



# **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

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**CHARLIE PIERCE  
BOROUGH MAYOR**

## **MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Charlie Pierce, Borough Mayor *chi*

**FROM:** Max Best, Planning Director *mb*

**DATE:** January 23, 2018

**SUBJECT:** Ordinance 2018-06; Adopting amendments to "Community Recommendations on a Land Use Plan for Borough lands at Cooper Landing, 1992", an element of the Comprehensive Plan.

The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled January 22, 2018 meeting.

A motion passed by unanimous consent to recommend approval of Ordinance 2018-06, adopting amendments to "Community Recommendations on a Land Use Plan for Borough lands at Cooper Landing, 1992", an element of the Comprehensive Plan.

In the Ordinance, please make the following amendments to the last two WHEREAS statements:

*WHEREAS, the Cooper Landing Advisory Planning Commission at its regularly scheduled meeting of January 3, 2018, recommended approval of the amended plan;  
and*

*WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of January 22, 2018, recommended approval of the amended plan.*

Attached are the unapproved minutes of the subject portion of the meeting.

**COOPER LANDING ADVISORY PLANNING COMMISSION  
REGULAR MEETING  
LOCATION: COMMUNITY CLUB  
WEDNESDAY, JANUARY 3, 2018  
6:00 PM  
UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:00 PM
2. ROLL CALL – Yvette Galbraith, Janette Cadieux, David Story and Chris Degernes present. Laura Johnson and Kathy Recken, Heather Harrison excused.
3. APPROVAL OF AGENDA – C. Degernes moves to approve minutes as amended. Y. Galbraith seconds. All approve.
4. APPROVAL OF MINUTES for November 8, 2017 – Y. Galbraith moves to approve as submitted. C. Degernes seconds. All approve.
5. CORRESPONDENCE
  - a. Friends of Cooper Landing, FOCL email – comments regarding 2018 KPB Comprehensive Plan
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE – none.
7. REPORT FROM BOROUGH – none.
8. OLD BUSINESS – none.
9. NEW BUSINESS
  - a. Kenai Peninsula Borough Comprehensive Plan draft open for public comment until Wednesday, January 31<sup>st</sup> 2018.
    - i. J. Cadieux stated that Shelley Wade with Agnew Beck said that the public comment period for the Comprehensive Plan will be extended. Ms Wade further stated that group comments from the APC were very valuable and would be appreciated.
    - ii. C. Degernes suggested a work session prior to the next regular CLAPC meeting. Need to determine for sure that the extension is past the listed January 31<sup>st</sup> date.
    - iii. Pending this confirmation the CLAPC will meet at 3:30pm on February 7<sup>th</sup> before the Regular Meeting.
    - iv. D. Story suggested there will probably need to be an educational component with basic instruction on how to check up on or follow

- the progress of, for instance, the Implementation Matrix and which strategies are making progress etc.
- v. Y. Galbraith – it would be helpful to have some mechanism to highlight components relevant to specific communities.
  - vi. C. Degernes – Community land use plans should fill some of that need.
  - vii. J. Cadieux – what to do to make sure the plan doesn't sit on the shelf? Providing for members of the public to be able to use the Implementation Matrix will be important to determine input and accountability.
  - viii. Marcus Mueller – all of the components can be viewed through several lenses: Topic lens, time lens, geographic lens etc.
    - 1. In terms of the implementation – the practice of using or implementing the plan ends up being context based by what issues and voices come up. It is a lot of weaving with threads that speak more to e.g. an EMS person and others that speak to fishermen etc.
    - 2. The way the Comprehensive Plan will be applied is by using principles within the plan language to provide direction or boundaries to the issues that are presented.
    - 3. One way to approach it is for Advisory Planning Commissions and the KPB Planning Commission would take a bite out of the plan once a month so that every year they go through the whole thing and integrate or inform decisions for the local land use planning.
  - ix. C. Degernes – try to foster community engagement during the February meeting. Drum up attendance to determine how much or little community members would like to be involved in the use of this Comprehensive Plan.
  - x. M. Mueller – the plan is democratic. It is about us as a society determining what these things mean to us and how to affect changes through the mechanism of the plan.
- b. Cooper Landing Rifle and Sportsman's Club relocation update
- i. M. Mueller – in May the classification documents were brought to the CLAPC. When that action went through legal review the legal department said it was inconsistent within the Cooper Landing Land Use Plan. They advised an amendment to the plan to be approved by the CLAPC.
    - 1. C. Degernes said that there are two parts to the land classification. The first would be to remove from the 1992 plan the provision recommending expanding the existing range . The second would be a plan amendment to add the new proposed range property to the plan.
  - ii. Proposed amendment to 1992 plan
    - 1. See supporting document, "Cooper Landing Shooting Range Draft Plan Amendment.pdf"

2. M. Mueller read the, “AN ORDINANCE ADOPTING AMENDMENTS TO “COMMUNITY RECOMMENDATIONS ON A LAND USE PLAN FOR BOROUGH LANDS AT COOPER LANDING, 1992”, AN ELEMENT OF THE COMPREHENSIVE PLAN”, which includes a proposed amendment to the above. See supporting documents.
  - a. The Land Use Plan amendment addresses a number of elements to 1. Ensure the KPB honors the CL Land Use plan’s recommendations, 2. The proposed land use has withstood significant public consideration including the determination of land use classification and 3. Provides for the lease of the development and management of the gun range.
  - b. C. Degernes moves that we recommend the KPB adopt the proposed ordinance, “AN ORDINANCE ADOPTING AMENDMENTS TO “COMMUNITY RECOMMENDATIONS ON A LAND USE PLAN FOR BOROUGH LANDS AT COOPER LANDING, 1992”, AN ELEMENT OF THE COMPREHENSIVE PLAN”, that amends the CL Land Use Plan to allow for the move of the gun range. Y. Galbraith seconds, all approve.
- iii. Proposed land classification
  1. See supporting document, “Cooper Landing Shooting Range Classification Package.pdf”
  2. Y. Galbraith moves to recommend the KPB support the land classification on the land described below (and in the change proposed in the ordinance dated 1/16/2018 ) to Recreational for Cooper Landing Gun Club (CLCG) move. C. Degernes seconds, all approve. The CLAPC discussed this issue and made similar recommendation during the CLAPC’s Regular Meeting in May of 2017.
    - a. Within the Kenai Recording District, Third Judicial District, State of Alaska, and described as follows: S1/2 S1/2 SW1/4 SW1/4 Section 10; NW ¼ NW ¼ Section 15; and that portion of the NE ¼ NE ¼ Section 16 lying east of the powerline ROW, T5N, R2W, Seward Meridian, State of Alaska, containing ~66.5 acres.
- iv. Proposed lease
  1. See supporting document, “Cooper Landing Shooting Range Lease Package.pdf”
  2. M. Mueller presented the proposed, “An ORDINANCE AUTHORIZING A NEGOTIATED LEASE AT LESS THAN FAIR MARKET VALUE OF CERTAIN REAL

PROPERTY CONTAINING 66.5 ACRES MORE OR LESS TO THE COOPER LANDING RIFLE AND SPORTSMAN'S CLUB FOR THE DEVELOPMENT OF SHOOTING FACILITIES".

- a. A lease is required for a development plan. The lease is custom to the proposal for the development and management plan that allows the land to be used as a shooting range.
  - b. The lease has a special requirements clause to allow it to modify the lease to protect the public's interest.
  - c. C. Degernes stated the lease should have a provision to renew provided the Gun Club is compliant with the terms of the lease. She stated there may be other desired modifications from the most recent language of the lease that may come about after full review of the lease by the Gun Club.
3. Y. Galbraith moves to recommend approval of the proposed, "AN ORDINANCE AUTHORIZING A NEGOTIATED LEASE AT LESS THAN FAIR MARKET VALUE OF CERTAIN REAL PROPERTY CONTAINING 66.5 ACRES MORE OR LESS TO THE COOPER LANDING RIFLE AND SPORTSMAN'S CLUB FOR THE DEVELOPMENT OF SHOOTING FACILITIES" provided the rate of \$1.00/year for 20 years with option to renew is included in the terms of the lease. C. Degernes seconds, all approve.

10. PLAT REVIEW if any

11. INFORMATION and ANNOUNCEMENTS

- a. Y. Galbraith – Cooper Landing Chamber of Commerce is looking to update the chamber's website and is interested in suggested images or info for the CLAPC's page that is represented on the site.

12. COMMISSIONER'S COMMENTS - none

13. ADJOURNMENT – D. Story moves to adjourn, Y. Galbraith seconds. All approve. 8:09 pm

For more information or to submit comments please contact:

David Story, Secretary P.O. Box 694, Cooper Landing, 99572  
[CooperLandingAPC@gmail.com](mailto:CooperLandingAPC@gmail.com)



AGENDA ITEM F. PUBLIC HEARINGS

- 2. Ordinance 2018-06; Adopting amendments to "Community Recommendations on a Land Use Plan for Borough lands at Cooper Landing, 1992", an element of the Comprehensive Plan.

Memorandum and Staff Report given by Marcus Mueller

PC Meeting: 1/22/2018

There are two land use plans for the Cooper Landing Area, the original 1992 plan and a 1996 update. These plans work together to identify community values and guide land utilization for borough lands around Cooper Landing.

The Cooper Landing Rifle and Sportsman's Club has operated the Cooper Landing Shooting Range off Bean Creek Road since 1947. As the community has grown up around it, the interests in moving the range have intensified, and a plan has come together to relocate the range to recently acquired borough land.

The land that was behind the current shooting range that the borough has subdivided for residential development could be sold and the relocation of the shooting range would be a benefit to the Cooper Landing Bypass as one of the potential routes goes behind or downrange from the current site.

This plan amendment would basically lay the groundwork for the classification that was just discussed and sets out the intent for management of the site which would be by lease to the shooting organization for the long term. There would then be the potential to sell the land to the shooting range once the borough receives patent of it.

Consideration of this amendment to the original 1992 plan is appreciated.

END OF MEMORANDUM & STAFF REPORT

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

**MOTION:** Commissioner Morgan moved, seconded by Commissioner Carluccio to recommend approval of Ordinance 2018-06; Adopting amendments "Community Recommendations on a Land Use Plan for Borough lands at Cooper Landing, 1992", an element of the Comprehensive Plan.

**VOTE:** The motion passed by unanimous consent.

BENTZ ABSENT	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES YES	FOSTER ABSENT	ISHAM YES
LOCKWOOD ABSENT	MARTIN YES	MORGAN YES	RUFFNER ABSENT	VENUTI YES	WHITNEY YES	9 YES 4 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

- 3. Ordinance 2018-\_\_\_; Authorizing a negotiated lease at less than fair market value of certain real property containing 66.5 acres more or less to the Cooper Landing Rifle and Sportsman's Club for the development of shooting facilities.

Memorandum and Staff Report given by Marcus Mueller

PC MEETING 1/22/18

The Cooper Landing Rifle and Sportsman's Club ("CLRSC") has submitted an application for the negotiated lease of borough land located north of the Sterling Highway at milepost 40 for the purpose of developing shooting range improvements and conducting shooting range activities. CLRSC has provided a description of the project proposal through its development plan. The project proposal is consistent with the general direction of the borough's comprehensive plan and has garnered support within the community for a variety of reasons.