

DESK PACKET ITEMS

(Items received after the publishing of the meeting packet on 6/7/22)

- 8. Quartz Creek Subdivision Outfitters Way Replat; KPB File 2022-060
Segesser Surveys / Kenai Peninsula Borough & Three Bears Alaska Inc.
Persistent Way & Sterling Highway
Cooper Landing Area / Cooper Landing APC**

AGENDA ITEM E. NEW BUSINESS

ITEM 8 - QUARTZ CREEK SUBDIVISION OUTFITTERS WAY REPLAT

KPB File No.	2022-060
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Three Bears of Alaska of Wasilla, AK Kenai Peninsula Borough of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cooper Landing / Cooper Landing APC

Parent Parcel No.:	119-124-17, 119-124-18, and 119-124-19
Legal Description:	Tracts A, B, and C of Quartz Creek Subdivision Plat No SW 94-11
Assessing Use:	Residential Vacant
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT ADDENDUM

The preliminary plat was discussed during the June 8, 2022 Cooper Landing Advisory Planning Commission. All parties involved discussed possible solutions and came to agreeable terms. The Cooper Landing APC minutes are available in the desk packet.

The proposed changes will have the creation of a 30 foot wide lot that will be between the Sterling Highway dedication and the proposed frontage road dedication. This proposed lot will take the place of the existing 50 foot conservation easement currently in place within the subject property along the Sterling Highway.

Several items that were discussed included the development of the proposed frontage road. As part of the Sterling Highway project, DOT along with the land owners will be developing the frontage road but the construction at this time will only extend north of the Persistent Way dedication. In the future the remaining portion of the right-of-way will then be developed. The future construction will have to abide by the regulations for crossing a stream and will then coincide with the southern transfer site entrance. The goal at that time will be to improve the safety along this portion of the right-of-way corridor as there is also the existing highway entrance from Russian Gap Road. No party has committed to the associated construction of that portion at this time.

If Persistent Way will continue to provide access to the Highway at this time, two lots will be required to be dedicated to provide the 30 foot wide lots. If DOT does not agree to the continued access at that location a vacation will be required for that portion of Persistent Way and only one lot will be created. If it is allowed, the right-of-way will be required to be vacated once the entire frontage right-of-way is constructed.

The purpose of the 30 foot wide lot(s) is to provide a buffer between the Sterling Highway and the frontage right-of-way. At this time the lot(s) would be under KPB ownership and would require several code exceptions and a classification to be put into place to limit its future use. A future Ordinance would be presented that would outline the classification and the use of the property.

In exchange for the additional land along the highway, the APC would be in agreement to remove the 50 foot conservation easements within Tract B that are located along Persistent Way and the southern boundary. The 100 foot public access easement centered along the anadromous stream and the shared lot line will remain in place and will be subject to KPB 21.18.040. A 20 foot building setback will be required along Persistent Way and the Frontage Road as outlined in KPB Code unless exceptions are requested and granted.

This plat cannot adjust or remove the conservation easements. The conditional approval of this plat will allow for staff and the property owners to move forward with an Ordinance to present to the Assembly. The Ordinance will

be presented to the Cooper Landing APC and the Planning Commission to make recommendations to the Assembly.

A new design was not formally presented to the Planning Department. The decision at this meeting is based upon the sketch as shown in the packet. Due to the extensive changes staff makes the following recommendations.

Staff recommendations:

Conditional approval be granted to this preliminary design subject to:

1. the creation of a 30 foot wide lot to be owned by the borough with a future Ordinance to establish classification
2. any changes to Conservation Easements are subject to an Ordinance being enacted by the KPB Assembly
3. the submittal of a final design will require review by the Cooper Landing APC
4. the final design will be scheduled for a public hearing by the KPB Planning Commission
5. if the final design requires any exceptions to KPB code, they will be presented to the KPB Planning Commission for review and potential approval.

RECOMMENDATION:

STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: ZOOM TELECONFERENCE OR
COOPER LANDING COMMUNITY HALL
WEDNESDAY, JUNE 08, 2022
6:00 PM
UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:00pm
2. ROLL CALL
 - a. J. Cadieux, H. Harrison, Y. Galbriath, D. Story, C. Degernes, L. Johnson, K. Recken , present
 - b. Zoom Attendees: Phil Weber, Heather Pearson, Rachel Mundy, Jerry Fox, Rhonda Lynn, Steve Mierop, Alan, Tommy Gossard, Nancy Carver, Alice Rademacher (HDR Public Involvement Coordinator), DOT P&F Staff: Sean Baski, Jonathan Tymick Construction Project Manager, Scott Thomas (DOT P&F Traffic and Safety Engineer, Plat reviewer), Alvin Talbert, Alan, and Virginia Morgan
 - c. Attendees at hall: Ryan Marlow, Vince Beltrami, Kim Neis, Jerry Neis, Dan Steiner (SDCS, LLC Civil Engineer for Three Bears), Robert Ruffner (KPB Planning Director), Representative Ben Carpenter, Kendra Broussard (Staff to Rep. Carpenter)
3. APPROVAL OF AGENDA – L. Johnson moves to approve as amended, H. Harrison seconds. All approve by roll call vote.
4. APPROVAL OF MINUTES for April 06, 2022 and May 04, 2022
 - a. L. Johnson moves to approve the April 6 minutes. D. Story seconds. All approve by roll call vote.
 - b. Y. Galbraith moves to approve the May 4 minutes as amended by the edits of Virginia Morgan. L. Johnson seconds. H. Harrison abstains due to absence. All others approve.
5. CORRESPONDENCE
 - a. Emailed letter to KPB Planning Department, Land Management from Kim and Jerry Neis copied to CLAPC read into record.
 - b. Letter from Jon James read into record.
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE
 - a. Kim Neis presented an update on the Snug Harbor parcel 119.110.19 and submitted written comments for record.

- a. Replat 2022-060 Preliminary Plat Quartz Creek Subdivision, Outfitters Way, Tracts C and B (Three Bears)
 - i. R. Ruffner introduced the plat.
 - ii. N. Carver displayed the plat via Zoom.
 - iii. R. Ruffner said there are a certain number of days by statute to take action on a plat.
 - 1. At the last Planning Commission meeting the KPB 2022-060 there was a little bit of confusion with the notes for which sites would be vacated.
 - 2. The conceptual extended frontage road providing access to Tracts B and C (beyond the previously planned frontage access for businesses as far as Tract D2) that the DOT is interested in pursuing because of the Russian Gap turn and for egress and ingress for all the tracts.
 - 3. The other thing that the people are interested in is the conservation easement that the frontage road would be going through.
 - 4. He said, one of the things the KPB is trying to help accommodate is the construction of the frontage road including a 30' greenbelt and trail setback but not all the way to Dena'ina Creek.
 - 5. He said there is currently a 50' conservation easement on all sides of the tract.
 - 6. This proposed concept would create a 60' frontage road, 30' greenbelt, and 10' utility easement, taking about 100' away from usable space in Tracts C and B.
 - 7. K. Recken said she is unclear whether R. Ruffner is talking about vacating Persistence Way. R. Ruffner said that he is talking about removing the 50' conservation easement on parts of Tract B.
 - 8. The 100' that would be used in this proposed concept is not available for their [Three Bears] development because it would be tied up in the needs on the front of the property.
 - 9. C. Degernes said that it looked like there was a 10' easement on the back side and wondered about that.
 - a. Dan Steiner, the civil engineer for Three Bears said they may want to keep that but for other green space.
 - 10. J. Cadieux said that she understood that the current road alignment would be used for the frontage road Quartz Creek Rd in front of Sunrise and Tracts D1 and D2 and would not take property from those tracts. and asked for clarification.
 - a. J. Tymick confirmed that is the case.
 - b. S. Baski clarified that most of the land for the proposed frontage road concept would be coming

from DOT right-of-way with only sliver acquisitions of private property.

i. J. Cadieux asked for an explanation of “sliver acquisitions”.

1. S. Baski explained they are anything that leaves the parcel within compliance of minimum size requirements of the local jurisdiction which could be up to 40’. He said that it is meant to be a smaller amount but he tries to present the full extent of possibilities to manage expectations.

11. J. Cadieux said that if the 40’ were taken off of the D1 or D2 it would be 40’ of the 50’ of greenspace of those properties if the frontage road stops at Cozy Bear.

12. J. Cadieux asked whether the land for the frontage road would be coming from on Tracts C and B.

S. Baski said there is no design right now, only conceptual sketches. That said, for Tracts B and C the road would need to be entirely on those tracts to avoid pushing the roadway design which would need to account for commercial size traffic turning radius etc. into to the highway interface.

a. R. Ruffner said that the 30’ greenbelt proposal would come out of tracts C and B.

13. The KPB conceptual design was presented on Zoom which shows that there is a 30’ green-strip that is at the top [Sterling Hwy side] of those parcels while the 60’ frontage road would be on the non-highway side of the green-strip.

14. K. Neis asked whether the frontage road would go all the way to the transfer site.

a. S. Baski said that the DOT would use MP 45-60 dollars to construct up to Persistent Way and then anything further would be picked up by other projects.

15. S. Thomas is the traffic engineer and technical advisor for DOT who deals with safety. He said that the two descriptions are different. In work with highway crashes, he sees and hears a series of concerns about safety with each of these parcels and the [MP 45-60] project. Under this proposal the passing lane would have to go away and there would be turn lanes added in the existing footprint of the highway’s current three lanes. He recommended we look at it past the proposed project.

16. J. Neis asked S. Thomas about how many people go through the Girdwood interchange with a turn lane and wonders why we can't give turn lane access to these areas.
 - a. S. Thomas said that Girdwood is a part of a safety corridor with many driveways and there are crashes there enough that DOT is considering an interchange there.
 - b. He continued that the DOT is trying to separate high speed and low speed uses.
 - c. He said that in every part of our road systems with multiple driveways and old geometry there are crashes.
17. J. Cadieux thanked S. Thomas for acknowledging the safety risk posed at Russian Gap Rd. and the change of this project for traffic as speeds will change from 45mph to 65mph even if limits are posted at 55mph.
18. S. Baski said that as a part of the MP 45-60 Project the frontage road cannot move further north than Persistent Way.
 - a. S. Thomas said that the project can only go so far but if there is a frontage road plan all parties can agree on, as each project comes along it can be extended which can be how you get to a turning lane being included etc.
19. J. Tymick stated that the [MP 45-60] project could add to the volume of cars and so looking at things like striping to address the turning lanes etc. in the short turn is possible.
20. S. Baski said that this project has to compete with the many other similar uses.
21. S. Thomas said that there have been turn lanes built in other safety corridors. There are, however, safety issues with turning lanes.
22. C. Degernes thanked DOT for listening to the community's concerns.
23. D. Steiner asked S. Thomas to describe the striping that would be needed for Three Bears to gain access.
 - a. S. Thomas said that the MP 45-60 project ends at Persistent Way but the need remains for repaved and restriped. For 3 Bears project to move forward that striping has to happen.
24. J. Cadieux asked if the KPB and Three Bears is planning to construct the frontage road to Tract A in this timeframe.
 - a. R. Ruffner said no.
25. J. Cadieux asked if the proposed future eastern access would be reduced to one point, Tract A and would it cross the creek?

- a. S. Thomas said yes.
26. J. Cadieux asked about the impact on the anadromous stream.
 - a. R. Ruffner said that in general the DOT on the Kenai Peninsula had done a good job of doing more than the bare minimum for fish passage and flood conveyance.
27. J. Cadieux asked D. Steiner if the plan is approved for a frontage road to Persistent Way, what is the timeline for development of the project?
 - a. D. Steiner said that this plat includes a 60' right of way for that frontage road.
28. K. Recken asked about the exit and whether it would cross the creek.
29. Page 43 [Supporting document SLEV5-23packet.pdf] shows the proposed pink portion labeled "Future Frontage Road Project" [Pink indicates DOT/KPB collaboration project] extending to Persistent Way with ingress/egress to the New Sterling Highway at Persistence Way. The purple labeled "Future Three Bears Frontage" Three Bears would develop within the DOT right of way with a temporary ingress/egress [labeled "Interim Access"]. This purple portion extends to the north of their property [the right of page 43/left of page 44] where it meets with the pink section [DOT/KPB collaboration] to the north being built out to the Waste Transfer Station where the permanent ingress/egress would be built and turning lanes and traffic safety would be provided.
30. J. Cadieux stated that in the last meeting it was suggested that the frontage road could drop further into the parcels to maintain the 50' vegetative barrier before returning to the ingress/egress points. She asked whether Three Bears looked at the Tract C concepts generated by the community over many months and several public processes.
 - a. D. Steiner said they were unaware of those plans. He doesn't represent Three Bears but is just an engineer for them but does know from working on a number of projects for Three Bears and knows they are interested in being good neighbors. He said that the owner of Three Bears, D. Wise, feels that he is losing more land than he knew about when he was purchasing the land.
31. K. Recken mentioned it would go a long way to guarantee the greenbelt to gain the support and trust of the community.

- a. D. Steiner said that the 30' would be owned by the KPB. It was a concept put together by Marcus Mueller.
32. D. Story said that as an individual he knows it is hard to rely on guarantees but that other ways to gain the support and trust of the community are to learn about the long-term goals and efforts the community has spent considerable time developing. He explained that the Tract C designs were a result of three separate meetings facilitated by the KPB with a landscape architect over six or so months to gain an understanding of the community's desires for the development of Tract C. Those desires included; affordable housing which could potentially come from multi-family units or above business apartments and the like; active transportation facilities throughout developed areas such as these tracts to extend the connectivity of the separated pathway that is a part of the MP 45-60 Phase 1B; and maintaining the integrity of the viewshed that is the entry point to the community.
 33. He said that each of these things and others are repeated concerns and desires of the community going back for a long time, are in the Land Management Plan, and one of the main concerns of residents is that Cooper Landing is a forest town and much of what defines it is the natural resources people come here to enjoy. If the viewshed and greenspaces are not maintained it could be easy for the town to be defined by a storefront and most of the community does not want the first thing people think of or see when they arrive to be gas prices or a grocery special.
 34. D Story described the possible negative impacts of the Sterling Hwy. MP 45-60 Project on community businesses and the potential for a large project such as Three Bears at the start of "town" to contribute to those impacts.
 35. He suggested that gaining the support of the community could be achieved by learning more of the efforts the community has put forward to work on its goals.
 36. R. Ruffner said that moving between a preliminary plat which is what this is, the CLAPC can say we approve the plat with addition of a 30' green-space included before the final plat.
 37. D. Steiner asked DOT if they have any thoughts or concerns about the concept.
 - a. S. Thomas said that at a high level it is the theme of how to connect all properties or all parcels and the design widths and specifics are better handled by the crew that does that.

- b. S. Baski said that which side of the frontage road a pathway would go on is a good thing for the community to discuss. In other communities it is on the outside so ingress/egress to the properties is easier. He can offer up help from the DOT designers but knows that the conceptual design's sharp turn will not be what they will come up with. Also, there is a wide right of way held by the State of Alaska including much of the depth of the trees in the existing 150' strip which means that any of those trees on DOT right of way (ROW) are susceptible to being cut for maintenance, and safety etc.
38. J. Cadiuex asked R. Ruffner if what is being asked is to let a frontage road determine the land use plan by developing a public road but would a private road for both KPB (Tract C) and a private landowner (Tract B) be more appropriate?
- a. J. Tymick said that it may be necessary to deal with the overarching problems of the roadway connections here and that it is a meet in the middle sort of design where Three Bears loses some of its land and the public loses some of its conservation easement.
 - i. R. Ruffner said that it seems like the greenspace on the conceptual drawing being 30' instead of 50' is what you are asking about and that to address the traffic issue.
 - ii. J. Cadiuex asked to confirm that the 30' space would be maintained as forest.
 - 1. D. Story attempted to interpret the information that was presented by DOT, KPB, and Three Bears.
 - 2. It was made clear that the 30' space would be part of the newly created KPB frontage road right of way for the 30' greenspace concept. This greenspace would not be a part of the State of Alaska's right of way after this transfer took place so would not be susceptible to the clearing for maintenance etc. by AKDOT but would instead be managed by KPB. The frontage road would be on the non-highway side of this 30' greenspace. The AKDOT's remaining right of way may retain

treed area further than the 30' but that area is susceptible to being cleared for typical DOT purposes.

- b. C. Degernes hoped to summarize her thoughts; a long-term solution for safe access to our important sites like the transfer station, even if it doesn't all happen with this project it seems like we would get there. It may not be everything we want but it seems like a good compromise.
39. D. Steiner said he wants to make sure everyone knows what is being proposed and asked to show the design plan.
- a. There is a conservation easement that surrounds the property. Three Bears would like to abandon the conservation easement on the back of the lot (south border) and along Persistent Way (west border) in exchange for maintaining the frontage road and 30' greenspace concept as presented by the KPB drawing.
 - b. Steve Mierop, VP Three Bears, said that the back side of the lot will have some differences between what is shown in the drawing as it is still being designed. They anticipate using the space right up to the parcel border because a treed area that exists on the other side of the parcel line which will not likely change as it belongs to the airport.
40. C. Degernes moved to recommend approval of the preliminary plat 2022-060 subject to maintaining the 30' greenspace concept as presented by the KPB drawing and agreed to by Three Bears, and provided the original 50' conservation easement along Denaina Creek is maintained. L. Johnson seconds. All approve by roll call vote.
- iv. D. Steiner asked what else Three Bears could do to connect with the community.
- 1. J. Cadieux said the CLAPC is a good place to start but also to attend and introduce yourself at the Cooper Landing Community Club meetings as well as the Chamber of Commerce and provide updates via the Crier.
- v. K. Recken mentioned the importance of safety precautions for the proposed firepits. S. Mierop indicated they are aware of fire danger in the area and will consider that in the design of fire pits.
- ~~b. Section Line Easement Vacations on Tracts A, B, C Quartz Creek Subdivision~~
- ~~i. C. Degernes moves to support the vacation of section line easements assuming the approval of the 2022-060 Preliminary Plat subject to the 30' greenspace concept as discussed. H. Harrison seconds. All approve by roll call vote.~~

12. COMMISSIONER'S COMMENTS – none.

13. ADJOURNMENT

- a. L. Johnson moves to adjourn. Y. Galbraith seconds. All approve by roll call vote 9:23pm

For more information or to submit comments please contact:

David Story, Secretary Treasurer or Janette Cadieux, Chair, P.O. Box 694, Cooper Landing, 99572 CooperLandingAPC@gmail.com

Please note that the CLAPC voted by roll call as follows:

- Ordinance 2022-19-XX Firewise Slash Disposal
 - o Declined to support or oppose this ordinance.
 - o Would like to provide input on the RFP that is developed for our community.
- Preliminary Plat 2022-060 Quartz Creek Subdivision, Outfitters Way, Tracts C and B (Three Bears)
 - o Recommend approval of the preliminary plat subject to final plat reflecting the 30' greenspace concept as presented by the KPB and agreed to by Three Bears and provided the original 50' conservation easement along Dena'ina Creek is maintained. All approve.
- 2022-060V Section Line Easement Vacations on Tracts A, B, and C Quartz Creek Subdivision
 - o Support the section line easement vacations assuming the approval of Preliminary Plat 2022-060 with recommended changes for final plat. All approve.

GREENSTRIP FRONTAGE CONCEPT

DIAGRAM NOT TO SCALE

Tract A



