



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

THRU:  David R. Carey, Borough Mayor

FROM:  Max J. Best, Planning Director

DATE: September 29, 2011

SUBJECT: Ordinance 2011-33; an Ordinance Authorizing a Negotiated Sale of Lands between the KPB and Michael L. and Elizabeth J. Chase, Pursuant to KPB Code of Ordinances, Chapter 17.10.100(I).

The Planning Commission reviewed the subject ordinance during their regularly scheduled September 26, 2011 meeting. A motion passed by majority consent to recommend approval of the ordinance. (*Bryson, No; Cartuccio, Yes; Collins, Yes; Ecklund, Yes; Foster, Yes; Gross, Yes; Holsten, Absent; Isham, Yes; Lockwood, Absent; Martin, Absent; Parker, Yes; Ruffner, Yes; Taurainen, Yes*)

In the ordinance, please make the following amendment to the last WHEREAS:

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of September 26, 2011, recommended approval by majority consent.

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

Chairman Bryson asked that the following vacation procedures be reviewed.

If the vacation is approved, the Kenai Peninsula Borough Assembly has thirty days in which they may veto Planning Commission approval of the vacation.

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

AGENDA ITEM F. PUBLIC HEARINGS

2. An Ordinance Authorizing a Negotiated Sale of Lands between the KPB and Michael L. and Elizabeth J. Chase, Pursuant to KPB Code of Ordinances, Chapter 17.10.100(I).

Memorandum reviewed by Marcus Mueller

PC Meeting: 9/26/11

The Kenai Peninsula Borough recently acquired patent title to lands lying between Government Lot 9 and Cohoe Loop Road. Government Lot 9 is owned by Elizabeth and Michael Chase who are commercial set-net fishers and who operate a commercial fishing tour service from this location. The site contains a beach access which was constructed in approximately 1958. The Chases at one time held a State issued land use permit to use the public land adjacent to their property and set net sites. Once the borough received patent to the surrounding land, the Chases submitted an application for a negotiated sale.

Through the classification process, it was identified that the historic beach access is considered a public access which is required to be preserved by the State of Alaska in accordance with State Patent #18756 and AS 38.05.127. Therefore, a 130-foot wide strip was classified as Utility/Transportation by Resolution 2011-084 as it provides public access to public resources being the shore and waters of the Cook Inlet.

The bluff in this vicinity is actively eroding at approximately six inches annually as can be seen by the map in exhibit A. The purchase of the 3.17 acre parcel (parcel A) will provide the Chases additional property farther from the bluff. The 1.83 acre parcel the Chases are requesting is a portion of the larger parcel that existed prior to the borough reserving the 130-foot public access strip.

The ordinance would authorize the sale of 5-acres of land to Elizabeth and Michael Chase which most resembles their application less the property reserved for public access.

END OF MEMORANDUM

STAFF REPORT

Basis for Negotiated Sale: To provide physical access to the Applicants landlocked parcel (Govt Lot 9) and to configure lands to promote their highest and best use. Michael L. and Elizabeth J. Chase have submitted a Negotiated Sale Application to purchase Borough land adjacent to their parcel as shown on the application for a negotiated sale.

Proposals: Staff has considered the following options as shown on Exhibit A, attached.

- **Option 1—Easement and Land Use Permit:** Grant an access easement to the Applicants property and issue a land use permit for use.
- **Option 2--Exchange:** Exchange the Borough lands with the beach access portion of the Applicants parcel on a fair market value basis.
- **Option 3—Negotiate Sale:** Offer parcels to the Applicants at fair market value through negotiated sale procedures.
- **Option 4—Deny:** Deny the Application.

Location: Subject lands are located in the Kasilof area at approximately Mile Post 8 of Coho Loop Road.

Background: When Applicants purchased their property in 1993, subject parcels were owned by the State of Alaska. In 1996, Applicants were issued by the State a 5-year land use permit for a Cookhouse/Observation structure used in conjunction with a set net operation on a portion of Subject Land. In 2002 the State transferred management authority of Subject Land to the Borough through municipal entitlement. In 2010 the Borough received State Patent for subject land. To date, a land use permit through the Borough has not been applied for and Applicants continue to conduct operations on borough lands without formal authorization. The Applicants have submitted a Negotiated Sale Application to purchase Borough land. The land was classified "Rural" except a 130 foot wide strip embracing a historic beach access classified as "Utility/Transportation" and is being reserved as a Beach Access Tract.

Findings of Fact:

1. **Land Status:** Borough land in this area has been classified "Rural" except for a 130 foot wide strip of land along the existing beach access that was classified "Utility/Transportation" per KPB Resolution 2011-084.
2. **Subject Parcels:** Subject parcels are shown on the attached Exhibit A as Parcel A and Parcel B. Both parcels are relatively flat with buildable areas. Electric and telephone utilities are in close proximity as they exist within adjacent subdivisions. According to the Borough's Geographic Information, the soil is Non hydric, Redoubt silt loam, 0 to 4 percent slopes. Soil conditions have potential for development. (Note: Soil information is not site specific and does not eliminate the need for onsite testing and sampling.)
3. **Surrounding Land Use and Characteristics:** No comprehensive land use plan has been developed for this area. Surrounding land use includes single family dwellings, residential accessory building, residential mobile home, and undeveloped land. A set-net storage shed owned by the Applicants was constructed on the Beach Access Tract. The State permit for the shed expired in 2001 and the private use of the land is not currently authorized by the Borough. Although some residential use is nearby, the surrounding area is largely undeveloped with no predominate land use pattern. Coastal land in this area is primarily undeveloped with eroding bluffs. The upland portion is relatively flat except at the bluff which is approximately 50' high. According to the draft All Hazard Mitigation Plan, bluff erosion in this area averages 0.6 feet per year. (Note: bluff erosion information provided in the draft All Hazard mitigation Plan is not site specific.) The upland bluff lands support the commercial and public use of the beaches by providing additional locations for access, parking, and viewing. The Kenai Area Plan's management intent for the parcels along the coast is to retain them for public recreation for their high scenic value and to provide camping and day use for the public.
4. **Surrounding Land Ownership:** Surrounding land ownership includes private and Borough land and the public shores at the Cook Inlet.

5. Access: Subject parcels front Cohoe Loop Road and are adjacent to shoreline of the Cook Inlet near Cape Kasilof (Humpy Point). The Beach Access Tract lies between Parcel A and Parcel B. State Patent 18756 states, "Any encroachment of the trail within Government Lot 9 will be relocated within the boundaries of Government Lot 10 along the common lot line of Government Lots 9 and 10. Said easement may not be vacated, abandoned or otherwise extinguished or rendered incapable of reasonable use by the public for the purposes it is reserved, unless an alternative means of reasonable public access is provided by the Grantee and approved by the Grantor". Approximately 440 feet of this route is on borough land and approximately 120 feet traverses the Applicants land to the MHWL of Cook Inlet, a navigable public water of the State. This beach access is used by the Applicants and is traditionally used by local commercial fishermen and the general public to access shore fisheries lease sites, public waters and public beaches.

Analysis of Issues and Options:

- Access: Applicants have legal access to their property as provided by the public access easement per ADL 227969 as shown on ASLS 2005-6. This easement can be feasibly accessed from Cohoe Loop Road. The original access point to the easement off of Cohoe Loop Road was blocked and an alternative access was created and gated with a private "No Trespassing" sign that serves to obstruct the public's right and use of the public access. Such action to deter the public's right was not permitted by the State, nor is it authorized by the Borough.
- Options: Staff has considered the following options.
 - **Option 1—Easement and Land Use Permit:** This administrative option would provide the Applicants with an easement that connects the existing public access easement to upland portions of the parcel. Due to the slope of the bluff the Applicants cannot feasibly access their land without crossing Borough land. A land use permit could be issued to allow limited use of public land for tour and ancillary set net operations.
 - **Option 2--Exchange:** Exchange Borough lands with the beach access portion of the Applicants parcel (0.25 net acres) for Parcel A (3.17 +/- acres) on a fair market value basis. This option would resolve the Applicants access problem while allowing the Borough to perfect public access to the beach and public waters of the Cook Inlet. If unable to establish uninterrupted beach access for the public benefit along the existing pathway through Applicants land, then the alternate access needs to be developed to the beach as required by State Patent No. 18756 on the Beach Access Tract. The exchange value would offset the cost of the borough land sought by the Applicants..
 - **Option 3—Negotiated Sale:** Applicants would like to purchase Parcel A and Parcel B as shown on attached Exhibit A. KPB 17.10.220(C) states, "Under the provisions of Section 17.10.100(I) and 17.10.230, a trespass may be resolved through negotiated sale of the smallest practical area to the trespasser with all or a portion of the survey and related costs being paid by the trespasser".
 - **Option 4—Deny:** Denial of application is not warranted unless terms for an exchange or sale cannot be agreed upon.

Conclusions: All of the options proposed by staff would resolve access for the Applicants landlocked parcel; however, only Option 2 would allow the Borough to perfect public access to the beach and public waters of the Cook Inlet at minimal cost to Borough taxpayers. Option 2 appears to be the most equitable when trying to balance the interests of the Borough, the Applicants, the State's mandate for public access, and the public's right to such access and would be the most appropriate application of borough code.

Recommendations: Based on the findings of fact, analysis, and conclusions, KPB staff finds that it is in the public's best interest to recommend Option 2—an exchange, at fair market value, of the beach access portion of Applicants parcel for Parcel A shown on the attached Exhibit A.

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment.

1. Elizabeth Chase, PO Box 39, Kasilof, AK

Ms. Chase supports Ordinance 2011-33 authorizing the negotiated sale for the following reasons.

- a. It would benefit the Borough.
- b. It would be in the best public interest because of the additional taxes.
- c. The purchase will be at fair market value.
- d. The stewardship of the land under private ownership is historically better than under public use.
- e. The land would have economic development which would be good not just for the Borough but for the businesses that are on the Peninsula.
- f. They promote tourism which is also supported by the Borough with the Chamber of Commerce.
- g. The land to them is historic.
- h. They have longevity on the land since they have been actively pursuing the purchase of this property for over 23 years.

They would be given a land use permit there so they would not be in trespass. The negotiated sale of this land to another party would adversely affect their access and their land value. This land would eventually be needed due to erosion. The property that they are talking about is upland from their state owned shore fishery leases. In 1982, there was Ordinance 82-23 which gave the provision for fishermen to purchase the land in cases exactly like theirs.

Chairman Bryson asked if there were questions for Ms. Chase. Hearing none the public hearing continued.

2. Bob Toll, 20494 Tustamena Lake Rd, Kasilof

Mr. Toll testified in support of Ordinance 2011-33 and particularly for the Chase family so they may be able to have a negotiated sale to purchase this property. He has fished in this area since 1983 and is directly south of the Chase property. They have shore fishery leases south of them and his mother in law still owns a five acre parcel directly adjacent to this Borough property which is where he stages their fishing operations.

Chairman Bryson asked if there were questions for Mr. Toll. Hearing none the public hearing continued.

3. Sylvia Beaudoin, PO Box 75, Kasilof, AK

Ms. Beaudoin supports Ordinance 2011-33 authorizing the negotiated sale to the Chase family. She has known Mike & Liz Chase for many years and was familiar with their long legal history of use of this land. Ms. Beaudoin owns a seafood trading company and has taken her clients to the Chase's for their free tour. She was very appreciative of their use of this land and would like to see that they are granted the negotiated sale of this property.

Chairman Bryson asked if there were questions for Ms. Beaudoin. Hearing none the public hearing continued.

4. Sam Strange, PO Box 682, Kasilof

Mr. Strange read a portion of his submitted written comments which is as follows:

"Thank you for the opportunity to speak in strong support of the negotiated sale of land to Mike and Liz Chase. I have known the Chase family in a variety of venues since 1988 through the present. They have been relentless stewards of this land, and I have witnessed the lands care and reclamation that is witnessed today. The Chases operate a commercial fishing site at the base of this property. They have allowed other fishermen to access the beach through this property, and have a working relationship of maintenance and up-keep with these fishermen. Liz Chase operates tours through the property for visitors and local folks who may be interested in the commercial fish history of the area, as well as observing the commercial fish operation from the safety of the bluff.

"I do strongly and without reservation request your deepest consideration for the negotiated sale of this land to the Chase family."

Chairman Bryson asked if there were questions for Mr. Strange. Hearing none the public hearing continued.

5. Sharon Hopkins, PO Box 385, Kasilof

Ms. Hopkins supports the negotiated land sale to the Chase's. She lives in the Kasilof area and walks on the beach accessing the beach near the Chase's fish sites. Many local students have been given jobs working on the Chase property. Ms. Hopkins is a teacher and has taken her classes to hear how fishing is important to the area as well as the history of it. She believed the best way to preserve this valuable parcel is to take control of the land and sell the Chase's the property so they can develop their business and continue to serve the community.

Chairman Bryson asked if there were questions for Ms. Hopkins. Hearing none the public hearing continued.

6. Aaron Chase, PO Box 39, Kasilof

Mr. Chase supports the approval of Ordinance 2011-33. This is in the best interest of the Borough to sell this land to his family. This land provides much needed seasonal jobs for college students. The Chase family gives free tours and education to people. Another benefit of approving this land sale would be the additional taxes that would be paid to the Borough.

Chairman Bryson asked if there were questions for Mr. Chase. Hearing none the public hearing continued.

7. Lori, 33600 Echo Lake Road, Soldotna

(Clerk's Note: Last name was not recorded on the recording and the name was not on the sign in list.)

Ms. Lori agreed with the stated benefit points that have been raised of selling this land to the Chase's. She expressed support of Ordinance 2011-33, authorizing the negotiated sale.

Chairman Bryson asked if there were questions for Ms. Lori. Hearing none the public hearing continued.

8. Dave Hopkins, PO Box 385, Kasilof

Mr. Hopkins stated that the Chase's have been working the site at this location for a lot of years. It has been a long road to go ahead and get this land secured. They have definitely done their homework and are definitely committed to work through this process. He appreciated the commission's time.

Chairman Bryson asked if there were questions for Mr. Hopkins. Hearing none the public hearing continued.

9. Mike Chase, PO Box 39, Kasilof

Mr. Chase thanked the residents for their support. This process has been a long haul with this process starting over 22 years ago. The only reason this did not go through initially was because the State asked him to draw a hand drawn map of the plans they had for this property. He inadvertently wrote the words "beach access". Until that point in time, no one realized there was a beach access there. That beach access was not a public access; it went through their land the entire time. The access was what they used to access the beach. The clerk at the State's office wrote "public access"

on the map that he had drawn. The State took that clerk's word for it and since that time, they have struggled to purchase this land because it has the public access label on it. Mr. Chase stated they have jumped through every hoop to try to buy this land legally but on every turn until now they have been denied. The best possible choice for this land is for them to purchase it.

It is their family who wants to continue fishing and continue the historical business that was started there. He stated they can't build any infrastructure on that property until they can own it so that they can build some of the safety features into it. They use that access for their fishing business in the summer. It is a place they utilize. He felt that selling the property to them would benefit the Borough because it would be added to the tax rolls. They are willing to pay their share of taxes on it. This would be a win / win situation for everybody. He was available to answer questions.

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

Commissioner Ecklund referred to page 52 of the packet and stated that the bright yellow section was the utility transportation access that was designated by Resolution 2011-084. She asked if the two parcels he was asking to purchase were Parcel A and Parcel B. Mr. Chase replied yes. Commissioner Ecklund expressed concern that the access that was created by that resolution might be in jeopardy. She referred to the notes that were on the aerial photo and asked if the access that was designated by that resolution, that that public beach access would stay open if the Parcels A and B were purchased. Mr. Chase understood that they had no choice but to do that.

Commissioner Tauriainen referred to the statement in the staff report that states, *"To date, a land use permit through the Borough has not been applied for and the applicants conduct operations on borough lands without formal authorization."* He asked if he knew about applying for land use permits. Mr. Chase replied that he had land use permits from the State and was told not to apply for land use permits with the Borough. It was because when the transfer from the State to the Borough was taking place no one had the patent or control of the property. As soon as the patent was approved, they went to the Planning Department to make sure they had the first opportunity to apply for purchase of the property.

There being no further questions, the public hearing continued.

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

MOTION: Commissioner Carluccio moved, seconded by Commissioner Gross to recommend approval of KPB Ordinance 2011-33, An Ordinance Authorizing a Negotiated Sale at fair market value of certain Borough Lands located in the Kasilof area to Michael L. and Elizabeth J. Chase,

Commissioner Tauriainen asked for clarification if the applicants were being appropriate in how they were trying to solve this problem with the Borough once the patent was transferred. He also asked if they were actively contacting the Borough to try to get this resolved. Mr. Mueller replied that the Chase's did promptly provide the Borough with an application for this negotiated sale when the patent was received. That time in which the land transfer from the State to the Borough but prior to the patent it showed that ownership of the land was with the State according to the assessing tax records. However, the management of the property was conveyed to the Borough. The State would not have had permitting authority but the Borough would have. He felt that someone from the State could have told them that they could not permit them at that time. They could have not known that they needed to approach the Borough for permit authority.

Commissioner Tauriainen stated that the Ordinance was for Option 3 however the Borough was recommending Option 2 as shown on page 52 of the packet. Mr. Mueller referred to the aerial photo on page 51 which shows that the majority of the access was on Borough property. The bottom 80 feet of the access is on the Chase property to get to the beach. When the Borough received patent to the land, the State required that the Borough maintain that as a public access. The patent language states that if the access is not completely contained on Borough land then the Borough would have to provide it. The situation that the

Borough is in then is to secure the existing access in place or to go through the expense to provide it. He stated that there are a couple of issues in this case. One is the expense of providing a new access in about the same location or alternatively or in addition to going through a situation that is similar to what the Borough is currently going through with the OSK public access case off of Nikishka Beach Road. Mr. Mueller replied that this access was built in 1958 and has a lot of very similar attributes to what they have encountered with Nikishka Beach Road. The Borough has gone through a great deal of expense in defending the public's interest. Based on that knowledge, staff has taken the position that the best interest of the Borough would be to negotiate for the perfection of that public access in the location that it presently exists for the benefit of all parties.

Chairman Bryson understood that the Borough was proposing to transfer both Tracts A and B. Mr. Mueller replied that was correct.

Commissioner Tauriainen asked if the purple section on the map on page 52 was the portion of property that they were looking at exchanging. Mr. Mueller replied that staff sees the exchange of that 0.2 acres as being in the best interest of the Borough. That is not something they have control over. They do have control over what is shown in the yellow on the map. The exchange is not something they can impose. He stated the negotiated sale as shown with Parcels A and B is reflective of the application that was made.

Commissioner Carluccio understood that they would be voting on only the sale of Parcels A and B. Mr. Mueller replied that was correct. Commissioner Carluccio understood there would be no exchange of property. Mr. Mueller replied that was correct.

Chairman Bryson asked if the dedication of the 0.2 acres could be a condition of the sale. Mr. Mueller replied yes. Chairman Bryson stated that it wasn't presently a condition of the sale. Mr. Mueller replied that was correct.

Commissioner Tauriainen asked if he could ask a question to Mr. Chase. Chairman Bryson replied that would be ok if he was willing to answer more questions.

Commissioner Tauriainen asked if Mr. Chase thought it would be a workable solution to negotiate an exchange for the 0.2 acres. Mr. Chase replied no, the 0.2 acres was his land. They were only asking to purchase Tracts A & B.

Commissioner Carluccio asked if the public access easement included the diagonally slashed area as shown on the aerial on page 52. She asked if the public access was the entire yellow portion as shown on the map. Mr. Mueller replied that was correct. Commissioner Carluccio asked if that went all the way down to the beach. Mr. Mueller replied that the physical access goes into the 0.2 acres portion as shown on the map. The dog leg that is within the yellow portion is a 130 foot wide strip which is the width that would be required to construct an access immediately adjacent to that based on the width of the present access.

Chairman Bryson stated that essentially it would be side sloped. Mr. Mueller replied yes, the roadbed is not very wide but the slopes are very wide.

Commissioner Ecklund asked if the Borough was required to maintain the beach access. Mr. Mueller replied yes, the State Patent requires it.

Commissioner Ecklund asked if Mr. Chase would be willing to swap a portion of land which would give him a larger Parcel B and the road access would remain in the exact same spot. Mr. Chase replied no.

Commissioner Tauriainen asked if the shed in the access would need to be moved. Mr. Mueller replied that the shed would need to be moved or the owners could apply for a land use permit. That would be a use that would typically be permitted.

AMENDMENT MOTION: Commissioner Ecklund moved to sell the Chase's Parcel A but not Parcel B to preserve access in the future by not having one party own parcels on both sides of the public access.

The motion dies for lack of a second.

Commissioner Tauriainen asked if that was something that would help the situation if they sold Parcel A but not Parcel B for the public access. Mr. Mueller replied that he was unsure that it would have any bearing on the question of the existing public access.

Commissioner Tauriainen understood that the only current public access started on Parcel A and goes over to the yellow portion and goes straight down to the beach. He asked if there was access through any of the yellow portion of the right of way. Mr. Mueller replied that was presently correct. Historically, the access went directly to Coho Loop.

Commissioner Tauriainen asked why they wouldn't keep that portion of the access seeing that there is a driveway currently there through Borough land. He asked if they could have it be more of a diagonal cut that goes through that if the applicants aren't willing to negotiate to work on the 0.2 acres access at the end so they have an entry point. Mr. Mueller asked if he was asking that it be a condition of the sale. Commissioner Tauriainen replied yes that they retain the driveway portion by keeping it public access so that they have that and then they would only need to continue the access down to the beach since the applicants aren't willing to negotiate to open up that portion to the public. Mr. Mueller replied that the lines that are shown on the map as Parcels A & B are not fixed by any survey boundaries so for reconfiguration it would be possible.

Commissioner Ruffner asked what the intention of the Borough was to help retain public access. Mr. Mueller stated that the area in yellow that being the transportation utility corridor is the majority of the public access less the bottom toe of the hill. If the public access was prevented there, then the Borough would have to incur the cost of constructing the lower portion to the beach. He stated that was the reason there was a yellow dog leg on the map so that it provides the area necessary to punch in that new access alignment.

Commissioner Tauriainen asked for a five minute recess. Chairman Bryson called a recess at 8:51 p.m. Chairman Bryson reconvened the meeting at 8:55 p.m.

Chairman Bryson stated the motion was recommending approval of Option 2; Convey Parcel A and Parcel B at fair market value.

Commissioner Tauriainen asked if there could be a public right of way constructed so that people have access to the beach. Mr. Mueller replied that access extends across Borough land and exists on the Chase's property. There is no easement granted on that in writing. He stated that the Chase's have indicated that, that is not their interest. The access was constructed in approximately 1958 and mirrors the Nikishka Beach Rd. As it went through the courts, there was a number of ways of which easements were likely attached to that property over time. It is likely that if that access was to be blocked that there would be a claim to prescriptive rights that any member of the public could raise. Although there is not an expressed easement it is staff's observation that it is likely that there is an easement by prescription that has accrued over time.

Commissioner Ruffner felt that Option 2 would be a nice idea but that is not amenable to the current landowners. The Borough does not own that land. There is not an easement for people to get down there. He stated that Option 3 is the negotiated sale as fair market value for Parcels A & B which doesn't get them further away from the public access. He doesn't see a reason for not going with selling the property at fair market value. It would be nice to get the trade but that was not what was being offered by the landowners. He was ok with the fair market sale.

Commissioner Ecklund referred to the aerial photo on page 51 and asked if that was an existing road or was just a water runoff from Coho Loop. Mr. Mueller replied that the original alignment of the access came off of Coho Loop and went straight. The driveway that exists now is something that has been created in more recent times. Commissioner Ecklund asked if that was across State owned land and now across Borough

owned land. Mr. Mueller replied that was correct. Commissioner Ecklund asked if the access was steep and straight. Mr. Mueller replied that the straight down access was not very steep where it comes off of Coho Loop Rd.

Commissioner Foster asked if the straight access off of Coho Loop Rd is not a lesser access than the one coming across. He asked if that was why the Borough didn't recommend cutting off that triangle where the access is and take that as part of the yellow access. Mr. Mueller replied that was correct. The access directly off of Coho Loop Rd would not be inferior to the windy gated access that presently exists.

Commissioner Ecklund supported taking public lands off of Borough rolls and putting on the private parties rolls so that the Borough gains the tax dollars. She was also for family businesses and especially businesses that support the local economy, local schools, etc. However, she also wants to assure that public access to the beach is maintained and that they don't end up incurring public dollars to keep access to the beach.

Commissioner Tauriainen concurred with Commissioner Ecklund and recommended that something be worked out to have a public access to the beach through that 0.2 acre parcel. Chairman Bryson stated that they would need to make that a requirement at this time. Commissioner Tauriainen asked if they could make a requirement to require public access through the 0.2 acres. Mr. Mueller replied that if the Borough was to grant a land use permit for the continued use of the storage on the public access portion then a condition could be attached that the continuation of the access across the Chase property will be provided. He stated that Land Use Permits are issued administratively and that could be considered by the administration. They don't have such an application but it is noted.

There being no further comments or questions, Chairman Bryson called for a roll call vote.

VOTE: The motion passed by majority consent.

BRYSON NO	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD ABSENT	MARTIN ABSENT	PARKER YES	RUFFNER YES	TAURIAINEN YES	9 YES 1 NO 3 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

3. Rename existing streets in conjunction with the Enhanced 911 Street Naming and Addressing Methods within the Kenai Peninsula Borough. Streets under consideration at this meeting are described as follows:
 - a. Tall Tree Rd named by plat HM2004043 Long Reach Subdivision; T 4S R 14W SECTION 2; Seward Meridian, AK; in the Happy Valley/ Nikolaevsk Communities; ESN 401

Staff Report given by Carrie Henson

PC MEETING 09/26/2011

Applicant: Kenai Peninsula Borough

Existing right-of-way names: Tall Tree Rd

Name proposed by staff: Tall Tree Ave

Reason for Change: To change the suffix pursuant to KPB code 14.10

Background:

Name	Tall Tree Rd
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