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**From:** Jerry James [akwildman@arctic.net]  
**Sent:** Sunday, July 03, 2011 6:59 PM  
**To:** Blankenship, Johni; pa12gary@hotmail.com; linda@clerkworksak.com; ragweb@gci.net; hvsmalley@yahoo.com; cpierce@gci.net; bsmith@xyz.net; rtauri@gci.net; suemccl@gmail.com; mako@xyz.net  
**Subject:** Ordinance 2011-20 Tract E

July 3, 2011

Kenai Peninsula Borough Assembly Members

Reference Ordinance 2011-20

Dear Sirs:

Contained within ordinance 2011-20 is a parcel designated as Tract 3, in Cooper Landing. I am protesting the inclusion of this parcel in this ordinance regarding this land sale.

This property has not been classified and was presented at the Borough Land Planning Committee 6/27/2010 as ordinance 2011-\_\_\_\_, along with 2011-20. Public testimony was taken and the Planning Committee voted to leave Tract 3 as undesignated, having Cooper Landing Advisory Committee to review the Tract again and to be removed from the borough sale as stated in ordinance 2011-20.

Borough ordinance 17.10.090 "Disposition of Borough Land" states "Except as otherwise provided by this title no land or interest in land may be sold or leased or otherwise disposed of unless this land has been classified in accordance with the provisions of this chapter." How can you include Tract E in 2011-20 legally if it is not classified to be included in a sale approved this month without knowing the classification yourselves?

Borough ordinance 17.10.080 section B states, "All land or interests in lands or resourced owned by the borough shall be classified or reclassified in a manner consistent with the purposes and policies of this chapter."

Under Section I. "The classification or reclassification shall be compatible with any land use plan adopted under the borough comprehensive plan or another plan approved by the assembly. If a proposed classification or reclassification is not compatible with an approved land use plan, a plan revision shall be necessary before the classification or reclassification is adopted."

I wrote a letter in May protesting the classification of this lot as residential pointing out that you violated several of your own ordinances. First violation was 20.16.130 as upon obtaining a copy of the plat from the borough office, none of the three easements granted in May to the adjacent land owners were reflected, nor the utility easement, or creek. This ordinance states that the plat will show all the easements, widths and use. You are misleading the public on actual usable space on the lot.

20.20.190 States lots shall contain 40,000 sq feet; this lot is .89 acres or 38,700.07s.f if both well and septic are to be provided. The minimum lot size for residential in the Cooper Landing Planning document is one acre so Tract E also violates our document along with your ordinance.

In Arne Tikka's letter regarding the soils test, TH 1 is on the narrow portion of the lot above lot 9, and does not advise you that there is a creek between TH 1 & TH2. It is also required that the engineer provide the pollution abatement study which was not done nor had they completed the evaluation of the "usable area" for wastewater disposal. Arne statement is "For subject parcel to have 20,000 sq. ft of contiguous sq. ft. or usable sq. feet depends on the KPB's interpretation of contiguous "Usable Area' taking into account the driveway (ingress/egress) easements recently created on this parcel. It appears that these driveway ingress/egress easements could probably be used by subject parcel for driveways and therefore included in the contiguous "Usable Area" for subject parcel under KPB Ordinance 97-14.

I am in disagreement with Mr. Tikka, as 20.14.040 #4, states that is must be documented from the engineer that "There is on each lot at least 20,000 square feet of contiguous area suitable for use for an initial and replacement wastewater disposal system, sidewalks, driveway and an average single family residence with associated appurtenances, but excluding dedicated rights of ways. My easements to Lot 8 and the E 100 Ft. Lot 8 are dedicated rights of way and recorded. Mr. Tikka states that is appears that with using the easements (dedicated right of ways) which are my access to my property then there is 20,000 contiguous sq. feet. But again he has not finalized his review and stamped the plat as required. Again I feel that this property is not properly described and would mislead the public if put up for sale.

Your inclusion of this parcel in 2011-20 violates so many of your own ordinances then why bother to write them if you do not abide by them. You ask for public input, and received two letters stating not to classify it as residential, Cooper Landing Advisory Planning commission also says no to the classification, the Planning committee votes not to classify it as residential, and to delete it from ordinance 2011-20 and return it to CLAP for further discussion, and now it is up before the assembly, not classified, another violation to be decided to be sold.

As a c citizen I feel that this process regarding lands is severely flawed with the exposure dealing with the borough over Tract E. I feel that Tract E should not be sold as it is not a fit lot for a residence.

Sincerely,

Cheryle E. James

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