

**ITEM E8 – ORDINANCE 2022**

**AUTHORIZING EMERGENCY HARVEST OF SPRUCE BARK BEETLE IMPACTED FORESTLANDS INCLUDING SPRUCE WHICH ARE DYING, OR SUSCEPTIBLE TO DYING, AND ESTABLISHING A FRAMEWORK TO GUIDE FOREST TREATMENTS.**

Staff report was given by Land Management Agent Dakota Truitt.

Vice Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Bentz to forward to the assembly a recommendation to adopt Ordinance 2022-11, authorizing emergency harvest of spruce bark beetle impacted forestlands including spruce which are dying, or susceptible to dying, and establishing a framework to guide forest treatments.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

**ITEM E9 – RESOLUTION 2022-032**

**CLASSIFYING CERTAIN PARCELS OF BOROUGH OWNED AND BOROUGH MANAGED LAND IN THE POINT POSSESSION, NIKISKI, NORTH KENAI, SOLDOTNA, STERLING, FUNNY RIVER, COOPER LANDING, HOPE, MOOSE PASS, SEWARD, KALIFORNSKY, ANCHOR POINT, HAPPY VALLEY, BEAR COVE & BELUGA AREAS.**

Staff report was given by Land Management Officer Marcus Mueller and Land Management Agent Aaron Hughes.

Land Management Officer Marcus Mueller gave a brief presentation on the function of land classification. He then informed the commission that Land Management Agent Aaron Hughes would be giving a brief staff report for the various parcels by area, and that he would suggest taking public comment after each staff report.

Vice Chair Brantley opened the meeting for public comment.

**NIKISKI – PINS 013-042-42 & 013-092-76**

Commissioner Hooper informed Vice Chair Brantley that he owns property on Daniel's Lake. Vice Chair Brantley asked Commissioner Hooper if he believed this would cause him a conflict of interest or could he be fair and participate in the deliberations and votes. Commissioner Hooper stated that he did not believe that this caused a conflict of interest for him and that he could be fair. Vice Chair Brantley ruled that Commissioner Hooper did not have a conflict of interest; no members of the commission objected.

Stacy Oliva; P.O. Box 8567, Nikiski, AK 99635: Ms. Olivia spoke in opposition to this classification and requested that these parcels be removed from consideration. She was unhappy that the proposed development plan was not included in the public notice sent out. She also expressed concerns regarding local option zoning prohibiting activities that have always been allowed on this parcel, such as horse riding and hunting. She also stated that Neighbors Rd. while borough maintained is not a public road.

Ryan Broussard; 52557 Geraldine St., Kenai, AK 99611: Mr. Broussard spoke in opposition to this classification and requested that these parcels be removed from consideration. He was unhappy that the proposed development plan was not included in the public notice sent out.

Camille Broussard; 52557 Geraldine St., Kenai, AK 99611: Ms. Broussard spoke in opposition to this classification and requested that these parcels be removed from consideration. She was unhappy that the proposed development plan was not included in the public notice she received.



Amber Douglas; 51345 Earl Drive, Nikiski: Ms. Douglas spoke in opposition to this classification and requested that these parcels be removed from consideration. She was unhappy that the proposed development plan was not included in the public notice she received. She expressed concerns regarding the proposed local option zoning. Zoning is not something that the Nikiski area residents wish to have, lack of zoning is one of the reasons many folks move to the Nikiski area.

Beau Broussard; 52191 Lucille Dr., Nikiski: Mr. Broussard spoke in opposition to this classification and requested that these parcels be removed from consideration. He was unhappy that the proposed development plan was not included in the public notice sent out. He noted that according to the meeting information there were 19 public comments from area residents and none were in support of this classification.

Bianca Chase; 52189 Lucille Drive, Kenai, AK 99611: Ms. Chase spoke in opposition to this classification and requested that these parcels be removed from consideration.

Kristine Schmidt; Kenai, AK: Ms. Schmidt spoke in opposition to this classification and requested that these parcels be removed from consideration. She noted that there are parts of Neighbors Rd. which are not public. She also expressed concerns about placing a local option zone on these lots. She believed that the local option zoning ordinance is poorly written and are too restrictive for the Nikiski area. She was unhappy that the proposed development plan was not included in the public notice she received and believes that the process was not open and transparent.

Vice Chair asked staff to clarify that what was before the commission tonight is just the land classification only, they are not being asked to review any design concepts or zoning for these lots. Land Management Agent Aaron Hughes stated that is correct. He did note that the design concept included in the packet was a concept design based on the design requirements of the Alaska Mental Health Trust which would allow for access to these lots.

K. Brewer; 51765 Stickleback Rd. Nikiski: Ms. Brewer spoke in opposition to this classification and requested that these parcels be removed from consideration.

Daniel Baeten; 51715 Rendezvous Rd., Nikiski: Mr. Baeten spoke in opposition to this classification and requested that these parcels be removed from consideration. He expressed concern that more development on Daniel's Lake would have a negative impact on area wildlife

#### **NORTH KENAI – PIN 017-120-06**

Stacy Oliva; P.O. Box 8567, Nikiski, AK 99635: Ms. Olivia spoke in support of the classification and disposal of this parcel.

#### **POINT POSSESSION – PIN 025-444-16**

Stacy Oliva; P.O. Box 8567, Nikiski, AK 99635: Ms. Olivia spoke in support of the classification and disposal of this parcel.

#### **HOPE – PIN 035-080-11**

No Public Comment

#### **SOLDOTNA – PINS 055-101-16 & 057-530-15**

No Public Comment

#### **STERLING – PINS 065-190-62 THRU 065-190-72**

No Public Comment

Vice Chair Brantley not that the Office of Emergency Management was requesting that parcels 165-190-69 & 065190-70 be set aside for the construction of a bridge. What would be the appropriate classification for these lots? Currently the proposal is to classify them as residential. Land Management Agent replied that while OEM is requesting a classification of utility/transportation no research on this request has been done and so Land Management has not changed their recommendation to classify the parcels residential.

#### **FUNNY RIVER – PIN 066-310-26**

No Public Comment

Landing, Hope, Moose Pass, Seward, Kalifornsky, Anchor Point, Happy Valley, Bear Cove & Beluga Areas.

**AMENDMENT A MOTION:** Commissioner Tautfest moved, seconded by Commissioner Morgan to amend the resolution to remove parcels 013-042-42 & 013-092-76 in the Nikiski area and parcel 119-110-19 in the Cooper Landing area.

Hearing no objection or further discussion, the motion was carried by the following vote:

**AMENDMENT A MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:**

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

**AMENDMENT MOTION B:** Commissioner Morgan moved, seconded by Commissioner Horton to amend the resolution to change the classification of parcels 119-070-01, 119-070-02 & 119-071-06 in the Cooper Landing area and parcels 125-160-05, 125-160-07, 125-160-10 & 125-160-14 in the Moose Pass area to Residential.

Commissioner Stutzer asked if the APCs understand land classification. Land classification is not zoning and will no longer exist once the parcel is sold. Is it really necessary to consider changing the land classification of these parcels if they are designated for a land sale?

Commissioner Morgan replied the APCs understand the function of land classification and that the classifications go away once the parcel is sold. These APCs would still like to see the classification change on these parcels to residential as it reflects the community's desired land use for the parcels.

Hearing no objection or further discussion, the motion was carried by the following vote:

**AMENDMENT B MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:**

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

**AMENDMENT MOTION C:** Commissioner Horton moved, seconded by Commissioner Stutzer to amend the resolution to change the classification of parcel 165-250-58 in the Anchor Point area to Residential.

Hearing no objection or further discussion, the motion was carried by the following vote:

**AMENDMENT C MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:**

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

Hearing no objection or further discussion, the motion was carried by the following vote:

**MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:**

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

**AGENDA ITEM F. PLAT COMMITTEE REPORT**

Commissioner Brantley reported the plat committee reviewed eight plats, granted preliminary approval to seven, and one plat was not granted preliminary approval due to failure to get a second on the motion.

**AGENDA ITEM G.**

1. Plat Committee – May 23, 2022

- Commissioner Venuti
- Commissioner Tautfest
- Commissioner Brantley
- Commissioner Hooper

**AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS**

Vice Chair Brantley asked if there was anyone from the public who would like to comment on anything not



**COOPER LANDING – PINS 119-070-01 & 119-071-06**

Land Management Agent noted that the Cooper Landing APC requested that the land classification on these parcels be changed to Residential

**COOPER LANDING – PIN 119-110-19**

Land Management Agent Aaron Hughes noted that staff had received numerous comments from area locals that this parcel at one time had been a gravel pit and then a waste site. Staff will request that this parcel be pulled from consideration so that additional investigation can be conducted.

Jerry Nice; P.O. Box 595 Cooper Landing, AK: Mr. Nice spoke in opposition to this classification and requested that these parcels be removed from consideration. He and other area residents remember the parcel at one time having a gravel pit and later being used as a dump site. He does not believe this parcel should ever be sold and should remain undeveloped.

Kim Nice; P.O. Box 595 Cooper Landing, AK: Ms. Nice spoke in opposition to this classification and requested that these parcels be removed from consideration. She and other area residents remember the parcel at one time having a gravel pit and later being used as a dump site. He does not believe this parcel should ever be sold and should remain undeveloped.

Vice Chair noted the time was 11:00 PM. If the commission wish to continue with public testimony and deliberations, he would need a motion to extend the meeting for an hour.

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Tautfest to extend the meeting to 12:00 AM/midnight.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY MAJORITY VOTE:**

Yes - 9	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest
No - 1	Venuti
Absent - 1	Martin

**MOOSE PASS – PINS 125-160-05, 165-160-07 & 165-160-14**

No Public Comment

**KALIFORNSKY – PIN 131-070-32**

Ben Jackinsky; P.O. Box 20, Kasilof, AK 99610: Mr. Jackinsky spoke in opposition to this classification and requested that this parcel be removed from consideration.

**SEWARD – PIN 144-010-38**

No Public Comment

**HAPPY VALLEY – PIN 165-130-05**

No Public Comment

**ANCHOR POINT – PIN 165-250-258**

No Public Comment

**BEAR COVER – PIN 193-261-14**

No Public comment

**BELUGA – PINS 211-280-11 & 211-280-13**

No Public Comment

Hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

**MOTION:** Commissioner Bentz moved, seconded by Commissioner Fikes to forward to the assembly a recommendation to adopt Resolution 2022-23, classify certain parcels of Borough owned and Borough managed land in the Point Possession, Nikiski, North Kenai, Soldotna, Sterling, Funny River, Cooper