

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: ZOOM TELECONFERENCE
WEDNESDAY, MAY 04, 2022
6:00 PM
UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:00 pm
2. ROLL CALL – J. Cadieux, K. Recken, Y. Galbraith, C. Degernes, L. Johnson, D. Story present. H. Harrison excused absent.
 - a. Nancy Carver; Kenai River Center, Jonathan Tymick ADOT&PF, Marcus Mueller; KPB Land Management, Aaron Hughes; KPB Land Management, Dakota Truitt; KPB Land Management, Alice Rademacher, Carol Fox, Rhonda Lynn, Phil Weber, Jerry Fox, Kim Neis, Jerry Neis, Virginia Morgan attending.
3. APPROVAL OF AGENDA – C. Degernes moves to approve the agenda as amended. L. Johnson seconds. All approve.
4. APPROVAL OF MINUTES for April 06, 2022 - This items was mistakenly skipped and will be addressed at the June 8 meeting.
5. CORRESPONDENCE - none
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE – none
7. REPORT FROM BOROUGH
 - a. DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Jonathan Tymick, PE, Project Manager, AKDOT&PF.
 - i. Lane closures at MP 58 for blasting were successful. There will be other closures to be determined at a future date.
 - ii. Open house was successful.
 - iii. Construction is finally happening on the pioneer roads. There will be a temporary cul-de-sac on Langille Road for emergency vehicles.
 - iv. There will be more publicly available firewood this year so stay tuned.
 - b. No KPB report other than those items in the agenda
8. OLD BUSINESS - none

9. NEW BUSINESS

- a. Resolution 2022-XX Land Classification, 4 parcels in Cooper Landing
 - i. Aaron Hughes, KPB Land Management Agent, explained this will reclassify 35 units of land in the borough. Public notice was sent out (over 1,800 individual notices along with public comment notices in newspapers and through agency notification). Deadline for comment is May 6th.
 1. 4 parcels in Cooper Landing. 3 on Bean Creek and one on Snug Harbor.
 2. All of the Cooper Landing parcels are presented with classification of Rural to match the surrounding areas. Once the parcels are sold the classification falls off.
 3. All the parcels are currently undesignated.
 - ii. K. Recken said that the Snug Harbor parcel was the previous Cooper Landing dump and asked about remediation.
 1. Aaron Hughes said adjacent landowners gave similar reports and the KPB has researched public documents and cannot find this info but that is why they appreciate local information and is interested in any documentation.
 2. K. Recken said that Mona Painter has found a map with dump noted on the parcel and also had personal attribution.
 - iii. Carol Fox said that her family has owned a nearby lot since the 40's and she can personally attest to the property being a dump site.
 - iv. Kim Neis said that speaking with David Rhodes and he also recalled the parcel being used as a dump and that there may be aerial views from this period of use.
 - v. Phil Weber asked the specific location of this lot.
 1. J. Cadieux clarified.
 - vi. A. Hughes asked about the specific date range which may be attributed to the dump use of the site.
 1. K. Recken estimated it would include at least the early 50's through the early 60's.
 - vii. K. Recken said that K. Freeman attests to the timbers from the old Shackleford Creek bridge were dumped there.
 - viii. A. Hughes explained that this resolution is prior to the land sale of the parcels which would have an extended due diligence period for potential land owners to inspect the parcels before purchase.
 - ix. J. Cadieux asked about accessing the parcels off of Bean Creek and driveways.
 1. A. Hughes explained that the owner of the units that sold last year partnered together for a shared entry and the subsequent units have what appears to be an easier approach.

2. J. Cadiuex mentioned that previously the CLAPC recommended the classification of the previous parcels as Residential to indicate the community's intended or suggested use for the parcels.
 - x. C. Degernes said that she knows there will be a due diligence timeframe for the Snug Harbor site but she thinks it would be unfair to any prospective buyer without further inspection conducted by the KPB.
 - xi. K. Neis said that when they bought their property in 2004 they inquired about purchasing the next lot over and the KPB said at that time that that lot would never be sold because it was a dump site.
 - xii. C. Degernes moves to recommend that the KPB the Snug Harbor parcel 119.110.19 be removed from the resolution for classification at this time until further investigation can be made regarding its status. K. Recken seconds. All approve.
 - xiii. K. Recken moves to recommend the Bean Creek lots are classified as Residential to reflect the community's intended use. L. Johnson seconds. All approve.
 - xiv. A. Hughes thanked everyone bringing this information to light and explained how important public input and local knowledge is in this process.
- b. Ordinance 2022-XX Land Sale including 3 parcels in Cooper Landing
 - i. C. Degernes moves to recommend the sale of the parcels on Bean Creek but withhold support of the sale of the parcel on Snug Harbor until further investigation of its status is completed. Y. Galbraith seconds. All approve. Motion passes.
- c. Ordinance 2022-11 Spruce Bark Beetle Forest Management Project.
 - i. Dakota Truitt, KPB Land Agent, thanked the APC for the forum for input of public comment which has helped shape and form this ordinance.
 - ii. J. Cadiuex asked about the intent of the reforestation practices and how they would be affected by bluejoint grass and/or the site preparation.
 1. D. Truitt said that grasses are already present in the stands but are outcompeted by the living trees. If dead trees stand, the grasses can spread to the stand of ladder fuels making a severe fire. If the trees are cut, the grassland fires can still exist but they are less likely to create circumstances of the standing dead trees making more intense fires.
 - iii. J. Cadiuex asked about the Whereas, "treatments will establish and preserve logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and" saying she is very concerned about the unintended consequences of these access points.

1. D. Truitt said this whereas was meant to acknowledge the challenges of these areas.
2. K. Recken asked whether the community would be involved in determining which infrastructure was used for what.
3. D. Truitt replied that the community would be afforded opportunity for input.
4. J. Cadieux suggested modifying the language of two of the ordinance's 'Whereas' in the following way and M. Mueller thought the wording adaptation was acceptable for #12:
 - a. Whereas 12, "treatments will be planned to establish, preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and"
 - b. Whereas 15, "forest management sale reports designed for a given unit may exceed the standards of the Alaska Forest Resource and Practices Act, and should in areas determined to be sensitive, susceptible to damage, and in need of additional protection ; and"
 - i. D. Truitt explained that determining which areas should receive special protection would come through opportunities for community input during the time that the prescriptions are written.
 - ii. J. Cadieux withdrew suggestion for language on Whereas #15.
5. K. Recken asked whether the opportunity for input would be limited to the management sale report.
 - a. M. Mueller suggested that the forms the process would use are still being developed but that they would include a menu of items for treatment and reporting to allow for public involvement.
6. J. Fox asked about whether this process might be used to help steer funds to KPB stump dumps.
 - a. D. Truitt acknowledged the need for more site management at sites like the Cooper Landing organic dump.
7. Y. Galbraith asked about the status of funding of this project.
 - a. D. Truitt explained that timber sales are being used as the first option for SBB risk mitigation and that taking this action as the first step of mitigation will help set up a management framework while other funding sources are pursued. Grants have been

applied for and others are still being sought but all is in process and none yet confirmed.

- b. M. Mueller explained the framework this ordinance provides is the same whether it is a timber sale or a service contract.
8. Y. Galbraith moved to recommend approval of the ordinance with the amended language for Whereas #12. L. Johnson seconds.
 - a. The modification of the language is as follows:
“Whereas, treatments will establish, preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and”
 - iv. D. Story suggested the modification of the language of Whereas 15 to read, “...forest management sale reports designed for a given unit may exceed the standards of the Alaska Forest Resource and Practices Act, and should in areas determined to be sensitive, susceptible to damage, and in need of additional protection; and”
 1. Y. Galbraith agreed to the amended motion to include the modified language for Whereas #15 as well as #12 as proposed.
 2. All approved, motion passed.
 3. C. Degernes said she appreciates the work of KPB staff members on this important project.
 - d. Permit for floodplain action Drift Worldwide, Inc.
 - i. After group discussion of the structure type, location, and adequacy of the onsite septic, C. Degernes moves to recommend approval of the permit for construction of the structures. Y. Galbraith seconds. D. Story recuses. All approve. Motion passes.
 - e. Ordinance 2021-19-51 Land Trust Fund monies for investigation and land planning in Unit 395
 - i. Respect is the firm that has been selected and the ordinance is asking the land trust for monies to fund the investigation and land planning in Unit 395.
 1. C. Degernes moves to support the ordinance as written. L. Johnson seconds. All approve. Motion passes.

10. PLAT REVIEW

- a. Plat Preliminary 2022-060 Outfitters Way replat
 - i. M. Mueller explained that this plat is to lay out the right-of-way for a frontage road extending to the waste transfer site. It was brought by DOT to limit the accesses to the highway. The traffic safety team at DOT has been involved with this frontage road to bring the traffic from Quartz Creek Rd. and improve the turning safety to Russian Gap Rd. It would remove access to the highway

- from Persistence Way and reduce the driveways at the KPB waste transfer site to just the one across from Russian Gap Rd.
- ii. Conservation easement on the plat goes across Tracts A and B. Tract B also has a conservation easement that surrounds the tract. In the ordinance that authorized the sale to Sherman Smith it created that 50' easement. The KPB is trying to figure out the mechanics of unwinding the conservation easements to 25' on two of the sides and subsequently an action to modify the deed.
 - iii. On the plat the Outfitters Way frontage road would lay over the existing conservation easement on the north side of the tracts and the remaining conservation easements would be reduced from 50' to 25'.
 - iv. K. Recken asked for confirmation that the frontage road would extend from the parking lot of the Sunrise Inn to the transfer site with no conservation easements.
 1. M. Mueller explained that that is correct.
 - v. J. Cadieux asked if it is because there is not enough room for both the conservation easement and the frontage road.
 1. M. Mueller said that they occupy the same location.
 - vi. V. Morgan asked where she could access the plat.
 1. J. Cadieux said the CLAPC had only gotten this information yesterday.
 2. N. Carver confirmed that the plat is up for review at the May 23, 2022 Planning Commission Meeting. Comments are due May 11th.
 - vii. J. Tymick shared a graphic to help explain.
 1. He said that the Three Bears access congests the MP 45-60 project and this proposed project may help with access and the Russian Gap turning lane.
 - viii. J. Neiss said that one of the issues with the transfer station is that we get a lot of non-residents dumping and this layout would help reduce that.
 1. K. Recken clarified that the plans show that the highway access to the transfer station will still be preserved so it would not prevent the non-resident dumping.
 - ix. J. Tymick said that the conservation easement being reclassified started with the DOT's belief that a frontage road is in the best interest of the project.
 - x. J. Cadeiux said that the community had a series of meetings that fielded many comments saying that a frontage road was not desirable but that a compromise had been achieved to allow a frontage road as far as the Cozy Bear property then the road would pass through Tract C and on to Tract B.
 - xi. L. Johnson asked whether the reduction of the greenbelt would continue down to Tract D.

1. M. Mueller said this would not alter Tract D's conservation easement.
- xii. J. Cadieux asked if the conservation easement would be vacated on the other boundaries of Tract B to allow the new owner to use more of the land. M. Mueller indicated that was so though the 50' conservation easement would remain next to the parcel's boundary with Dena'ina Creek, an anadromous stream.
- xiii. K. Recken asked why the frontage road couldn't go on the same alignment as on Tract D and if it was just because Three Bears doesn't want the conservation agreement that we approved during their initial plat request. J. Tymick referred back to the drawing showing the space available along Tracts C and B would require elimination of the conservation easement to make way for the frontage road.
- xiv. J. Cadieux said that it seems like if we are not having access to the highway why can't we return to the plans we spent so much time at previous CLAPC meetings with KPB and a hired design professional.
 1. J. Tymick said that the proposed frontage road is intended to stay within the DOT right of way and not mean DOT would need to take possession of the maintenance of the frontage road.
 2. J. Cadieux asked that since the planning process of Tract C involved notable community effort over multiple meetings, can the original planning for Tract C be on the table or has it been abandoned and we have to give up our green space.
 - a. M. Mueller indicated it might be possible.
- xv. D. Story said that the timing of this information is hard to support since it is just being presented and the community was not informed via draft agenda that this change was proposed.
- xvi. J. Cadieux asked if this is something that needs to happen right now.
 1. M. Mueller said that from his standpoint in land management there is not a time crunch but the platting process does have a statutory timeframe.
- xvii. C. Degernes said that one of the biggest benefits to the community is DOT's willingness to provide safe ingress and egress to Russian Gap Rd. but that the loss of the 50' treed buffer is a big deal. C. Degernes said that a hybrid might be that there is a spur road from the transfer site side to Tract B but the 50' buffer remains and the frontage road across Tracts C and B from Quartz Creek runs south of the 50' buffer.
- xviii. J. Cadieux said that she also supports the improvement to the ingress/egress.
- xix. D. Story said that the resistance to a frontage road at the entry to our community seemed to come from the desire to keep it from

feeling like a strip mall. He said that the Brewery's treatment of the 50' conservation easement seemed like a good compromise with the need for a business to be seen and maintaining greenspace that ties the community to the land management intent.

- xx. L. Johnson said she agreed with D. Story
- xxi. K. Recken said that the importance of the conservation easement is considerable for the community.
- xxii. C. Degernes said that another possible compromise is to move the frontage road further in. The businesses get more access and the community retains the buffer. They lose some of the usable area of their property but maintain the easements that are a part of their property. Right now it seems like Three Bears doesn't lose much while the community does.
- xxiii. D. Story said that in this short discussion we have already had several ideas for compromise or change and we are the only ones in the community that know that this is a discussion. He said that it seems like our obligation is to make sure the community has more opportunity for input.
- xxiv. V. Morgan speaking, not as a Planning Commission member but as a community member, said this should be brought before the community.
- xxv. R. Lynn asked whether it can be withdrawn from the May 23rd Planning Commission Meeting.
 - 1. M. Mueller said that he would consult the platting specialist for KPB and find out more about bringing this up for the June CLAPC meeting.
- xxvi. D. Story moves to recommend disapproval of the plat as presented and recommend for extended time for public review and comment regarding the design options. L. Johnson seconds. All approve. Motion passes.

11. INFORMATION and ANNOUNCEMENTS

- a. Ordinance 2022-07 Re-Appportionment of Board of Education
 - i. V. Morgan said that this is a part of a regular review of the districts and their populations. She explained that there are generally two options for changes which are presented with the review. In this case it is a 9 district option and an 11 district options. She said that the conceptual maps presented in the voting pamphlets are just that and after the vote the KPB will make the actual map based on the census blocks. She said this is also for the assembly districts and that there is a cost increase with an 11 district model and that the 11 district model is what was recommended by the committee.
- b. The new Planning Department Director is Robert Ruffner.

12. COMMISSIONER'S COMMENTS

- a. Y. Galbraith said she sent an email out regarding review of the Planning Commission Handbook and the duty of commissioners to represent the community and make note of when we are representing our own opinions when we speak.
- b. C. Degernes said she really appreciates the agency attendance of M. Mueller, D. Truitt, N. Carver, and J. Tymick and said that is a really big benefit of the Zoom meetings which would be much harder to provide in person.
- c. J. Cadieux reported work is ongoing to make hybrid Zoom and in-person meetings possible. S. Lopez acknowledged that the Planning Commission and Assembly had similar experiences to CLAPC in increased community participation via Zoom and they are working to provide hybrid meetings as well but did not have technical support to provide us in our endeavor to develop that for our community. D. Story indicated he thought the technology exists and he will try to test it before the next meeting. J. Cadieux offered help.

13. ADJOURNMENT – L. Johnson moves to adjourn. K. Recken seconds. All approve. 8:57pm

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