



## **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

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**DAVID R. CAREY**  
**BOROUGH MAYOR**

### **M E M O R A N D U M**

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

**THRU:** *MB* David R. Carey, Borough Mayor

**FROM:** *MB* Max J. Best, Planning Director

**DATE:** September 15, 2011

**SUBJECT:** Resolution 2011-097; A Resolution to Classify Borough Land located in the Homer area, located within Section 15, T6S, R13W, S.M., Alaska, containing 80 acres more or less, pursuant to KPB Code of Ordinances, Chapter 17.10.080

The Planning Commission reviewed the subject resolution during their regularly scheduled September 12, 2011 meeting. A motion passed by unanimous consent to recommend adoption of the resolution.

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

*WHEREAS, the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of September 12, 2011 recommended adoption by unanimous consent.*

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

**AGENDA ITEM F. PUBLIC HEARINGS**

1. Resolution 2011-\_\_\_; A Resolution to Classify Borough Land located in the Homer area, located within Section 15, T6S, R13W, S.M., Alaska, containing 80 acres more or less, pursuant to KPB Code of Ordinances, Chapter 17.10.080

Staff Report given by Marcus Mueller

PC Meeting September 12, 2011

**Basis for Classification:** Classification of property is for review, plan implementation and management purposes. The classification system designates the most appropriate uses for land and thereby guides borough management of such lands and implementation actions to provide for the identified uses.

Classification provides direction for the management intent of borough lands and may be initiated by the assembly, the mayor, or the planning commission.

**Public Notice:** Public notice was published in the Homer News on August 11 and 18, 2011 and in the Peninsula Clarion on August 11, 2011. 17.10.080(H) states, "When land is classified in conjunction with the adoption or implementation of a community land use plan that was adopted as an element of a comprehensive plan, or within a city with a zoning ordinance the classification is excepted from the requirement that public notice be mailed to all owners and/or leaseholders of record property located within a radius of one-half mile of the land to be classified". Public comments were requested to be returned by 5:00 p.m. August 29, 2011 to be included in the Planning Commission mail-out packets and by 5:00 p.m. September 8, 2011 to be considered at the Planning Commission public hearing.

**Description of Borough Parcels and Proposed Classifications:** (see attached map)

PARCEL	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
179-010-26	Homer	NW1/4 SE1/4 & NE1/4 SW1/4, T6S, R13W, Section 15, S.M.	80	Preservation

**Agency Review:** Written comments were received from the Kenai River Center, KPB Maintenance Department, and KPB Solid Waste Department. All indicated they have no comments or objections regarding the proposed classification.

- Kachemak Moose Habitat, Inc. submitted written comment supporting a Preservation or Critical Habitat classification.
- The Homer Chamber of Commerce submitted written comment in support of the proposed classification.
- The Kachemak Bay Conservation Society submitted written comment in support of the proposed classification.
- The Kachemak Bay Equestrian Association submitted written comment in support of the proposed classification.

**Findings of Fact:**

1. **Land Status:** The Kenai Peninsula Borough has received State of Alaska Patent Number 17501 for subject land in March of 2000.
2. **General Characteristics:** Subject land is undeveloped and primarily contains discharge slope ecosystems which support wildlife habitat and recreation. In April 2010, the Homer City Council adopted Ordinance 09-40(S), approving the 2008 City of Homer Comprehensive Plan and in June of 2010, the Kenai Peninsula Borough enacted ordinance 2010-24 adopting the City of Homer Comprehensive Plan for that portion of the borough within the boundaries of the City of Homer. The City of Homer Comprehensive Land Use Plan designates this parcel as Conservation, defined as, "environmentally sensitive public land with particularly high value for water quality, fish and wildlife, and other open spaces".

The Kenai Area Plan designates the parcel as Habitat, defined as, "limited, concentrated-use area for fish and wildlife species during a sensitive life-history stage where alteration of the habitat or human disturbance could result in a permanent loss of a population or species' sustained yield".

3. Surrounding Land Use: Surrounding land uses include residential vacant, general institutional, residential improved and residential single dwelling.
4. Surrounding Land Ownership: Surrounding land ownership includes private, municipal, and State land.
5. Access: Subject Land fronts Bottom Lane, an undeveloped right-of-way south of East End Road at approximately MP2. There is no developed access to the parcel.
6. Soil: Partially hydric, Beluga silt loam, 0 to 4 percent slopes. Soil conditions are very limited for development.
7. Utilities: Electric and telephone utilities exist within the surrounding subdivisions.

**Analysis:**

The land is part of the Beluga Lake wetlands complex and primarily unbuildable. This area contains aquatic vegetation important for moose browsing and is in close proximity to the Homer Airport Critical Habitat Area. Movement corridors provide essential wildlife habitat and allow moose to congregate and feed during tough winters and deep snow. The City of Homer recognizes the importance of conserving habitat areas important to sustained moose populations, and through their Comprehensive Plan, has classified the Subject Land Conservation.

**Conclusion:**

Based on the findings of fact and analysis, a Preservation classification would be appropriate for this parcel and is compatible with the surrounding land uses. The City of Homer recognizes the importance of the Subject Land in relation to area wildlife and has adopted Resolution 11-063 Encouraging the Kenai Peninsula Borough Assembly to Designate 80 Acres, Kenai Peninsula Borough Parcel Number 179-010-26 Northwest of the Homer Airport as Wildlife Habitat.

**STAFF RECOMMENDATION:** Based on the findings of fact, analysis, and conclusion the KPB Planning Commission finds that it is in the borough's best interest to recommend adoption of the resolution classifying Subject Lands as Preservation.

END OF STAFF REPORT

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

**MOTION:** Commissioner Gross moved, seconded by Commissioner Collins to recommend adoption of Resolution 2011-\_\_\_; a resolution to Classify Borough Land located in the Homer area, located within Section 15, T6S, R13W, S.M., Alaska, containing 80 acres more or less, pursuant to KPB Code of Ordinances, Chapter 17.10.080 citing the findings of fact.

Vice Chairman Martin noticed the alignment discrepancy between the Homer Comprehensive Plan and the 80 acre parcel. He asked if there was discussion between Homer staff and Borough staff to that affect. Mr. Mueller replied that he had conversation with the City of Homer's planning staff when the comprehensive plan was being developed. The City of Homer Planning Department consulted with them and opted to error on the side of providing the least amount encumbrance in the event that there was an area on the westerly portion that was marginally developable. That was the reason they misaligned it. He stated they looked at the property and it was overly conservative to the Borough's benefit.

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

BRYSON ABSENT	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER ABSENT	GROSS YES	HOLSTEN ABSENT
ISHAM ABSENT	LOCKWOOD ABSENT	MARTIN YES	PARKER YES	RUFFNER YES	TAURIAINEN YES	8 YES 5 ABSENT

**AGENDA ITEM F. PUBLIC HEARINGS**

2. Vacate a portion of Spruce Lane “knuckle”, the curved radius section adjacent to a 60-foot right-of-way designed to provide access to interior Lots 1 – 5 and associated utility easement, dedicated by Cooper Subdivision No. 4 Replat (Plat HM 93-62), within Section 15, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough; KPB File No. 2011-124; Location: City of Homer

Staff Report given by Max Best

PC Meeting: 9/12/11

Purpose as stated in petition: The "knuckle" portion of Spruce Lane was dedicated to provide access for lots within Cooper Subdivision No. 4. The lines common to Lots 1 -5 are being vacated so there is no longer a necessity for the "knuckle" or its associated utility easement.

Petitioners: Christopher L. and Angela M. Newby of Homer, Alaska

Notification:

Public notice appeared in the September 1 and September 8, 2011 issues of the Homer News.

Twelve (12) certified mailings were sent to owners of property within 300 feet of the parcels. Eight (8) receipts have been returned.

Nineteen (19) regular mailings were sent to agencies and interested parties. Four (4) notices were sent to KPB Departments. Notices were mailed to the Homer Community Library and Homer Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Written Statements Received:

ENSTAR: No comments, recommendations, or objections.

Staff discussion

The Homer Advisory Planning Commission approved the proposed vacation as shown on the preliminary plat on July 20, 2011.

The Borough Plat Committee granted conditional approval to the preliminary plat, which will replat Lots 1-5 into one lot and finalize the proposed vacation, on August 22, 2011.

**Findings:**

1. Sufficient rights-of-way exist to serve surrounding the properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the portion of Spruce Lane proposed for vacation is not in use for access.
4. Per the submittal, the portion of Spruce Lane proposed for vacation has not been constructed.
5. The portion of Spruce Lane proposed for vacation does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. The proposed vacation is within the City of Homer.
8. The Homer Advisory Planning Commission approved the proposed vacation as shown on the preliminary plat on July 20, 2011.