3531.

Over gently rolling land, through spruce and aspen timber; alder and willow undergrowth.

3.60 Point for cor. No. 2, Lot 2B and cor. No. 1, Lot 2C.

Set an iron post, 26 ins. long,  $2\frac{1}{2}$  ins. diam., 20 ins. in the ground, and in a mound of stone, with brass cap mkd.



from which

A spruce, 10 ins. diam., bears S.  $77^{\circ}$  E., 9 lks. dist., mkd. S3531 L2C C1 BT.

A spruce, 6 ins. diam., bears S.  $80^{\circ}$  W., 49 lks. dist., mkd. S3531 L2B C2 BT.

Continue, on line 1-2, Lot 2C.

7.19 Cor. No. 2, Lot 2C, identical with cor. No. 1, Lot 3, monumented with a wood post, 2 x 3 ins., extending 18 ins. above ground, firmly set, and mkd. as described in the official record.

DEPENDENT RESURVEY OF  
U. S. SURVEY NO. 3531

CHAINS

At the cor. point.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., 24 ins. in the ground, and in a mound of stone, with brass cap mkd.

L2C	L3
C2	C1

S3531

1969

from which

A spruce, 8 ins. diam., bears S.  $5^{\circ}$  E., 143 lks. dist., mkd. S3531 L3 C1 BT.

A spruce, 6 ins. diam., bears S.  $45^{\circ}$  W., 86 lks. dist., mkd. S3531 L2C C2 BT.

Reset the wood post alongside the iron post.

S.  $1^{\circ} 11'$  E., on line 2-3, Lot 2C and 1-4, Lot 3.

Over gently rolling land, through spruce and aspen timber with willow undergrowth.

4.50

Cor. No. 3, Lot 2C and Cor. No. 4, Lot 3, identical with point for cor. No. 2, Lot 2D, monumented with a wood post, 2 x 3 ins., extending 18 ins. above ground, firmly set and mkd. as described in the official record.

At the cor. point.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., 24 ins. in the ground, with brass cap mkd.

S3531
L2C L3
C3 C4
L2D
C2

1969

from which

A spruce, 4 ins. diam., bears N.  $64^{\circ}$  E., 47 lks. dist., mkd. X BT.

A spruce, 8 ins. diam., bears S.  $3^{\circ}$  E., 22 lks. dist., mkd. S3531 L2D C2 BT.

A spruce, 4 ins. diam., bears N.  $36^{\circ}$  W., 56 lks. dist., mkd. X BT.

Reset the wood post alongside the iron post.

Continue, on line 2-3, Lot 2D.

6.00

Point for cor. No. 3, Lot 2D.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., 24 ins. in the ground, with brass cap mkd.



DEPENDENT RESURVEY OF  
U. S. SURVEY NO. 3531

CHAINS

S3531  
L2D  
C3

1969

from which

A spruce, 12 ins. diam., bears N. 79° W.,  
94 lks. dist., mkd. S3531 L2D C3 BT.

A spruce, 10 ins. diam., bears N. 32° W.,  
19 lks. dist., mkd. S3531 L2D C3 BT.

The SE. cor. of a log house, 21 x 35 ft., bears  
N. 47° W., 73 lks. dist., long side extends  
N. 63° W.

S. 88° 49' W., on line 3-4, Lot 2D.

Over nearly level land, through spruce and aspen timber.

3.59 Point for cor. No. 4, Lot 2D.

Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins.  
in the ground, with brass cap mkd.

S3531  
L2D  
C4

1969

from which

A spruce, 10 ins. diam., bears N. 20° E.,  
31 lks. dist., mkd. S3531 L2D C4 BT.

A spruce, 8 ins. diam., bears N. 76° E.,  
24 lks. dist., mkd. S3531 L2D C4 BT.

N. 1° 11' W., on line 4-1, Lot 2D.

Over nearly level land, through spruce and aspen timber.

1.50 Point for cor. No. 1, Lot 2D, cor. No. 3, Lot 2B, and cor.  
No. 4, Lot 2C.

Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins.  
in the ground, with brass cap mkd.

S3531  
L2B L2C  
C3 C4  
L2D  
C1

1969

from which

A spruce, 10 ins. diam., bears N. 53° E.,  
24 lks. dist., mkd. S3531 L2C C4 BT.

DEPENDENT RESURVEY OF  
U. S. SURVEY NO. 3531

## CHAINS

A spruce, 12 ins. diam., bears S. 81° E.,  
43 lks. dist., mkd. S3531 L20 C1 BT.

A spruce, 8 ins. diam., bears N. 82° W.,  
20 lks. dist., mkd. S3531 L28 C3 BT.

S. 88° 49' W., on line 3-4, Lot 28.

Over nearly level land through spruce and aspen timber  
with willow undergrowth.

3.60

Cor. No. 3, Lot 2, identical with point for cor. No. 4,  
Lot 28, an iron post, 2½ ins. diam., extending 4 ins.  
above ground, firmly set, mkd. and witnessed as described  
in the official record.

I add marks to read:

S3531  
L2 | L2A  
C3 | C4 L28

1957  
69

No additional accessories taken.

N. 1° 11' W., on line 4-1, Lot 28, and 3-2, Lot 2.

Over gently rolling land, through spruce and aspen timber.

4.50

Cor. No. 1, Lot 28 and cor. No. 2, Lot 2, the point of  
beginning.

MONUMENTS REPLACING WOOD POSTS

At point for cor. No. 2, Lot 1 and cor. No. 1, Lot 2,  
monumented with a wood post, 2 x 3 ins., extending 18 ins.  
above ground, firmly set and mkd. as described in the  
official record.

Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins.  
in the ground, and in a mound of stone, with brass cap  
mkd.

L1 | L2  
C2 | C1  
S3531

1969

from which

A spruce, 10 ins. diam., bears S. 36° E.,  
46 lks. dist., mkd. S3531 L2 C1 BT.

A spruce, 12 ins. diam., bears S. 30° W.,  
17 lks. dist., mkd. S3531 L1 C2 BT.

Reset wood post alongside the iron post.

DEPENDENT RESURVEY OF  
U. S. SURVEY NO. 3531

## CHAINS

At point for cor. No. 3, Lot 1 and cor. No. 4, Lot 2, monumented with a wood post, 2 x 3 ins., extending 18 ins. above ground, firmly set and mkd. as described in the official record.

Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.

S3531  
L1 L2  
C3 C4

1969

from which

A spruce, 8 ins. diam., bears N. 45° E.,  
20 lks. dist., mkd. S3531 L2 C4 BT.

A spruce, 8 ins. diam., bears N. 60° W.,  
45 lks. dist., mkd. S3531 L1 C3 BT.

Reset wood post alongside iron post.

At point for cor. No. 2, Lot 3A and cor. No. 1, Lot 4, monumented with a wood post, 2 x 3 ins., extending 18 ins. above ground, firmly set and mkd. as described in the official record.

Set an iron post, 28 ins. long, 2½ ins. diam., 20 ins. in the ground, and in a mound of stone, with brass cap mkd.

L3A L4  
C2 C1  
S3531

1969

from which

A spruce, 6 ins. diam., bears N. 8° E.,  
34 lks. dist., mkd. XBT.

A spruce, 6 ins. diam., bears S. 70° W.,  
37 lks. dist., mkd. S3531 L3A C2 BT.

Reset wood post alongside of iron post.

At point for cor. No. 3, Lot 3A and cor. No. 4, Lot 4, monumented with a wood post, 2 x 3 ins., extending 18 ins. above ground, firmly set and mkd. as described in the official record.

Set an iron post, 28 ins. long, 2½ ins. diam., 20 ins. in the ground, and in a mound of stone, with brass cap mkd.

S3531  
L3A L4  
C3 C4

1969



DEPENDENT RESURVEY OF  
U. S. SURVEY NO. 3531

CHAINS

from which

A spruce, 6 ins. diam., bears N. 16° E.,  
27 lks. dist., mkd. S3531 L4 C4 BT.

A spruce, 4 ins. diam., bears N. 44° W.,  
64 lks. dist., mkd. XBT.

Reset wood post alongside of iron post.

At point for cor. No. 2, Lot 4, and cor. No. 1, Lot 5,  
monumented with a wood post, 2 x 3 ins., extending 18 ins.  
above ground, firmly set and mkd. as described in the  
official record.

Set an iron post, 28 ins. long, 2½ ins. diam., 20 ins.  
in the ground, and in a mound of stone, with brass cap  
mkd.

L4 L5  
C2 C1  
S3531

1969

from which

A spruce, 4 ins. diam., bears S. 32° E.,  
41 lks. dist., mkd. XBT.

A spruce, 4 ins. diam., bears S. 45° W.,  
32 lks. dist., mkd. XBT.

Reset wood post alongside of iron post.

At point for cor. No. 3, Lot 4, and cor. No. 2, Lot 5,  
monumented with a wood post, 2 x 3 ins., extending 18 ins.  
above ground, firmly set and mkd. as described in the  
official record.

Set an iron post, 28 ins. long, 2½ ins. diam., 20 ins.  
in the ground, and in a mound of stone, with brass cap  
mkd.

S3531  
L4 L5  
C3 C4

1969

from which

A spruce, 4 ins. diam., bears N. 61° E.,  
39 lks. dist., mkd. XBT.

A spruce, 4 ins. diam., bears S. 76° E.,  
61 lks. dist., mkd. XBT.

Reset wood post alongside of iron post.

At point for cor. No. 2, Lot 5 and cor. No. 1, Lot 5A,  
monumented with a wood post, 2 x 3 ins., extending 18 ins.

-7-

DEPENDENT RESURVEY OF  
U. S. SURVEY NO. 3531

## CHAINS

above ground, firmly set and mkd. as described in the official record.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., 20 ins. in the ground, and in a mound of stone, with brass cap mkd.

L5 | L5A  
C2 | C1

S3531

1969

from which

A spruce, 4 ins. diam., bears S. 60° E.,  
26 lks. dist., mkd. XBT.

A spruce, 4 ins. diam., bears S. 60° W.,  
42 lks. dist., mkd. XBT.

Reset wood post alongside of iron post.

At point for cor. No. 3, Lot 5 and cor. No. 4, Lot 5A, monumented with a wood post, 2 x 3 ins., extending 18 ins. above ground, firmly set and mkd. as described in the official record.

Set an iron post, 28 ins. long,  $2\frac{1}{2}$  ins. diam., 22 ins. in the ground, with brass cap mkd.

S3531  
L5 | L5A  
C3 | C4

1969

from which

An aspen, 4 ins. diam., bears N. 30° E.,  
17 lks. dist., mkd. XBT.

A spruce, 4 ins. diam., bears S. 66° W.,  
67 lks. dist., mkd. XBT.

Reset wood post alongside of iron post.

AREA

Lot 2B	1.62 Acres
Lot 2C	1.62 "
Lot 2D	<u>0.54</u> "
TOTAL	3.78 Acres

GENERAL DESCRIPTION

This survey is located on the south side of Snug Harbor Road and west of Schakleford Creek at Kenai Lake, and is subdivided into 11 lots. The land is on a gentle north slope, covered with spruce and aspen timber, willow and alder undergrowth. The soil is mostly moss covered silt and gravel.





## CERTIFICATE OF SURVEY

(I) ~~(We)~~, Edward T. Prendergast, HEREBY  
 CERTIFY upon honor that, in pursuance of special instructions bearing date of the 20th day  
 of January, 1969, (I) ~~(We)~~ have dependently resurveyed Lot 2A of  
 U.S. Survey No. 3531, subdivided Lot 2A, added Lot 2D, and remonumented  
 certain lot corners, situated on the southerly side of the Snug Harbor  
 Road at Kenal Lake.

of the Meridian, in the State of Alaska, which  
 are represented in the foregoing field notes as having been executed by (me), ~~(us)~~ and under (my)  
~~(our)~~ direction; and that said survey has been made in strict conformity with said special instruc-  
 tions, the Manual of Instructions for the Survey of the Public Lands of the United States, and in  
 specific manner described in the foregoing field notes.

January 12, 1970  
 (Date)

Edward T. Prendergast  
 (Signature)  
 Edward T. Prendergast  
 Cadastral Surveyor

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Cadastral Surveyor)

## CERTIFICATE OF APPROVAL

SUBMITTED FOR APPROVAL  
 Date JAN 20 1970

BUREAU OF LAND MANAGEMENT  
 Washington, D.C.

The foregoing field notes of the dependently resurveyed Lot 2A of  
 U.S. Survey No. 3531, subdivision of Lot 2A, addition of Lot 2D and  
 remonumentation of certain lot corners, situated on the southerly side  
 of the Snug Harbor Road at Kenal Lake.

executed by Edward T. Prendergast, Cadastral Surveyor

having been critically examined and found correct, are hereby approved.

OCT 20 1970  
 (Date)

Clark F. Sumner  
 (Chief, Division of Cadastral Survey)

## CERTIFICATE OF TRANSCRIPT

I CERTIFY That the foregoing transcript of the field notes of the above-described surveys in  
 \_\_\_\_\_, is a true copy of the original field notes.

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Chief, Division of Cadastral Survey) GPO 44-626

Public Comment Received After April 15, 2022

Parcel Number 013-042-42 and 013-092-76

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Monday, April 18, 2022 8:30 AM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Fwd: 013-042-42 and 013-092-76 Opposed

---

**From:** Georgina Braun <gbandgb1@outlook.com>  
**Sent:** Friday, April 15, 2022 5:29 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Fwd: 013-042-42 and 013-092-76 Opposed

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.

Sent from my iPhone

**Subject: Fwd: 013-042-42 and 013-092-76 Opposed**

KPB Land Management Division

To whom this may concern,

With regards to Public Notice of Proposed Land Classification of lots 013-042-42 and 013-092-76. We opposed this reclassification. My husband has lived on Daniels Lake for 49 years and I have for 25 years.

Thank you.

Greg and Georgina Braun



## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Monday, April 18, 2022 8:30 AM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Fwd: 013-042-42 and 013-092-76 Opposed

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KPB Land Management Division

To whom this may concern,

With regards to Public Notice of Proposed Land Classification of lots 013-042-42 and 013-092-76. We opposed this reclassification. My husband has lived on Daniels Lake for 49 years and I have for 25 years.

Thank you.

Greg and Georgina Braun

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Thursday, April 28, 2022 8:44 AM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>Letter of Opposition

---

**From:** Alli Nelson <allinelson71@gmail.com>  
**Sent:** Wednesday, April 27, 2022 5:58 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Letter of Opposition

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.

I am sending this email in adamant opposition to the reclassification of parcels 013-042-42 & 013-092-76 on Daniel's Lake. My family was part of the original group of homesteaders and my grandfather Harry White worked for the road commission and was responsible for a majority of the roads in the area.

The families that reside out north live there to enjoy privacy and a way of life free of governmental interference. Sectioning off and subsequently auctioning pieces to the highest bidder with restrictions, covenants and rules that change our way of life is unacceptable.

Again, I oppose the reclassification of parcels 013-042-42 & 013-092-76, thank you.

Allison C Nelson (White)

Alli C. Nelson

Public Comment Received After April 15, 2022

Parcel Number 057-530-15





APR 14 2022

Dear Land Owner or Leaseholder:

### Public Notice of Proposed Land Classification

Pursuant to Kenai Peninsula Borough (KPB) Code of Ordinances, Chapter 17.10.080(G), the KPB Land Management Division proposes to classify 1 parcel of borough land as defined in the attached table. Public notice is sent to all land owners and/or leaseholders within a one-half mile radius of the land proposed to be classified, applicable agencies, and interested parties. The KPB encourages you to review the land classification, attend meetings, and submit written comments. Maps showing the subject land are available at the KPB Planning Department public counter or on the KPB's web site under *Public Notices* at <http://www.borough.kenai.ak.us/planningdept>

**Basis for Classification:** To establish the most appropriate use and management intent of borough land in order to prepare KPB parcels for future management decisions including potential sale.

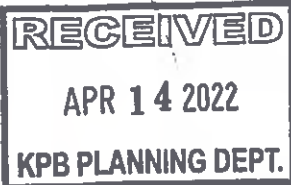
**Proposed Classification(s):** Descriptions of the proposed classifications for each parcel can be found in the Classification Table below.

Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Zoning
057-530-15	Soldotna	LOT ONE (1), BLOCK 2-A, BLOCK 2-A AND A PORTION OF BLOCK 3-A OF THE IRONS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER AMENDED PLAT NUMBER 75-4, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	0.34	Residential	Rural
<p>Residential Classification:... means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses. [KPB 17.10.250(DD)]</p> <p>Rural Zoning District: ...Land us in the rural district shall be unrestricted except as otherwise provided in this title. [KPB 21.01.010 (B)]</p>					

**Description of Borough Land Proposed for Classification:** Please reference all attachments for locations of KPB owned parcels and their proposed classifications.

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

*Kenan Mancion* ~~4/10/22~~ <sup>RA</sup> 4-12-22  
35945 FOREWIND ST  
SOLDOTNA, AK 99669  
907-260-5371



4/12/22

To Whom it May Concern,

Please Record Assessor's Lot #  
057-530-15 "Proposed the lot"  
As Single Family/Residential.  
included is copy of - lot -  
1 (ONE) Dwelling Family/Residential  
Thank You!

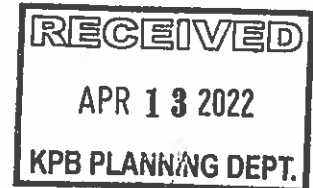
KERAN MORRISON  
35945 AORERUNNER ST  
SOLATNA, AK 99669  
907-260-5371

Keran Morrison

Public Comment Received After April 15, 2022  
Parcel Number 065-190-63 through 065-191-71



Steve & Sarah T. Virg-In  
34278 Fishermans Road, Soldotna, AK 99669  
Mobile (907)314-0951 (907) 433-9686  
[virg\\_ins@hotmail.com](mailto:virg_ins@hotmail.com)



KPB LAND MANAGEMENT COMMISSION  
144 N. BINKLEY STREET  
SOLODOTNA, AK 99669

REF: PUBLIC NOTICE OF PROPOSED LAND CLASSIFICATION

Assessor's Parcel No.'s 065-190-63 through 065-191-71  
Location: Sterling ----- District 6 - East Peninsula

This planned proposed land classification is somewhat confusing.

Currently my GPS locate shows this as Alaska State DNR land.

The greatest concern is that this riverfront, water line bluff area become private property and become inaccessible to the fisherman.

It is heavily trafficked by fisherman during the Red run from early morning till late evening.

The lower bank is full of people from the top end of the property shown, along the water line, to the very bottom of the property shown.

Removing the use of this shoreline property for fisherman will create a major issue on available shoreline that is already overpopulated during the Red salmon run.

With shoreline for fisherman consistently being restricted this will cause long term problems that cannot be resolved.

Please reconsider how you are currently expecting this land to be used and designate the shoreline for public access.

Respectfully,

Steve Virg-In

A handwritten signature in blue ink, appearing to read "Steve Virg-In", with a stylized flourish at the end.

Sarah T. Virg-in

Public Comment Received After April 15, 2022

Parcel Number 144-010-38

## Hughes, Aaron

---

**From:** Planning Land Management  
**Sent:** Tuesday, April 19, 2022 2:39 PM  
**To:** Hughes, Aaron  
**Subject:** FW: <EXTERNAL-SENDER>proposed land classification seaward  
**Attachments:** Xerox Scan\_04192022105259.pdf

---

**From:** Dan Sieminski <DSieminski@TelAlaska.com>  
**Sent:** Tuesday, April 19, 2022 11:21 AM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>proposed land classification seaward

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, I am writing in response to the proposal that pertains to borough property adjacent to my own. My address is 31534 clear creek avenue, parcel id#14403009. If this land becomes available, I have some concerns and or input. There currently is a 50ft section line easement that runs in front of my place and along the backside of this tract. It is clear creek avenue, I have met with a KPB roads rep, and it has been determined there is not enough room to build a road to borough specs. This is due to clear creek on the north side, and south side, approximately 15-20ft of road bed. Because of this, the maintenance is performed by myself, such as snow removal and ground work, mainly grading and potholes. I would like to see if we could vacate this section line easement from old exit glacier road to the western corner of my property, if not entirely. Further to the west this may not be a good solution, currently the roadhouse lodging property uses it for access to their property, maybe that portion should remain also for access to your borough land? If this idea sounds solid, I would like to purchase a portion of this borough land so that I may have access, and install a driveway. I would like what is directly in front of my parcel, I have attached a drawing. I do not believe this small sliver would have a negative impact on any sub dividing of your borough land, it has water on it, not suitable for building structures including septic systems (100ft distance) my opinion it may enhance? It makes it more desirable, at least for what I am proposing. In closing I have been told this 17 acre piece acted as a sponge for the area, it soaked up lots of seaward water. It has also had water running across it not that long ago, within the last ten years, from box canyon. It will need to be filled in, to be above the local water hazards. Thank you for listening and considering.

Daniel B Sieminski  
Po box 2155  
Seward, AK 99664  
907-362-3446





Public Comment Received After April 15, 2022

Parcel Number 165-250-58

April 25, 2022

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

To Whom it May Concern,

I am the son and grandson of the Williams family that homesteaded the land in consideration for "rural" classification. I am the property owner of parcel 16525038. I want the classification to be considered "residential" due to the homes currently surrounding it and provide a desirable and healthy community for future homes.

My priority is to maintain the land, water and air for healthy living. I ask for your assistance to ensure the safety of the environment by keeping it residential.

Sincerely,

Garret Williams

A handwritten signature in cursive script that reads "Garret Williams". The ink is dark and the signature is fluid, with the first and last names clearly legible.

Public Comment Received After April 15, 2022

Parcel Number 165-130-05



December 2, 2021

Marcus Mueller

Land Manager KPB

907-714-2204

Dear Mr. Mueller,

On Monday November 29<sup>th</sup>, Joan Edens and her daughter Beth(Elizabeth) Tutt each received a letter dated 11-22-21 from Julie Denison, Land Management Technician for the Kenai Peninsula Borough. The letter is included as item #1.

The letter states that Joan and Beth's application for what would have been a third consecutive 5 year temporary land use permit LMD 11-46 would not be renewed and that all personal property must be removed by 3-30-2022.

After a discussion via phone with Mr. Mueller we were advised to provide the family history of site use, cabin ownership, along with supporting documentation that shows the long history of legal use and pursuit of avenues for legal land use that the Edens family has employed for 50 years.

Joan and Brant Edens parents were pioneers, homesteading the area starting in the 1930's.

Moose hunting around the current cabin area began in the early 1950's when the Edens and Rollins families hunted together and pioneered trails and later used geophysical and their pioneered trails for hunting with 6x trucks and even a farm tractor.

Richard Edens(father-in-law to Joan), Brant Edens(William B. on documents and Joan Edens husband), Brant's brother Dick, and Leo Rollins were the first hunters to make the effort to hunt this area back in the hills at the time. Local knowledge names that surround and are associated with the cabin, such as 'Camp Ridge', 'Hill with the Cross', 'Moose Knoll', 'Gobblers Knob', and later 'Edens Cabin' on 'Cabin Ridge' etc were coined during these early days of their hunting the area and are significant landmarks to this day. Leo in particular continued coming to hunting camp just to hang out with Brant Edens into his 80's, well after his active 'hunting in the field' days were behind him.

Enclosed is a copy of the DNR receipt form dated 9-7-71 showing William B Edens application for a land lease for where he planned on putting the cabin as it now sits. Item #2

Enclosed is a letter, Item #3, dated 9-14-1971 from DNR Director F. J. Keenan asking for more boundary information for Brant Edens lease application, and Brant's memorandum, Item #4, in response dated 10-15-71 showing the boundaries requested. This application was ultimately not approved.

Enclosed is a copy of the form, Item #5, dated May 17<sup>th</sup>, 1971, conveying ownership of the Standard Oil office building to Brant Edens prior to new facilities being constructed on Homer Spit. That 'office' building is the cabin that is currently in use today on LMD 11-46. Brant (William B) Edens and his brother Dick managed and operated the bulk fuel plant at the end of Homer Spit as 'Jobbers' for Standard Oil and eventually bought the plant from Chevron, which was long known as Terminal Oil Sales. Also enclosed are pictures on Item #6, showing the cabin in its location as the 'Office' on Homer Spit, and during its transport to its present location.

Sometime in 1973 the State notified that there would be grazing leases for auction that encompassed the area Brant planned to put the cabin.

Find enclosed a copy, Item #7, of the DNR grazing lease ADL No. 63241, from January 1974 – July 2001 that includes the area where the cabin now sits. The Rollins' and Lurtis Barber had recently purchased horses, so the many acres of grassland would provide grazing and haying opportunity, as well as a legal place to locate the cabin surrounded by their traditional hunting area.

Richard Rollins(Leo Rollins son), and Lurtis Barber won the bid at auction so their names are on the original lease, Brant Edens was also at the auction, but pulled out of bidding because he didn't have livestock at the time of auction. Lurtis never followed through with being involved in developing or using the lease and Richard Rollins transferred the lease to his father Leo prior to his untimely death from cancer.

Find enclosed, Item #8, a letter dated April 25, 2001 from attorney Thomas E. Meachum showing Leo Rollins as grazing lease holder for ADL-63241, and also showing Leo's ongoing attempts to maintain the lease. Also find a letter, Item #9, from the KPB Planning Director Robert Bright, dated 2-2-2001 to Attorney Meacham regarding his work to help others continue their grazing leases as well.

Over subsequent years, the Rollins' and Edens families acquired and bred many more horses, and as the Rollins' had business interests that took all their time, they made a deal with the Edens that they could use the Rollins horses in exchange for the horses care. So Brant and Joan Edens, and their daughter Beth Tutt(Elizabeth on land use permit), pastured and cared for Rollins horses on their(the Edens) property in Homer during winter months, and then grazed them on the grazing lease in the summers. This required much development and maintenance of trails, corrals, fences, and related activity on the lease by Brant and Joan Edens, and Beth (Edens)Tutt.

Enclosed are pictures showing haying, fencing, grazing, and winter snowmachining use in those early years of the lease by the Edens family. The use of the cabin, moose hunting, use of the grass land adjacent to the cabin for grazing and as a winter snowmachine destination continues to this day.

Original access to the area in the 1950's was gained from the Olsen Mountain road and what is currently known as the Watermellon Trail. Over the years better access was pioneered from the North Fork Road, and many trails were established beyond 'Cabin Ridge' that form a system of trails used by a large community of hunter's, sightseer's, and snowmachiner's to this day. The Snomads and local SARS group uses the Edens Cabin for annual events, a landmark, and sheltering destination. It is a significant landmark for the whole community of trail users, as well as a known place for seeking shelter when things go wrong. Several years ago a snowmachiner survived a night in the cold in the outhouse before rescuers found him. Last fall a couple of soaked to the skin moose hunters sought refuge in our unlocked shed, after dark in a downpour when their atv wouldn't start to get them home. There are many stories like this from the past 50 years.

Enclosed is a copy Item #10, of an Application for Personal Use Cabin submitted by Brant Edens, dated 10-01-85 and the subsequent DNR letter, Item #11, dated Feb 4, 1986, stating that the grazing lease land was no longer under state management and the application was denied.

These documents are enclosed to show Brant Edens interest and desire to maintain the cabin as a legal permitted cabin when he heard news of the State of Alaska's plans to turn the grazing lease area over to Borough land management.

His original 1971 application demonstrates this intent and desire as well, even prior to moving the cabin to its present location. The 1974 grazing lease allowed for the cabin to be on the location legally, but Brant was concerned about losing that status when the State gave up land management to the borough.

As the July 11, 2001 expiration of the grazing lease came closer and knowing the State was not able to renew it, many attempts were made by Brant Edens and Leo Rollins and then after their passing, by Joan Edens, to secure legal use of the cabin and land as they had been doing for so many years.

Leases, options to buy, and any type of permit available were sought regularly until finally in 2011 Joan Edens and her daughter Beth(Elizabeth) Tutt were able to secure a 5 year land use permit which was renewed again in 2016 for another 5 years. In October of 2021 Joan and Beth received renewal forms from the Borough in the mail and filled them out and sent them in as they had been doing for the previous ten years. The Permit referenced in Julie Denison's recent letter would have renewed the permit for another 5 years, but as it states, "Administration has determined that LMD 11-46 will not be reissued".

The intent of this letter is

1. To tell the history and ownership of the "Edens Cabin" on LMD 11-46 by Brant Edens and his surviving spouse Joan.
2. To show the relationships between the Edens and Rollins families and the grazing lease ADL-63241 and the cabin.
3. To document the original and ongoing intent to make sure the cabin and land use was legally established and the Edens long history of pursuing and maintaining legal use of the site.
4. To describe the importance of the cabin and trail system it sits on to both the Snomads and our local SARS groups and to a large community of users of the established legal trail system.
5. To express the desire and interest of Joan Edens and Beth Tutt to make every effort to buy, lease, or lawfully obtain permitting for the future use of the land the cabin is on as it has been for the past 50 years.

Respectfully Submitted,

Joan Edens  
PO Box 602  
Homer, Ak 99603

Beth(Elizabeth) Tutt  
PO Box 1105  
Homer, Ak. 99603

#1



## Land Management

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2205 • (907) 714-2378 Fax

*A Division of the Planning Department*

Charlie Pierce  
Borough Mayor

November 22, 2021

Joan Edens  
PO Box 602  
Homer, AK 99603  
VIA CERTIFIED MAIL:  
7019 2280 0000 7385 1115

Elizabeth Tutt  
PO Box 1105  
Homer, AK 99603  
VIA CERTIFIED MAIL:  
7019 2280 0000 7385 1122

RE: LMD 11-46; Temporary Use of Borough Land  
Recreational Cabin Site (APN: 16513005)

Dear Joan and Elizabeth:

Since 2011, KPB has authorized your use of existing structures on borough land in the Nikolaevsk area through a land use permit serialized as LMD 11-46. The permit will expire on November 30, 2021.

A draft 5-year temporary land use permit was previously sent to you, returned with your notarized signatures, and routed for KPB's approval. *Administration has determined that LMD 11-46 will not be reissued.* KPB does not have a recreational site permit program at this time. The \$400 permit fee submitted towards the drafted permit will be refunded to you under separate cover.

Your stewardship of the site is recognized and has been appreciated. Due to the seasonality, we ask that you please remove all trash, waste, materials, equipment, and other personal property you have placed on the property or have caused to be placed on the property prior to March 30, 2022.

The site will be inspected on or after March 30, 2022. If your personally-owned items have not been removed, they may become the property of KPB and may be used or otherwise disposed of by KPB without obligation to you.

Contact me if you have any questions or would like to discuss the contents of this letter further. Written communications are preferred. Thank you.

Respectfully,

Julie Denison  
Land Management Technician  
[jdenison@kpb.us](mailto:jdenison@kpb.us)



# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF LANDS  
323 EAST 4TH AVENUE  
ANCHORAGE, ALASKA 99501

ACCOUNT  
ADVISED  
NUMBER 372

DATE  
9-7-71

ADJ NUMBER  
55597-4

06263

SUBJECT  
*Appl. for Land Lease*

APPLICANT  
NAME  
**William B. Edens**  
Box 602  
Homer, Alaska 99603

FILING FEES		PURPOSE	FUND SYMBOL	per ct AMOUNT
			2801/639	10.00

REMARKS

REMITTEE  
IF OTHER  
THAN  
APPLICANT

BY *mei*  
DATE *9-7-71*

CUSTOMER RECEIPT

# 2

#3

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

WILLIAM A. EGAN, GOVERNOR

DIVISION OF LANDS

323 E. 4TH AVENUE  
ANCHORAGE 99501

September 14, 1971

Mr. William B. Edens  
Box 602  
Homer, Alaska 99603

Dear Mr. Edens:

Enclosed is a copy of the grazing regulations requested in your memo of September 2, 1971 and a copy of the amendment to the Miller grazing lease which is self-explanatory.

We are unable to plot the area of your lease application from the information furnished. Please furnish a sketch with distances to some permanent landmarks and a metes and bounds description of the area you desire to lease.

Sincerely,

F. J. KEENAN  
Director



By: L. T. MAIN  
Lands Disposal Officer

Encl. - as stated

## MEMORANDUM GO-144-C

# 4

TO: MR. F. J. Keenan Anchorage 10-15-71 19  
FROM: MR. William B. Edens Homer OUR FILE:  
SUBJECT: Appln for Land Lease - Enclosed map YOUR FILE:

Yesterday, I located the North Fork monument. The parcel of land that I have staked, is due East by compass and approximately  $3/8$  of a mile. It is impossible for us to chain the distance with accuracy due to the valley and timber between. Dotted lines on the map indicate the proximity of the Geophysical trails in the area which run basically magnetic North and South. At the intersection of the spur road, I have blazed a tree. Description: From blazed tree at the intersection of the two geophysical trails, thence West approximately 583 feet to my NE corner, a blazed tree, thence 416 feet more or less West to a second blazed tree establishing my NW corner. Thence South 208 feet to a pole with

PLEASE REPLY AT ONCE ☐

## REPLY:

flag, the SW corner. Thence East 416 feet more or less to establish my SE corner, a pole with a flag. I trust that this will help to establish the property in question.

Thank You,

REPLY DATE:

SIGNED:

GO-144-C (10-68) PRINTED IN U.S.A.

RELEASE FROM LIABILITY

AND

INDEMNITY AGREEMENT

#5

HOMER, ALASKA MAY 17, 1971  
City State Date

In consideration of the sum of REMOVAL COSTS (\$ )  
the Standard Oil Company of California agrees, subject to the conditions hereinafter  
set forth, to deliver to -

MR. BRONZ EDWARDS  
At HOMER, ALASKA

the following equipment, which has been removed from service:

(Name of equipment) WOOD FRAME OFFICE STRUCTURE

The Standard Oil Company of California urges extreme caution in the handling  
of THE STRUCTURE which is sold as second hand.

The undersigned hereby assumes all risks of injury to person or property arising  
out of the possession or use of this FRAME STRUCTURE or out of  
any fire or other accident which may occur in connection therewith. The undersigned  
expressly agrees that the said FRAME STRUCTURE is sold to the undersigned  
as second-hand material and that Standard Oil Company of California does not, either  
expressly or impliedly, warrant said STRUCTURE, and that any  
upkeep or repairs necessary or hereafter becoming necessary to said FRAME  
STRUCTURE shall be done by and at the sole expense of the undersigned.  
The undersigned hereby releases and forever discharges and agrees to indemnify and  
forever hold harmless Standard Oil Company of California from and against any and  
every claim, loss, damage and liability of any and every nature arising out of,  
because of, or in any way connected with the possession or use of said FRAME  
STRUCTURE by the undersigned, his successors and assigns, including but  
not limited to judgments, costs, expenses and legal fees reasonably incurred by the  
said Standard Oil Company of California in connection with any and every such claim,  
loss, damage and liability. This WOOD FRAME OFFICE is not to be  
sold or exchanged without written permission of Standard Oil Company of California.

Donald Edwards 5-22-71  
Signature Date

\_\_\_\_\_  
Witness Date





Original  
'office' building  
on Lower Spit prior  
to moving. #6



Transport of  
cabin to current  
site.



Cabin as it  
sits in current  
location.





## ADL No. 63241

THIS INDENTURE made and entered into this 12th day of January, 1974, by and between the STATE OF ALASKA, through the Director of the Division of Lands, with the consent and approval of the Commissioner of the Department of Natural Resources, acting for and on its behalf under and pursuant to AS 38.05, as amended, and the regulations promulgated thereunder, as amended or hereafter amended, hereinafter referred to as the LESSOR: and LURTIS L. BARBER AND RICHARD ROLLINS of Box 842, Homer, Alaska 99603 hereinafter referred to as the LESSEE:

established the fair market value for grazing purposes

WHEREAS, the Lessor has caused a notice of intent to lease the lands herein demised to be published as required by law or caused notices of intent to lease to be posted as required by law; and

WHEREAS, an auction of the herein demised property was held at the time and place designated by notice and said sale was approved by the Director of the Division of Lands, Department of Natural Resources, State of Alaska:

NOW THEREFOR, the Lessor has agreed to let and does hereby let and demise to the Lessee, and the Lessee has agreed to take and does hereby take from the Lessor <sup>for grazing purposes</sup> all that lot, piece, or parcel of land more particularly bounded and described, as follows:

All of Section 15; All of Section 22; All of Section 26 and All of Section 27  
located in Township 4 South, Range 13 West, Seward Meridian, containing 2,560 acres, more  
or less.

TO HAVE AND TO HOLD the said demised <sup>grazing lands</sup> ~~MAXIMUM~~ for a term of Twenty-seven and one-half (27½) years commencing on the 12th day of January, 19 74 and ending at 12 o'clock midnight on the 11th day of July, ~~EX~~ 2001, unless sooner terminated as hereinafter provided.

The Lessee shall pay to the Lessor rental as follows: Equal annual payments, in advance, on or before the 12th day of January of every year during said term at the rate of Two Hundred and no/100----- Dollars (\$ 200.00 ) per annum; such payments to be subject to adjustment at each five-year interval from the effective date hereof, if the lease term hereof exceeds five years, ~~such adjustment to be based primarily upon a xxxxxxxxxx year-at-value of land in~~  
~~xxxxxx of xxxxxxxx in the xxxxxxxx of xxxxxxxx to the xxxxxxxx~~  
~~xxxxxx of xxxxxxxx~~ such adjustment to be based on periodic reappraisals as provided for in 11 AAC 60.050 (Grazing Lease Regulations).

It is agreed that the covenants, terms and agreements herein contained shall be binding upon the successors and assigns of the respective parties hereto.

File #8  
COPY

THOMAS E. MEACHAM  
ATTORNEY AT LAW

9500 PROSPECT DRIVE  
ANCHORAGE, ALASKA  
USA 99516-1062

ALASKA BAR NO. 7111032  
1971

TELEPHONE: 907/346-1077  
FACSIMILE: 907/346-1028  
MEACHAM@ALASKA.NET

April 25, 2001

Colette G. Thompson, Esq., Borough Attorney  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, Alaska 99689

Re: State grazing leases on land conveyed  
to Kenai Peninsula Borough  
Our File No.: 74-1

Dear Ms. Thompson:

I presently represent Mr. Leo Rollins, the holder of State of Alaska grazing lease ADL-63241. This lease has a term of 27 1/2 years, and was issued on January 12, 1974. It is due to expire on July 11, 2001. The leased premises was conveyed by the State of Alaska to the Borough by state land patent no. 10476 on May 17, 1989, subject to Mr. Rollins's grazing lease and other grazing leases listed in the patent.

This patent does not indicate that administration of Mr. Rollins's lease or the other grazing leases was transferred from the State to the Borough, and I have found no documentation indicating that such a transfer of administration has occurred subsequently.

Mr. Rollins intends to timely file notice of his renewal of his grazing lease for another 27 1/2 year term, pursuant to the contractual provisions of his lease and applicable state law effective at the time his lease was issued. He will be filing his lease renewal documents with the Alaska Division of Lands, as the administrator of lease ADL-63241. A duplicate copy of his renewal documents will be provided to the Kenai Peninsula Borough Planning Department, as a courtesy.

I understand from published new items that there may be some questions among Borough officials regarding the Borough's obligation to recognize the state grazing leases excepted from the Borough's land patents. These questions may extend to the grazing lessees' rights to renew their 27 1/2-year grazing leases for an additional term of the same length, under applicable provisions of their respective state leases and state law.

file #9



# KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599  
BUSINESS (907) 262-4441 FAX (907) 262-1892

4/24/01

DALE BAGLEY  
MAYOR

Leo - Are these all of the  
people I should be  
contacting to represent them in  
the grazing lease renewal issue?  
Are there any others? Please let me  
know.  
Tom Meacham

February 2, 2001

Mr. Thomas E. Meacham  
Attorney at Law  
9500 Prospect Drive  
Anchorage, AK 99516-1062

RE: File No. 1-24

Dear Mr. Meacham;

We estimate the cost of copying the contents of Mr. Rollins grazing lease file  
from the Land Management Division records at \$35.00 (Thirty Five Dollars)

The ten leases you mentioned are probably those included in land patented to  
the borough or included in approved selections. They are:

- Anderson Trust 2904      — Tietjen 20824      — Van Oss 56309
- Domela 63238      — Broste 63239      — Garcia 63240
- Rollins 63241      — Kinney 63242      — Garcia 63244
- Jones 63248
- In addition 40 acres of a Jerrel lease ADL 52922 were re-instated in 2000.

Please write or call if we may clarify the information.

Sincerely,

  
Robert Bright  
Planning Director



#10

APPLICATION FOR PERSONAL USE CABIN PERMIT

NAME OF APPLICANT OR AGENT William B. Edens AGE: 53 DATE OF APPLN: 10-01-85

MAILING ADDRESS: Box 602 PHONE: (H) 235-8766  
Homer, Ak. 99603 (W) 235-8818

other applicants claiming an interest (if any); none

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CABIN LOCATION: \_\_\_\_\_ Section, \_\_\_\_\_ Township \_\_\_\_\_ Range, \_\_\_\_\_ Meridian.

NAME OF DESIGNATED AREA (IF ANY) Headwaters of North Fork of Anchor River

CABIN: size of primary cabin; 16X16

when constructed; 1971 length of use 14 years

other structures present and size; none

primary purpose of cabin; Recreational/ also used in conjunction with grazing lease

seasons of use requested X fall, X winter, X spring, X summer.

DOCUMENTATION REQUIRED OF APPLICANT: \*Photo (print) of improvement taken in the past 12 months.

\*1:63,360 USGS map showing cab

\*Documentation of use, i.e., receipts of use or transportation, correspondence, affidavits from others attesting to your use, etc.

\*Application filing fee \$25.00.

ok # 4686 10/04

If a prior application for this cabin has been made under another state program, please check the program(s); State - \_\_\_\_\_ preference right, X lease, \_\_\_\_\_ permit;

Federal - \_\_\_\_\_ homestead, \_\_\_\_\_ T&M site, \_\_\_\_\_ Native allotment, \_\_\_\_\_ headquarters site.

# 11

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**  
**DIVISION OF LAND AND WATER MANAGEMENT**  
**SOUTHCENTRAL REGION**

3601 C STREET  
POUCH 7-005  
ANCHORAGE, ALASKA 99510-7005  
PHONE: (907) 561-2020

February 4, 1986

CERTIFIED MAIL 140 343 278  
RETURN RECEIPT REQUESTED

William B. Edens  
Box 602  
Homer, Alaska 99603

Re: Personal Use Cabin Permit Application  
ADL 222110 (CH45)

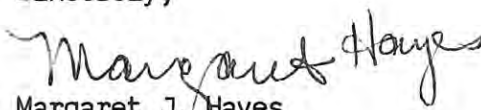
The Southcentral Region Office has recently completed a review of your application for a Personal Use Cabin Permit in the Caribou Hills area of the Kenai Peninsula. Our records indicate that the land within Section 15, Township 4 South, Range 13 West, Seward Meridian is no longer under state management. Although the state originally acquired this land under its general selection entitlements, the land in question has been approved for conveyance to the Kenai Peninsula Borough. This approval grants management authority to the borough pending final conveyance by patent.

Since the State of Alaska no longer manages the land encompassing your cabin, this department will be unable to issue you a Personal Use Cabin Permit. Based on this, please consider your application denied and your casefile closed effective the date of this letter. Should you have any questions concerning your cabin site, I would suggest that you contact John Mohorcich of the Kenai Peninsula Borough (262-4441).

This decision is final insofar as the Southcentral Region is concerned. An appeal should be addressed to the Director of the Division of Land and Water Management, in writing to the following address, within 30 days from receipt of this letter:

Tom Hawkins, Director  
Division of Land and Water Management  
P.O. Box 7005  
555 Cordova Street  
Anchorage, Alaska 99510-7005

Sincerely,

  
Margaret J. Hayes  
Regional Manager

cc: Ron Swanson, DLWM





1978



Brant Edens

1977

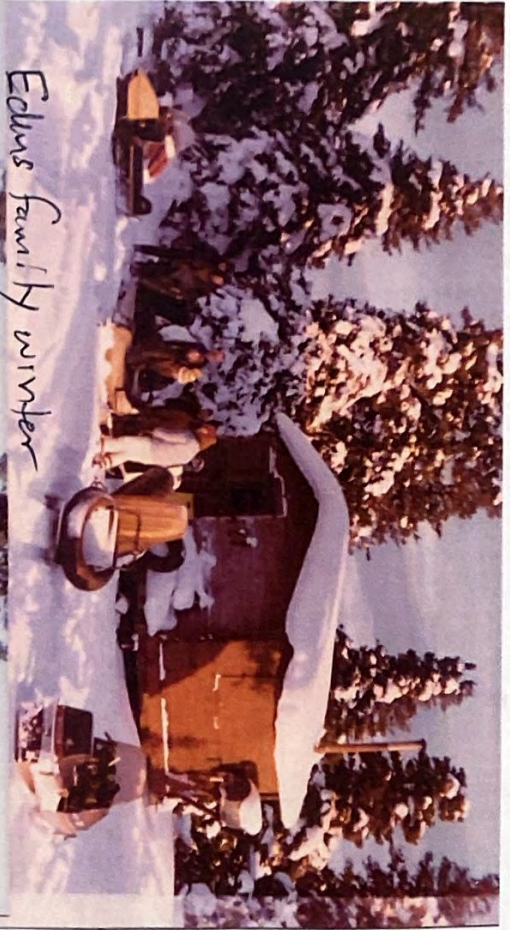


1978



1976

Eclun's family winter



1976

Beth  
Edun's

Don  
Edun's



Eclun's Family Hay'ing



Grazing on 'Camp Ridge'





Public Comment Received After April 15, 2022

Parcel Number 119-110-19

**From:** [Planning Land Management](#)  
**To:** [Hughes, Aaron](#)  
**Subject:** FW: <EXTERNAL-SENDER>Public Comment for May 9 KPB Planning Commission Meeting, New Business Item 9, Resolution 2020-XX: Parcel 1191109 on Snug Harbor Road, Cooper Landing  
**Date:** Thursday, May 5, 2022 3:43:17 PM

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**From:** gcfox@gci.net <gcfox@gci.net>  
**Sent:** Thursday, May 5, 2022 2:11 PM  
**To:** Planning Land Management <LMWeb@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Public Comment for May 9 KPB Planning Commission Meeting, New Business Item 9, Resolution 2020-XX: Parcel 1191109 on Snug Harbor Road, Cooper Landing

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,

I'm writing to comment on the reclassification and possible sale of Parcel 11911019 on Snug Harbor Road in Cooper Landing. My family has owned the property at 38200 Snug Harbor Road, across Snug Harbor Road from this parcel, since 1940. My grandparents, mother, and uncle spent summers in Cooper Landing from 1940 on, so they had a great deal of local knowledge. During the summers I spent in Cooper Landing as a child, my mother always referred to Parcel 11911019 and the neighboring lot to the east (originally, these were one lot) as "the old dump". As children in the 60's, my siblings and I were not allowed to play there because it was dangerous to do so.

My own memory from the mid to late 60's is that there was a lot of old garbage on the ground on those lots – cans and bottles, etc., but also larger items. At that time, there was a somewhat overgrown, but still very visible, driveway into the lots. I also remember that the original owner of Parcel 11911020, the eastern part of "the old dump", told my parents that he had to clear a lot of garbage from his lot.

I don't know how long the parcels were used as a dump or what was dumped there in the days before there were any landfill restrictions in place, but the Borough should be aware that Parcel 11911019 has this history. My belief is that it's not suitable for Rural classification with no restrictions.

Carol Fox  
(907)250-8223  
Owner (with Gerald Fox), Parcel 11911002  
38200 Snug Harbor Road  
Cooper Landing, AK

## Hughes, Aaron

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**From:** g nice <niceinalaska@yahoo.com>  
**Sent:** Friday, May 6, 2022 12:27 PM  
**To:** Planning Land Management  
**Cc:** Janette Cadieux; Yvette Galbraith; ygalbraith@gmail.com; Kathy Recken; jaeger06@hotmail.com; brandonandheather@live.com; ljohnsonak@gmail.com; David Story; Virginia Morgan; Mona Painter; Jan Mitchell; Ed Holsten; Kate; Hughes, Aaron; Mueller, Marcus; Carol Fox  
**Subject:** <EXTERNAL-SENDER> Snug Harbor Parcel 119-110-19  
**Attachments:** Neis 2.jpeg; Neis 3.jpeg; 1990.PNG; 1982.PNG; 1975.PNG; Snug Harbor Parcel 119-110-19-9^LLLLLL.docx

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KPB Land Management Division,  
Written comment to be included in the KPB Planning Commission Public Hearing May 9, 2022  
Please make sure this letter and attachments become "lay downs" for the Meeting May 9, 2022.

Snug Harbor Parcel 119-110-19 is an old dump site. The United States Forest Service survey plat map completed May 11, 1957 (attached) shows the dump on Snug Harbor Road is marked with the hand printed word "dump" across Lot 2A of 3.24 acres, along with the testimonials of longtime residents of Cooper Landing.

The Kenai Peninsula Borough Land Management Division proposes to classify Parcel 119-110-19 to "Rural" for potential sale.

We would like this information and attachments to be part of public record. Please read Snug Harbor Document (attached) for testimonials and United States Forest Service information.

In the interest of all the homeowners, the safety of their wells, and proximity to Kenai Lake, Snug Harbor Parcel 119-110-19 should be classified so it can never be sold or developed and clearly labeled as a Dump Site, to be left alone and not disturbed.

Thank you,  
Jerry and Kim Neis  
home 907-595-3516 cell 815-751-7959  
niceinalaska@yahoo.com

Regarding the garbage dump site on Snug Harbor Road  
Cooper Landing, AK 99572

I went to the Cooper Landing Museum on Sunday April 2 and looked at the brad-bound book of maps (survey plat donated to the Museum from the USFS office in Seward years ago. As expected I found the dump indicated on Snug Harbor Road as you will see in these pictures. The word was hand printed across Lot 2A of 3.24 acres. Later on, that lot was split and one half of the lot, on the upper or eventually became owned by Walter Tripp after Bobby initially filed on it in 1965. Snug Harbor Group 02C.

I moved to a house on Snug Harbor Road in Cooper Landing 1959 after marrying Jake Mlynarik. I learned that there had been, a dump site past Jake's house on Snug Harbor Road. I don't remember using that dump site. (The first dump site I remember is the one off the Sterling Highway west of Woodring's Lot 02, Cooper Creek Group.)

For more information, I would research that dump site in US Forest Service Seward Ranger District records. I



U.S. SURVEY  
No. 3531 ALASKA

EMBRACING

LOTS 1, 2, 2A, 3, 3A, 4, 5, 5A, and 6

SITUATED

ON THE SOUTHERLY SIDE OF THE SNUG HARBOR ROAD

AT KENAI LAKE

Geographic Position at Corner No. 1

Latitude  $60^{\circ}29\frac{1}{2}'$  N. Longitude  $149^{\circ}47'$  W.  
(Approximate)

AREA: 15.36 ACRES

SURVEYED BY

HAROLD RADCLIFFE, CADASTRAL SURVEYOR

Survey Commenced May 2, 1957

Survey Completed May 11, 1957

Under Special Instructions

Dated May 2, 1957

Approved May 4, 1957

500 211  
KAISER  
(979)  
KNOCK  
(2008)  
N 10 11' W  
(4,500)  
(Continued below)  
3A  
er  
20 34

ARS

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C. August 26, 1958

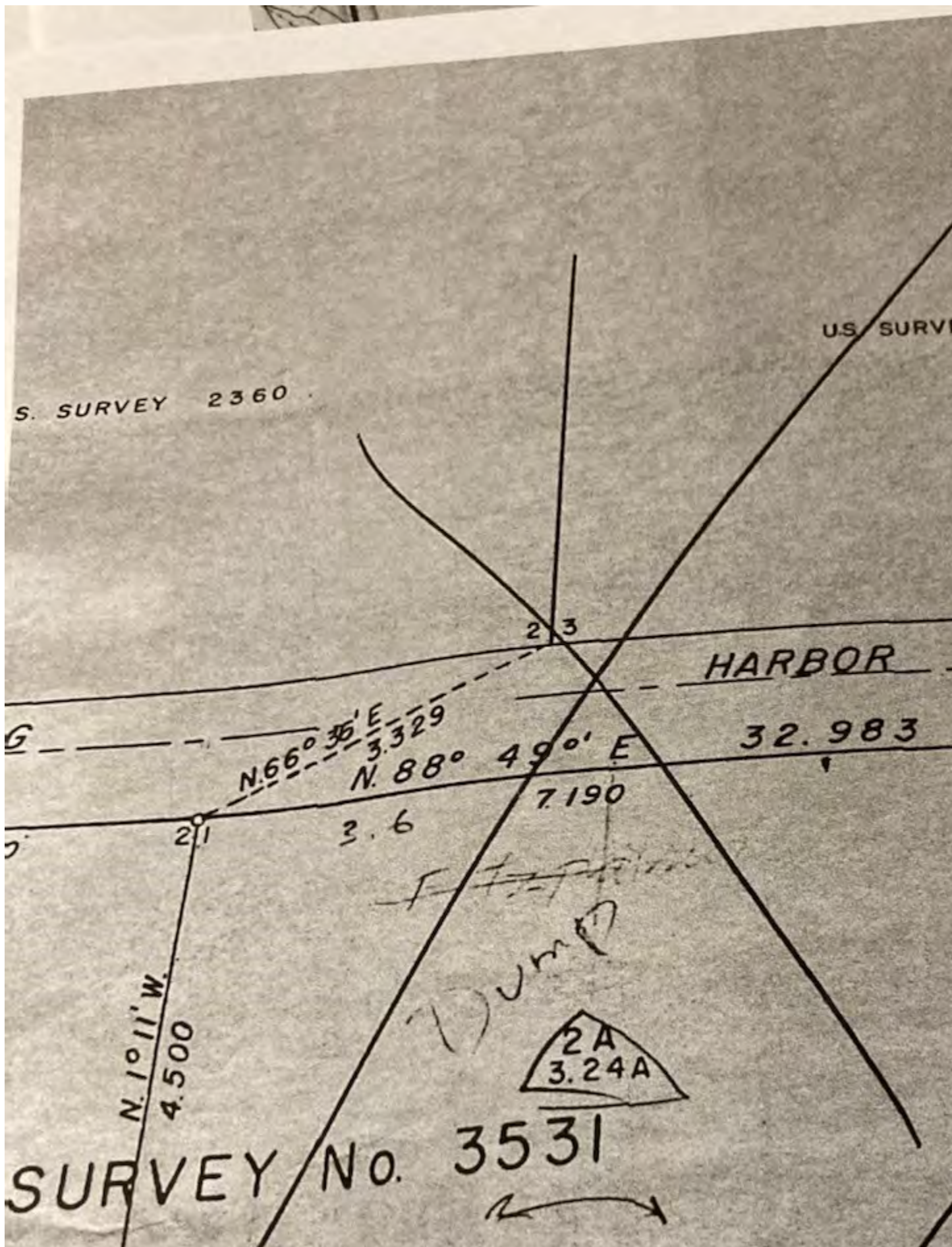
This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

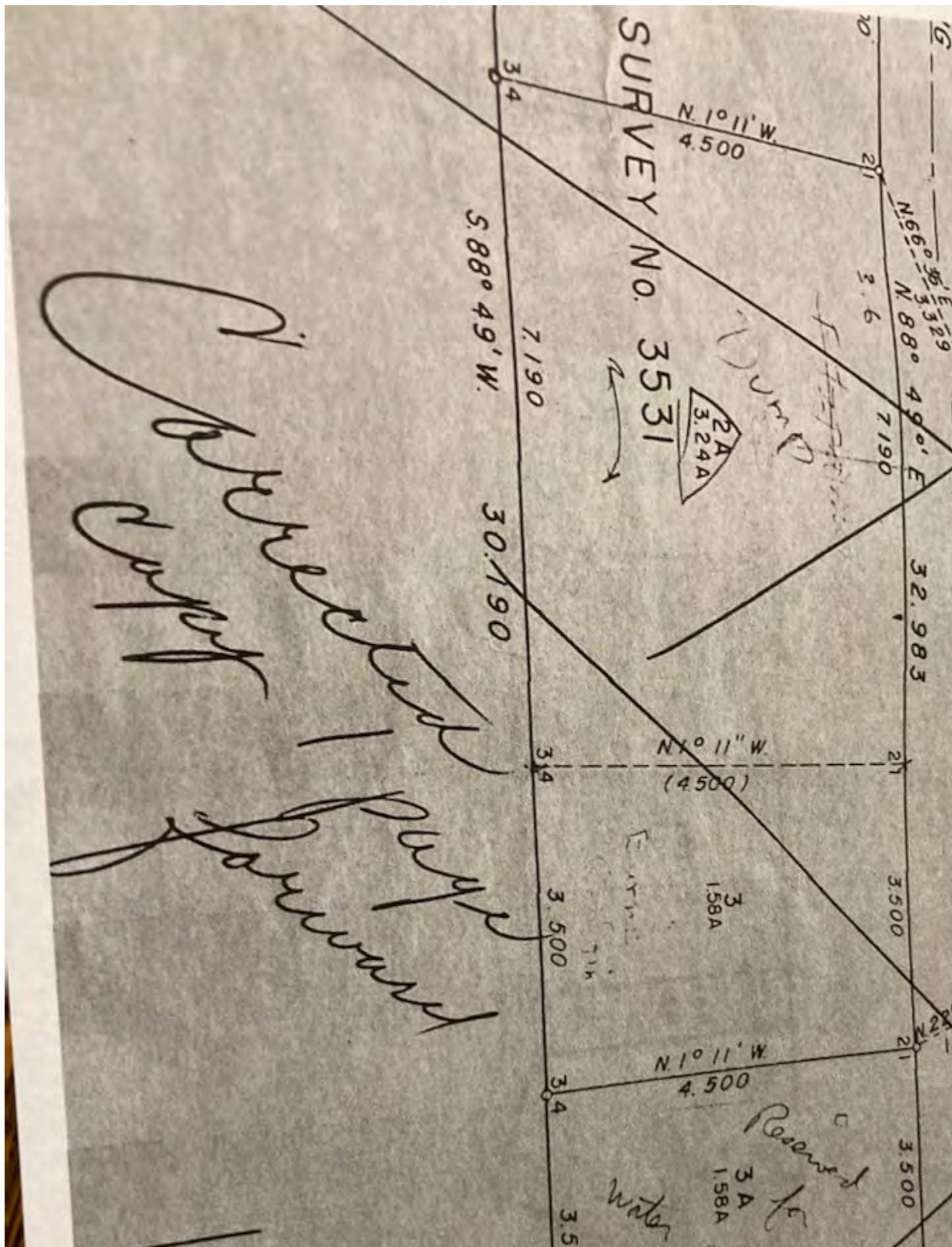
*Earl G. Harrington*

Cadastral Engineering Staff Officer



























Snug Harbor Parcel 119-110-19 is an old dump site, known to longtime residents of Cooper Landing and the United States Forest Service as listed on their map completed May 11, 1957.

The Kenai Peninsula Borough Land Management Division proposes to classify Parcel 119-110-19 to “Rural” for potential sale.

We would like the following information and attachments to be part of public record. The following information is from Cooper Landing residents:

Mona Painter, longtime resident, a former member of Cooper Landing Advisory Planning Commission and historian of Cooper Landing shared the following information (pictures attached) from the Brad-bound book of maps (survey plat maps) donated to the Cooper Landing Museum from the United States Forest Service office in Seward some years ago. The survey plat map was completed May 11, 1957, shows the dump on Snug Harbor Road is marked with the hand printed word “dump” across Lot 2A of 3.24 acres. On the survey plat map, it appears the lot was split and one half of the lot, on the upper or east side, eventually became owned by Walter Tripp after Bobby Hickman initially filed on it in 1965. Snug Harbor Group 02C. No record found of the other half being sold. Mona Painter moved to a house on Snug Harbor Road in 1959 after marrying Jake Mlynarik. She learned there was, or had been, a dump site past Jake’s house on Snug Harbor Rd. She does not remember using that dump site, using the newer dump site near Cooper Creek.

Carol Fox grew up on Snug Harbor Road in the 1950’s and 1960’s, remembers being told as a child ‘never go over there to play’ and it was referred to as ‘the old dump’.

Kathy Recken, member of Cooper Landing Advisory Planning Commission stated ‘this parcel was Cooper Landing’s dump site in the 1950s. I know this was the dump because I used to go there with my father.’

David Rhode, a lifelong resident of Cooper Landing and a former member of the Cooper Landing Advisory Planning Commission, remembers this parcel first as a gravel pit, then becoming the dump site. Later being buried, filled in and covered in the 1950’s.

Kay Thomas, her parents built their house on Rusty Way in Cooper Landing in 1953, recounts, she and her mother picked a treadle sewing machine and white cabinet from the dump, going there not only to leave trash, but also to pick out “treasures.

Snug Harbor Parcel 119-110-19

May 6, 2022

Jerry and Kim Neis of Cooper Landing inquired at the Kenai Peninsula Borough office in approximately 2006, to purchase this property and were told "the lot will never be sold because it was an old dump site". Duane Ohnemus of Cooper Landing was told the same when he inquired to purchase this lot years earlier.

Others in the community remember going to the "dump" to see the bears and have their own accounts of using this dump site.

Recent pictures (pictures attached) of the Snug Harbor Parcel 119-110-19 show some of what is still visible on the surface. Pails of what ???, we don't know, cables, battery, etc. that had been dumped after the site had been covered years ago. Trees have grown through some of what remains on the surface.

Three pictures from 1975, 1982, and 1990 (pictures attached) were provided by the borough. The photo from 1975 is the closest in time to the closing of the dump, at which time, the dump would have been covered in 20 plus years of tree growth.

Being informed by Aaron Hughes, Land Management Division, on May 5, 2022, Snug Harbor Parcel 119-110-19 will not be put out for sale at this time. The Land Management Division is still planning to reclassify Parcel 119-110-19 as "Rural". We disagree with the land reclassification. This information from the United States Forest Service survey plat map completed May 11, 1957 shows the dump on Snug Harbor Road is marked with the hand printed word "dump" across Lot 2A of 3.24 acres, along with the testimonials of longtime residents of Cooper Landing. This needs to be put in the record, survey plat books and the Cooper Landing Land Use Classification Plan.

If Parcel 119-110-19 is classified as "Rural" it could be sold in next go around or anytime in the future.

In the interest of all the homeowners, the safety of their wells, and proximity to Kenai Lake, Snug Harbor Parcel 119-110-19 should be classified so it can never be sold or developed and clearly labeled as a Dump Site, to be left alone and not disturbed.

Jerry and Kim Neis PO Box 595 Cooper Landing, AK 99572

907-595-3516 [niceinalaska@yahoo.com](mailto:niceinalaska@yahoo.com)

[niceinalaska@yahoo.com](mailto:niceinalaska@yahoo.com)

From: [Planning Land Management](#)  
To: [Hughes, Aaron](#)  
Subject: FW: <EXTERNAL-SENDER> Snug Harbor Parcel 119-110-19  
Date: Friday, May 6, 2022 1:04:35 PM  
Attachments: [1256.Png](#)  
[1257.Png](#)  
[1258.Png](#)  
[Snug Harbor Parcel 119-110-19-9-111111.docx](#)

From: g nice <[niceinalaska@yahoo.com](mailto:niceinalaska@yahoo.com)>

Sent: Friday, May 6, 2022 12:27 PM

To: Planning Land Management <[LMWeb@kpb.us](mailto:LMWeb@kpb.us)>

Cc: Janette Cadieux <[jette.cadieux@gmail.com](mailto:jette.cadieux@gmail.com)>; Yvette Galbraith <[yvette@akmarketingconsultants.com](mailto:yvette@akmarketingconsultants.com)>; ygalbraith@gmail.com; Kathy Recken <[krecken@gmail.com](mailto:krecken@gmail.com)>; jaeger06@hotmail.com; brandonandheather@live.com; ljohnsonak@gmail.com; David Story <[david@alaska-wildland.com](mailto:david@alaska-wildland.com)>; Virginia Morgan <[tommymginn@arctic.net](mailto:tommymginn@arctic.net)>; Mona Painter <[painter@arctic.net](mailto:painter@arctic.net)>; Jan Mitchell <[jmitchell\\_17@hotmail.com](mailto:jmitchell_17@hotmail.com)>; Ed Holsten <[hgrandella@hotmail.com](mailto:hgrandella@hotmail.com)>; Kate <[qenqay@arctic.net](mailto:qenqay@arctic.net)>; Hughes, Aaron <[AaronHughes@kpb.us](mailto:AaronHughes@kpb.us)>; Mueller, Marcus <[MMueller@kpb.us](mailto:MMueller@kpb.us)>; Carol Fox <[gcf@foxgci.net](mailto:gcf@foxgci.net)>

Subject: <EXTERNAL-SENDER> Snug Harbor Parcel 119-110-19

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Thank you,

Jerry and Kim Neis

home 907-595-3516 cell 815-751-7959

[niceinalaska@yahoo.com](mailto:niceinalaska@yahoo.com)

Regarding the garbage dump site on Snug Harbor Road in  
Cooper Landing, AK 99572

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For more information, I would research that dump site through the US Forest Service Seward Ranger District records. I know the Forest Service monitored dump sites and Forest Service permits in Cooper Landing.

Mona Painter 907-202-6049 [monapainter@me.com](mailto:monapainter@me.com)  
POB 621 Cooper Landing, AK 99572



U.S. SURVEY  
No. 3531 ALASKA

EMBRACING  
LOTS 1, 2, 2A, 3, 3A, 4, 5, 5A, and 6  
SITUATED  
ON THE SOUTHERLY SIDE OF THE SNUG HARBOR ROAD  
AT KENAI LAKE

Geographic Position at Corner No. 1  
Latitude 60°25' N. Longitude 145°47' W.  
(Approximate)

AREA: 15.36 ACRES

SURVEYED BY  
HAROLD RADCLIFFE, CADASTRAL SURVEYOR

Survey Commenced May 2, 1957  
Survey Completed May 11, 1957

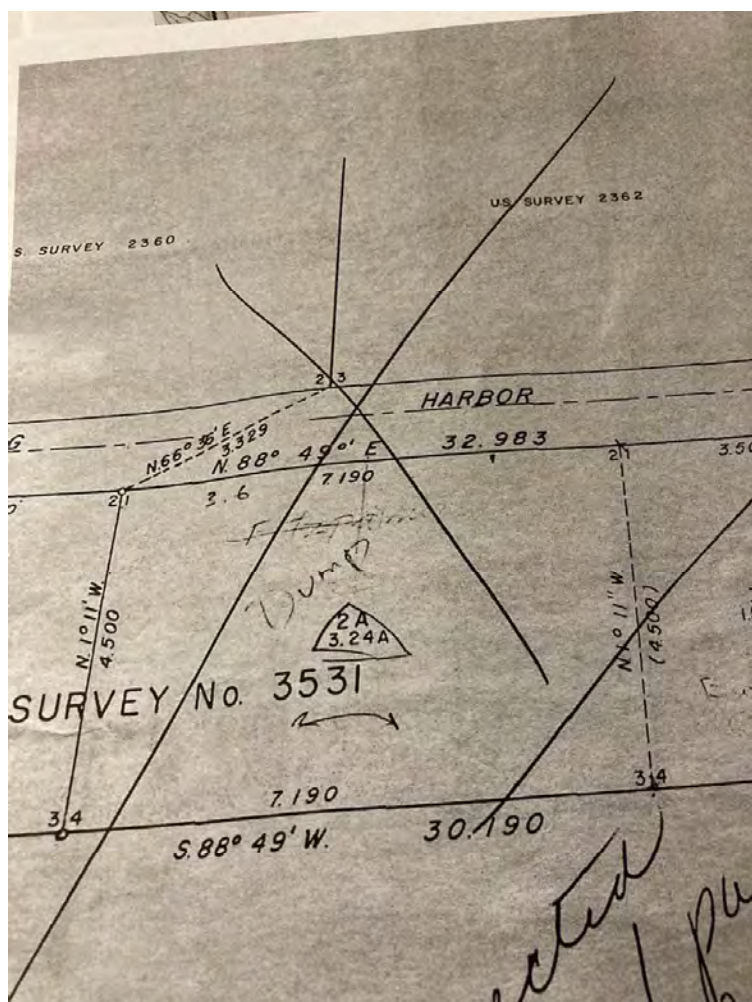
Under Special Instructions  
Dated May 2, 1957  
Approved May 4, 1957

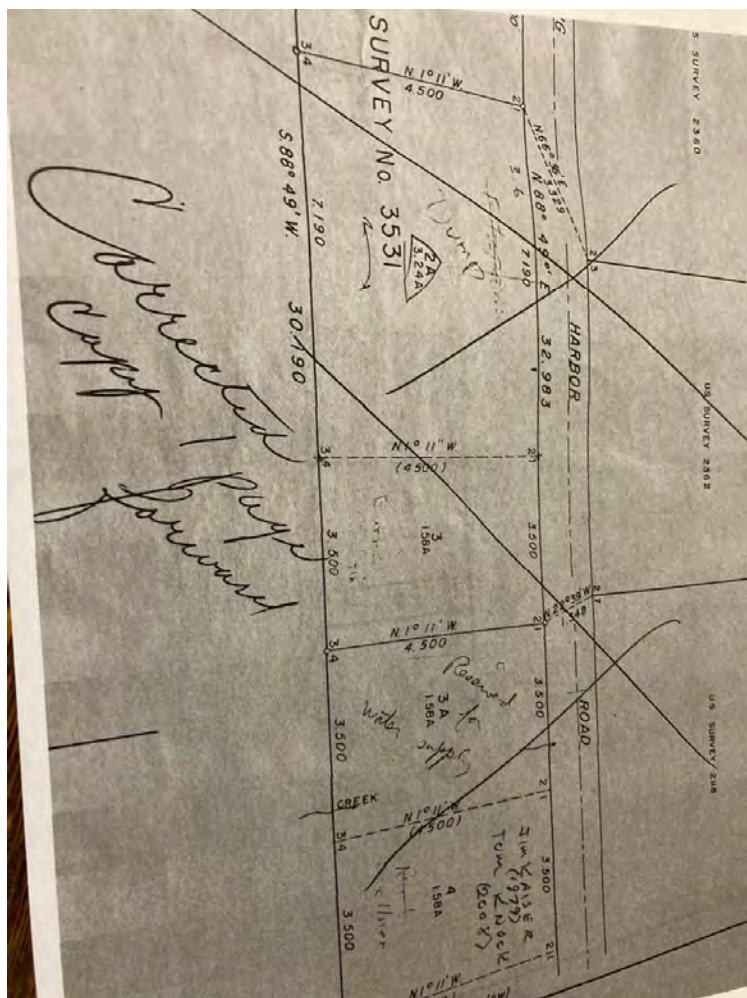
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C. August 26, 1958

This plat is strictly conformable to  
the approved field notes, and the survey,  
having been correctly executed in accord-  
ance with the requirements of law and the  
regulations of this Bureau, is hereby  
accepted.

For the Director

*Earl G. Harrington*  
Cadastral Engineering Staff Officer













**COOPER LANDING ADVISORY PLANNING COMMISSION**  
**REGULAR MEETING**  
**LOCATION: ZOOM TELECONFERENCE**  
**WEDNESDAY, MAY 04, 2022**  
**6:00 PM**  
**UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:00 pm
2. ROLL CALL – J. Cadieux, K. Recken, Y. Galbraith, C. Degernes, L. Johnson, D. Story present. H. Harrison excused absent.
  - a. Nancy Carver; Kenai River Center, Jonathan Tymick ADOT&PF, Marcus Mueller; KPB Land Management, Aaron Hughes; KPB Land Management, Dakota Truitt; KPB Land Management, Alice Rademacher, Carol Fox, Rhonda Lynn, Phil Weber, Jerry Fox, Kim Neis, Jerry Neis, Virginia Morgan attending.
3. APPROVAL OF AGENDA – C. Degernes moves to approve the agenda as amended. L. Johnson seconds. All approve.
4. APPROVAL OF MINUTES for April 06, 2022 - This items was mistakenly skipped and will be addressed at the June 8 meeting.
5. CORRESPONDENCE - none
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE – none
7. REPORT FROM BOROUGH
  - a. DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Jonathan Tymick, PE, Project Manager, AKDOT&PF.
    - i. Lane closures at MP 58 for blasting were successful. There will be other closures to be determined at a future date.
    - ii. Open house was successful.
    - iii. Construction is finally happening on the pioneer roads. There will be a temporary cul-de-sac on Langille Road for emergency vehicles.
    - iv. There will be more publicly available firewood this year so stay tuned.
  - b. No KPB report other than those items in the agenda
8. OLD BUSINESS - none



## 9. NEW BUSINESS

- a. Resolution 2022-XX Land Classification, 4 parcels in Cooper Landing
  - i. Aaron Hughes, KPB Land Management Agent, explained this will reclassify 35 units of land in the borough. Public notice was sent out (over 1,800 individual notices along with public comment notices in newspapers and through agency notification). Deadline for comment is May 6th.
    - 1. 4 parcels in Cooper Landing. 3 on Bean Creek and one on Snug Harbor.
    - 2. All of the Cooper Landing parcels are presented with classification of Rural to match the surrounding areas. Once the parcels are sold the classification falls off.
    - 3. All the parcels are currently undesignated.
  - ii. K. Recken said that the Snug Harbor parcel was the previous Cooper Landing dump and asked about remediation.
    - 1. Aaron Hughes said adjacent landowners gave similar reports and the KPB has researched public documents and cannot find this info but that is why they appreciate local information and is interested in any documentation.
    - 2. K. Recken said that Mona Painter has found a map with dump noted on the parcel and also had personal attribution.
  - iii. Carol Fox said that her family has owned a nearby lot since the 40's and she can personally attest to the property being a dump site.
  - iv. Kim Neis said that speaking with David Rhodes and he also recalled the parcel being used as a dump and that there may be aerial views from this period of use.
  - v. Phil Weber asked the specific location of this lot.
    - 1. J. Cadieux clarified.
  - vi. A. Hughes asked about the specific date range which may be attributed to the dump use of the site.
    - 1. K. Recken estimated it would include at least the early 50's through the early 60's.
  - vii. K. Recken said that K. Freeman attests to the timbers from the old Shackleford Creek bridge were dumped there.
  - viii. A. Hughes explained that this resolution is prior to the land sale of the parcels which would have an extended due diligence period for potential land owners to inspect the parcels before purchase.
  - ix. J. Cadieux asked about accessing the parcels off of Bean Creek and driveways.
    - 1. A. Hughes explained that the owner of the units that sold last year partnered together for a shared entry and the subsequent units have what appears to be an easier approach.

2. J. Cadiuex mentioned that previously the CLAPC recommended the classification of the previous parcels as Residential to indicate the community's intended or suggested use for the parcels.
- x. C. Degernes said that she knows there will be a due diligence timeframe for the Snug Harbor site but she thinks it would be unfair to any prospective buyer without further inspection conducted by the KPB.
- xi. K. Neis said that when they bought their property in 2004 they inquired about purchasing the next lot over and the KPB said at that time that that lot would never be sold because it was a dump site.
- xii. C. Degernes moves to recommend that the KPB the Snug Harbor parcel 119.110.19 be removed from the resolution for classification at this time until further investigation can be made regarding its status. K. Recken seconds. All approve.
- xiii. K. Recken moves to recommend the Bean Creek lots are classified as Residential to reflect the community's intended use. L. Johnson seconds. All approve.
- xiv. A. Hughes thanked everyone bringing this information to light and explained how important public input and local knowledge is in this process.
- b. Ordinance 2022-XX Land Sale including 3 parcels in Cooper Landing
  - i. C. Degernes moves to recommend the sale of the parcels on Bean Creek but withhold support of the sale of the parcel on Snug Harbor until further investigation of its status is completed. Y. Galbraith seconds. All approve. Motion passes.
- c. Ordinance 2022-11 Spruce Bark Beetle Forest Management Project.
  - i. Dakota Truitt, KPB Land Agent, thanked the APC for the forum for input of public comment which has helped shape and form this ordinance.
  - ii. J. Cadiuex asked about the intent of the reforestation practices and how they would be affected by bluejoint grass and/or the site preparation.
    1. D. Truitt said that grasses are already present in the stands but are outcompeted by the living trees. If dead trees stand, the grasses can spread to the stand of ladder fuels making a severe fire. If the trees are cut, the grassland fires can still exist but they are less likely to create circumstances of the standing dead trees making more intense fires.
  - iii. J. Cadiuex asked about the Whereas, "treatments will establish and preserve logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and" saying she is very concerned about the unintended consequences of these access points.

1. D. Truitt said this whereas was meant to acknowledge the challenges of these areas.
2. K. Recken asked whether the community would be involved in determining which infrastructure was used for what.
3. D. Truitt replied that the community would be afforded opportunity for input.
4. J. Cadieux suggested modifying the language of two of the ordinance's Whereas' in the following way and M. Mueller thought the wording adaptation was acceptable for #12:
  - a. Whereas 12, "treatments will be planned to establish, preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and"
  - b. Whereas 15, "forest management sale reports designed for a given unit may exceed the standards of the Alaska Forest Resource and Practices Act, and should in areas determined to be sensitive, susceptible to damage, and in need of additional protection ; and"
    - i. D. Truitt explained that determining which areas should receive special protection would come through opportunities for community input during the time that the prescriptions are written.
    - ii. J. Cadieux withdrew suggestion for language on Whereas #15.
5. K. Recken asked whether the opportunity for input would be limited to the management sale report.
  - a. M. Mueller suggested that the forms the process would use are still being developed but that they would include a menu of items for treatment and reporting to allow for public involvement.
6. J. Fox asked about whether this process might be used to help steer funds to KPB stump dumps.
  - a. D. Truitt acknowledged the need for more site management at sites like the Cooper Landing organic dump.
7. Y. Galbraith asked about the status of funding of this project.
  - a. D. Truitt explained that timber sales are being used as the first option for SBB risk mitigation and that taking this action as the first step of mitigation will help set up a management framework while other funding sources are pursued. Grants have been



- applied for and others are still being sought but all is in process and none yet confirmed.
- b. M. Mueller explained the framework this ordinance provides is the same whether it is a timber sale or a service contract.
8. Y. Galbraith moved to recommend approval of the ordinance with the amended language for Whereas #12. L. Johnson seconds.
- a. The modification of the language is as follows:  
“Whereas, treatments will establish, preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and”
- iv. D. Story suggested the modification of the language of Whereas 15 to read, “...forest management sale reports designed for a given unit may exceed the standards of the Alaska Forest Resource and Practices Act, and should in areas determined to be sensitive, susceptible to damage, and in need of additional protection; and”
- 1. Y. Galbraith agreed to the amended motion to include the modified language for Whereas #15 as well as #12 as proposed.
  - 2. All approved, motion passed.
  - 3. C. Degernes said she appreciates the work of KPB staff members on this important project.
- d. Permit for floodplain action Drift Worldwide, Inc.
- i. After group discussion of the structure type, location, and adequacy of the onsite septic, C. Degernes moves to recommend approval of the permit for construction of the structures. Y. Galbraith seconds. D. Story recuses. All approve. Motion passes.
- e. Ordinance 2021-19-51 Land Trust Fund monies for investigation and land planning in Unit 395
- i. Respect is the firm that has been selected and the ordinance is asking the land trust for monies to fund the investigation and land planning in Unit 395.
    - 1. C. Degernes moves to support the ordinance as written. L. Johnson seconds. All approve. Motion passes.

## 10. PLAT REVIEW

- a. Plat Preliminary 2022-060 Outfitters Way replat
  - i. M. Mueller explained that this plat is to lay out the right-of-way for a frontage road extending to the waste transfer site. It was brought by DOT to limit the accesses to the highway. The traffic safety team at DOT has been involved with this frontage road to bring the traffic from Quartz Creek Rd. and improve the turning safety to Russian Gap Rd. It would remove access to the highway

- from Persistence Way and reduce the driveways at the KPB waste transfer site to just the one across from Russian Gap Rd.
- ii. Conservation easement on the plat goes across Tracts A and B. Tract B also has a conservation easement that surrounds the tract. In the ordinance that authorized the sale to Sherman Smith it created that 50' easement. The KPB is trying to figure out the mechanics of unwinding the conservation easements to 25' on two of the sides and subsequently an action to modify the deed.
  - iii. On the plat the Outfitters Way frontage road would lay over the existing conservation easement on the north side of the tracts and the remaining conservation easements would be reduced from 50' to 25'.
  - iv. K. Recken asked for confirmation that the frontage road would extend from the parking lot of the Sunrise Inn to the transfer site with no conservation easements.
    - 1. M. Mueller explained that that is correct.
  - v. J. Cadieux asked if it is because there is not enough room for both the conservation easement and the frontage road.
    - 1. M. Mueller said that they occupy the same location.
  - vi. V. Morgan asked where she could access the plat.
    - 1. J. Cadieux said the CLAPC had only gotten this information yesterday.
    - 2. N. Carver confirmed that the plat is up for review at the May 23, 2022 Planning Commission Meeting. Comments are due May 11<sup>th</sup>.
  - vii. J. Tymick shared a graphic to help explain.
    - 1. He said that the Three Bears access congests the MP 45-60 project and this proposed project may help with access and the Russian Gap turning lane.
  - viii. J. Neiss said that one of the issues with the transfer station is that we get a lot of non-residents dumping and this layout would help reduce that.
    - 1. K. Recken clarified that the plans show that the highway access to the transfer station will still be preserved so it would not prevent the non-resident dumping.
  - ix. J. Tymick said that the conservation easement being reclassified started with the DOT's belief that a frontage road is in the best interest of the project.
  - x. J. Cadeiux said that the community had a series of meetings that fielded many comments saying that a frontage road was not desirable but that a compromise had been achieved to allow a frontage road as far as the Cozy Bear property then the road would pass through Tract C and on to Tract B.
  - xi. L. Johnson asked whether the reduction of the greenbelt would continue down to Tract D.

1. M. Mueller said this would not alter Tract D's conservation easement.
- xii. J. Cadieux asked if the conservation easement would be vacated on the other boundaries of Tract B to allow the new owner to use more of the land. M. Mueller indicated that was so though the 50' conservation easement would remain next to the parcel's boundary with Dena'ina Creek, an anadromous stream.
- xiii. K. Recken asked why the frontage road couldn't go on the same alignment as on Tract D and if it was just because Three Bears doesn't want the conservation agreement that we approved during their initial plat request. J. Tymick referred back to the drawing showing the space available along Tracts C and B would require elimination of the conservation easement to make way for the frontage road.
- xiv. J. Cadieux said that it seems like if we are not having access to the highway why can't we return to the plans we spent so much time at previous CLAPC meetings with KPB and a hired design professional.
  1. J. Tymick said that the proposed frontage road is intended to stay within the DOT right of way and not mean DOT would need to take possession of the maintenance of the frontage road.
  2. J. Cadieux asked that since the planning process of Tract C involved notable community effort over multiple meetings, can the original planning for Tract C be on the table or has it been abandoned and we have to give up our green space.
    - a. M. Mueller indicated it might be possible.
- xv. D. Story said that the timing of this information is hard to support since it is just being presented and the community was not informed via draft agenda that this change was proposed.
- xvi. J. Cadieux asked if this is something that needs to happen right now.
  1. M. Mueller said that from his standpoint in land management there is not a time crunch but the platting process does have a statutory timeframe.
- xvii. C. Degernes said that one of the biggest benefits to the community is DOT's willingness to provide safe ingress and egress to Russian Gap Rd. but that the loss of the 50' treed buffer is a big deal. C. Degernes said that a hybrid might be that there is a spur road from the transfer site side to Tract B but the 50' buffer remains and the frontage road across Tracts C and B from Quartz Creek runs south of the 50' buffer.
- xviii. J. Cadieux said that she also supports the improvement to the ingress/egress.
- xix. D. Story said that the resistance to a frontage road at the entry to our community seemed to come from the desire to keep it from



feeling like a strip mall. He said that the Brewery's treatment of the 50' conservation easement seemed like a good compromise with the need for a business to be seen and maintaining greenspace that ties the community to the land management intent.

- xx. L. Johnson said she agreed with D. Story
- xxi. K. Recken said that the importance of the conservation easement is considerable for the community.
- xxii. C. Degernes said that another possible compromise is to move the frontage road further in. The businesses get more access and the community retains the buffer. They lose some of the usable area of their property but maintain the easements that are a part of their property. Right now it seems like Three Bears doesn't lose much while the community does.
- xxiii. D. Story said that in this short discussion we have already had several ideas for compromise or change and we are the only ones in the community that know that this is a discussion. He said that it seems like our obligation is to make sure the community has more opportunity for input.
- xxiv. V. Morgan speaking, not as a Planning Commission member but as a community member, said this should be brought before the community.
- xxv. R. Lynn asked whether it can be withdrawn from the May 23<sup>rd</sup> Planning Commission Meeting.
  - 1. M. Mueller said that he would consult the platting specialist for KPB and find out more about bringing this up for the June CLAPC meeting.
- xxvi. D. Story moves to recommend disapproval of the plat as presented and recommend for extended time for public review and comment regarding the design options. L. Johnson seconds. All approve. Motion passes.

## 11. INFORMATION and ANNOUNCEMENTS

- a. Ordinance 2022-07 Re-Appportionment of Board of Education
  - i. V. Morgan said that this is a part of a regular review of the districts and their populations. She explained that there are generally two options for changes which are presented with the review. In this case it is a 9 district option and an 11 district options. She said that the conceptual maps presented in the voting pamphlets are just that and after the vote the KPB will make the actual map based on the census blocks. She said this is also for the assembly districts and that there is a cost increase with an 11 district model and that the 11 district model is what was recommended by the committee.
- b. The new Planning Department Director is Robert Ruffner.

## 12. COMMISSIONER'S COMMENTS

- a. Y. Galbraith said she sent an email out regarding review of the Planning Commission Handbook and the duty of commissioners to represent the community and make note of when we are representing our own opinions when we speak.
- b. C. Degernes said she really appreciates the agency attendance of M. Mueller, D. Truitt, N. Carver, and J. Tymick and said that is a really big benefit of the Zoom meetings which would be much harder to provide in person.
- c. J. Cadieux reported work is ongoing to make hybrid Zoom and in-person meetings possible. S. Lopez acknowledged that the Planning Commission and Assembly had similar experiences to CLAPC in increased community participation via Zoom and they are working to provide hybrid meetings as well but did not have technical support to provide us in our endeavor to develop that for our community. D. Story indicated he thought the technology exists and he will try to test it before the next meeting. J. Cadieux offered help.

13. ADJOURNMENT – L. Johnson moves to adjourn. K. Recken seconds. All approve. 8:57pm

For more information or to submit comments please contact:

David Story, Secretary Treasurer or Janette Cadieux, Chair, P.O. Box 694, Cooper Landing, 99572 [CooperLandingAPC@gmail.com](mailto:CooperLandingAPC@gmail.com)

## **MPAPC Unapproved Minutes May 5<sup>th</sup>, 2022**

New Business:

### **A) Application LAS34020- Moose Pass Adventures Commercial Recreation Camp at Grant Lake**

Unanimous approval to support.

### **B) Land Reclassification (013-042 & 013-092-76) Regarding the reclassification of the 4 lots on Mine Road.**

Recommendation to change the classification to Residential rather than Rural. Unanimous approval to recommend Residential classification.

### **C) Ordinance 2022-\_\_\_\_ Authorizing the Sale of Certain Parcels of Borough-Owned Land by Live Outcry Auction ...**

Recommended to delay the sale of the 2 lots on Mine Road for at least one year. (Residents are interested in pursuing a Local Option Zone before sale). Unanimous approval to recommend delaying the sale.

### **D) Ordinance 2022-\_\_\_\_ Authorizing Emergency Harvest of Spruce Bark Beetle Impacted Forestlands...**

Vote: 6 in favor of supporting the ordinance (Monika Adam, Kevin Dunham, Jeff Estes, Jeff Hetrick, Tsali Janek, David Pearson). 1 against (Bruce Jaffa)

### **E) Resolution 2022-\_\_\_\_ Classifying or Reclassifying Certain Borough-Managed Land in the Moose Pass Area for Transportation and Utility Purposes Associated with a Hydro Project**

Vote: 1 in favor of reclassification (Kevin Dunham). 6 Against reclassification (Monika Adam, Jeff Estes, Jeff Hetrick, Bruce Jaffa, Tsali Janek, David Pearson).

This is contrary to our newly amended Moose Pass Comprehensive Plan.

### **F) ADL Easement 233782 and ADL Easement 233857 to Kenai Hydro LLC**

Vote: 1 in favor of recommending issuance of easements (Bruce Jaffa). 6 against recommending issuance of the easements (Monika Adam, Jeff Estes, Jeff Hetrick, Bruce Jaffa, Tsali Janek, David Pearson). Motion failed.

### **G) Water Rights Application ADL27264 To Kenai Hydro LLC**

Vote: 4 in favor of granting water rights (Bruce Jaffa, Kevin Dunham, Jeff Estes, Tsali Janek). 3 opposed (Monika Adam, David Pears, Jeff Hetrick) Motion passed

### **H) Amendment to Kenai River Comprehensive Plan to remove lands along Upper and Lower Trail Lake from the Management Area**

Vote: 1 in favor of the amendment (Bruce Jaffa). 6 Opposed (Monika Adam, Kevin Dunham, Jeff Estes, Jeff Hetrick, Tsali Janek, David Pearson). Motion failed

### **J) Conditional Use Permit DODT Project MP17-22.5 parcel ID 12509028.**



Recommend adding stipulations to the permit limiting hours of operation from 8am to 8pm. To provide for dust abatement and air quality monitoring. Unanimous approval to recommend issuance of permit provided the stipulations are included.