

**I. CALL TO ORDER**

The special meeting of the Matanuska-Susitna Borough Assembly was held on March 15, 2005, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 3 p.m. by Mayor Timothy L. Anderson for the purpose of holding a joint Assembly/Planning Commission meeting.

**II. ROLL CALL**

Assembly members present and establishing a quorum were:

- Ms. Lynne Woods, Assembly District No. 1
- Mr. Talis J. Colberg, Assembly District No. 3
- Ms. Mary Kvalheim, Assembly District No. 4
- Ms. Jody Simpson, Assembly District No. 5
- Mr. Jim Colver, Assembly District No. 6 (*Deputy Mayor*)
- Ms. Betty Vehrs, Assembly District No. 7

Assembly members absent and excused were:

- Mr. Bill Allen, Assembly District No. 2

Planning Commission members present and establishing a quorum were:

- Mr. Chris Rose, District No. 1 (*Vice-chair*)
- Ms. Helga Larson, District No. 2 (*Chair*)
- Mr. Mark Masteller, District No. 3
- Mr. David Webster, District No. 5
- Mr. Larry LaGrone, District No. 6

Planning Commission members absent and excused were:

- Ms. Faye I. Palin, District No. 4
- Ms. Rose M. Jenne, District No. 7

Staff in attendance were:

- Ms. Michelle M. McGehee, CMC, Borough Clerk
- Mr. John Duffy, Borough Manager
- Mr. Murph O'Brien, Planning and Land Use Director
- Mr. Ron Swanson, Community Development Director
- Mr. Sev Jones, Chief of Planning
- Ms. Eileen Probasco, Planner II

### **III. APPROVAL OF AGENDA**

Mayor Anderson inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved as presented without objection.

### **IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Lee Sharp, a former member of the Planning Commission.

### **V. AUDIENCE PARTICIPATION**

The following person spoke regarding a draft ordinance on interim materials mining district, specifically in support of a grandfather clause: Mr. Steve Loves, Anchorage Sand and Gravel.

### **VI. ITEMS OF BUSINESS**

#### **A. Interim Materials District (*Requested by: Borough Administration*)**

Mr. O'Brien commended the industry on how well they have been willing to work with the Borough on this issue.

Ms. Probasco:

- stated that the draft ordinance for the interim materials district began in 2002 as a result of the core area zoning effort;
- stated that several work sessions were held and that the public was given the opportunity to review the draft legislation for the interim materials district in 2003;
- explained that a conditional use permit process was considered for smaller operations;
- discussed the three-tiered system in the draft legislation, the administrative permit, the conditional use permit, and the interim materials district;
- stated that some concerns members of the public have had regarding the industry have already been addressed by other agencies; and
- noted that the Borough has attempted to identify the issues that have not been addressed by other agencies.

Assemblymember Kvalheim inquired if there has ever been a reclamation done on any of our existing gravel pits.

Mr. O'Brien:

- stated that there have been some reclamation projects; and
- noted that the Alaska State Department of Natural Resources requires a reclamation plan for anything larger than five acres.

Ms. Probasco:

- stated that the intent is to make sure the Assembly is aware of how this project has evolved and to provide an update; and
- noted that there are still issues that need to be addressed such as pre-existing sites and grandfather rights.

Assemblymember Woods:

- stated that a mining permit is required for mining on State property; and
- inquired regarding mining that does not occur on State land.

Mr. O'Brien:

- stated that there is currently no mining permit required for property other than State-owned property; and
- noted that this legislation would require a permit.

Assemblymember Vehrs:

- voiced concern regarding grandfathering the larger companies;
- stated that she would like to see grandfather rights for smaller companies; and
- inquired how this legislation would impact the smaller companies.

Ms. Probasco referred to the staff memorandum outlining the different options for grandfathering.

Assemblymember Vehrs:

- stated that she is concerned with small businesses being able to withstand very strict regulations; and
- noted that they run small operations and that she would like to see that they are able to continue by working with reasonable regulations in order to continue conducting business.

Assemblymember Simpson:

- voiced concern regarding addressing this legislation at this point; and
- stated that the Assembly has not had the opportunity to review all of the public comments on this item or to discuss this in a work session.

Assemblymember Colver:

- commented that there are many problems associated with gravel pits in the Borough; and
- stated that this issue needs to be dealt with and provisions need to be made to address issues such as noise limits, impacts on surrounding properties, hours of operation, and grandfather rights.

Discussion ensued regarding the proposed legislation for an interim materials district.

B. Mandatory Development Permits (*Requested by: Borough Administration*)

Mr. O'Brien:

- introduced Sev Jones, the new Chief of Planning; and
- provided an overview of mandatory development permits.

Assemblymember Simpson inquired if a time devotion study for mandatory development permits has been performed in order to estimate the amount of staff time necessary for processing permits.

Mr. O'Brien replied that a time devotion study has not been performed at this time.

Commissioner Rose:

- stated that the Borough would be able to assess the value of new developments easier; and
- spoke in support of the mandatory development permits.

Commissioner LaGrone:

- stated that this would enhance generating revenue, provide information for new developments, and meet the requirements for the development; and
- voiced concern that the associated costs may not make it beneficial to the Borough.

Mr. O'Brien:

- stated that the processing time for a permit could take 30 minutes for an easy permit;
- noted that a more detailed permit would require more time; and
- stated that there are different staffing options to consider and explained the different options available.

Assemblymember Vehrs voiced concerns regarding the costs associated with adding more staff members.

Mr. O'Brien:

- stated that there are different things to consider when looking at the staff costs associated with the permits;
- noted that the costs of processing a vacation or variance is more expensive than having a permit;
- commented that the Borough is experiencing a large growth in population and the number of conflicts are increasing;
- stated that a permit process could facilitate a reduction in the number of conflicts, enhancing the quality of life; and
- noted that this is a general overview and the next step would be to obtain more detailed information on development permits.

Commissioner Larson:

- clarified that this is a land use permit, not a building permit;

- opined that this would benefit the owners and builders and save them from the hardship of correcting mistakes that they have inadvertently made;
- stated that revenue needs to be collected to pay for the program in order to not increase taxes to pay for the program; and
- commented that many people are unaware of the restrictions.

Discussion ensued regarding mandatory development permits.

C. Shoreline Impact Mitigation (*Requested by: Assemblymember Colver*)

Assemblymember Colver:

- discussed the voluntary shoreline mitigation measure that the Assembly recently approved;
- stated that Assembly and Planning Commission should consider a set of mandatory standards; and
- discussed the importance and the need to protect the water quality in the Borough.

Commissioner Masteller recommended starting with educating the members of the public with the voluntary compliance and the importance of protecting the water.

Mr. O'Brien:

- discussed the education that the Borough is currently providing to the community;
- proposed increasing the Water Quality position to a full-time position; and
- discussed beginning educational outreach to other areas such as schools.

Assemblymember Simpson:

- stated that the voluntary shoreline mitigation is a good start; and
- noted that she would like to see an application to move within the 75 feet if an individual has provided the mitigation.

Assemblymember Colver discussed tying voluntary compliance to a reduction in property taxes.

Commissioner Masteller spoke in support of incentive programs.

Assemblymember Vehrs:

- stated that she recently joined Wasilla Soil and Conservation;
- commented that the agency visited her home and provided her with a site plan;
- noted that the site plan included ideas and suggestions on how to protect the quality of water; and
- stated that she would like to see the Planning Department work closely with the different soil and conservation organizations and the Natural Resource Conservation Service (NRCS).

Discussion ensued regarding shoreline impact mitigation.

D. Core Area Zoning, How to Handle Growth (*Requested by: Commissioner LaGrone*)

Commissioner LaGrone:

- discussed the large growth in the Borough and the lack of protection for residential areas; and
- stated that he is looking for a way to address the growth and protect the residential areas of the Borough.

Mr. O'Brien:

- provided an update on the core area comprehensive plan;
- stated that Mr. Jones will be visiting the communities to continue pursuing the core area comprehensive plan; and
- noted that the Borough will need to go through the process of updating and adopting the plan and then they can start on a core area zoning area.

Commissioner LaGrone inquired regarding the time frame in which Mr. Jones will have the draft available.

Mr. Jones stated that a draft should be available in approximately 2 to 4 weeks.

Mr. O'Brien:

- stated that we needed to look at what has been developed so far; and
- noted that they may look at seeking consultant help in the future.

E. Borough's Timber Harvest/Land Management Plan for the Upper Susitna Valley  
(*Requested by: Commissioner Rose*)

Mr. Swanson:

- provided a chart on the pending sales and open timber sales within the Borough;
- noted that if the timber sale is under 40 acres, the Forest Practices Act does not apply;
- commented that all of the Borough timber sales are over 40 acres; and
- noted that the Assembly is holding a work session on March 24, 2005, to review forest management in the Borough.

Commissioner Rose:

- commented that he has been hearing concerns regarding the Montana Creek timber sale; and
- asked what the goal is of having timber harvests in the Borough and how much revenue is being generated.

Mr. Swanson:

- replied that many of these questions will be addressed at the work session on forest management;
- stated that the Forest Practices Act applies to the Montana Creek timber sale;
- explained the requirements of the Forest Practices Act;

- stated that the contractor for the Montana Creek timber sale is responsible for road maintenance, and that the road must be left in better or the same condition it was in before the sale;
- noted that there are speed limits posted for trucks and cars and commented that anyone working on the timber sale violating the posted speed limit is terminated;
- stated that they are required to use the pullover areas when school buses are on the roads;
- stated that the timber vehicles and the school buses are in constant radio contact; and
- addressed other concerns such as hours of operation.

Commissioner Rose:

- inquired how much the Borough earned per acre for the timber sale;
- asked what kind of staff hours are being used for enforcement; and
- inquired if the Borough has looked at other uses for the forests.

Mr. Swanson:

- replied that the Borough earned \$67 per acre;
- commented that the average amount earned for timber sales over the past few years is approximately \$70 per acre;
- stated that this amount is determined using a fair market value type system;
- stated that the Borough has looked at different uses for the forests many times over the years;
- noted that several years ago a study was done looking at various uses for the Borough forests;
- commented that the forest was found to be degenerative and that a timber harvest was a healthy step; and
- stated that the staff is not doing anything outside of their normal daily duties.

Assemblymember Vehrs:

- stated that she would like to see a long-term plan for forest management in the Borough; and
- voiced concerns regarding past timber sales within the Borough.

Discussion ensued regarding timber sales within the Borough.

## **VII. MAYOR, ASSEMBLY, PLANNING COMMISSION, AND STAFF COMMENTS**

Commissioner Masteller:

- discussed a new development near a creek with a lot of standing water; and
- voiced concern regarding platting developments with these issues.

Commissioner Webster:

- discussed the cell tower issue; and
- asked for Assembly help and guidance on the matter.

Commissioner Rose stated that the Borough needs to move forward quickly with making regulations on cell towers.

Commissioner LaGrone:

- voiced concern regarding the number of issues in the Planning Department that are behind and the length of time it takes to address problems; and
- discussed the need for cell tower regulations.

Commissioner Larson:

- noted that the Planning Commission has asked Mr. O'Brien to draft legislation regarding cell tower planning; and
- stated that it can be frustrating that it takes so long to solve problems.

Assemblymember Vehrs stated that she appreciated the discussion and that she heard a lot of valuable information at the meeting today.

Assemblymember Kvalheim agreed that it can take time to resolve issues, and discussed the importance of pushing forward.

Assemblymember Colberg:

- opined that it would be a mistake to put a grandfather clause in the interim materials district; and
- stated that there are reasons to do things differently with forest management.

Assemblymember Woods:

- thanked Commissioner Rose for representing Assembly District No. 1 on the Planning Commission;
- stated that she shares the members' impatience with the way things move slowly; and
- noted that the staff members work very hard.

Assemblymember Colver:

- thanked Commissioner Rose for his service on the Planning Commission;
- spoke to the time it takes to progress on projects; and
- discussed prioritizing projects and the high rate of growth in the Borough.

Mayor Anderson:

- thanked Commissioner Rose for his service on the Planning Commission;
- stated that everyone is impatience with the slow rate of progress of projects;
- opined that things are done correctly when a project moves slower; and
- thanked everyone for the positive discussion regarding growth planning.

**VIII. ADJOURNMENT**

The special meeting adjourned at 5:05 p.m.

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JIM COLVER, Deputy Borough Mayor

ATTEST:

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MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: April 5, 2005