

Chair
Nancy Bird
Vice Chair
Mark Hall

Commissioners
Tom McGann
John Baenen
Chris Bolin
Trae Lohse
Sarah Trumblee

City Planner
Leif Stavig

**PLANNING COMMISSION REGULAR MEETING
MARCH 9, 2021 AT 6:45 PM
ELECTRONIC – INFORMATION BELOW**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
Chair Nancy Bird, Commissioners Tom McGann, John Baenen, Chris Bolin, Trae Lohse, Mark Hall, and Sarah Trumblee
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF CONSENT CALENDAR**
 - a. Minutes of February 18, 2021 Regular Meeting.....Page 2
- 5. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS**
- 6. CORRESPONDENCE**
- 7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**
 - a. Guest Speakers
 - b. Audience comments regarding agenda items (3 minutes per speaker)
- 8. PLANNER'S REPORT**Page 6
- 9. NEW/MISCELLANEOUS BUSINESS**
 - a. Final Plat Approval for Cannery Row Addition 1Page 7
 - b. Final Plat Approval for Scott Subdivision.....Page 11
 - c. Final Plat Approval for Pettingill Subdivision.....Page 15
 - d. Letter of Interest from USDA Forest Service for the "Forest Service Dock and Marine Warehouse"Page 19
 - e. Resolution 21-01 – 2021 Land Disposal Maps.....Page 36
A resolution of the Planning Commission of the City of Cordova, Alaska recommending the City Council of the City of Cordova, Alaska adopt the 2021 Land Disposal Maps
 - f. Letter of Interest from Dutch Marine Industries, LLC for a Portion of Tract 1A of the Ocean Dock Subdivision #2.....Page 54
- 10. PENDING CALENDAR**Page 60
 - a. March 2021 Calendar.....Page 61
 - b. April 2021 Calendar.....Page 62
- 11. AUDIENCE COMMENTS**
- 12. COMMISSION COMMENTS**
- 13. ADJOURNMENT**

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**PLANNING COMMISSION REGULAR MEETING
FEBRUARY 18, 2021 AT 6:30 PM
ELECTRONIC
MINUTES**

1. CALL TO ORDER

Chair *Nancy Bird* called the Planning Commission Regular Meeting to order at 6:41 PM on February 18, 2021 held electronically and open to the public.

2. ROLL CALL

Present for roll call were Chair *Nancy Bird* and Commissioners *John Baenen, Chris Bolin, Trae Lohse, Mark Hall*, and *Sarah Trumblee*. *Tom McGann* was absent.

Also present was City Planner *Leif Stavig*.

No one from the public was in attendance.

3. APPROVAL OF AGENDA

M/Hall S/Lohse to approve the agenda.

Upon voice vote, motion passed 6-0.

Yea: *Bird, Baenen, Bolin, Lohse, Hall, Trumblee*

Absent: *McGann*

4. APPROVAL OF CONSENT CALENDAR

a. Minutes of January 19, 2021 Regular Meeting

M/Bolin S/Hall to approve the consent calendar.

Bird said she had an addition to the minutes on page 6. At the end of *Ken Jones's* comments, she proposed the addition: "*Jones* suggested the Planning Commission could reconsider its motion now and still recommend review by the Harbor Commission." *Stavig* said as the author of the minutes, he agreed with the proposed change. There was no objection to the change.

Upon voice vote, motion passed 6-0.

Yea: *Bird, Baenen, Bolin, Lohse, Hall, Trumblee*

Absent: *McGann*

5. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

6. CORRESPONDENCE

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Guest Speakers

b. Audience comments regarding agenda items

8. PLANNER'S REPORT

Stavig said he was willing to start in-person meetings whenever the Planning Commission was ready. He said the impound lot would have a staff presentation and discussion at the City Council meeting on March 3rd. It has been on the pending calendar for the City Council for a while, which is the reason it is coming up at the council level. The lot has gone through the land disposal process a number of times, the last of which council ultimately decided to not move forward with disposing of the lot. **Stavig** said he wanted to make it clear that with Robert's Rules and the agenda, the memos he prepares include a suggested motion, but it is appropriate for the commission to make any motion as long as it pertains to the topic presented on the agenda.

Stavig said at the meeting last month, they made a motion to reconsider, which they never voted on. Instead, they voted on the motion they were considering reconsidering. From Robert's Rules: "If a question of order is to be raised, it must be raised promptly, at the time the breach occurs." The only exception to this, is if it is a breach of "continuing nature," which is defined as "an action of continuing force and effect." Since the error was made at their last meeting, it would not be appropriate to call a point of order now. The agenda item will be coming back to the Planning Commission at their next meeting.

Bird said the error in the process was made by not voting on the actual motion to reconsider and instead jumping straight to the motion to recommend to City Council. While this might have resulted in a different outcome that night, the Planning Commission will be reviewing the issue again next month, possibly with additional information from the Harbor Commission. Both commissions' recommendations are to the City Council who makes the final decision. Time may have been "lost" in the process due to our error, but additional information may be gained.

9. NEW/MISCELLANEOUS BUSINESS

a. 2021 Land Disposal Maps – Discussion

Stavig said he provided the maps with either aerial photography for the commission to decide which they liked best. He explained the changes to the map which were detailed in the memo. He then provided information on properties that he said would be addressed at the meeting:

- Small triangle lot to south of Shelter Cove: It has deed restrictions including that it can't be sold. The entire lot is in a floodplain and is zoned Conservation.
- Corner of Nicholoff and Railroad Avenue: Those are three lots used for the boat haul out on the South Fill. There is a "floating easement" on the property, which means it is undefined.
- Two lots adjacent and south of Center Drive: These have old deed restrictions for well use, and also contain a lot of drainage from the highway. The flat land visible from the highway is a part of the ROW.
- Two lots at cul-de-sac end of Center Drive: The longer lot has a sewer easement which restricts usable area significantly. He did not see anything on the other lot, but noted that in the past, both of these lots had been marked as snow dumps.

Hall said he preferred the newer aerial photos. **Lohse** agreed and said he would like to look into making the lower of the two lots on the Center Drive cul-de-sac 'Available.' **Stavig** said he would get something from Public Works for the next meeting. **Bolin** said the lots south of Center Drive were critical for snow storage, but they never used the cul-de-sac lots. **Baenen** said he would like to have a label on the quarry on Orca Road. **Bolin** said to add one for the burn pile as well.

b. Resolution 21-02

A resolution of the Planning Commission of the City of Cordova, Alaska supporting efforts by the State of Alaska and FEMA to conduct a snow avalanche and landslide hazards assessment in and around the City of Cordova

M/Lohse S/Trumblee to approve Resolution 21-02.

Stavig said it is a great study for the city to get done. These types of studies get facilitated by the state so there isn't any project management that the city has to do. There was a similar study completed recently for tsunamis. They had a crude map before, and were able to get much more specific data. The city knows nothing about landslide hazards. There have been some avalanche studies, but technology has improved with LiDAR. He suspects this will be most useful for utility planning. For example, they have noticed some possible landslide activity around one of the city water sources, which can cause turbidity. It would be useful to better understand what is going on in this instance and be able to plan future projects around such hazards. **Trumblee** said that anytime they can get studies completed that are paid for by others is a win-win.

Upon voice vote, resolution passed 6-0.

Yea: **Bird, Baenen, Bolin, Lohse, Hall, Trumblee**

Absent: **McGann**

c. Building Codes - Discussion

Stavig gave a presentation on the applicable building codes and regulations for Cordova. This was last worked on by the previous City Planner, and the Planning Commission at the time had concurred to proceed with adopting the AHFC building codes. He still needs to figure out what has been completed to that end.

Baenen, Lohse, Bolin agreed that this was the direction they should be headed in. **Trumblee** asked about who checks credentials for people involved in contracting. **Stavig** said that the state has some information to help people hire contractors, but he does wish there was more. It's hard for the average homeowner to know all of the laws that contractors have to abide by. Professional licensing goes through the state, and they do have enforcement officials. **Stavig** explained that inspections only occur when someone is applying for AHFC financing. The city does not have a building inspector. Ultimately, individual property owners have a lot of responsibility when it comes to hiring contractors. Many local contractors understand what the requirements are.

Stavig said that adopting new building codes wouldn't significantly alter current processes, but it does set the city up to move in a direction of having inspections if that is the direction the city wants to go into. **Bird** said that at one time there was a building inspector, but that didn't work for very long. **Hall** said that he chose not to get his new house inspected, but he did look into his contractors. It comes down to personal responsibility of the landowner.

Bird said she'd like to take this up again in April or May when **McGann** could be present. **Stavig** said he would delve deeper into what had been done in the past. Sometimes editing code seems simpler than it really is. In the past, it quickly got complicated when they tried to adopt all of the AHFC amendments; he would like to see if there is any way to adopt the code by reference. His biggest concern at this point is if there is any concern about adopting the codes in general.

10. PENDING CALENDAR

Stavig said that a lot of commissioners attended the Planning Conference at the last one he attended, so if there was any interest in the future for participation with that, let him know.

11. AUDIENCE PARTICIPATION

12. COMMISSION COMMENTS

Baenen thanked the commission.

Trumblee thanked *Stavig* for the maps, and said she looked forward to the Planning Commissioner training.

Hall said they had a good meeting.

Bolin thanked everyone for their time, and appreciated the new maps. He was also looking forward to code revisions. He said the city put on a presentation about Proposition 2, which is available online.

Lohse said he appreciated the new maps, and looked forward to future building code discussions.

13. ADJOURNMENT

M/*Bolin* S/*Hall* to adjourn the Regular Meeting at 7:52 PM.

With no objection, the meeting was adjourned.

Approved:

Nancy Bird, Chair

Leif Stavig, City Planner

Planner's Report

To: Planning Commission
From: Planning Staff
Date: 3/4/21
Re: Recent Activities and Updates

- Medium traffic from public with misc. planning questions, i.e., subdivisions, permits, maps, zoning, property purchasing, etc.
- Planning Conference Feb. 23-25. Anything of note from the Planning Commissioner's Training?
- Assisting with Harbor planning efforts, possible consultant work around needs assessment/update to harbor plan.
- Craig Kuntz Letter of Interest – RFP advertised, proposals Due March 8th.
- Attended Harbor Commission meeting, re: Land Disposal Maps and Forest Service Lease.
- Ordinance requiring Certificate to Plat passed City Council.
- Working on several different plats, some admin, some requiring approval.
- Meeting with attorney to go over building code adoption.
- Prepared packet and completed minutes for Planning Commission Regular Meeting.



AGENDA ITEM # 9a

Planning Commission Meeting Date: 3/9/21

PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff

DATE: 3/4/21

ITEM: Final Plat Approval for Cannery Row Addition 1

NEXT STEP: Approve Motion

☐ INFORMATION
☒ MOTION
☐ RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Final Plat Approval
Applicant: Greg Meyer
Owner: Greg Meyer and Sylvia Lange
Address: 500 Cannery Row
Zoning: Waterfront Historical District
Attachments: Location Map of unsubdivided property
Final Plat

II. RECOMMENDED ACTION / NEXT STEP:

Staff recommend that the commission recommend to City Council that the request for final plat approval be approved.

“I move to recommend to City Council to approve the final plat request for Cannery Row Addition 1.”

III. FISCAL IMPACTS:

N/A

IV. BACKGROUND INFORMATION:

This plat creates six new lots by subdividing one large parcel.

All property owners within 300 feet of the subdivision have been informed of the subdivision and the public hearing. As of the date of this memo, staff have not received any comments.

A Certificate to Plat for this property has been ordered by the surveyor and must be submitted to the Planning Department prior to recording the final plat.

Staff findings:

1. The proposed plat conforms to the Comprehensive Plan and City Code.
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.

V. LEGAL ISSUES:

No legal review required.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VII. SUMMARY AND ALTERNATIVES:

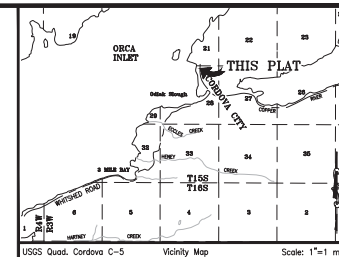
N/A



LEGEND

- RECOVERED BLM BRASS CAP MONUMENT
- RECOVERED 3" ALUM. POST MONUMENT
- RECOVERED 5/8" REBAR WITH 2" ALUM. CAP
- SET 5/8" REBAR WITH 2" ALUM. CAP
- RECORD PER PLAT NO. 2003-3

(R1)



OWNERSHIP DEDICATION

We hereby certify that we are the owners of the property shown and described herein. We hereby request approval of this plat showing such easements for public utilities, roadways, and alleys dedicated for public use.

The Cannery Row, Inc. Date
P.O. BOX 120
Cordova, Alaska 99574

Sylvia R Lange Date
P.O. BOX 120
Cordova, Alaska 99574

Gregory D Meyer Date
P.O. BOX 120
Cordova, Alaska 99574

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this _____ Day of _____, 2021, for _____

Notary Public for the State of Alaska
My Commission Expires _____

PLAT APPROVAL

This plat conforms to the requirements of the city of Cordova Planning and Zoning commission and is hereby accepted as the official plat, subject to any and all conditions and requirements of ordinance and law pertaining thereto.

City Manager Date
Chairman, Planning & Zoning Commission Date
Planning Official Date

TAX CERTIFICATIONS

All real property taxes are levied by the City of Cordova on the area shown on this plat have been paid through _____

Attest: City Clerk Date

CORDOVA RECORDING DISTRICT

A PLAT OF Cannery Row Addition 1 Creating Tracts 5A, 5B, 5C, 5D, 5E, & 5F

A SUBDIVISION OF
Lot 5 of Cannery Row Subdivision,
Plat No. 2003-3, Cordova Recording District

SITUATED WITHIN
Section 21, T. 15 S., R. 3 W., Copper River Meridian, Alaska
Containing 4.89 Acres More or Less

Farpoint Land Services, LLC
SURVEYING, MAPPING, LAND PLANNING, GIS
1131 E. 76th Ave., Suite 101 Anchorage, AK 99516
FarpointAK.com • (907) 522-7770 • survey@farpointak.com

BOOK ORDER NO. DATE FEB 22, 2021 SHEET NO. 47
DRAWN BY: J.A. M.H. N/A
CHECKED BY: J.A. M.H. N/A
DATE: 2018-04-01
PAGE: 1 of 1

ORCA INLET

ORCA INLET

SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat represents the record dimensions of the lots. No field work was completed for this survey. All dimensional and other details are record and are true and correct to the best of my knowledge.



Date _____



AGENDA ITEM # 9b

Planning Commission Meeting Date: 3/9/21

PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff

DATE: 3/4/21

ITEM: Final Plat Approval for Scott Subdivision

NEXT STEP: Approve Motion

☐ INFORMATION
☒ MOTION
☐ RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Final Plat Approval
Applicant: Dan Scott
Owner: Dan Scott/Orca Oil, Inc.
Address: 90 FIRST ST
Zoning: Low and Medium Density Residence District
Attachments: Location Map of unsubdivided property
Final Plat

II. RECOMMENDED ACTION / NEXT STEP:

Staff recommend that the commission recommend to City Council that the request for final plat approval be approved.

“I move to recommend to City Council to approve the final plat request for Scott Subdivision.”

III. FISCAL IMPACTS:

N/A

IV. BACKGROUND INFORMATION:

This plat creates two new lots by subdividing one large parcel.

All property owners within 300 feet of the subdivision have been informed of the subdivision and the public hearing. As of the date of this memo, staff have not received any comments.

A Certificate to Plat for this property has been ordered by the surveyor and must be submitted to the Planning Department prior to recording the final plat.

Staff findings:

1. The proposed plat conforms to the Comprehensive Plan and City Code.
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.

V. LEGAL ISSUES:

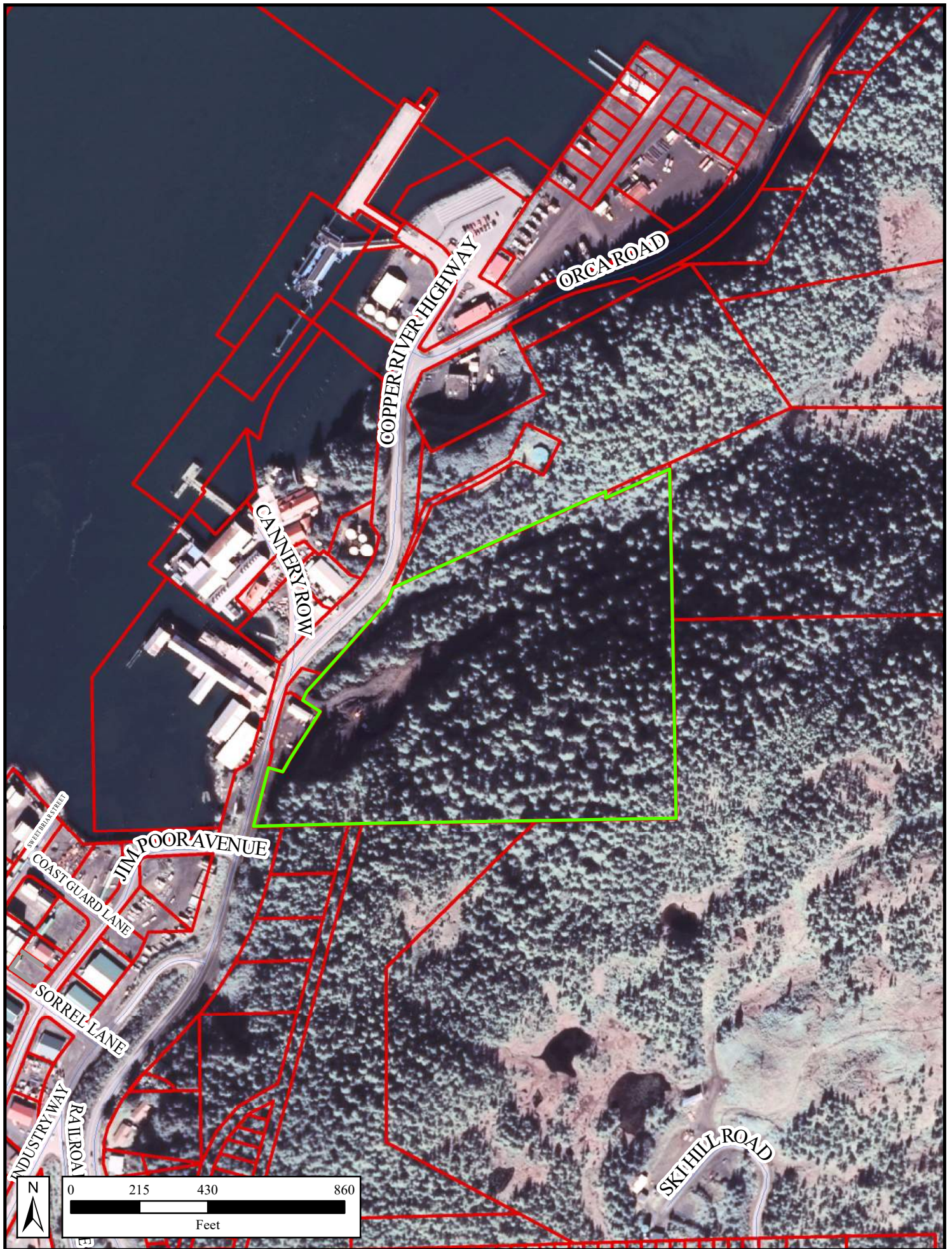
No legal review required.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

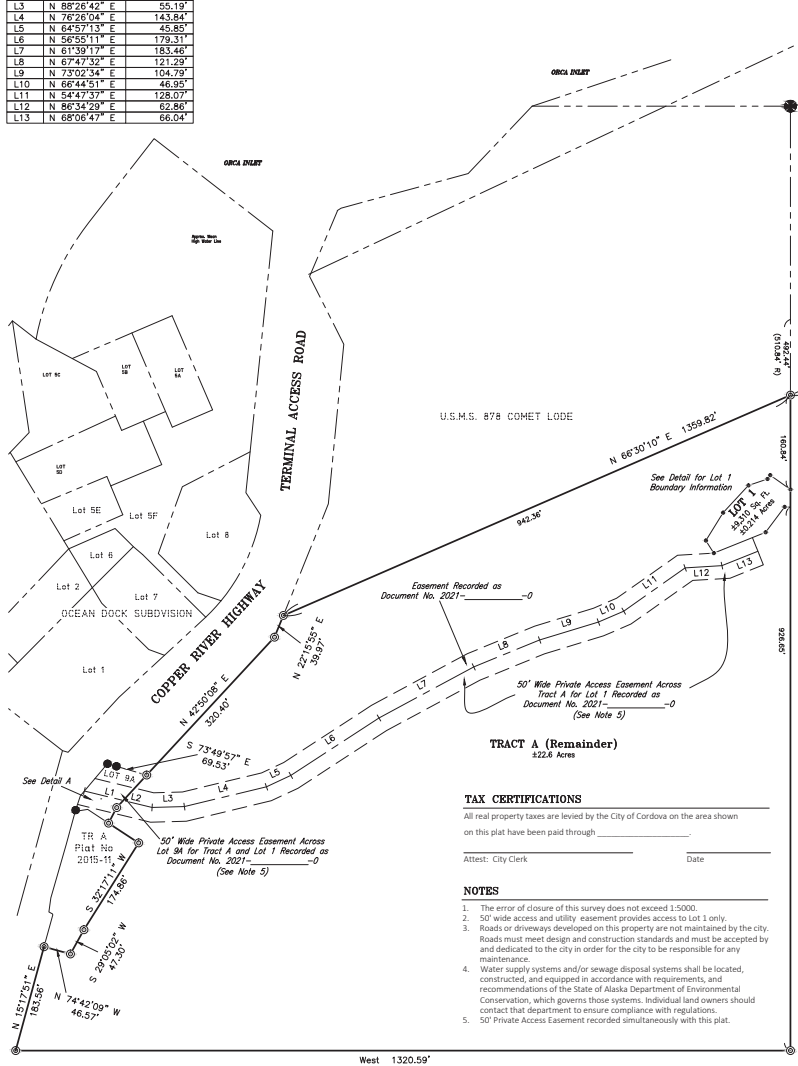
N/A

VII. SUMMARY AND ALTERNATIVES:

N/A



EASEMENT CENTERLINE TABLE		
LINE	BEARING	DISTANCE
L1	S 76°20'27" E	68.14'
L2	S 76°20'27" E	50.58'
L3	N 88°26'42" E	55.19'
L4	N 76°26'04" E	143.84'
L5	N 64°57'13" E	45.85'
L6	N 66°55'11" E	179.31'
L7	N 61°39'17" E	183.46'
L8	N 67°47'52" E	121.29'
L9	N 73°02'34" E	104.79'
L10	N 66°44'51" E	46.95'
L11	N 54°47'39" E	128.07'
L12	N 86°34'29" E	62.80'
L13	N 68°08'47" E	66.04'



Easement Recorded as
Document No. 2021-0

TRACT A (Remainder)
422.6 Acres

TAX CERTIFICATIONS

All real property taxes are levied by the City of Cordova on the area shown on this plat have been paid through _____.

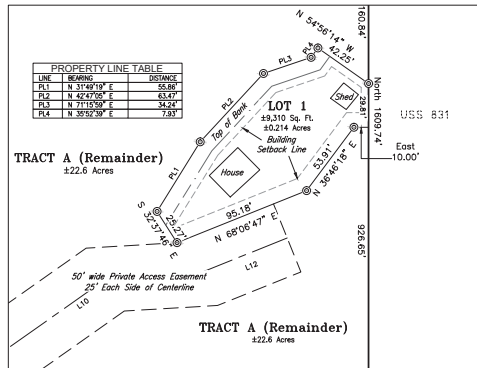
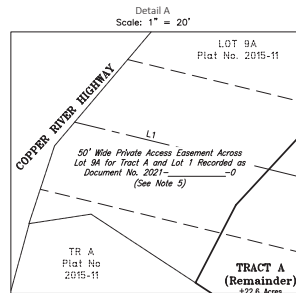
Attest: City Clerk _____ Date _____

NOTES

- The error of closure of this survey does not exceed 1:5000.
- 50' wide access and utility easement provides access to Lot 1 only.
- Roads or driveways developed on this property are not maintained by the city. Roads must meet design and construction standards and must be accepted by and dedicated to the city in order for the city to be responsible for any maintenance.
- Water supply systems and/or sewage disposal systems shall be located, constructed, and equipped in accordance with requirements, and recommendations of the State of Alaska Department of Environmental Conservation, which governs those systems. Individual land owners should contact that department to ensure compliance with regulations.
- 50' Private Access Easement recorded simultaneously with this plat.

LEGEND

- RECOVERED BLM MONUMENT
- RECOVERED 5/8" REBAR WITH ALUMINUM CAP
- X GRANT BOUNDARY POSITION (NOTHING FOUND OR SET)



SURVEYOR'S CERTIFICATE

I, Michael J. Horne, hereby certify that I am properly registered and licensed to practice land surveying in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

OWNERSHIP DEDICATION

I hereby certify that I am the owner of the property shown and described hereon. I hereby request approval of this plat showing such easements for public utilities, roadways, and alleys dedicated for public use.

Dan Scott _____ Date _____
P.O. BOX xxx
Cordova, Alaska 99574

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this _____ Day of _____, 2021, for _____

Notary Public for the State of Alaska
My Commission Expires _____

OWNERSHIP DEDICATION

I hereby certify that we are the owner of the property shown and described hereon. I hereby request approval of this plat showing such easements for public utilities, roadways, and alleys dedicated for public use.

On behalf of Orca Oil, Inc.
Representative for Lot 9 Canyery
Row Subdivision

NOTARY'S ACKNOWLEDGMENT

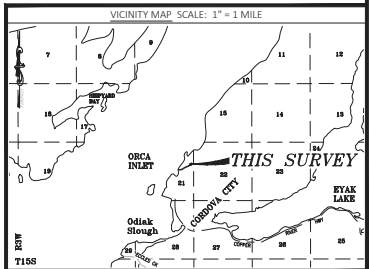
Subscribed and sworn to before me this _____ Day of _____, 2021, for _____

Notary Public for the State of Alaska
My Commission Expires _____

PLAT APPROVAL

This plat conforms to the requirements of the city of Cordova Planning and Zoning commission and is hereby accepted as the official plat, subject to any and all conditions and requirements of ordinance and law pertaining thereto.

City Manager _____ Date _____
Chairman, Planning & Zoning Commission _____ Date _____
Platting Official _____ Date _____



PRELIMINARY PLAT OF
Scott Subdivision
A Subdivision of
the Remainder of Amended U.S. Survey No. 829
Creating Lot 1 and Tract A (Remainder)
Cordova Recording District, Located Within
SECTIONS 21 & 22, TOWNSHIP 15 SOUTH, RANGE 3 WEST, Copper River Meridian, Alaska.
Containing 22.61 acres more or less.

Farpoint Land Services, LLC
SURVEYING, MAPPING, LAND PLANNING, GIS
1131 E. 76th Ave., Suite 101, Anchorage, Alaska 99518
FarpointAK.com (907) 522-7770 survey@farpointak.com

Drawn: JLA Date: Feb. 23, 2021 Field Blk/Pg: 144/23-24 W/O #: 20103
Checked: MJH Scale: 1"=100' Sheet: 1 of 1 Grid: N/A Case No: N/A



AGENDA ITEM # 9c

Planning Commission Meeting Date: 3/9/21

PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff

DATE: 3/4/21

ITEM: Final Plat Approval for Pettingill Subdivision

NEXT STEP: Approve Motion

☐ INFORMATION
☒ MOTION
☐ RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Final Plat Approval
Applicant: Beth Pirtle
Owner: Beth Pirtle/Estate of Elizabeth Pettingill
Address: CRH MI 6.5 EYAK DR
Zoning: Unrestricted
Attachments: Location Map of unsubdivided property
Final Plat

II. RECOMMENDED ACTION / NEXT STEP:

Staff recommend that the commission recommend to City Council that the request for final plat approval be approved.

“I move to recommend to City Council to approve the final plat request for Pettingill Subdivision.”

III. FISCAL IMPACTS:

N/A

IV. BACKGROUND INFORMATION:

This plat creates 11 new lots by subdividing one large parcel.

All property owners within 300 feet of the subdivision have been informed of the subdivision and the public hearing. As of the date of this memo, staff have not received any comments.

A Certificate to Plat for this property has been ordered by the surveyor and must be submitted to the Planning Department prior to recording the final plat.

Staff findings:

1. The proposed plat conforms to the Comprehensive Plan and City Code.
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.

V. LEGAL ISSUES:

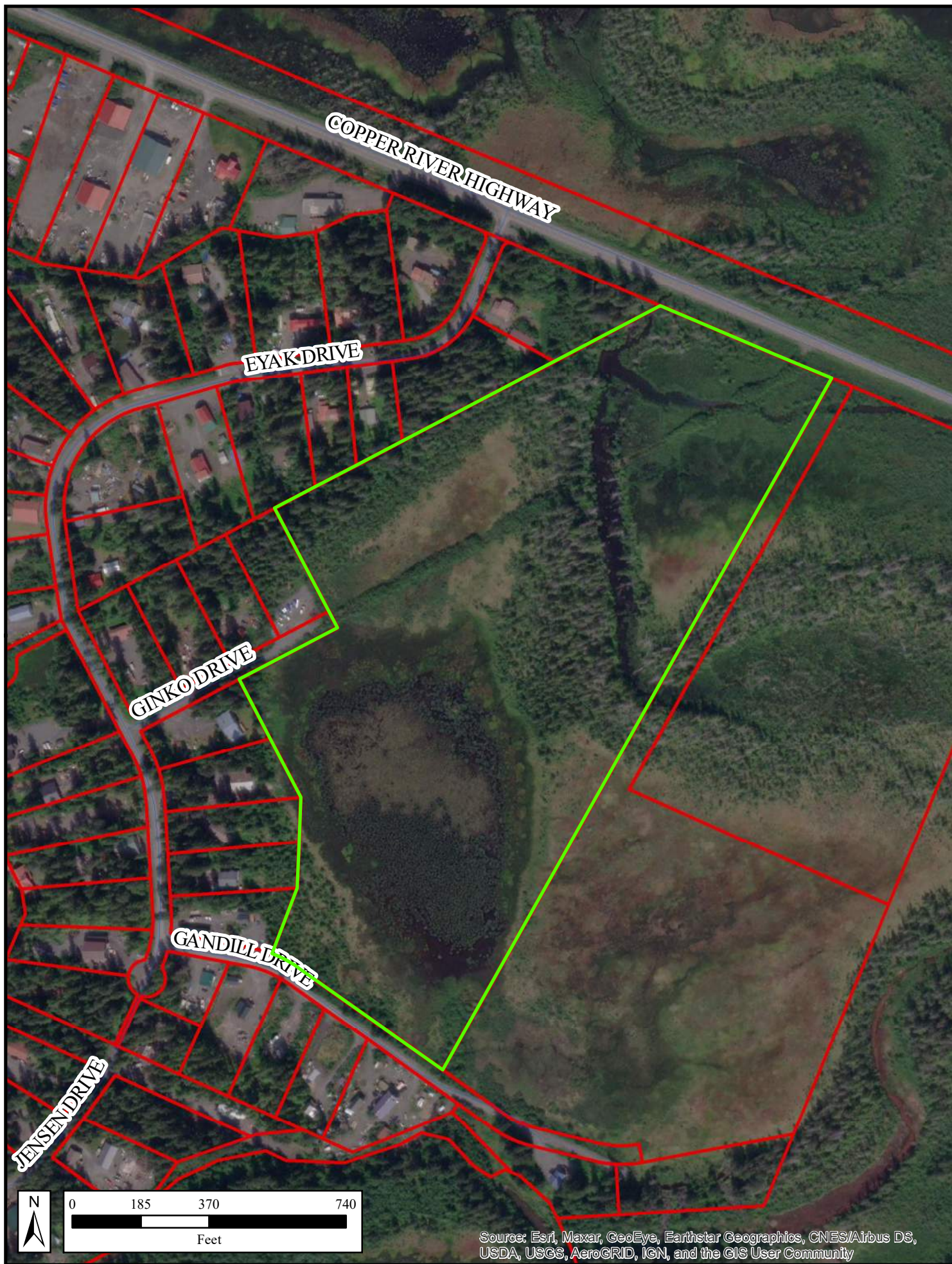
No legal review required.

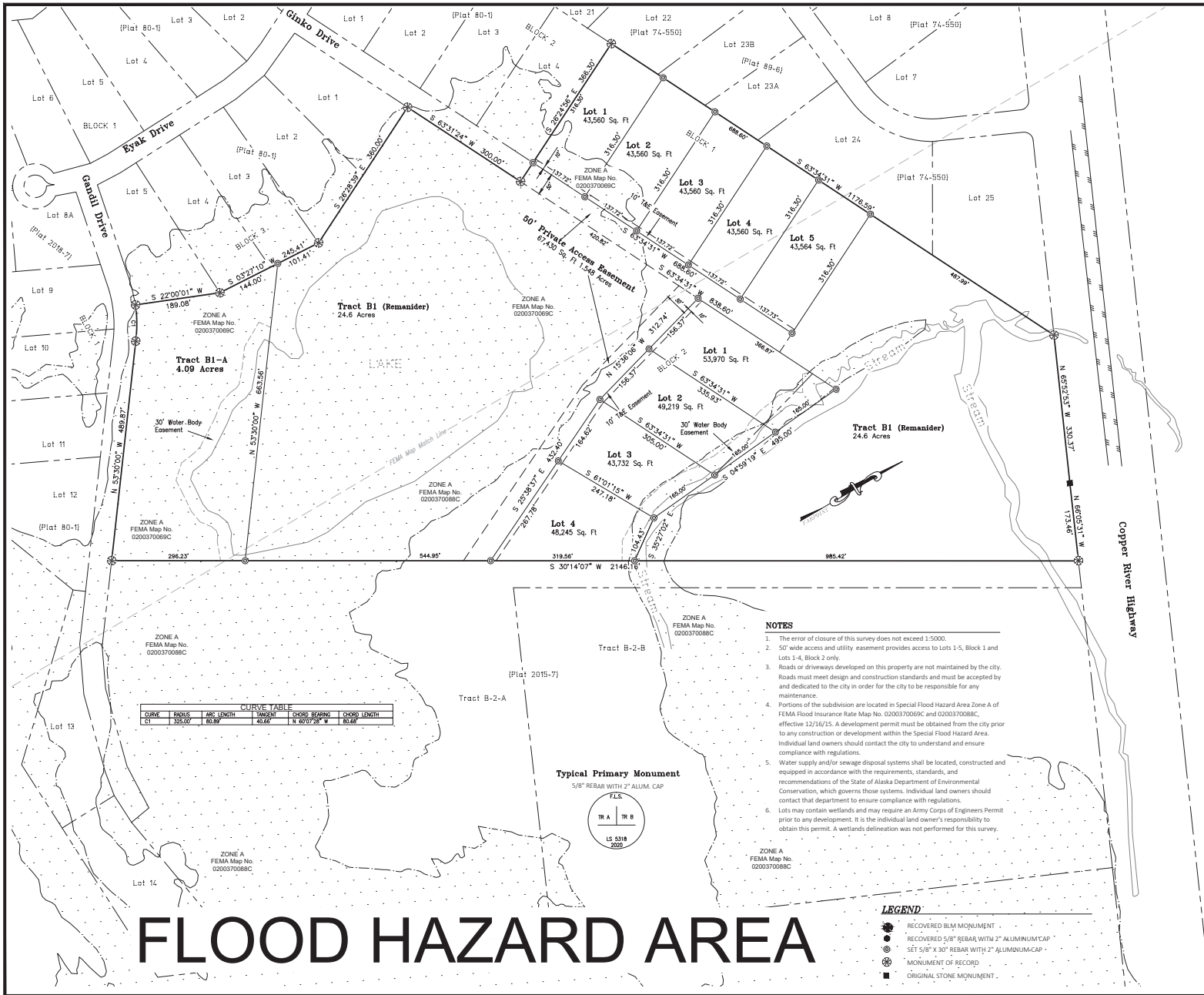
VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VII. SUMMARY AND ALTERNATIVES:

N/A





OWNERSHIP DEDICATION

I hereby certify that I am the owner of the property shown and described herein. I hereby request approval of this plat showing such easements for public utilities, roadways, and alleys dedicated for public use.

Beth Pirle _____ Date _____
P.O. BOX xxx
Cordova, Alaska 99574

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this _____ Day of _____, 2021, for _____

Notary Public for the State of Alaska
My Commission Expires _____

PLAT APPROVAL

This plat conforms to the requirements of the city of Cordova Planning and Zoning commission and is hereby accepted as the official plat, subject to any and all conditions and requirements of ordinance and law pertaining thereto.

City Manager _____ Date _____
Chairman, Planning & Zoning Commission _____ Date _____
Platting Official _____ Date _____

TAX CERTIFICATIONS

All real property taxes are levied by the City of Cordova on the area shown on this plat have been paid through _____

Attest: City Clerk _____ Date _____

SURVEYOR'S CERTIFICATE

I, Michael J. Horne, hereby certify that I am properly registered and licensed to practice land surveying in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, that the monuments shown herein actually exist as described, and that all dimensions and other details are correct.

VICINITY MAP SCALE: 1" = 1 MILE

FINAL PLAT OF
Pettingill Subdivision
A Subdivision of
Tract B-1, Pebo Subdivision, Plat No. 2010-4,
Creating Lots 1-5, Block 1, Lots 1-4, Block 2,
Tract B1-A, and Tract B-1 (Remainder)
Cordova Recording District, Located Within
SECTION 32, TOWNSHIP 33 SOUTH, RANGE 2 WEST, Copper River Meridian, Alaska,
Containing 38.74 acres more or less.

Farpoint Land Services, LLC
SURVEYING • ADAPTING • LAND PLANNING • GIS
1131 E. 7th Ave., Suite 101 Anchorage, Alaska 99516
FarpointAL.com (907) 922-7770 survey@farpointak.com

Drawn: JLA Date: Feb. 23, 2021 Field BK/Pg: N/A W/O #: 20140
Checked: MJH Scale: 1"=200' Sheet: 1 of 1 Grid: N/A Case No. N/A



AGENDA ITEM # 9d

Planning Commission Meeting Date: 3/9/21

PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff

DATE: 3/4/21

ITEM: Letter of Interest from USDA Forest Service for the “Forest Service Dock and Marine Warehouse”

NEXT STEP: Recommendation to City Council on Disposal and Disposal Method

☐ INFORMATION
☒ MOTION
☐ RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Recommendation to City Council on Disposal and Disposal Method
Applicant: USDA Forest Service
Legal Description: Portion of Lot 3, Block 7A, Tidewater Development Park
Area: Approx. 1,120 SF of tidelands
Zoning: None
Attachments: Location Map
Attachments A-G, identified in the Background Information timeline

II. RECOMMENDED ACTION / NEXT STEP:

Staff suggest the following motion:

“I move to recommend to City Council to dispose of a 1,120 square foot portion of tidelands on Lot 3, Block 7A, Tidewater Development Park over which there are improvements commonly referred to as the “Forest Service Dock and Marine Warehouse” as outlined in Cordova Municipal Code 5.22.060 B by **”

Choose one of the following to insert for the asterisk:

1. Negotiating an agreement with the Forest Service to lease or purchase the property.
2. Requesting sealed proposals to lease or purchase the property.
3. Inviting sealed bids to lease or purchase the property.
4. Offering the property for lease or purchase at public auction.

III. FISCAL IMPACTS:

These tidelands have been leased to the Forest Service with no annual rent since 1965. The Forest Service has indicated that they are willing to lease at fair market value in the future.

IV. BACKGROUND INFORMATION:

The Forest Service has leased a 1,120 square foot portion of tidelands (see attached location map) in the Cordova Harbor. The improvements on the tidelands, the dock and warehouse, are owned by the Forest Service.

This property is currently shown as ‘Leased’ on the Land Disposal Maps. The following is the definition of the designation:

Leased – These are parcels currently leased to a business or government entity by the city and are not available during the lease term. There are leases that are short term and renew every two years and others are long term leases with substantial improvements on the property. Some leased property has an option to purchase. When a lease term ends, the property immediately becomes ‘Available.’

There have been no problems related to this lease; conditions of the lease have been met. There are planned improvements to the marine warehouse portion of the leased area in the near future. The Forest Service presence in the harbor has been noted in various harbor grants in order to demonstrate the diversity of harbor users. The Forest Service has submitted letters of support for harbor grants.

There has been some discussion about how this part of the harbor could be reconfigured in the future, but there is no concrete design as that would likely happen in conjunction with a large harbor infrastructure project. Staff anticipated that this would be a concern, which is why the second condition in Attachment C addressed future infrastructure projects. The Science Center’s lease for their office building expires in December 2021; however, they have already expressed the need to extend their lease an additional year.

Applicable Code:

5.22.040 - Letter of interest to lease or purchase.

C. The planning commission shall review the letter of interest and recommend to the city council whether to offer the real property interest for disposal by one of the methods as described in Section 5.22.060(B).

5.22.060 - Methods of disposal.

B. In approving a disposal of an interest in city real property, the city council shall select the method by which the city manager will conduct the disposal from among the following:

- 1. Negotiate an agreement with the party who submitted a letter of interest to lease or purchase the property;*
- 2. Invite sealed bids to lease or purchase the property;*
- 3. Offer the property for lease or purchase at public auction;*
- 4. Request sealed proposals to lease or purchase the property.*

1/31/19 – Forest Service submitted a letter (**Attachment A**) requesting a renewal of the lease. The 1965 lease (**Attachment B**) had a lease renewal clause that could be exercised at the option of the Forest Service and the city.

8/21/19 – City staff met with Forest Service staff and reviewed the renewal request and the lease with the city attorney. City staff and attorney determined that it would not be possible to renew under the terms of the old lease as it was in conflict with city ordinances due to how limited the language and how old the lease was. In order to negotiate a new lease with the Forest Service, the Forest Service would need to go through the city's land disposal process. City staff sent the Forest Service a letter (**Attachment C**) explaining two conditions staff anticipated would be necessary for a new lease. The Forest Service indicated that their original letter requesting renewal of the lease would serve as the letter of interest for the land disposal process.

3/5/20 – At a Harbor Commission meeting, the commission passed Resolution 03-20-01 (**Attachment D**), which recommends a renegotiation of the lease for a five-year term.

3/12/20 – Shoreside Petroleum submitted a letter (**Attachment E**) to the City Manager indicating interest in the portion of the harbor leased by the Forest Service and Science Center facilities, and requesting the city only enter into short-term leases.

5/1/20 – Due to the lease expiration and the city's COVID-19 response, the city entered into a standstill agreement with the Forest Service to allow for more time for the land disposal process. The standstill agreement is a temporary agreement to preserve status quo under existing lease terms. It is set to expire on March 31, 2021.

1/14/21 – The Forest Service submitted a letter (**Attachment F**) requesting the city negotiate directly with the Forest Service.

1/19/21 – At the Planning Commission Regular Meeting, the commission recommended City Council negotiate directly with the Forest Service. Towards the end of the meeting, they reconsidered and referred the item to the Harbor Commission. From the approved minutes:

M/Bolin S/Hall to recommend to City Council to dispose of a 1,120 square foot portion of tidelands on Lot 3, Block 7A, Tidewater Development Park over which there are improvements commonly referred to as the "Forest Service Dock and Marine Warehouse" as outlined in Cordova Municipal Code 5.22.060 B by negotiating an agreement with the Forest Service to lease or purchase the property.

Bolin said the dock was vital to the Forest Service and has been there since 1965 and it is time to move forward with a new lease. **Hall** said the Forest Service owns the facilities and the city can't just kick them out. He agreed with at least a five-year lease timeline.

M/Hall S/Bolin to amend the motion by striking "or purchase."

Upon voice vote, motion to amend passed 4-2.

Yea: **Bolin, Lohse, Hall, Trumblee**

Nay: **Bird, Baenen**

Lohse said he thought they needed to renew the lease, but not for long-term. He wanted to see the city work with the Forest Service. He did think the lease amount was very low. **Baenen** verified with **Stavig** that the recommendation from the Harbor Commission was prior to Shoreside Petroleum sending a letter. A floating fuel dock would be a multi-million-dollar facility convenient for the fishermen. He wanted this to go back to the Harbor Commission. **Trumblee** agreed and said a fuel dock would bring money to the community.

Bird noted that looking at the timeline, the Forest Service did submit a letter well in advance of the lease expiring. She said the Harbor Commission could be involved with City Council as the process continued. She said a five-year lease seemed reasonable.

M/Baenen S/Lohse to refer this to the Harbor Commission to let them weigh in on the interest from Shoreside Petroleum to put in a floating fuel dock.

Lohse said there was the possibility of a large harbor infrastructure investment and wanted to hear from the Harbor Commission. **Hall** said that the current lease expires in March and verified with staff that they would likely have to look into extending the standstill agreement.

Upon voice vote, motion to refer failed 3-3.

Yea: **Baenen, Lohse, Trumblee**

Nay: **Bird, Bolin, Hall**

Bird said that the main motion does not specify a lease term. City Council can also request consultation of the Harbor Commission.

Upon voice vote, main motion passed 4-2.

Yea: **Bird, Bolin, Hall, Trumblee**

Nay: **Baenen, Lohse**

During Audience Comments, the commission reconsidered the motion that had passed and referred the issue to the Harbor Commission. From the approved minutes:

M/Trumblee S/Baenen to reconsider the motion that passed concerning the recommendation on the letter of interest from the USDA Forest Service.

Trumblee said she wanted to let the Harbor Commission see the letter from Shoreside. **Baenen** agreed. **Stavig** said that they would now vote again on the original motion with the recommendation to City Council.

Upon voice vote, main motion failed 3-3.

Yea: **Bird, Bolin, Hall**

Nay: **Baenen, Lohse, Trumblee**

M/**Baenen** S/**Lohse** to refer the agenda item to the Harbor Commission.

Bird clarified that the agenda item would be going to the Harbor Commission and then back to the Planning Commission for the recommendation. **Baenen** verified with staff that the letter from Shoreside had not been presented to the Harbor Commission.

Upon voice vote, motion to refer passed 4-1.

Yea: **Bird, Baenen, Lohse, Trumblee**

Nay: **Bolin**

2/10/21 – At the Harbor Commission Regular Meeting, the commission discussed the lease, but took no action.

3/3/21 – At the Harbor Commission Special Meeting, the commission passed Resolution 03-21-01 (**Attachment G**).

VI. LEGAL ISSUES:

Legal review of lease required.

VII. SUMMARY AND ALTERNATIVES:

N/A

Location Map



Attachment A



United States
Department of
Agriculture

Forest
Service

Cordova Ranger District

612 2nd Street
P.O. Box 280
Cordova, AK 99574

File Code: 7310
Date: January 31, 2019

Alan Lanning
Cordova City Manager
PO Box 1210
601 1st St
Cordova, Alaska 99574

Dear Cordova City Manager Lanning,

I would like to request a renewal of lease between the City of Cordova and USDA Forest Service for loading dock space and adjoining intertidal space currently occupied by the Cordova Ranger District in the Cordova Small Boat Harbor as described in the attached lease agreement. The Forest Service would like to exercise the option to renew for a period of 55 years under the terms and conditions identified in section #5 of the lease. This would include the continued operation and maintenance of the Forest Service owned marine warehouse and adjoining float and ramp facility.

Additionally, I would like to express appreciation for the ongoing mutual support between the Forest Service and the City of Cordova. This support includes: an MOU allowing the City use of the Cordova Ranger District office located on 2nd Street as an alternate Emergency Operations Center (EOC) during natural disasters such as an earthquake-generated tsunami; providing the Cordova community use of the historic federal courtroom as a public space for special events and meetings; and providing public safety through cooperation between Forest Service Law Enforcement officers and the City. We have also been proud to provide equipment and personnel to assist with a variety of annual community activities including Cordova Clean-up Day, Cordova Shorebird Festival, Cordova Community 4th of July celebration, and other public events.

Since the creation of the Chugach National Forest and Cordova Ranger District in 1907, the Forest Service and City have enjoyed a close partnership and collaborative relationship. We look forward to continuing our relationship and supporting Cordova along with managing surrounding public lands.

Sincerely,

DAVID ZASTROW
District Ranger (Acting)



Caring for the Land and Serving People

Printed on Recycled Paper



Attachment B

U. S. Standard Form 7 (Rev. 5-22-64)
Approved by the Secretary
May 6, 1935
2-103

LEASE

BETWEEN

CITY OF CORDOVA

AND

THE UNITED STATES OF AMERICA

1. THIS LEASE, made and entered into this thirty-first day of May
in the year one thousand nine hundred and sixty-five by and between
the City of Cordova
whose address is Box 938, Cordova, Alaska

for heirs, executors, administrators, successors, and assigns, hereinafter called
the Lessor, and THE UNITED STATES OF AMERICA, hereinafter called the Government;

WITNESSETH: The parties hereto for the considerations hereinafter mentioned covenant and
agree as follows:

2. The Lessor hereby leases to the Government the following-described premises, viz:
That part of the tidelands within the Cordova Small Boat Harbor, Alaska
Tidelands Survey No. 220, to be occupied by the westerly 28 feet of the
Loading Dock in the northwesterly part of said small boat harbor as shown
on the approved plans Q-5-4-48, entitled, U. S. Army Engineers District,
Alaska, City of Cordova, Inner Harbor Facilities Reconstruction, General
Layout, Sheet 1 of 5, a portion of which is hereto attached and hereby
made a part of this lease, containing 1,120 square feet, more or less; and
an adjoining space designated on said approved plan as VB-PWS (Forest Service-
Fish and Wildlife Service) Float and Gangway with dimensions of approximately
12 x 95 feet.

to be used exclusively for the following purposes (see instruction No. 3):

3. TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning
the first day of June 1965

and ending with
the thirty-first day of May 2020

5. This lease may, at the option of the Government, ~~be renewed from year to year at the discretion~~
and of the Lessor, be renewed for a period of 51 years under
~~and on the same~~ the terms and conditions herein specified, provided notice be given in writing
to the Lessor at least one (1) year ~~days~~ before this lease ~~or any extension thereof~~ would
otherwise expire: ~~Provided that the Government shall have the right to terminate this lease at any time~~
~~without any notice~~ ~~without any notice~~

6. The Lessor shall furnish to the Government, during the occupancy of said premises, under the terms of this lease, as part of the rental consideration, the following: Provide access to said premises and permit connection to the City of Cordova water and electric systems as long as such service is available through the City's facilities. It is understood that utilities and services which the City may provide at the request of the Government will be subject to charges in accordance with standard published rates.

7. The Government shall pay the Lessor for the premises rent at the following rate:

Payment shall be made upon execution of this lease.

[illegible]

9. ~~THE LESSOR HEREBY WARRANTS THAT THE PREMISES ARE FREE FROM ALL ENCUMBRANCES, AND THAT THE LESSOR HAS THE RIGHT TO LEASE THE SAME.~~
~~THE LESSOR HEREBY WARRANTS THAT THE PREMISES ARE FREE FROM ALL ENCUMBRANCES, AND THAT THE LESSOR HAS THE RIGHT TO LEASE THE SAME.~~
~~THE LESSOR HEREBY WARRANTS THAT THE PREMISES ARE FREE FROM ALL ENCUMBRANCES, AND THAT THE LESSOR HAS THE RIGHT TO LEASE THE SAME.~~
maintaining the premises, the Lessor reserves the right at reasonable times to enter and inspect the

10. ~~IF THE PREMISES ARE DESTROYED BY FIRE OR OTHER CASUALTY THIS LEASE SHALL IMMEDIATELY TERMINATE.~~
~~IF THE PREMISES ARE DESTROYED BY FIRE OR OTHER CASUALTY THIS LEASE SHALL IMMEDIATELY TERMINATE.~~
~~IF THE PREMISES ARE DESTROYED BY FIRE OR OTHER CASUALTY THIS LEASE SHALL IMMEDIATELY TERMINATE.~~
parties terminate the lease by giving written notice to the other party in writing. In either case, the termination shall be subject to the Lessor's right to alter or damage.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this lease or to any benefit to arise therefrom. Nothing, however, herein contained shall be construed to extend to any incorporated company, if the lease be for the general benefit of such corporation or company.

12. The revisions, deletions, and additions to Paragraphs 1, 2, 3, 4, 5, 6, and 7, and the complete deletions of Paragraphs 8, 9, and 10, and the addition of Paragraph 13 on the attached sheet are hereby a part of this lease and were made prior to the execution of the lease by either party hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

In presence of:

/s/ Donna M. Sherby

City Clerk

(Address)

/s/ David Muma
City Manager

Lessor.

UNITED STATES OF AMERICA,

By W. H. Johnson

Regional Forester, Region 10, Forest
Service.
Department of Agriculture
(Official title)

(If Lessor is a corporation, the following certificate shall be executed by the secretary or assistant secretary.)

I, Donna M. Sherby, certify that I am the City Clerk-Treasurer

Secretary of the corporation named as Lessor in the attached lease; that

David Muma, who signed said lease on behalf of the Lessor, was then

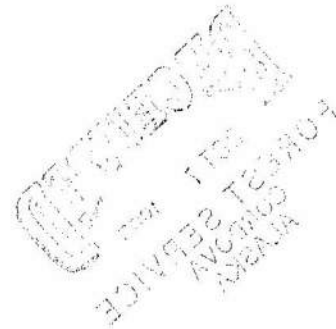
City Manager of said corporation; that said lease was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

/s/ Donna M. Sherby

[CORPORATE SEAL]

(Sheet 3)

13. The Government shall have the right during the existence of this lease to erect a marine warehouse and such associated and related building facilities as may be needed; to erect additions, structures or signs, in or upon the premises leased, such buildings to be and remain the property of the Government and may be removed therefrom by the Government within a reasonable time after the termination of this lease or renewal thereof; to dispose of the buildings in place, in the event that use is discontinued by the Government, provided that if disposition of the buildings is to a party or parties other than the lessor, the buildings shall be removed from the premises within a reasonable period.



INSTRUCTIONS TO BE OBSERVED IN EXECUTING LEASE

1. This standard form of lease shall be used whenever the Government is the lessee of real property; except that when the total consideration does not exceed \$100 and the term of the lease does not exceed 1 year the use of this form is optional. In all cases where the rental to be paid exceeds \$2,000 per annum the annual rental shall not exceed 15 per centum of the fair market value of the rented premises at the date of lease. Alterations, improvements, and repairs of the rented premises by the Government shall not exceed 25 per centum of the amount of the rent for the first year of the rental term or for the rental term if less than 1 year.

2. The lease shall be dated and the full name and address of the lessor, clearly written in paragraph 1.

3. [REDACTED] and, in case of rooms, the floor and room number of each room given. The language inserted at the end of article 2 of the lease should specify only the general nature of the use, that is, "office quarters," "storage space," etc.

4. Whenever the lease is executed by an attorney, agent, or trustee on behalf of the lessor, two authenticated copies of his power of attorney, or other evidence to act on behalf of the lessor, shall accompany the lease.

5. When the lessor is a partnership, the names of the partners composing the firm shall be stated in the body of the lease. The lease shall be signed with the partnership name, followed by the name of the partner signing the same.

6. Where the lessor is a corporation, the lease shall be signed with the corporate name, followed by the signature and title of the officer or other person signing the lease on its behalf, duly attested, and, if requested by the Government, evidence of his authority so to act shall be furnished.

7. Under paragraph 6 of the lease insert necessary facilities to be furnished, such as heat, light, janitor service, etc.

8. There shall be no deviation from this form without prior authorization by the Director of Procurement, except--

(a) Paragraph 3 may be drafted to cover a monthly tenancy or other period less than a year.

(b) In paragraph 5, if a renewal for a specified period other than a year, or for a period optional with the Government is desired, the phrase "from year to year" shall be deleted and proper substitution made. If the right of renewal is not desired or cannot be secured paragraph 5 may be deleted.

(c) Paragraph 6 may be deleted if the owner is not to furnish additional facilities.

(d) If the premises are suitable without alterations, etc., paragraph 8 may be deleted.

(e) Paragraph 9 provides that the lessor shall, "unless herein specified to the contrary, maintain the said premises in good repair, etc." A modification or elimination of this requirement would not therefore be a deviation.

(f) In case the premises consist of unimproved land, paragraph 10 may be deleted.

(g) When executing leases covering premises in foreign countries, departure from the standard form is permissible to the extent necessary to conform to local laws, customs, or practices.

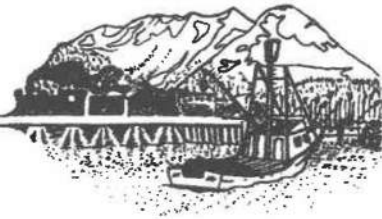
(h) Additional provisions, relating to the particular subject matter mutually agreed upon, may be inserted, if not in conflict with the standard provisions, including a mutual right to terminate the lease upon a stated number of days' notice, but to permit only the lessor so to terminate would be a deviation requiring approval as above provided.

9. When deletions or other alterations are permitted specific notation thereof shall be entered in the blank space following paragraph 11 before signing.

10. If the property leased is located in a State requiring the recording of leases in order to protect the tenant's rights, care should be taken to comply with all such statutory requirements.

Attachment C

CITY OF CORDOVA



August 21, 2019

Dave Zastrow
PO Box 280
Cordova, AK 99574

RE: Lease

Dave,

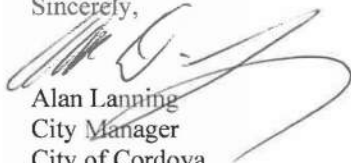
Thank you for meeting with city staff earlier this year to discuss the lease for the dock in the Cordova Harbor. As discussed, the city wanted to know if the Forest Service would still be interested in leasing the property with the following conditions:

1. The lease rate will be at fair market value of the tidelands. We have determined this amount to be an annual rental rate of \$1,014.00. This amount is based on the city assessor's valuation in the property tax files for square footage and the 6,000 square feet of the harbor impacted by the dock.
2. The lease will contain a provision which allows the lease to be renegotiated if there is a harbor infrastructure project which changes the configuration of the docks. The city would like the ability to work with the Forest Service on a different configuration and/or location so that a future harbor project would not be limited by working around the existing leased tidelands.

In order to begin the land disposal process, which would allow for the negotiation of a new lease, the city needs a letter of interest from the Forest Service which states that the Forest Service is interested in continuing to lease the property from the city.

Please contact me if you have any questions.

Sincerely,


Alan Lanning
City Manager
City of Cordova
PO Box 1210
Cordova, AK 99574

602 Railroad Avenue P.O. Box 1210 Cordova, Alaska 99574 Telephone (907) 424-6200 Fax (907) 424-6000

Attachment D

**CORDOVA HARBOR COMMISSION
CORDOVA, ALASKA
RESOLUTION 03-20-01**

A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF CORDOVA, ALASKA TO CORDOVA CITY COUNCIL, RECOMMENDING TO RENEGOTIATE THE USFS LEASE WITHIN THE NORTH HARBOR AT FAIR MARKET VALUE FOR A MAXIMUM TERM OF 5 YEARS.

WHEREAS, the current lease between the City of Cordova and the USFS was established in 1965 for 1 dollar, and expires on May 31, 2020,

WHEREAS, the current location of the USFS dock is blocking potential harbor expansion,

WHEREAS, the current Harbor Facilities Master Plan calls for expansion towards the USFS dock and the PWSSC,

WHEREAS, the USFS vessels could potentially share secure moorage with the Alaska State Trooper vessels at the Alaska State dock in the South side of the Cordova Harbor,

WHEREAS, the Cordova Harbor Commission previously passed a resolution December 9th, 2015 with the same wording, giving the USFS notice of the Harbor's intentions,

NOW THEREFORE BE IT RESOLVED, that the Harbor Commission of Cordova, Alaska, recommends to Cordova City Council that the USFS lease within the North Harbor be renegotiated for term of not more than 5 years at fair market value.

PASSED AND APPROVED ON THE 9TH DAY OF MARCH, 2020.


Chairman Jacob Betts


Tony Schinefla, Cordova Harbormaster

Attachment E



CORPORATE OFFICE
1813 E. 1st Avenue
Anchorage, AK 99501
PHONE (907) 344-4571
FAX (907) 561-3509
www.shoresidepetroleum.com

March 12, 2020

Helen Howarth
Cordova City Manager
PO Box 1210
Cordova, Alaska 99574

Dear Cordova City Manager Howarth,

As you are aware, Shoreside Petroleum Inc. has been part of the Cordova Harbor Expansion and improvement planning for the last several years. During the planning process Shoreside Petroleum Inc. has expressed interest in the installation of a Floating Fuel Dock Facility located within the Cordova Harbor. Shoreside Petroleum Inc. is interested in the lease or purchase of a portion of Lot 3, Block 7A, Tidewater Development Park. This may include all or portions of dock space, and waterfront currently leased by the US Forest Service and the Prince William Sound Science Center.

A Floating fuel dock facility located inside the Harbor is limited to very few locations. Shoreside Petroleum Inc. welcomes the opportunity to work with Harbor Development and the City of Cordova for the installation of a state-of-the-art facility.

At this time Shoreside Petroleum Inc. respectfully requests that the City of Cordova not enter into leases longer than one year until a long term plan can be developed.

Sincerely,

Terminal Manager

Cordova Terminal

Attachment F



United States
Department of
Agriculture

Forest
Service

Cordova Ranger District

612 2nd Street
P.O. Box 280
Cordova, AK 99574

File Code: 7310

Date: January 14, 2021

Helen Howarth
Cordova City Manager
PO Box 1210
601 1st St
Cordova, Alaska 99574

Dear City Manager,

I would like to request a renewal of the lease for the 1,120 square foot portion of tidelands on Lot 3, Block 7A, Tidewater Development Park currently occupied by the Cordova Ranger District described in the attached lease agreement. The Forest Service requests the City of Cordova exercise option #1 of the City's land disposal options in order to negotiate a new lease agreement between the Forest Service and the City of Cordova.

The Forest Service owns improvements on the property including a marine warehouse and adjoining float and ramp facility. Much of the work the Forest Service performs out of the Cordova Ranger District is reliant on the space that we lease at the Cordova Small Boat Harbor and is beneficial to the diversity of the Harbor and to the community. The Cordova Ranger District uses the dock to patrol the Prince William Sound, operate vessels for fishery and wildlife restoration and research, crew drop off and pick-ups, as well as recreation program operations to maintain public use cabins and trails. The Forest Service also allows other Federal agencies to operate out of this space in the summer. The dock allows the Forest Service to support agencies such as U.S. Coast Guard, USFWS and USGS, in their operations within Prince William Sound.

The Forest Service looks forward to continuing our long partnership with the City and hope to negotiate a long-term lease of this space at the fair market rate. The Forest Service is aware of the City's plan to perform renovations on the harbor and has been supportive to these efforts. The Forest Service has submitted letters of support for harbor grants and has been noted in various harbor grants in order to demonstrate the diversity of harbor users. The Forest Service would like to continue to be involved in the harbor renovation planning and have the opportunity to discuss options in the future.

In order to negotiate agreeable lease term and rate to both party I ask that the City exercise the first option in the land disposal process to begin negotiating a new lease agreement between the Forest Service and City of Cordova.

Sincerely,


STEVEN NAMITZ
District Ranger



Caring for the Land and Serving People

Printed on Recycled Paper



Attachment G

**CORDOVA HARBOR COMMISSION
CORDOVA, ALASKA
RESOLUTION 03-21-01**

**A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF CORDOVA, ALASKA
RECOMMENDING THAT CORDOVA CITY COUNCIL DIRECT STAFF TO RENEGOTIATE THE
USFS LEASE WITHIN THE NORTH HARBOR AT FAIR MARKET VALUE AND WITH A MAXIMUM
TERM OF 5 YEARS AND FLEXIBILITY OF THE LOCATION OF THE LEASE**

WHEREAS, the current lease between the City of Cordova and the USFS was established in 1965 for 1 dollar, expired on May 31, 2020 and the city and USFS currently have a standstill agreement in place and

WHEREAS, the Harbor Commission would like to see the property leased at fair market value to the USFS; and

WHEREAS, the current location of the USFS dock will impede certain harbor expansion; and

WHEREAS, the current Harbor Facilities Master Plan calls for expansion towards the USFS dock and the PWSSC; and

WHEREAS, the Cordova Harbor Commission previously passed a resolution on December 9th, 2015 and March 5th 2020 giving the USFS notice of the Harbor's intentions, and

WHEREAS, the Cordova Harbor Commission has identified multiple moorage options for the USFS vessels, including but not limited to, sharing moorage at State of Alaska dock at the South side of the harbor, and

WHEREAS, the Harbor Commission and Harbor and Port Department are constantly assessing and reassessing possibilities of reconfiguration and/or expansion of Harbor infrastructure; and

WHEREAS, the Harbor Commission and Harbor and Port Department is exploring future broader developments in the City Harbor and therefore, is requesting flexibility on the part of any current lessees within the harbor, such as the USFS; and

WHEREAS, discussions lately between City Staff and USFS Staff have been agreeable and both sides understand that the future may bring altered docks, floats and could even include establishment of ancillary businesses within the harbor boundaries and both are committed to revisit the lease if a need arises to change the term or change to a location that would be acceptable for the USFS needs; and

NOW, THEREFORE, BE IT RESOLVED, that the Harbor Commission of the City of Cordova, Alaska, recommends renegotiation of the USFS lease for fair market value and with a maximum term of 5 years and flexibility of the location of the lease.

PASSED AND APPROVED ON THE 3rd DAY OF MARCH, 2021.

Vice Chairman Andy Craig

Tony Schinella, Cordova Harbormaster



AGENDA ITEM # 9e

Planning Commission Meeting Date: 3/9/21

PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff

DATE: 3/4/21

ITEM: Resolution 21-01 - 2021 Land Disposal Maps

NEXT STEP: Discuss

☐ INFORMATION
☐ MOTION
☒ RESOLUTION

I. REQUEST OR ISSUE:

The Land Disposal Maps are updated annually. At this time, the Planning Commission should review the 2021 Land Disposal Maps in order to make a recommendation to City Council to adopt the maps.

II. RECOMMENDED ACTION / NEXT STEP:

“I move to approve Resolution 21-01”

Once the motion to approve the resolution is on the table, the commission should discuss the maps and make changes as they see fit. For clarity, please discuss each action separately.

If an action clearly has unanimous consent, no motion to amend is necessary. If there are differing opinions concerning any amendments, then a motion to amend the maps should be made and voted on by voice vote.

III. FISCAL IMPACTS:

Land disposals can be a revenue source for the city.

IV. BACKGROUND INFORMATION:

The descriptions of the map designations and the update policy are on the cover page of the 2021 Land Disposal Maps document, attached.

These maps are meant to be a simple, easy-to-understand resource for the public. In the past, there have been conversations about adding more detail to the maps, but ultimately, staff, the Planning Commission, and City Council have kept the maps as easy to understand as possible and have been cautious about making the maps too confusing by adding too much detail, designations, or labels.

The 2020 Land Disposal Maps are available on the city's webpage (under Land Use and Development E-Forms): <http://www.cityofcordova.net/document-central>

General Changes to the 2021 Land Disposal Maps:

- Parcel layer has been updated with new subdivisions.
- Parcel lines more accurate, fixed errors in parcel lines, etc.
- New aerial photography that is more recent.

Specific Updates by Map Page:

- New England Cannery Road
 - Property near Shelter Cove which contains the old rock pit and burn pile has been changed to the designation 'Not Available' by the Planning Commission at their 1/19 Regular Meeting.
 - Label added for City Quarry/Burn Pile.
- Ocean Dock Subdivision
 - Available portion of shipyard moved to the east per concurrence from Harbor Commission.
- North Fill Development Park
 - The lot at the intersection of Coast Guard Lane and Jim Poor Ave, previously shown as 'Leased' has been purchased and removed from the map.
- Old Town
 - One lot just north of the Water Tank, previously shown as 'Leased' has been purchased and removed from the map.
 - The eastern half of Lot 3, Block 17, Original Townsite (requested by Kuntz) is shown as 'Available' per Resolution 20-02.
- Odiak Park
 - Southwest lot at end of Center Drive cul-de-sac 'Available' after Planning Commission discussion and staff review. Staff determined that the lot was not adequate or needed for snow removal purposes and there was no city infrastructure located on the property.

1/19/21 – At the Planning Commission Regular Meeting, the commission discussed the Land Disposal Maps and referred them to the Harbor Commission. From the approved minutes:

M/Hall S/Bolin to approve Resolution 21-01.

The commission reviewed each map in the Land Disposal Maps. On the New England Cannery Road map, **Baenen** said that the property with the rock quarry should be made ‘Not Available.’ **Bolin** said he agreed, the pit had been used to develop a lot of Cordova in the past and would be a key roll in the future. **Bird** verified that this was the property that they received a letter of interest for in 2020. The was unanimous consent from the commission to make the lot ‘Not Available.’

Bolin asked why the triangle piece below Shelter Cove was ‘Not Available.’ **Stavig** said he could look into it for the next meeting. **Hall** said that overall, the aerial photography was getting fairly old on the maps. **Stavig** said they could look at some different options for aerial photography at the next meeting.

Bolin verified that the lease in the bottom south east corner of the South Fill Development Park map was to the Copper River Watershed Project. **Lohse** verified that the lots on the west end of the South Fill were used for snow dumping and harbor parking. **Baenen** asked if there was a private easement on the city-owned lots at the intersection of Nicholoff Way and Railroad Avenue, and if that could be shown on the maps. **Stavig** said he would research it.

On the Odiak Slough map, **Lohse** verified that the lot on Forestry Way was used by the city as a snow dump. On the Whitshed Road map, **Baenen** verified that the lot on the highway adjacent to Eagle Contracting was purchased by the city seven years ago with the intent that it would be the location of a new fire/police facility.

On the Odiak Park map, **Bolin** asked why the lots to the south of Center Drive were ‘Not Available.’ **Stavig** said he thought there was a significant drainage through there, but he could do more research. **Bolin** said it was also used as a city snow dump. **Bolin** asked **Stavig** to look into the two lots at the cul-de-sac of Center Drive as well.

On the Power Creek Road map, **Lohse** asked why the cemetery was shown as ‘Available.’ **Stavig** said that many of the large parcels that are shown as ‘Available – Requires Subdivision’ contain city infrastructure. The maps can get very complicated if every city use gets noted on the map. **Bird** and **Baenen** spoke in favor of adding a notation for the cemetery.

On the Eyak Lake map, **Bolin** noted that Elmer’s Point Drive had a street sign that said Kimmick Way. **Stavig** said the Harbor Commission wanted to review the maps.

M/**Bolin** S/**Baenen** to refer to 2021 Land Disposal Maps to the Harbor Commission.

Upon voice vote, motion to refer passed 6-0.

Yea: **Bird, Baenen, Bolin, Lohse, Hall, Trumblee**

2/10/21 – At the Harbor Commission Regular Meeting, the commission discussed the Land Disposal Maps, specifically the shipyard area, but took no action with the maps.

2/18/21 – At the Planning Commission Regular Meeting, the commission discussed the maps. From the unapproved minutes:

Stavig said he provided the maps with either aerial photography for the commission to decide which they liked best. He explained the changes to the map which were detailed in the memo. He then provided information on properties that he said would be addressed at the meeting:

- Small triangle lot to south of Shelter Cove: It has deed restrictions including that it can't be sold. The entire lot is in a floodplain and is zoned Conservation.
- Corner of Nicholoff and Railroad Avenue: Those are three lots used for the boat haul out on the South Fill. There is a "floating easement" on the property, which means it is undefined.
- Two lots adjacent and south of Center Drive: These have old deed restrictions for well use, and also contain a lot of drainage from the highway. The flat land visible from the highway is a part of the ROW.
- Two lots at cul-de-sac end of Center Drive: The longer lot has a sewer easement which restricts usable area significantly. He did not see anything on the other lot, but noted that in the past, both of these lots had been marked as snow dumps.

Hall said he preferred the newer aerial photos. **Lohse** agreed and said he would like to look into making the lower of the two lots on the Center Drive cul-de-sac 'Available.' **Stavig** said he would get something from Public Works for the next meeting. **Bolin** said the lots south of Center Drive were critical and that they never used the cul-de-sac lots. **Baenen** said he would like to have a label on the quarry on Orca Road. **Bolin** said to add one for the burn pile as well.

3/3/21 – At the Harbor Commission Special Meeting, the commission concurred with making an approximate area in the southeast corner of the shipyard lot 'Available,' with the remainder of that property 'Not Available.'

V. LEGAL ISSUES:

Legal issues should be considered on a property by property basis.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

Conflicts or environmental issues should be considered on a property by property basis.

VII. SUMMARY AND ALTERNATIVES:

N/A

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 21-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA,
ALASKA RECOMMENDING THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA
ADOPT THE 2021 LAND DISPOSAL MAPS**

WHEREAS, the City of Cordova's City Manager and City Planner are directed by Cordova Municipal Code Section 5.22.040(B) – *The city manager shall refer a letter of interest from a qualified interested party to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the letter of interest for review by the planning commission;* and City of Cordova's Planning Commission is directed by Cordova Municipal Code Section 5.22.040(C) – *The planning commission shall review the letter of interest and recommend to the city council whether to offer the real property interest for disposal by one of the methods as described in Section 5.22.060(B);* and

WHEREAS, the Planning Commission has determined that annually reviewing and recommending the Land Disposal Maps for City Council's approval will enable the City Manager and City Planner to efficiently determine if land is available for purchase, lease, or lease to purchase; and

WHEREAS, the Planning Commission has identified these Land Disposal Maps as the most current and updated version to be used in the land disposal process; and

WHEREAS, having annually updated maps will benefit the citizens of Cordova by providing maps for public review.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend the City Council of the City of Cordova, Alaska adopt the 2021 Land Disposal Maps.

PASSED AND APPROVED THIS 9TH DAY OF MARCH, 2021

Nancy Bird, Chair

ATTEST:

Leif Stavig, City Planner

2021 Land Disposal Maps

Adopted by City Council: xx/xx/xx

Map Designations

Available – Available to purchase, lease, or lease with an option to purchase. Any of these lots may have conditions or special criteria that must be met.

Available - Requires Subdivision – These parcels are considered ‘Available.’ These are large parcels of land which would most likely be developed as a subdivision. The disposal process for these parcels is complex and could take a significant amount of time. Many require some or all of the following: city acquiring title to the land from the state, an extensive amount of surveying, or subdivision development agreements. Many of these parcels include city improvements that would not be disposed, such as access roads, water infrastructure, trails, cemeteries, etc.

Not Available – These parcels include substandard lots, snow dumps, property with improvements/buildings on them, or other lots used or occupied by the city. The city manager will accept letters of interest from an interested party who requests the property designation be changed to ‘Available,’ however the existing city use of the property will be examined and carefully weighed against the letter of interest.

Tidelands – All requests to purchase tidelands will be reviewed by the Planning Commission as they are received. The Planning Commission will make a recommendation on disposing of the tidelands to City Council.

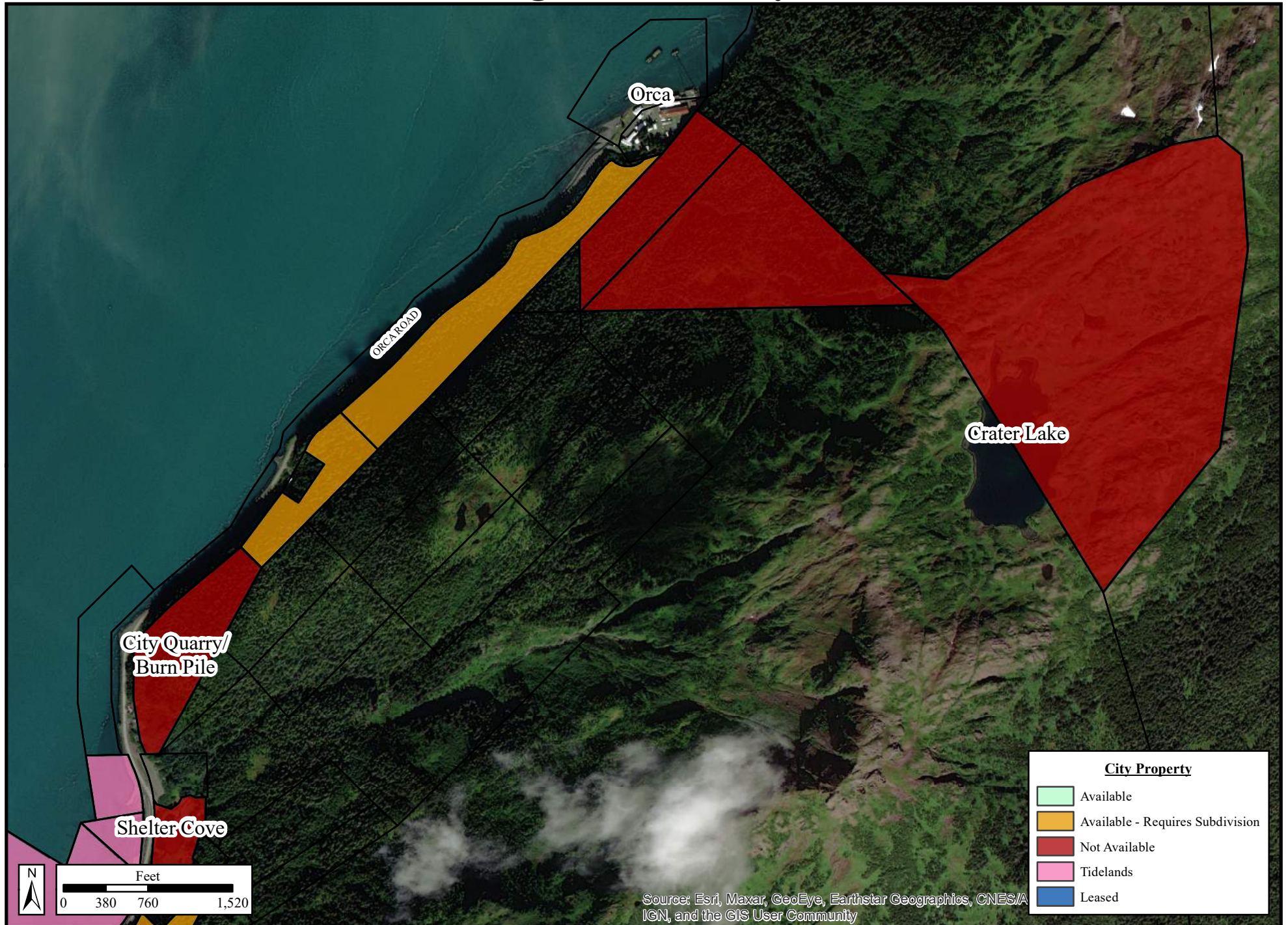
Leased – These are parcels currently leased to a business or government entity by the city and are not available during the lease term. There are leases that are short term and renew every two years and others are long term leases with substantial improvements on the property. Some leased property has an option to purchase. When a lease term ends, the property immediately becomes ‘Available.’

Update Policy

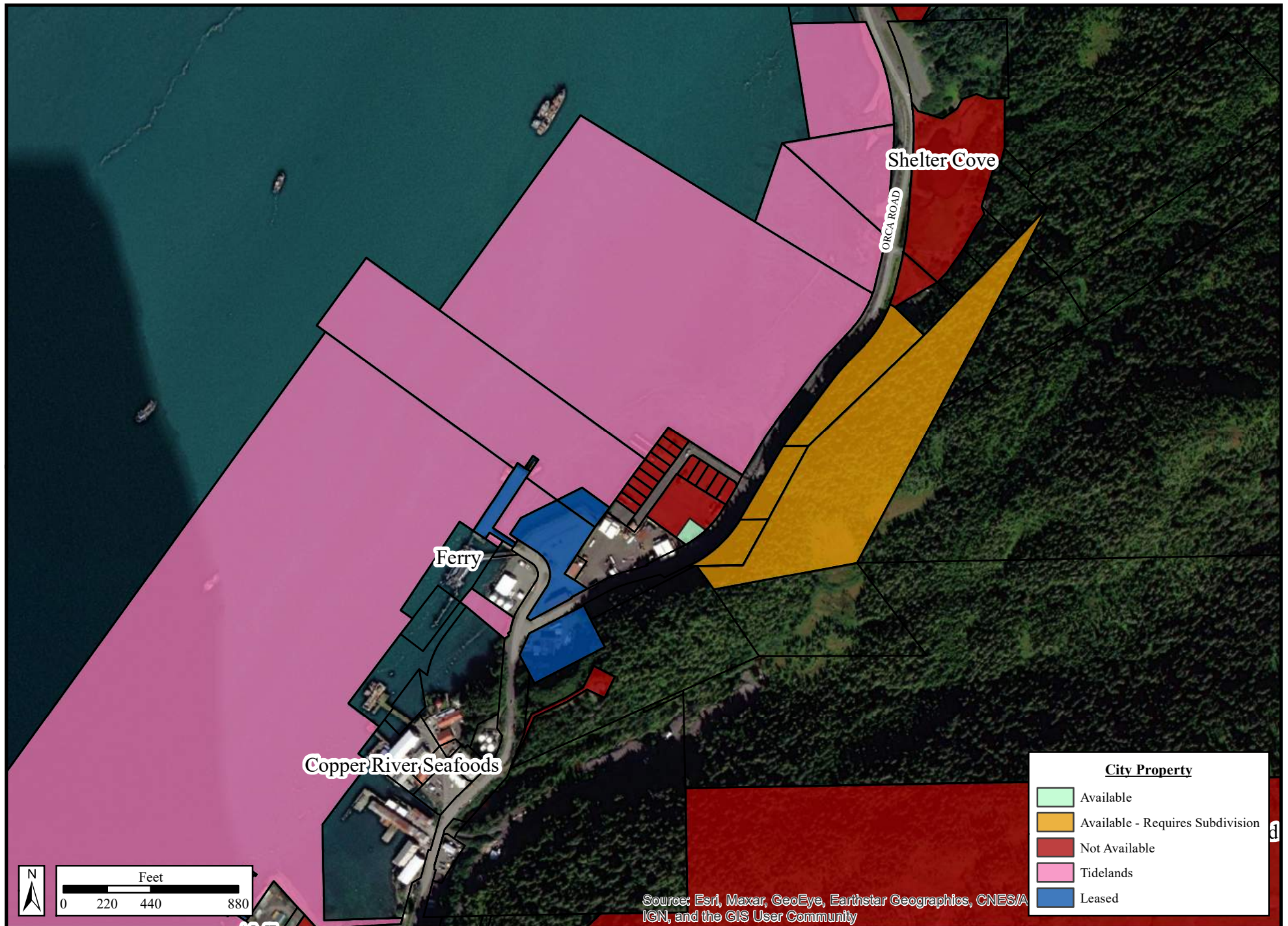
Maps will be updated on an annual basis by the Planning Department staff, reviewed by the Planning Commission, and adopted by City Council. This update process begins each year with updated maps being presented to the Planning Commission in January, but the maps may be modified throughout the year on a case-by-case basis.

For more information on the land disposal process, refer to Chapter 5.22 of the Cordova Municipal Code, or direct your questions to the Planning Department staff.

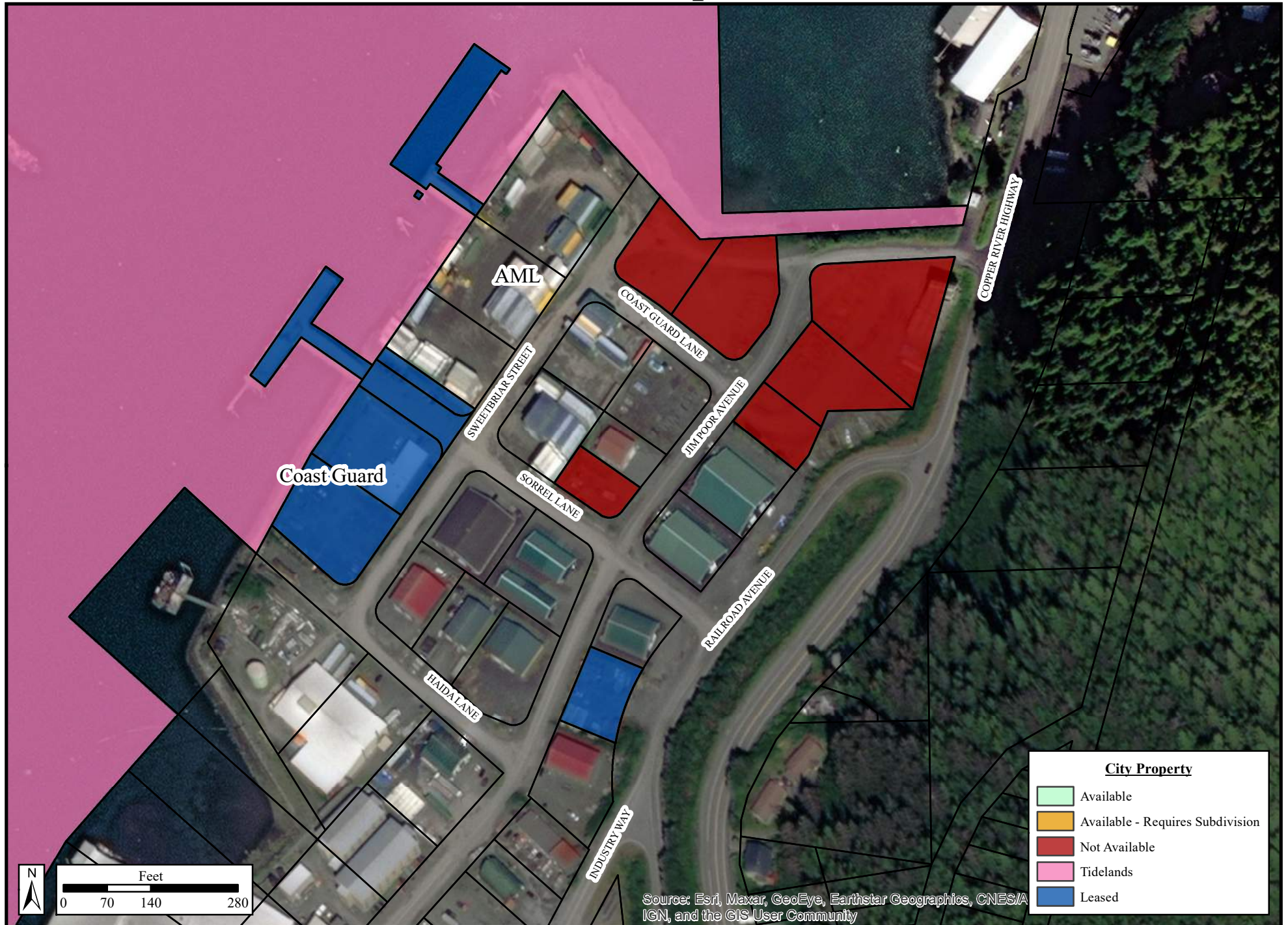
New England Cannery Road



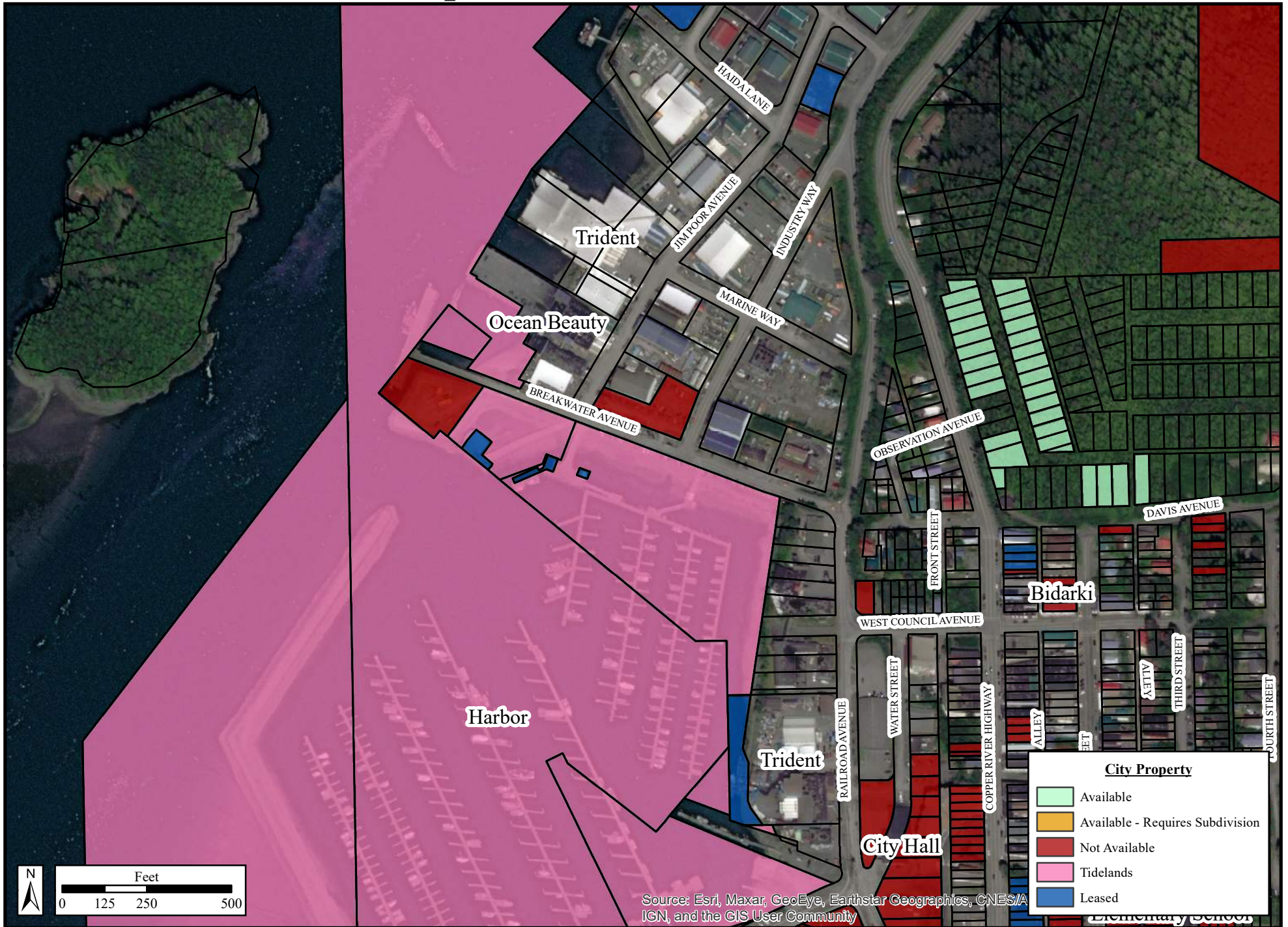
Ocean Dock Subdivision



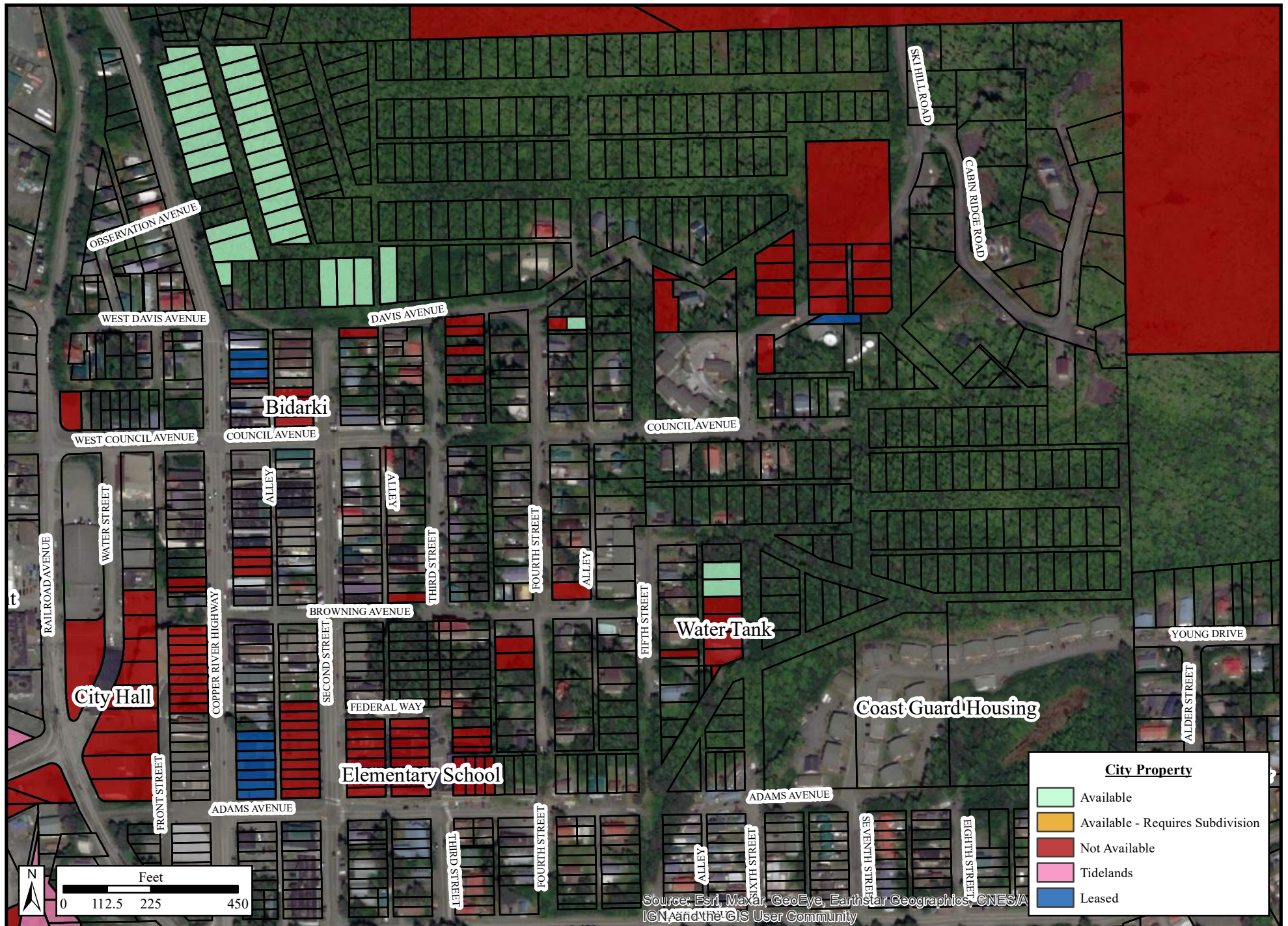
North Fill Development Park



Tidewater Development Park & Cordova Industrial Park



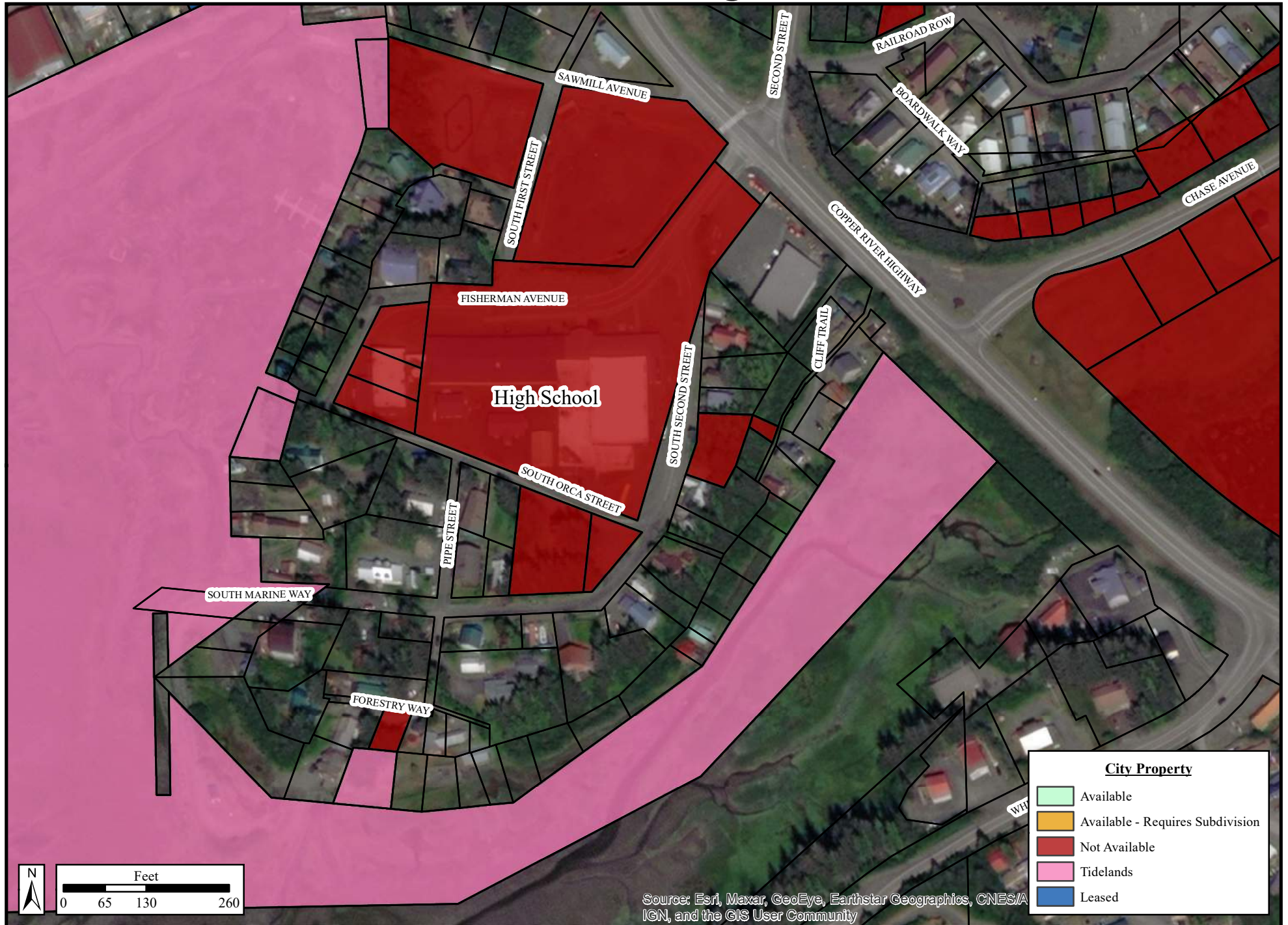
Old Town



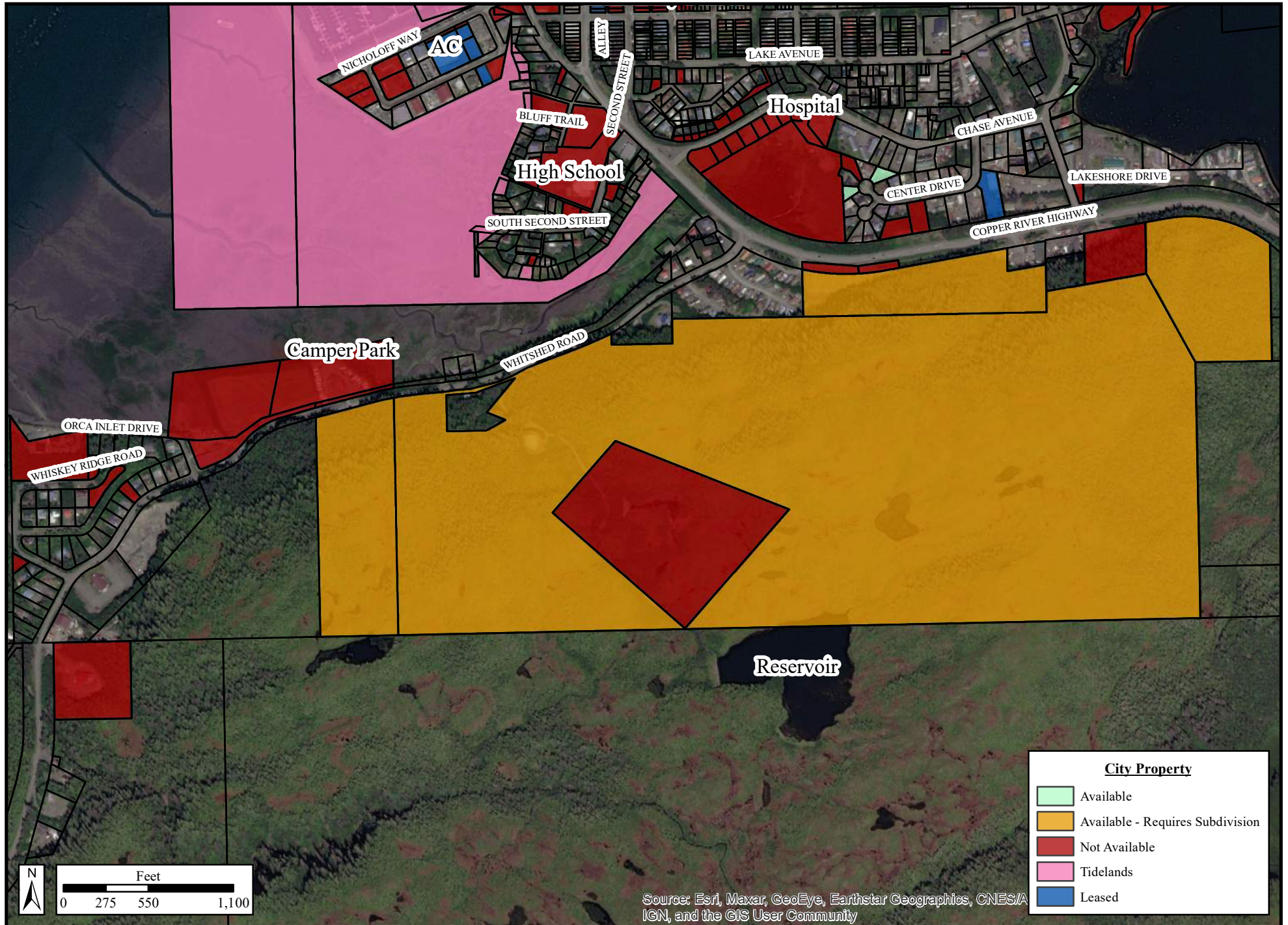
South Fill Development Park



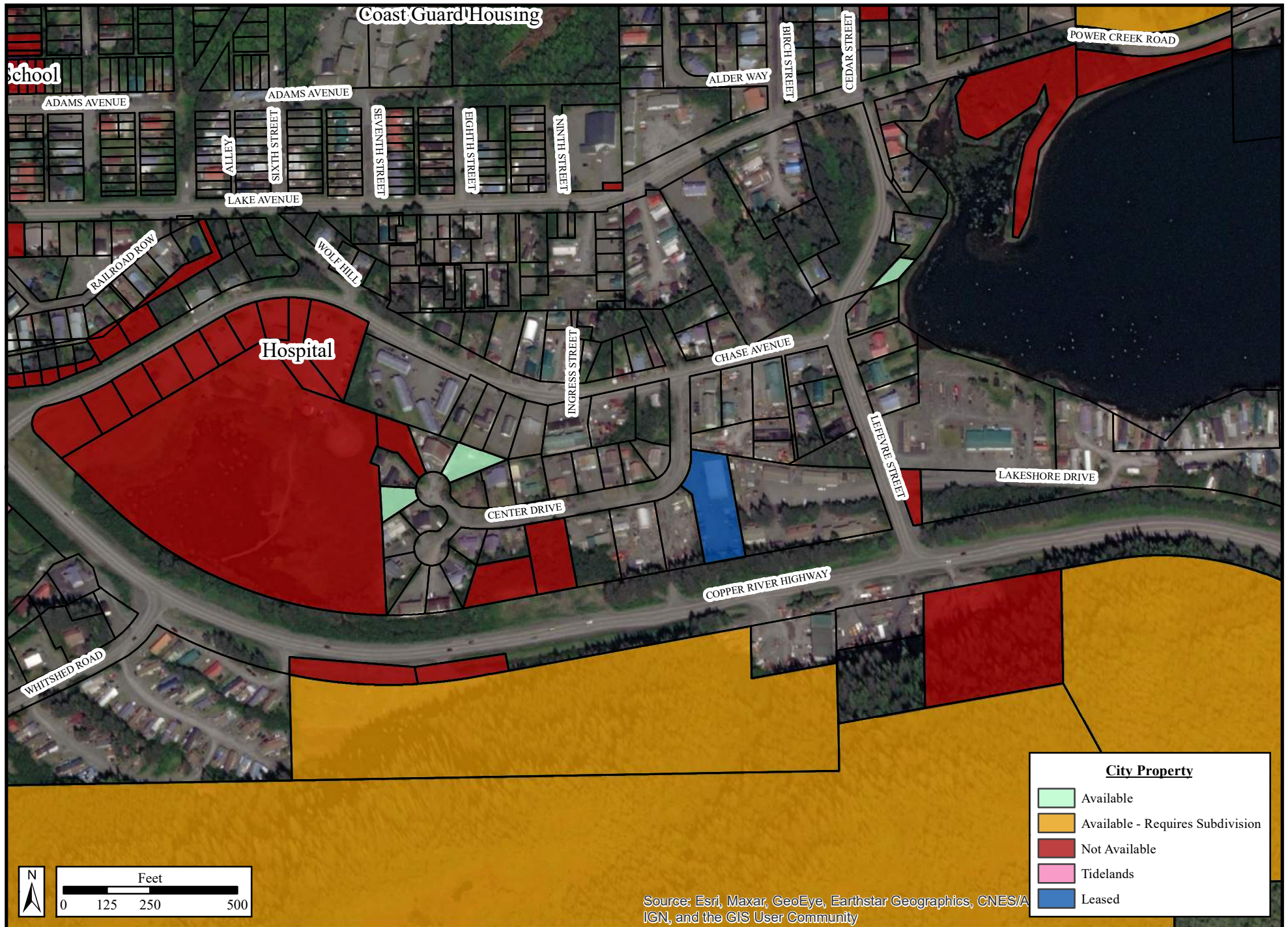
Odiak Slough



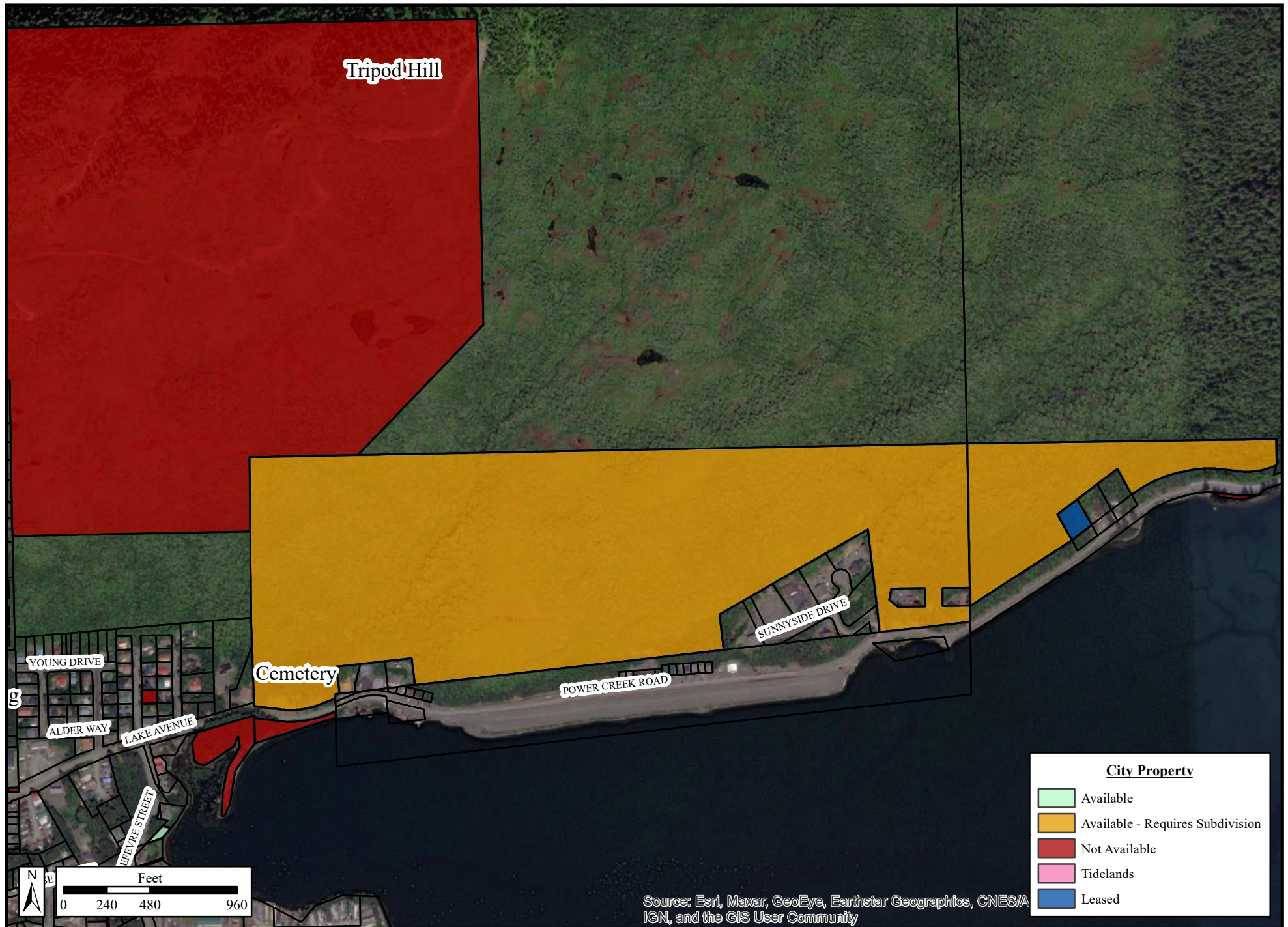
Whitshed Road



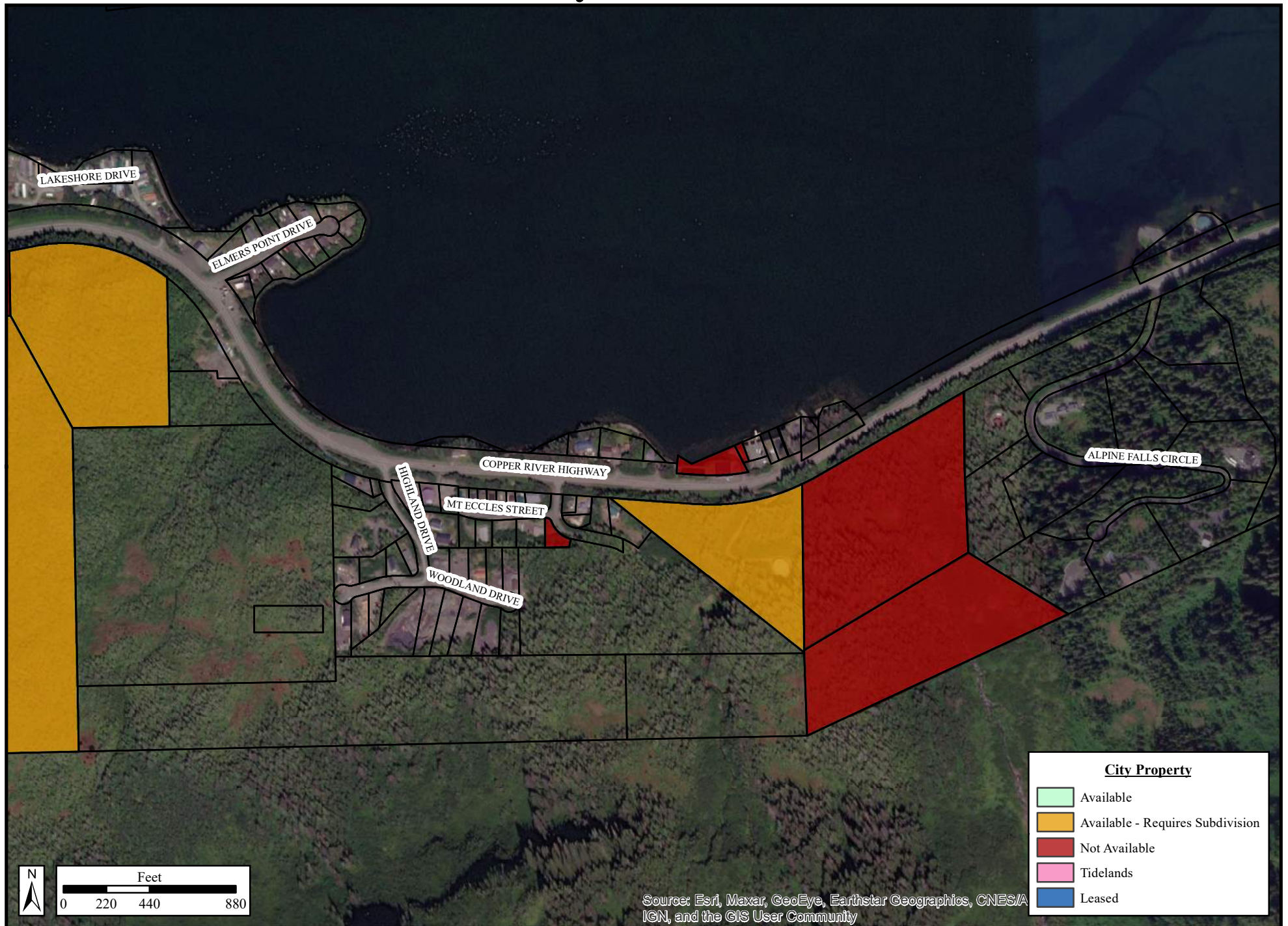
Odiak Park



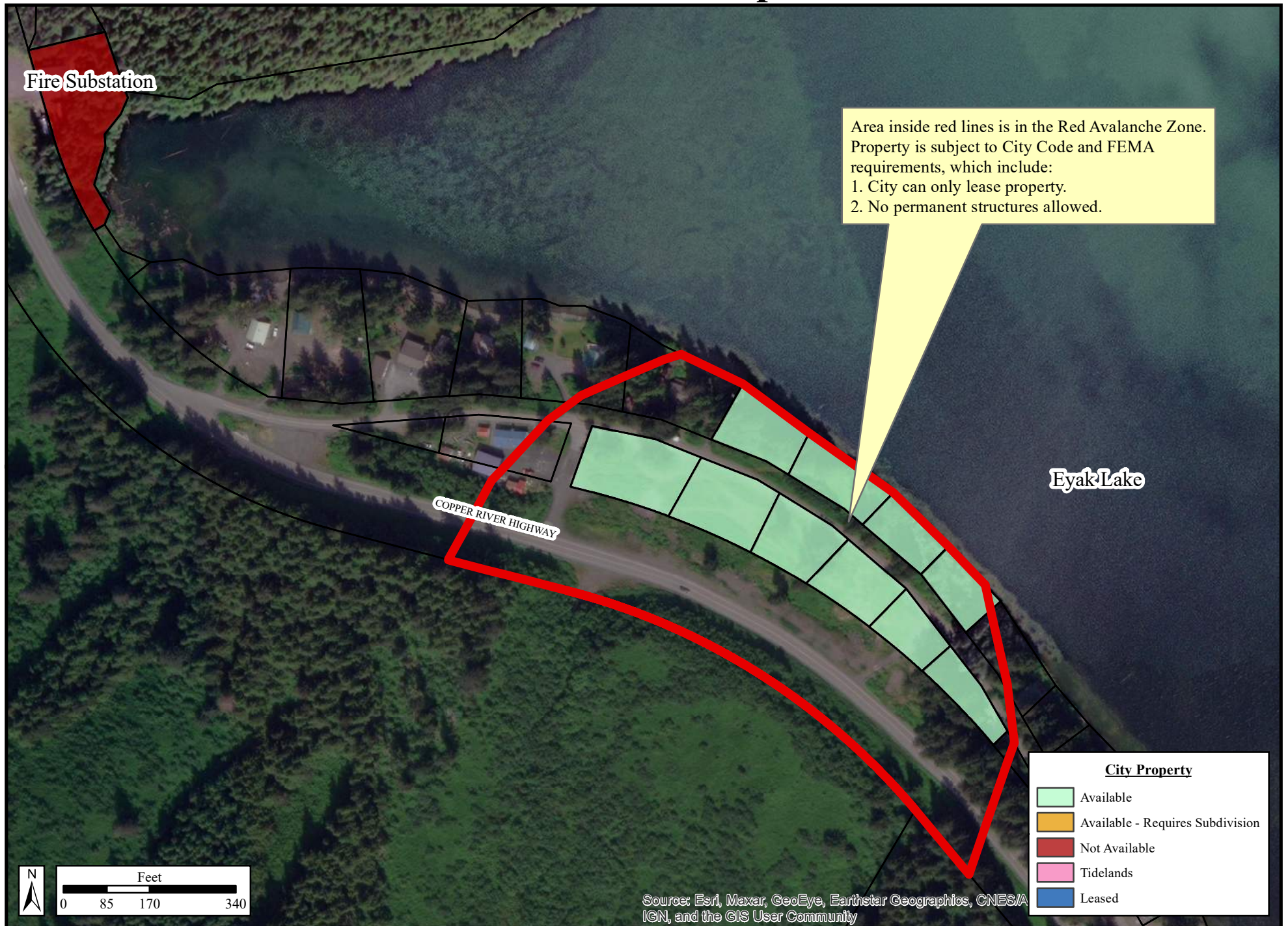
Power Creek Road



Eyak Lake



Five Mile Loop





AGENDA ITEM # 9f

Planning Commission Meeting Date: 3/9/21

PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff

DATE: 3/4/21

ITEM: Letter of Interest from Dutch Marine Industries, LLC for a Portion of Tract 1A of the Ocean Dock Subdivision #2

NEXT STEP: Recommendation to City Council on Disposal and Disposal Method

☐ INFORMATION
☒ MOTION
☐ RESOLUTION

I. REQUEST OR ISSUE:

This action item is contingent on the Planning Commission passing Resolution 21-01 with the area designated as 'Available' and if this has not occurred then no action should be taken. Any action on this item is still pending City Council adoption of the 2021 Land Disposal Maps designating this area 'Available.'

Requested Actions:	Recommendation to City Council on Disposal and Disposal Method
Applicant:	Dutch Marine Industries, LLC
Legal Description:	Portion of Tract 1A, Ocean Dock Subdivision #2
Area:	Area indicated in letter of interest = 60' x 100' = 6,000 SF
Zoning:	Waterfront Industrial
Attachments:	Location Map Letter of Interest

II. RECOMMENDED ACTION / NEXT STEP:

Staff suggest the following motion:

“I move to recommend to City Council to dispose of a portion of Tract 1A, Ocean Dock Subdivision #2 as outlined in Cordova Municipal Code 5.22.060 B by *”

Choose one of the following to insert for the asterisk:

1. Negotiating an agreement with the Forest Service to lease or purchase the property.
2. Requesting sealed proposals to lease or purchase the property.
3. Inviting sealed bids to lease or purchase the property.
4. Offering the property for lease or purchase at public auction.

III. FISCAL IMPACTS:

Lease could generate revenue for the city.

IV. BACKGROUND INFORMATION:

Dutch Marine Industries, LLC (DMI) has submitted a letter of interest for a portion of Tract 1A of the Ocean Dock Subdivision #2. They are requesting an area around 60'x100'. DMI attended a recent Harbor Commission meeting to share their plans, which is partially why the commission recommended the 'Available' area be located in a different portion of the shipyard.

The lot is currently used for outdoor boat storage and boat haul outs which are managed by the Harbor Department.

Applicable Code:

5.22.040 - Letter of interest to lease or purchase.

C. The planning commission shall review the letter of interest and recommend to the city council whether to offer the real property interest for disposal by one of the methods as described in Section 5.22.060(B).

5.22.060 - Methods of disposal.

B. In approving a disposal of an interest in city real property, the city council shall select the method by which the city manager will conduct the disposal from among the following:

- 1. Negotiate an agreement with the party who submitted a letter of interest to lease or purchase the property;*
- 2. Invite sealed bids to lease or purchase the property;*
- 3. Offer the property for lease or purchase at public auction;*
- 4. Request sealed proposals to lease or purchase the property.*

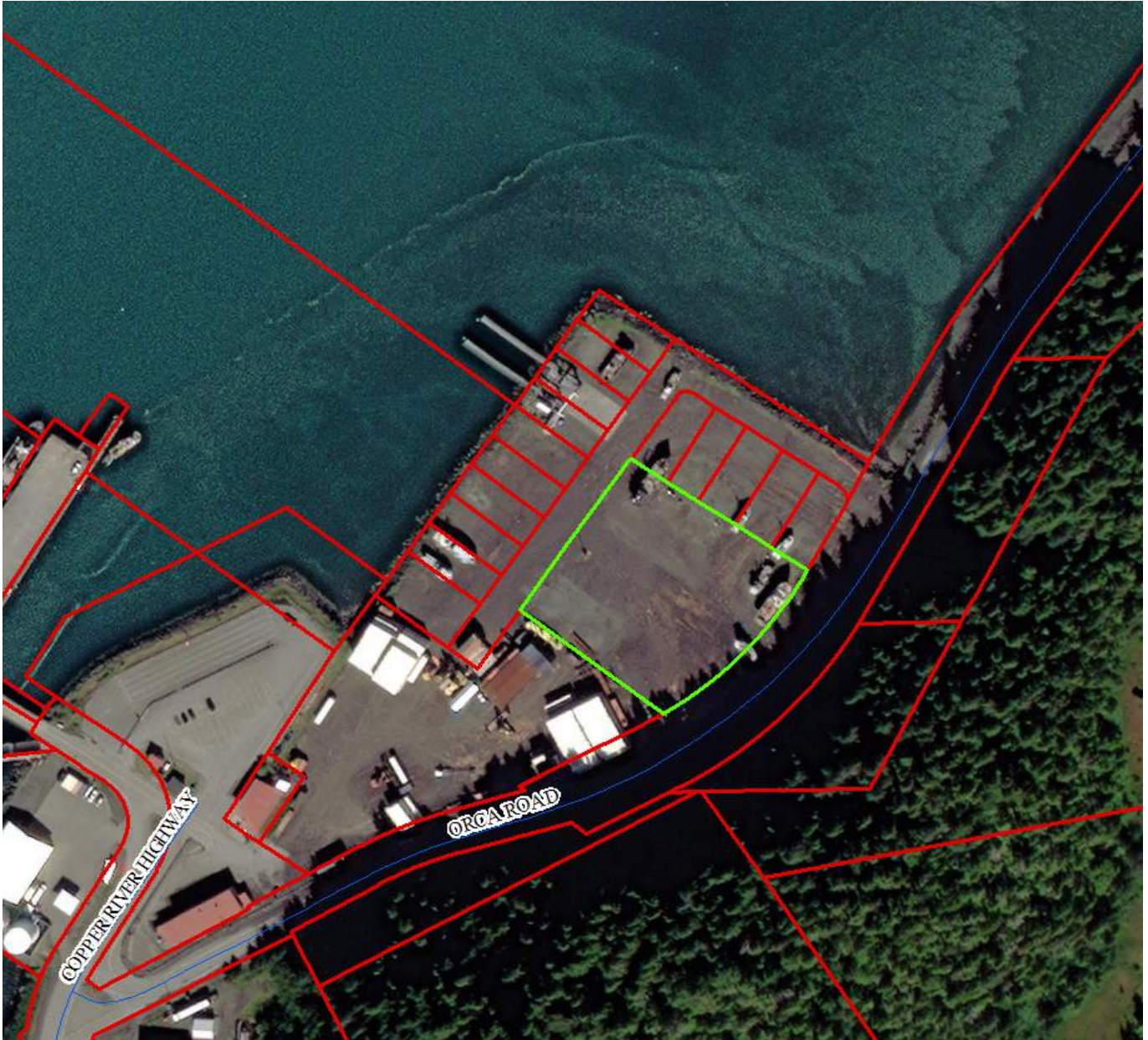
VI. LEGAL ISSUES:

Legal review of lease required.

VII. SUMMARY AND ALTERNATIVES:

N/A

Location Map

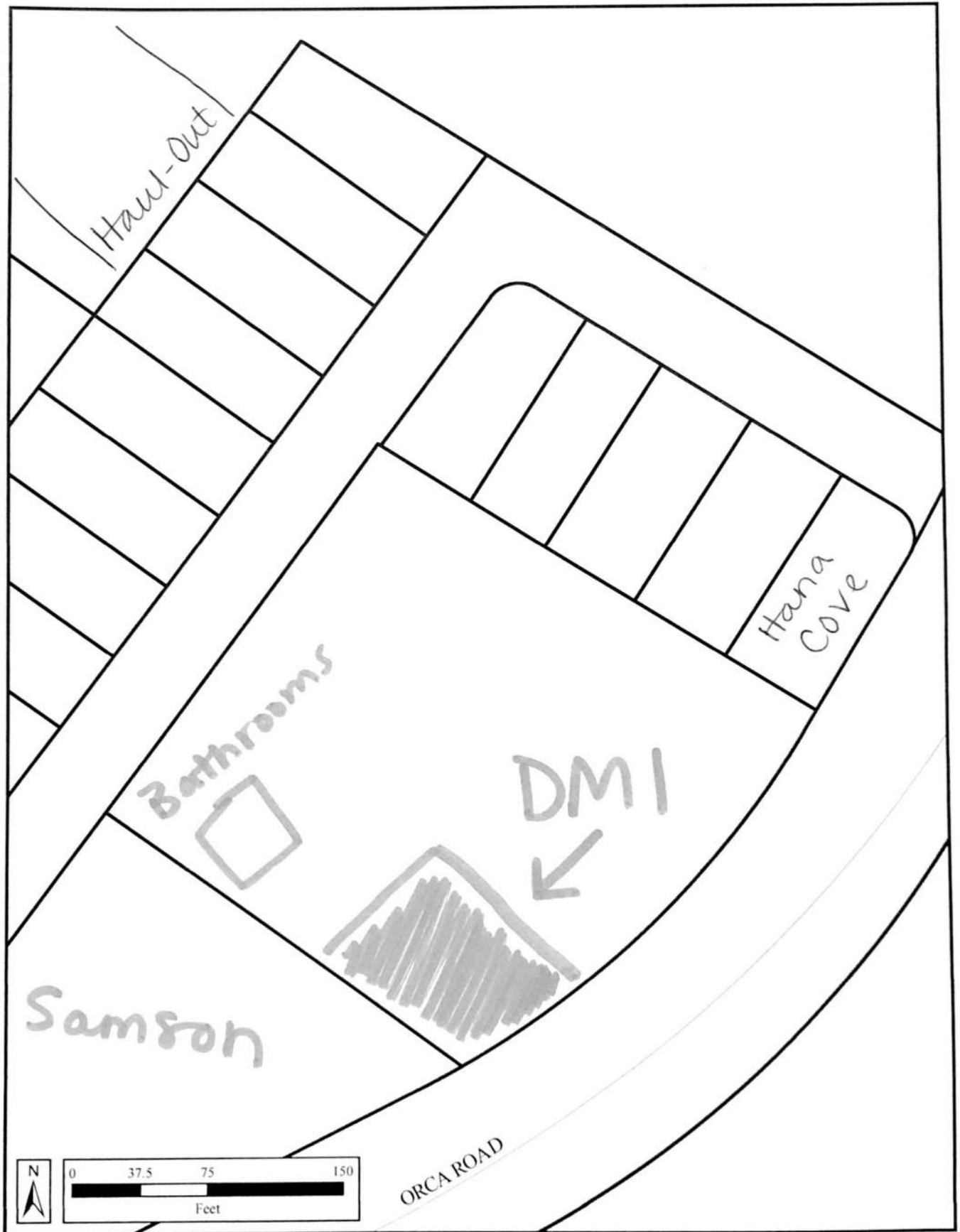


2/24/2021

ATTN City Manager (Helen Howarth):

Interested Party: Dutch Marine Industries, LLC
Address: PO Box 1784, Cordova AK, 99574

Dutch Marine Industries, LLC is interested in negotiating a **land lease** with the City in the Shipyard. DMI needs a location in the yard that is protected from the harsh weather in Cordova. We have had non-stop projects going down there since we started our business, and have many more lined up that need this shelter available. Our work is seriously hindered by the fact that we have no enclosed, indoor space to work on seine boats and vessels of that size. The land will be used to set up a semi-permanent structure that will be able to house up to 2 seine boats. We want to utilize the convenience and cost effectiveness of building with shipping containers, and are fully confident in our structural plans to ensure the building is solid and strong. We are currently renting short-term space for our storage conexes in the shipyard, and are hoping to find a more long-term lease agreement with the City for more space (**around 60ft x 100ft**) so our business can continue to grow, service the fishing fleet and employ numerous Cordovans.



Planning Commission Pending Calendar

Items pending for April Regular Meeting

- Proposals from RFP for Eastern Half of Lot 3, Block 17, Original Townsite
- Final Plat Approval
- Building Code Progress Update

August 2021

- Planning Commission CIP List to City Council (Annual)

September 2021

- Comprehensive Plan Review (Annual)

January 2022

- 2022 Land Disposal Maps (Annual)

February 2022

- Planning Commissioner's Training & Planning Conference in Anchorage (Annual)

2021 MARCH

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	01	02 Cordova General Election 7AM - 8PM	03 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	04	05	06
07	08	09 6:30 PM - Planning Commission Regular Meeting (Electronic)	10 6:00 PM - Harbor Commission Regular Meeting (Cordova Center Room B) 7:00 PM - School Board Regular Meeting (High School Library)	11	12	13
14	15	16	17 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	18	19	20
21	22	23	24	25 6:00 PM - CCMC Board Regular Meeting (CCMC Conference Room)	26	27
28	29 City Closed - Seward's Day	30 6:00 PM - Parks and Recreation Commission Regular Meeting (Cordova Center Rooms A & B)	31	01	02	03
04	05	06	07	08	09	10

2021 APRIL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	01	02	03
04	05	06	07 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	08	09	10
11	12	13 6:30 PM - Planning Commission Regular Meeting (Electronic)	14 6:00 PM - Harbor Commission Regular Meeting (Cordova Center Room B) 7:00 PM - School Board Regular Meeting (High School Library)	15	16	17
18	19	20	21 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	22	23	24
25	26	27 6:00 PM - Parks and Recreation Commission Regular Meeting (Cordova Center Rooms A & B)	28	29 6:00 PM - CCMC Board Regular Meeting (CCMC Conference Room)	30	01
02	03	04	05	06	07	08