

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Johni Blankenship, Borough Clerk (VM) for JB

FROM: Michele Turner, Deputy Borough Clerk (VM)

DATE: April 19, 2022

RE: Ordinance 2022-06: Authorizing the Negotiated Sale of 183.234 Acres in Cooper Landing as Part of the Sterling Highway Mile Post 45-60 Realignment Project to the State of Alaska Department of Transportation and Public Facilities for a Negotiated Amount Over Appraised Value (Mayor)

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Conforming to the advisory board's actions, the last two Whereas clauses have been updated to read:

"WHEREAS, the Cooper Landing Advisory Planning Commission at its regular meeting of April 6, 2022 recommended approval by unanimous consent; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regular meeting of April 11, 2022 recommended approval by unanimous consent;"

Thank you.

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: ZOOM TELECONFERENCE
WEDNESDAY, APRIL 06, 2022
6:00 PM
UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:00pm
2. ROLL CALL – J. Cadieux, C. Degernes, Y. Galbraith, H. Harrison, L. Johnson, K. Recken, D. Story present
 - a. Members of public and agency representatives present:
 - i. Phil Weber, Aaron Hughes – KPBLand Management, Cindy Ecklund, Borough Assembly, Jonathan Tymick, ADOT&PF Sean Baski, ADOT&PF Heather Pearson, Ruth D’Amico, USFS, Aziz Atallah, Alvin Talbert, ADOT&PF, Dakota Truitt, KPBLand Agent, Samantha Lopez, KPBLanning Mngr, Michael Link, Jerry Fox, Marcus Mueller, KPBLand Mngr., Virigina Morgan KPBLand PC, and Tommy Gossard
3. APPROVAL OF AGENDA – K. Recken moves to approve, C. Degernes seconds, all approve.
4. APPROVAL OF MINUTES for March 16, 2022 – H. Harrison moves to approve as written, C. Degernes seconds, K. Recken abstains, all others approve.
5. CORRESPONDENCE – none
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE
 - a. K. Recken requested a primer on the difference between land classification and zoning.
 - i. Samantha Lopez explained that there is not zoning in the borough other than local option zoning.
 - ii. J. Cadieux said that land classification only lasts until the parcel is sold while zoning is something that can be created through the majority of a local area’s land owners which might come together to decide what the limitations of use would be for the local area parcels.
 - b. C. Ecklund mentioned that local option zoning has been done by the KPBLand before a land sale making the requirements potential purchasers must abide by more solid.
7. REPORT FROM BOROUGH
 - a. C. Ecklund – Borough Assembly Representative
 - i. Assembly passed a resolution supporting HB 367 relating to the apportionment requirement for planning commissions for 1st and 2nd class boroughs to match with assembly and school districts.
 1. She explained that this would result in the planning commission becoming a nine-member commission with

- one planning commission representative for the whole east peninsula rather than the two that represent this area now.
2. Ordinance 2207 for the apportionment committee introduced two options. The first option would keep the districts close to the 9 what they are now and the second would make it 11 districts.
- b. Samantha Lopez
 - i. Land classification updates have come out regarding Cooper Landing.
 - ii. Kenai River from outlet of Skilak Lake to the mouth is being remapped by FEMA. She said that if individuals know of needs for remapping they can contact FEMA directly or through the River Center.
 - c. Aaron Hughes
 - i. Classification Resolution should be released sometime in the next week allowing a couple weeks prior to the May 4th CLAPC meeting for public review to develop comment.
 - d. DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Jonathan Tymick, PE, Project Manager, AKDOT&PF.
 - i. Construction contract for the bypass has been awarded to QAP/Trailer Brothers Joint Venture.
 1. Trailer Brothers is very active with bridge construction in the lower 48 and around the world.
 2. Goals are exceeding environmental commitments and prioritizing community enhancement.
 - a. Slaughter Gulch Trailhead will be a priority for improving if things go as now planned.
 - b. They will likely be able to deal with the small rock face at MP 47 of the Safety Path so that the new bike/ped path does not end in a safety pinch point.
 - ii. The DOT is beginning a programmatic agreement for this season's archeologic work. As many as 24 personnel will be living and working here this season for this.
 - iii. Phase 1A
 1. Efforts are going on now to complete blasting operations between MP 56-58 soon. The operations will close the road for an hour or so each time. Watch <https://alaskanavigator.org/> to find out about closures.
 2. During this season they will continue to install retaining walls and wildlife underpasses.
 3. Aiming to have Phase 1A completely paved by September 15th.
 - iv. Pioneer road contracts awarded to QAP/Trailer Brothers.
 1. This section of the project is avoiding using local gravel sources to prevent invasive species found in some local gravel sources from being introduced to the project.
 2. Surface water rights for one of the landowners will have a mitigation plan developed and monitoring installed.
 3. USFS will grant an easement for project work to cross USFS lands this month.
 4. Sale of KPB land should be completed in the next month.

5. Phases 3 and 4 are still being worked out but project managers are hoping to access bridge site by August.
6. The final bridge type is still being determined. Steel arch and Steel plate girder construction are the choices and the DOT is expecting 30-45 days to make the final selection to allow the contractor to weigh in on the selection.
 - a. M. Link asked for elaboration on the material site on Langille. He said he sees lots of rock crushing equipment there. He asked where the material is coming from that they are crushing?
 - i. J. Tymick said they have a pending permit for a material site, are starting to excavate the road section and aim to use the material on Slaughter Ridge Rd. and W. Juneau Rd. though they do not anticipate hauling the material around from one side to the other. This will limit truck traffic on local roads.
 - b. P. Weber asked if surface water rights are going to be revoked.
 - i. J. Tymick said no and that they are creating a mitigation plan for those landowners based on whether any of the sources are being impacted as observed by piezometers.

8. OLD BUSINESS – none.

9. NEW BUSINESS

- a. Sharing ideas with Chugach National Forest Seward District Ranger, Ruth D’Amico.
 - i. R. D’Amico reiterated the intentions of the spruce bark beetle project presented last month. She apologized for the bad hyperlink from the last presentation’s recording.
 - ii. R. D’Amico said the Quartz Creek project has the fire crew working hard to burn the slash piles generated by the contractor.
 - iii. She explained that there are a number of projects coming up over the next few years.
 1. Replacing the fire rings and picnic tables in campgrounds.
 2. A new fee-based cabin will be added to Trail River Campground
 3. Other infrastructure will be replaced over the next few years as deferred maintenance is caught up on.
 - iv. J. Cadieux asked about the wildlife underpasses on the highway project and the difference between the USFWS and USFS’ approach to the management of hunting and trapping near the wildlife underpasses.
 1. R. D’Amico said she was unaware of this difference but was working to familiarize herself with the project. She agreed that trapping or hunting in a wildlife underpass doesn’t make sense.

- v. K. Recken said that Cooper Landing Safe Trails is submitting several proposals to the Board of Game and would like to connect with R. D'Amico regarding them.
 - 1. R. D'Amico welcomed the input.
- vi. Y. Galbraith said that there was a FireWise event last Saturday to clean up beetle kill around the community hall as a component of being recognized as a FireWise community.
- vii. J. Cadieux mentioned that there are a number of trails in the community that start on borough land and travel to USFS land. Slaughter Gulch is one of these trails and it appears that there are some procedural steps for the agencies to coordinate on the management of these types of trails but an update would be welcome.
 - 1. R. D'Amico said that she will follow up with Jesse Labenski to find out the circumstances with this collaboration.
- viii. Y. Galbraith asked about who to reach out to regarding enforcement of issues.
 - 1. R. D'Amico said that the best way is to contact the Seward USFS front desk who will get in touch with the law enforcement officers.
- ix. J. Cadieux mentioned the effect of social media on trail use and how it can result in resource damage to non-maintained trails and asked what methods of response are being used in other parts of the country to deal with this.
 - 1. R. D'Amico said that most land managers did not expect the amount of use of the pandemic. If it is a trail system, even if it is previously unmaintained, it can be figured out how to do something different in that area to minimize the resource damage. She just needs to be made aware of the problem areas. J Cadieux mentioned Slaughter Gulch and Russian Gap.
 - 2. D. Story asked about options for communities like ours to mitigate the issues created by the increased use of unimproved trails. He said that while trails like Slaughter Gulch may have started as a social trails, their use can outpace the scope of established management plans. He said that while the levels of use will likely not reach the peak experienced post shelter-in-place orders in 2020 but that once they are well known, use numbers are unlikely to subside. He said that partnerships can work to a certain extent when there is a large base of volunteers but asked for advice for small communities with limited volunteer bases like ours to help prevent resource degradation.
 - 3. P. Weber said that at one time there had been a flagging operation to move the base of the Slaughter Gulch Trail away from private properties on South Face Place and wondered about the status of those efforts.
 - 4. H. Harrison mentioned that it is very common for users to park and traverse through private property because there is not clear indication of where an official trailhead is actually

located and that Google directions etc. often point to the wrong locations as the trailhead.

5. M. Link submitted by chat, “ I hear everyone. The headaches of the temporary relocation /alternate route via Langille Road...well, really “sucked”. Kicking the trail next door isn’t the solution. These are all good points. The trail is a gem of CL. It warrants some consideration rather than being an impromptu trail.”
 6. Ruth D’Amico reiterated she would consult J Labenski on this.
- x. Y. Galbraith complimented the work by the contractors dealing with the beetle kill at Quartz Creek Campground.
 1. She also mentioned a past program of volunteer clearing of beetle kill trees in communities and even on private lands.
 - a. R. D’Amico said this might be similar to the All Lands, All Hands project which can funnel funds to facilitate work on private lands adjacent to USFS lands. She said she will follow up to clarify those options.
 - xi. J. Cadieux thanked R. D’Amico for her involvement with these meetings as she gets her feet underneath her in the new role.
 - xii. R. D’Amico said for Spruce Beetle response on Forest Service land individuals can send written comments to Alaska-chugach-seward@usda.gov
- b. Sterling Hwy MP 45-60 Project: Right of Way acquisition from Borough lands. Ordinance 2022-06
 - i. M. Mueller explained that this ordinance is what will allow the KPB to sell the lands within the ROW to the DOT. He said that this process is fairly procedural including appraisals of each of the project parcels similar to other property owners.
 - ii. He said that it will be approximately 183 acres and the appraisal is about \$1.7 million dollars and through negotiations the KPB came away with an administrative settlement reaching an agreed upon price of approximately \$2.1 million dollars.
 - iii. He said the Juneau Creek Alternative was identified in the 1996 CL Land Use Plan and that the disposal of the acres in the ROW has been a part of this planning at least since then.
 - iv. J. Cadieux asked M. Mueller to confirm that these lands are the same as what has been presented in the lead up to this process.
 1. M. Mueller confirmed them as such.
 - v. C. Degernes moves to recommend the support of the ordinance as proposed. K. Recken seconds. All approve.
 - c. KPB Timber Harvest Project: Next Steps and more detail, Dakota Truitt, KPB Land Agent/Forester
 - i. This project is similar to the USFS project around the campgrounds – an effort to remove dead and dying trees affected by the spruce bark beetle – but differs in the mode of implementation. The USFS uses service contracts while this project uses timber sales contracts to perform treatment operations addressing forest health due to KPB budget constraints.

- ii. [Presentation information was requested for posting with supporting documentation. Visit www.kpb.us/forestmanagement for more information]
- iii. Section 1 – Situation and Proposed Action
 - 1. J. Cadieux asked about the length of the project given the apparent limited supply of trees once the spruce bark beetle killed (SBB) trees are dealt with.
 - a. D. Truitt said that there will be waves of impact that can be treated proactively rather than reactively. It will be a slow roll out of a few hundred acres so kinks can be worked out by the forester before it is scaled up to other areas but that the goal is building a sustainable, small-scale timber industry so harvesting efforts as a management tool can be relied upon in the long term. KPB anticipates ongoing SBB tree death.
 - b. K. Recken asked how the project’s short timeline can be a slow roll out.
 - i. D. Truitt said that there is not the capacity to deal with the thousands of acres that need treatment and that the set-up of the infrastructure of this program is the goal that will allow it to sustain itself later. She said timber is a cottage industry on the Kenai and the forests on KPB managed land will not ever support major industry in this realm as much as make the smaller scale industry workable in the long term.
- iv. Section 2 – Benefits of Forest Management
 - 1. D. Truitt said The KPB is not authorized to nor will it seek authorization for clear cutting.
 - 2. She said the program is seeking comment regarding the direction of KPB forest management especially if there are areas where fuel breaks are desired.
 - 3. She reviewed KPB Regulations regarding Forest Resources
 - a. Forest management plan will conduct site specific inventory of forest resources for project areas since the last comprehensive inventory was conducted in 1986.
 - 4. K. Recken asked whether there will be a meeting held here in Cooper Landing.
 - a. D. Truitt said that there will be as the project scope is determined.
- v. Section 3 – Reforestation
- vi. Section 4 – Developing our Process
 - 1. Website is available for comment – www.kpb.us/forestmanagement
 - a. D. Truitt said the site is intended to provide information and transparency to the public about where management will occur and to accept public comment.

- vii. Section 5 – Forest Industry
- viii. Section 6 – Next Steps
 - 1. Legislative Process
 - a. D. Truitt explained the original Authorizing Legislation was Ordinance 2000-50 and that the new ordinance updates the above.
 - b. She said the new ordinance will be presented at the next CLAPC meeting May 4th and explained many of the changes in the update can be seen in this presentation’s slides and that one feature is that it includes a 3-year sunset clause.
 - c. She said that they are seeking authorization by end of June. There are several opportunities for engagement including the next CLAPC meeting.
 - i. J. Cadieux asked about the intent of the management clause and whether it would include the land classification.
 - 1. D. Truitt – yes.
 - ii. Y. Galbraith asked about the timeline and whether it is true that the clearing from this project would not begin until 2023.
 - 1. D. Truitt – yes.
 - iii. Y. Galbraith asked about whether KPB rules for tree removal by adjacent private land owners can be modified to allow for more than 10 trees per acre to be removed.
 - 1. D. Truitt mentioned the FireWise considerations that allow for the increased amount of removal from KPB lands up to 100 ft from private land infrastructure.
 - iv. Y. Galbraith asked about management plans for the organic dump site.
 - 1. D. Truitt said the contractor should be pushing those piles together to make them neater and create more usable space.
 - 2. She said they will also be determining the impact of greater than normal residential use.
 - 3. M. Mueller said the site is managed with zero budget through a partnership with local folk including the past volunteer effort by Keith Freeman and organizations like CLES to minimize additional costs being placed on the KPB while still helping provide a needed resource.
 - v. K. Recken said she has concerns about only burning in the fall since it can become

untenable faster and wondered about having more frequent burns as the piles develop.

- d. M. Mueller pointed out the significant efforts that D. Truitt has put into this project and said that when the project is soliciting comments it is to find out how the public can better be engaged participants in the management of public lands.
- e. J Cadieux thanked all of the KPB personnel for this effort and for all of those attending the CLAPC meetings. Keeping the public informed makes us better partners to KPB.

10. PLAT REVIEW - none

11. INFORMATION and ANNOUNCEMENTS - none

12. COMMISSIONER'S COMMENTS

- a. D. Story brought up that he has been approached by several community members asking when the CLAPC might return to in-person meetings and suggested that CLAPC explore options for hybrid meetings to continue enjoying the increased participation of agency personnel and community members while still facilitating a venue for community members unlikely to attend virtually.
- b. H. Harrison echoed the sentiment.
- c. K. Recken suggested a worksession to determine feasibility.
- d. J Cadieux will contact KPB staff to learn how hybrid in-person/Zoom meetings may be done technically.
- e. Y Galbraith will check on the strength of the WiFi at CLCC Hall.

13. ADJOURNMENT

- a. L. Johnson moves to adjourn. Y. Galbraith seconds. All approve. 8:52pm

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

Turner, Michele

From: Shirnberg, Ann
Sent: Wednesday, April 13, 2022 8:53 AM
To: Turner, Michele
Subject: PC Recommendations for Legislation

Good Morning Michele,

The following pieces of legislation were heard at the April 11, 2022 Planning Commission meeting. The Planning Commission recommended unanimously (10-Yes & 1-Absent) to adopt the following:

- Resolution 2022-025: A resolution providing a 30 day application period prior to inactivating the Kalifornsky Advisory Planning Commission.
- Ordinance 2022-06 – An ordinance authorizing the negotiated sale of 180.281 acres in Cooper Landing as part of the Sterling Highway Mile Post 45-60 Realignment Project to the State of Alaska Department of Transportation & Public Facilities for a negotiated amount over appraised value.
- Resolution 2022-024: A resolution classifying certain parcel of Borough Owned Land in the Diamond Ridge area.
- Ordinance 2022-09: An ordinance authorizing a negotiated lease at less than fair market value of certain real property containing 3.5 acres more or less to the Anchor Point Food Pantry for a food pantry and other community uses.

Thank You,

Ann Shirnberg
Administrative Assistant
Planning Department
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