

AGENDA ITEM E4. PUBLIC HEARINGS

Resolution 2024-003. Proposed Classification of Certain Borough Land, Pursuant to KPB Code of Ordinances, Chapter 17.10.080.

STAFF REPORT

PC Meeting: January 8, 2024

Basis for Classification: Classification provides guidance for the management of Borough land. The Kenai Peninsula Borough proposes to classify 1080 acres of Borough land in the Cooper Landing area in accordance with KPB Code 17.10.080(E). The proposed classification is “Resource Management”, to hold the land with stewardship and conservation of resources consistent with the Unit 395 Land Use Master Plan. Material resources would be actively managed in this classification.

Description of Borough Land Proposed for Classification					
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Proposed Classification	Zoning
11901030	Cooper Landing	T 5N R 4W SEC 25 26 27 SEWARD MERIDIAN SW W1/2 NW1/4 & NW1/4 SW1/4 IN SEC 25 & N1/2 & N1/2 S1/2 IN SEC 26 & N1/2 & N1/2 S1/2 IN SEC 27 excepting the Sterling Highway Right of Way	1080	Resource Management	Rural
Classification Definition(s):	"Resource Management" means land having resources which may be extracted as an interim use in a manner which will not create a negative impact on the most appropriate use of the land. This classification is not exclusive and may overlap any other classification thereby allowing other non-conflicting uses. Resources on these lands may be sold or permitted for use.				
Zoning:	Land use in the Rural District shall be unrestricted except as otherwise provided in KPB Title 21.				

Public Notice: Public notice was published in the Cooper Landing Crier on November 13 & 16, 2023 and in the Peninsula Clarion on November 15 & 22, 2023. Public notice was sent to all land owners and/or leaseholders within a one-half mile radius of the land proposed to be classified, applicable agencies, and interested parties. The notice consists of a cover letter, map, and list of land classification definitions. Written public comments were requested to be returned by 4:00 p.m., on December 27, 2023.

Overview: Unit 395 is proposed to be classified as “resource management” for gravel and hard rock management, while holding the land in a manner that preserves values and opportunities for future uses. Ongoing recreational uses are long term management priorities. Working with the Sterling HWY MP45-60 project is a short-term priority.

Findings of Fact:

1. Property Status: This parcel is managed by KPB, per municipal entitlement final findings and decision dated September 18, 2014. The land is largely undeveloped. The parcel is not classified. This parcel is

within the Cooper Landing Advisory Planning Commission (CLAPC) boundary. This parcel was recommended for selection as part of the Alaska Municipal Entitlement Process in 1996 by the Cooper Landing Land Use Classification Plan for Borough--owned and Borough--selected lands. Per the Unit 395 Land Use Master Plan, this parcel is recommended to be classified as resource management and recreation.

2. Unit 395 Land Use Master Plan Description: The Unit 395 Land Use Master Plan contains guidance and recommendations for future land use decision making on Unit 395. The goal of the plan is to protect the resources and values of the land and community while retaining opportunities for future land uses. These guidelines were developed after a comprehensive review of relevant planning documents, analysis of geophysical data, and input from public engagement and stakeholder interviews. Items considered in the plan are wildlife and vegetation and character of surrounding lands (chapter 2). With the construction of the Sterling Highway MP 45-60 project protecting wildlife and vegetation has been of great concern. The bypass will create multiple wildlife crossings including Alaska's first wildlife overpass on the west side of Unit 395 and crossing the Juneau Creek Bridge to the east side. Chapter 3 of the plan explains the public involvement and stakeholder engagement aspect. Multiple meetings, public workshops, a project website, and announcements make it possible for the public to have their input on the creation of this plan. The key takeaways and focus areas were housing, recreation, wildlife, access, economy, and the vision of the land. Soil qualities were assessed using subsurface explorations on Unit 395 (chapter 4 of the plan), which included multiple test pits to collect soil samples. Analysis of these samples concluded that conditions were suitable for residential development. Test pits 21-27 (fig. 4-1 of the plan) revealed a potential for material sources. This data was consistent with the data collected for the Sterling highway MP45-60 project. Appendix C of the plan has the full report. Access to Unit 395 would require development in the southeast corner of Unit 395, which has gentle slopes compared to most of the parcel, would require a spur a road off West Juneau Road or Chunkwood Road (table 4-1 shows cost estimate). Ownership of West Juneau Road belongs to USFS and would need to be transferred to KPB prior to any development on Unit 395. Chapter 5 of the plan explains the development recommendations. More specifically the recommendation of Unit 395 to be classified as resource management and recreation. The management of these classifications should emphasize the importance of cultural preservation and facilitation, wildlife habitat and movements, and maintaining future development opportunities with recreation and resources extraction activities. Figure 5-1 of the plan shows three locations that have been identified for material extraction, a gravel site north of the bypass and two hard rock sites south of the bypass. KPB should consider developing these sites to support and enhance overall and neighboring development rather than impeding or detracting from those long- term development goals. These sites could be important for local residential development uses as well as public projects and road and highway maintenance including winter sand. Rock materials should be characterized and tested using DOT and/or USACE standards and specifications for rip-rap and aggregate to determine usefulness and importance. Development of Unit 395 also presents a wide range of all-season recreation opportunities that could be pursued by organizations and partners in the area. Recreation uses include the Resurrection Pass trailhead located in the south end of the unit along the Sterling Hwy near West Juneau Road. During winter West Juneau Road is unmaintained. Better access to the trail could be provided by moving the trailhead to the north side of Unit 395 due to the elevation gain.
3. Zoning: The property is within the Rural District pursuant to KPB 21.04.010(B).
4. Topography: Terrain contains mountain valley bench, gentle and steep hillslopes, and drainages, along with some knobs of exposed bedrock.
5. Vegetation: Mature spruce and hemlock forests with wetland plant communities.

6. Soil: No USDA Soil Survey Data exists at this location. Soils vary with the terrain. Detailed soil sampling data that was collected can be found in appendix C in the Unit 395 Master Land Use Plan. The sample locations focused on moderately sloped upland areas most likely to support conventional uses.
7. Surrounding Land Use: Surrounding land includes Chugach National Forest, and the highway bypass project. Half of Unit 395 is contained within the Sqilantnu Archaeological District. The Kenai National Wildlife Refuge border is west of the parcel. Each of these areas has its own guidance or regulations to protect resources. The general area is natural, rural and scenic with many opportunities for outdoor recreation like the Resurrection Pass trail.
8. Surrounding Land Ownership: The surrounding land is federally owned by Chugach National Forest on all sides, and Alaska DOT manages the highway corridor.
9. Access: This parcel can be accessed by the West Juneau Road off of the Sterling highway. West Juneau Road is managed under a USFS easement. Management of West Juneau Road could be transferred to KPB in the future as described in the Unit 395 Master Plan.
10. Utilities: None.
11. Public Comment: As of the writing of this report 3 written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
12. Cooper Landing Advisory Planning Commission (CLAPC) Review: On December 6, 2023, the CLAPC held a public meeting and recommended the initial classification to include recreation concurrently with resource management as opposed to resource management alone.
13. Department / Agency Comments: As of the writing of this report 2 agencies responded: SHPO provided information regarding known archeological features, and ADF&G offered no objection.

Analysis:

The classification of resource management (and recreation) is implementation of the Unit 395 Land Use Master Plan.

Conclusions:

A resource management classification prompts stewardship to hold the land for future uses while allowing for development of natural resources and public recreation uses.

Recommendation:

Based on the findings of fact, analysis, and conclusions, a resource management classification is recommended.

STAFF RECOMMENDATION: Based on the findings of fact, analysis, and conclusions that the KPB Planning Commission finds that it is in the Borough's best interest to recommend adoption of a Resolution classifying subject land as resource management.

END OF STAFF REPORT