



KENAI PENINSULA BOROUGH

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DALE BAGLEY
MAYOR

MEMORANDUM

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

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

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

DATE: July 21, 2005

SUBJECT: Substitute Resolution 2005-050; A resolution reclassifying certain borough land located in the Russian Gap area of Cooper Landing, Section 25, T5N, R3W, S.M., Alaska as recreational, pursuant to KPB Code of Ordinances, Chapter 17.10.

The Planning Commission reviewed the subject resolution during their regularly scheduled July 18, 2005 meeting. A motion to recommend adoption of the resolution passed by majority vote.

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

AGENDA ITEM F. PUBLIC HEARINGS

5. Substitute Resolution 2005-050; A resolution reclassifying certain borough land located in the Russian Gap area of Cooper Landing, Section 25, T5N, R3W, S.M., Alaska as recreational, pursuant to KPB Code of Ordinances, Chapter 17.10.

Staff Report read by Paul Ostrander

PC Meeting: 7/18/05

Resolution 2005-050; A Resolution Reclassifying Certain Borough Land Located in the Russian Gap Area of Cooper Landing, Section 25, T5N, R3W, S.M., Alaska, as Recreational was introduced by the Mayor for consideration by the Assembly. Based on the findings of fact, and analysis the administration recommended that the parcel remain institutional. The Cooper Landing Advisory Planning Commission unanimously approved a motion at their meeting of March 13, 2005 supporting the reclassification of the parcel to recreational.

The Kenai Peninsula Borough Planning Commission held a public hearing on the Resolution on May 9, 2005 and passed an amended motion by unanimous consent recommending that the 10 acres that has been identified as developable be classified as residential and the non-developable remaining acreage be classified as recreational. Substitute Resolution 2005-050 and an accompanying attachment were developed pursuant to the recommendations of the Kenai Peninsula Borough Planning Commission.

The Assembly considered both the original resolution and the substitute resolution at their meeting of June 7, 2005. They postponed both items until their August 2, 2005 meeting and directed the administration to bring both the original and substitute resolution back to the Cooper Landing Advisory Planning Commission and the Kenai Peninsula Borough Planning Commission. The attached packet includes the original resolution, the substitute resolution and the appropriate backup material for both.

The Cooper Landing Advisory Planning Commission held a public hearing on July 13, 2005 and supported the land being reverted back to recreational. There are several letters in the packet opposing the reclassification.

Mr. Ostrander addressed a couple of the issues expressed in the FOCL letter to try to clarify some of the reasons why the administration feels it is appropriate to reclassify a portion of this land to residential or retain it as institutional. The letter states that they strongly object to the Kenai Peninsula Borough not honoring the agreement made with this community about returning the Russian Gap Senior Housing tract to a recreational classification. The resolution they are referring to was Resolution 2003-093, which stated that if the senior development plan is found not to be feasible then the land will be reverted back to the Borough and to the original classification. However, through the topography that was done on the site, the wells that were drilled, and the soil work that was done, it has become apparent that it is feasible to develop this property. The Cooper Landing Seniors didn't feel it was the best spot for them, which is why they chose to go to a different location. Ten acres of this site has been identified as developable.

Also in the letter, FOCL talked about the unplanned proposal of not respecting the 15-year land use planning effort undertaken by this community. There have been wells drilled on this property, soils work has been completed, and the topography has been done. There is as much known about this parcel as any other parcel in the community. It is because of these reasons that it points residential or institutional as being a more appropriate use than recreational.

The last sentence in the letter says that the land use plan should only be changed under extraordinary circumstances. This isn't one. The reality is that the community has recognized that the land use plan is subject to change if more appropriate information becomes available. In this case, there is more information available now than when the land use plan was adopted in 1996. Therefore, if it shows it more appropriate to be residential or institutional then it should be reclassified.

It would be appropriate to either to keep the institutional classification or go with the Planning Commission's recommendation of classifying the ten acres that is considered developable as residential and letting the remainder of the property revert back to recreational.

END OF STAFF REPORT

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

MOTION: Commissioner Clark moved, seconded by Commissioner Troeger to recommend adoption of Resolution 2005-050, Mayor Substitute.

Commissioner Petersen asked if this would hold true for any parcel that is recreational if research was done to show that it was developable. He felt that what Cooper Landing is worried about is that they have worked really hard on their plans and if someone gets an idea to develop then the Borough could come in and reclassify that land to something other than what they have adopted in their plan. Commissioner Petersen sees this as being Cooper Landing's issue.

Mr. Ostrander understood where Commissioner Petersen was coming from. There are many lands that are designated as recreational within the Cooper Landing Land Use Plan that the only appropriate use for that land is recreational. This parcel is 23 acres, 13 of the 23 acres is not developable. There are 8 criteria that Land Management is to use when they classify lands. There are three indicators in this case that make this appropriate to be classified as something other than recreational. It is because there is water available, good soils and the topography is relatively flat.

Commissioner Petersen understands what is being said but will be voting against this motion because of what the people of Cooper Landing desires.

Commissioner Hohl asked why Cooper Landing chose recreational for this property. Mr. Ostrander stated the land use plan states that the area is used for the Cooper Landing Community for recreational purposes and would be used for the residents of the Russian Gap Subdivision for recreational purposes.

Commissioner Hohl asked if it had anything to do with whether the land was developable or not. Mr. Ostrander stated the narrative in the Cooper Landing Land Use Plan did not address whether the property was developable.

Commissioner Clark stated this is what he loves about plans in that they carry on forever and ever whether or not they are relevant. The area was different in 1996 than it is in 2005. There is a vast amount of property in Cooper Landing that is non-developed and will never be developed. When 10 acres are found that does have an opportunity to be developed and if it is reasonable then it should be taken. Commissioner Clark felt it is reasonable, if this 10 acres is property that could be used then it should be used. He felt the plans should be flexible.

Commissioner Troeger stated that this was discussed at length at the May 9, 2005 Planning Commission meeting. It appears that the motion on the floor reaffirms the Commission's previous action. He will vote in favor of the motion.

Commissioner Isham stated if he saw more public comment against this then he would have voted against it but seeing none he will vote in favor of it.

Commissioner Hohl stated she would vote against it because Cooper Landing Advisory Planning Commission did address this issue. Even though the plan is older, they have supported that plan.

Commissioner Clark commented he appreciated the Advisory Planning Commission's position. The reality is that they have their cabin in the woods already. He sees the job of the Planning Commission as looking out for the best interest of the Borough at large including the people who may or may not already live here. In the long run, this will be a better opportunity for the community of Cooper Landing to have more access to the land.

There being no further discussion, Chairman Bryson called for a roll call vote.

VOTE: The motion passed by majority consent.

BRYSON YES	CLARK YES	FOSTER NO	GROSS ABSENT	HOHL NO	HUTCHINSON ABSENT	ISHAM YES
JOHNSON ABSENT	MARTIN YES	MASSION NO	PETERSEN NO	TAURIAINEN ABSENT	TROEGER YES	5 YES 4 NO 4 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

6. A resolution authorizing an amendment to a rental agreement with Funny River Emergency Services, Inc. to expand the property leased by KPB to include all of Lot 5 Salmon Bend Subdivision, Frvfd