



KENAI PENINSULA BOROUGH

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DALE BAGLEY
MAYOR

MEMORANDUM

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

THRU: *DLB* Dale L. Bagley, Borough Mayor

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

DATE: May 11, 2005

SUBJECT: Resolution (unnumbered): *050* Reclassification of Borough Land From Institutional to Recreational in the Russian Gap Area, pursuant to KPBR 17.10.080.

RECEIVED
2005 MAY 12 AM 8:30
KPB
CLERK'S OFFICE

The Planning Commission reviewed the subject reclassification during their regularly scheduled May 9, 2005 meeting. An amended motion passed by unanimous vote to recommend classifying the 10 acres that has been recognized as developable as residential and the undevelopable acreage be classified as recreational.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARINGS

2. Reclassification of Borough Land From Institutional to Recreational in the Russian Gap Area, pursuant to KPB 17.10.080.

Staff Report read by Paul Ostrander

PC Meeting 5/9/05

Petitioner: Kenai Peninsula Borough, Alaska

Basis for Reclassification and Background: In 2003 subject site was tentatively selected for the development of senior housing and reclassified from Recreational to Institutional per Resolution 2003-093. The intent was to convey this parcel to the Cooper Landing Senior Citizens Corporation, Inc. per Ordinance 2003-41. Section 5 of this Ordinance provides that if subject site was not feasible for senior housing that a resolution to reclassify the land to its original classification shall be submitted to the Assembly for consideration. In 2004 a more feasible site was identified for senior housing in the Snug Harbor Road area and is now being pursued.

Current Classification: Institutional per Resolution 2003-093.

Proposed Reclassification: Recreational

Institutional

Institutional means lands which may be of value for the location of churches, private schools, clubs, associations, nonprofit organizations, or cemeteries.

Recreational

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.

Description of Borough Land Proposed for Reclassification: Located in Section 25, T5N, R3W, S.M., and more particularly described as Tract A, Russian Gap Subdivision 2004 Addition, filed as Plat No. 2004-9, Seward Recording District, containing approximately 23.32 acres. See Attachment A.

Public Notice: Public notice was published in the Peninsula Clarion, March 13 and March 20, 2005. Notices were sent by regular mail to all owners and/or leaseholders of record within a one-half mile radius of the land proposed for reclassification. Notice is also sent to applicable agencies, and interested parties. The notices consisted of a cover letter, map, and list of land classification definitions. Written public comments were requested to be returned by 5:00 p.m., March 31, 2005.

Public Comment: As of the writing of this report, two written comments were received supporting the reclassification (attached). Comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.

Cooper Landing Advisory Planning Commission (CLAPC) Review: On March 13, 2005 the CLAPC held its regular public meeting and unanimously approved a motion to support the reclassification of the Russian Gap lands pursuant to Ordinance 2003-41.

Agency Review: Written comments received from agencies stated no objection to the proposed reclassification.

Findings of Fact:

1. Title/Status: The Borough received State patent for subject land.
2. Surrounding Land Use: The 1992 and 1996 Cooper Landing Land Use Classification Plans classified the land to the north as Government for a future high school; land to the northeast as Residential; land to the east as Recreational; land to the west as Preservation, and land to the south as Preservation for a buffer along the

highway. Surrounding development includes residential housing in the Russian Gap Subdivision, the borough waste transfer site across the Sterling Highway and an airstrip within one mile. Quartz Creek Trail runs along the parcel's west boundary.

3. Surrounding Land Ownership: Surrounding land ownership includes Borough land, Borough-approved State land, and private land.
4. Access: Parcel abuts Russian Gap Road. A right-of-way 60 feet wide traverses the west boundary (ADL 223575, Quartz Creek Trail). A section-line easement exists along the east boundary.
5. Utilities: Electric and telephone utilities are available along Russian Gap Road. No other utilities are available at this time.
6. Water: To assess the feasibility of senior housing, exploration wells were drilled. The results produced 1 to 2 gallons per minute. Consulting engineers have confirmed this to be adequate for daily use.
7. Topography: Subject parcel is undeveloped. The topography is gently sloping, intermixed with small hills and peatlands. More than 10 acres is suited for development. There is a small drainage in the eastern portion of this parcel that runs southerly into a wetland area of approximately 3 acres.
8. Soils: The soils of the subject parcel were mapped and described in a 1984 soil survey by the Soil Conservation Service. Developable soils are well drained to moderately well drained. Peatlands of various extents are located in certain areas of the property. Locations for an on-site septic system would need to be evaluated.

Analysis:

The development of this property is compatible with the nature of the adjacent residential land use of Russian Gap and the adjacent senior high school site. The 1996 Cooper Landing Land Use Plan in reference to the subject states: "These lands do not qualify for preservation or residential priority at this time." Since the plan was released, access has been constructed, electric and telephone utilities have been installed, and through topographic survey it has been determined that more than 10 acres is suitable for development. This site provides for a southern exposure with a partial view of Kenai Lake. The availability of water has been determined through exploratory water wells. Although the Cooper Landing Senior Citizens Corporation, Inc., did not feel that the water supply was capable of supporting their needs, consulting professional engineers support the conclusion that the water supply is capable of supporting development. The additional information that has been obtained and the accompanying infrastructure development support the current classification of institutional.

Conclusion:

Considering the characteristics of this parcel the most appropriate use of this land would be for development purposes.

STAFF RECOMMENDATION: Based on the findings of fact, analysis, and conclusion, staff recommends that the Planning Commission not reclassify subject parcel at this time as this parcel has potential for development.

Staff received a letter from a professional engineer that stated by using a low production 2 stage water supply system the 2 gallons per minute would be sufficient for development.

END OF STAFF REPORT

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

MOTION: Commissioner Martin moved, seconded by Commissioner Massion to adopt the Kenai Peninsula Borough Resolution (unnumbered) reclassifying the subject parcel to recreational citing the eight findings of fact.

Findings of Fact:

1. Title/Status: The Borough received State patent for subject land.
2. Surrounding Land Use: The 1992 and 1996 Cooper Landing Land Use Classification Plans classified the land to the north as Government for a future high school; land to the northeast as Residential; land to the east as Recreational; land to the west as Preservation, and land to the south as Preservation for a buffer along the highway. Surrounding development includes residential housing in the Russian Gap Subdivision, the borough waste transfer site across the Sterling Highway and an airstrip within one mile. Quartz Creek Trail runs along the parcel's west boundary.
3. Surrounding Land Ownership: Surrounding land ownership includes Borough land, Borough-approved State land, and private land.
4. Access: Parcel abuts Russian Gap Road. A right-of-way 60 feet wide traverses the west boundary (ADL

- 223575, Quartz Creek Trail). A section-line easement exists along the east boundary.
9. Utilities: Electric and telephone utilities are available along Russian Gap Road. No other utilities are available at this time.
 10. Water: To assess the feasibility of senior housing, exploration wells were drilled. The results produced 1 to 2 gallons per minute. Consulting engineers have confirmed this to be adequate for daily use.
 11. Topography: Subject parcel is undeveloped. The topography is gently sloping, intermixed with small hills and peatlands. More than 10 acres is suited for development. There is a small drainage in the eastern portion of this parcel that runs southerly into a wetland area of approximately 3 acres.
 12. Soils: The soils of the subject parcel were mapped and described in a 1984 soil survey by the Soil Conservation Service. Developable soils are well drained to moderately well drained. Peatlands of various extents are located in certain areas of the property. Locations for an on-site septic system would need to be evaluated.

Commissioner Hohl asked staff if they would come forward with a recommendation to classify this as recreational if the Borough decided to sell the 10 acres with the rest. Mr. Ostrander stated that is not necessarily included in this resolution. At this point they are proposing to reclassify the entire area back to recreational. If the land was conveyed at some future date there may be restrictions placed on the property if it is to remain institutional.

Commissioner Hohl asked the question because the staff is recommending not supporting the reclassification. Mr. Ostrander stated the staff recommended not to reclassify back to recreational but keep it as institutional.

Commissioner Hutchinson asked how it happens that the Borough is the petitioner and the Kenai Peninsula Borough Planning Commission is opposed to the petition. Mr. Ostrander stated that there is a section in Ordinance 2003-41, which stated that if the subject site is not feasible for senior housing that a resolution to reclassify the land to its original classification would be submitted to the Assembly for consideration. Since the seniors determined that it wasn't feasible for their use they are required to take this resolution forward.

Commissioner Hutchinson asked if there is a potential for the Borough to come back and reclassify this differently if the total 23 acres was classified as recreational. Mr. Ostrander stated it is hard to predict the future. He supposed that there is a possibility of that. The findings of fact supported keeping the entire area as institutional. Any further development that may be proposed for the property outside the 10 acres would be handled through a classification or possible deed restriction.

Commissioner Hohl asked how the Cooper Landing Plan classified this particular parcel. Mr. Ostrander stated that the Cooper Landing Land Use Plan classified this parcel as recreational.

Commissioner Hohl stated that is why their planning commission voted unanimously to go with recreational. Mr. Ostrander stated yes.

Commissioner Hohl asked staff what they thought about having a resolution that had all but the 10 acres be classified as recreational and have the 10 acres as institutional. Chairman Bryson asked staff to verify that a 10-acre parcel has been identified. Mr. Ostrander commented that the topographic survey did identify 10 acres that was usable.

Chairman Bryson stated that action would be a recommendation to the Assembly for their consideration. Commissioner Hohl would support that since it would be more palatable to Cooper Landing.

Chairman Bryson asked if Commissioner Hohl was proposing an amendment. Commissioner Hohl stated yes. She asked staff how she would describe the 10 acres.

Chairman Bryson thought that it would be the concept of proposing a split reclassification on the Planning Commission's decision and suggested staff work out the details.

Commissioner Johnson asked staff if the water on the 10 acres would support a residential subdivision. Mr. Ostrander commented that the letter that was received from the professional engineer stated that the one well using the low production 2 stage water supply system would provide enough water for 30 residences at 80 gallons of usage per day. He assumed that more wells would have to be built if there was a larger subdivision in the area. It appeared to Commissioner Johnson that 30 residences in 10 acres do fall within the rural residential classification.

AMENDED MOTION: Commissioner Hohl moved, seconded by Commissioner Gross to reclassify the undevelopable

portion of the described Borough land as recreational and the 10-acre portion that is developable shall be retained with an institutional classification in the Russian Gap Area of Cooper Landing, Section 25, T5N, R2W.

Chairman Bryson asked for discussion on the amendment.

Commissioner Johnson stated he is at a loss and does not understand why this is to be kept institutional. There is a piece of ground classified as institutional yet there are not institutions that want to go there. There are people in the area that prefer to have it classified as recreational. He asked staff to clarify. Mr. Ostrander explained that the resolution is being proposed to reclassify it back to recreational. The staff recommendation is that it be retained in its current classification although they would not be opposed to a more appropriate classification that the findings would support.

FRIENDLY AMENDMENT to the AMENDMENT: Commissioner Johnson suggested a friendly amendment that the 10 acres that has been recognized as developable would be classified as residential and the undevelopable be classified as recreational. Commissioner Hohl concurred.

Chairman Bryson asked if staff had any comments. Hearing none, the commission proceeded to vote.

AMENDMENT VOTE: The motion passed by unanimous consent.

BRYSON YES	CLARK ABSENT	FOSTER YES	GROSS YES	HOHL YES	HUTCHINSON YES	ISHAM YES
JOHNSON YES	MARTIN YES	MASSION YES	PETERSEN ABSENT	TAURIAINEN YES	TROEGER ABSENT	10 YES 3 ABSENT

Chairman Bryson called for a roll call vote.

MAIN MOTION VOTE: The motion passed by majority consent.

BRYSON YES	CLARK YES	FOSTER YES	GROSS YES	HOHL YES	HUTCHINSON NO	ISHAM YES
JOHNSON YES	MARTIN YES	MASSION YES	PETERSEN ABSENT	TAURIAINEN YES	TROEGER ABSENT	9 YES 1 NO 3 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

3. Resolution authorizing the Borough to Lease Office Space in Homer.

Addendum read by Paul Ostrander

PC Meeting: 5/9/05

KPB Purchasing and Contracting issued a Request for Proposals for the lease of office space in Homer for the purpose of renewing or replacing the Borough's space lease for a satellite administrative office in the business district of Homer. The RFP was advertised in the Peninsula Clarion on April 19, 2005 and the Homer News on April 21, 2005. Proposals were due at 4:00 p.m. on May 3, 2005. Due to the RFP schedule, the resolution in your packet was drafted prior to the opening of proposals.

One proposal was received and considered responsive. The Estate of Robert I. Plymire was the successful respondent with a proposal to re-lease the same facility as we currently occupy located at 206 E. Pioneer Avenue. The proposal results in an increase in rent of \$100 per month, set for a 5-year period.

Attached is the draft resolution submitted to Assembly for consideration. This resolution would authorize KPB to enter a one-year lease with four one-year renewals of approximately 1,000 sq. ft. of office space from the Estate of Robert L. Plymire with a monthly rental amount of \$1,050.

END OF MEMORANDUM

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