MATANUSKA-SUSITNA BOROUGH
AGRICULTURE ADVISORY BOARD

Chairman –	Mark Stahl (03)	Derylee "Lee" Hecimovich (07)	Braden VanderWeele (12)
Vice Chair – James Skinner (09)	Jenny VanderWeele (04)	VACANT (08)	
VACANT (01)	VACANT (05)	Jon Olsen (10)	
Dick Zobel (02)	Steven Sawyer (06)	Erik "Moe" Johnson (11)	

AGENDA

REGULAR MEETING **February 19, 2020**
LOWER LEVEL CONFERENCE ROOM **4:30 P.M.**

I. CALL TO ORDER; ROLL CALL

II. ELECTION OF CHAIRMAN AND VICE-CHAIR

III. APPROVAL OF AGENDA; PLEDGE OF ALLEGIANCE

IV. AUDIENCE PARTICIPATION (Limit 3 minutes)

V. APPROVAL OF MINUTES

A. December 11, 2019

VI. ITEMS OF BUSINESS

A. Staff Report – Tracy McDaniel

VII. MEMBER COMMENTS (Limit to 3 minutes)

VIII. NEXT MEETING

- March 18, 2020 – 4:30 pm – DSJ Building – Lower Level Conference Room

IX. ADJOURNMENT

MATANUSKA-SUSITNA BOROUGH
AGRICULTURE ADVISORY BOARD

Chairman - Norman Harris (05)	Dick Zobel (02)	Steven Sawyer (06)	Jon Olsen (10)
Vice Chair - James Skinner (09)	Mark Stahl (03)	Derylee "Lee" Hecimovich (07)	Erik "Moe" Johnson (11)
Margaret Adsit (01)	Jenny VanderWeele (04)	VACANT (08)	Braden VanderWeele (12)

DRAFT MINUTES

REGULAR MEETING **December 11, 2019**
DSJ BUILDING **4:30 P.M.**
LOWER LEVEL CONFERENCE ROOM

I. CALL TO ORDER; ROLL CALL

Dr. Harris called the meeting to order at 4:31 p.m.

Members present and establishing a quorum were: James Skinner, Derylee Hecimovich , Jon Olsen, Erik Johnson, Mark Stahl, Steven Sawyer, Dick Zobel
Members Absent and Excused: Margaret Adsit, Dr. Harris, Jenny VanderWeele, and Braden VanderWeele
Staff present: Tracy McDaniel, Asset Manager
Jill Irsik, Dept. Admin Specialist

II. APPROVAL OF AGENDA; PLEDGE OF ALLEGIANCE

MOTION: Mr. Stahl moved, Mr. Zobel 2nd. Agenda approved.

III. AUDIENCE PARTICIPATION (Limit to 3 minutes)

IV. APPROVAL OF MINUTES

A. October 16, 2019

MOTION: Mr. Johnson moved, Mr. Stahl 2nd. Minutes approved.

V. ITEMS OF BUSINESS

A. Staff Report – Tracy McDaniel

- Ms. McDaniel reported that the Land and Resource Management Division's PPMs were passed by the Assembly on December 3, 2019. She can now move forward with a land sale in the near future.
- She has been working on pulling together the history of borough ag land sales, and is working on writing down the procedure for holding a future ag land sale.
- Drawing information for the PPM from recorded deeds and covenants, any subsequent legislation that has occurred over the years, and the land sale program under which the parcel was sold. Trying to establish a policy and procedure that says, "This is what has to be done based off of this information".
- Has drafted a very basic application form for conveyance of the farm unit or sub-farm unit for the '77 and '81 ag sales.
  - Has done away with the $500 application fee for this conveyance application.
- 9.1 Draft PPMs - Non-agriculturally businesses – too open ended as written, would like suggestions from board about this.

- Need orderly review of what is going on with that land. Random inspections should be going on.
  - The Borough does not have the budget to hire someone to inspect these lands.
- Farm Development Plan – Schedule and Extensions – looking for some way forward with releasing all the farms from their Farm Development Plan. They have the farm plan in the file; if any subdivision happens, the file would be updated; but to ask that they go back and show what had been done twenty years ago, is unproductive. It would affect 75 parcels.
  - Three things the borough can do 1) Enforce what we have, 2) release all the farms from their farm development plans, 3) Continue to do nothing.
  - Board agrees to move forward with figuring out how to release the existing farms from the Farm Development Plans.

B. 2020 meeting calendar – presented, no comments

VI. MEMBER COMMENTS (limit to 3 minutes)

- Mr. Skinner – nice to hear that the Assembly approved the PPMs.
- Mr. Johnson – NRCS is still planning the Local Working Group meeting.

VII. NEXT MEETING

A. January 15, 2020 - 4:30 pm - DSJ Building – Lower Level Conference Room

VIII. ADJOURNMENT

Mr. Skinner adjourned the meeting at 5:38 p.m.

_____

James Skinner, Vice-Chair

ATTEST:

_____

Jill Irsik
Department Administrative Specialist

Matanuska-Susitna Borough

MEMORANDUM

TO: Agriculture Advisory Board Members

THROUGH: Eric Phillips, Community Development Director

FROM: Tracy K. McDaniel, Asset Manager tkm

DATE: February 4, 2020 for the February 19, 2020 board meeting

RE: Agricultural Land Sales 1977, 1981, 1982, and 1983
Farm Use Development Plan/Farm Use Plan

At the December 2019 board meeting, during the review of the proposed policy and procedures for the former Title 13 agricultural land sale programs, staff discussed the farm use development plan (FDP) requirement that impacts each parcel. In order to finalize the draft policy and procedure, the farm use development plan should be addressed as implemented by the declaration of covenants or deed restrictions (depending on the year of the sale) since it is a "mandatory" requirement.

HISTORICAL BACKGROUND:

On May 16, 1995, the Agricultural and Forestry Advisory Board passed a motion unanimously, "to recommend to the assembly that when a landholder of any agricultural parcel has completed the farm plan requirement, and the financial obligation to the borough has been met and is given a quitclaim deed, etc., that they will not be required to file a farm plan with the borough." However, assembly legislation was never presented to change to the overall procedure for the four agricultural programs. The intent was to preserve the agricultural lands and allow the farmer to benefit from the "flexibility and latitude to deviate and explore other agricultural applications and techniques without having to first seek borough approval."

Past practice required the owner to request a release from a Farm Use Plan or Farm Use Development Plan (used interchangeably throughout the years) requirement. The Agricultural and Forestry Advisory Board would review the request and make recommendations to the

assembly. If approved by an assembly ordinance, a notice was recorded in the appropriate recording district. Very few owners made the request to be released from the requirement.

Originally, 50 farm units were offered for sale in the four agricultural land sale programs under former Title 13 (review of what actually sold is still in the process). With subsequent subdivisions over the years, there are now 73 agricultural rights parcels (farm units and sub-farm units) according to MSB assessment records, for an estimated 45 owners. During my review of the various agricultural sales programs and individual files from the 1977, 1981, 1982, and 1983 agricultural land sale programs, it appears that most of the original owners completed the FDP requirements, but never requested a release. Furthermore, all borough contracts for the agricultural sale programs are paid and the borough conveyed quitclaim deeds.

At this point in time, and due to the age of the agricultural land sale programs, it would be costly and time consuming for a staff of one to inspect each farm unit/sub-farm unit and enforce a FDP that the borough has not manage since the mid 1990's. Staff consulted with the attorney's office for a type of instrument that was all encompassing to release the requirement of a FDP on each parcel. It was determined that it would need to be a recorded document for each individual parcel owner, as it was done in the past when an owner requested to be released from the FDP.

Therefore, I recommend the following:

1. Write a letter to each owner explaining the issue and get their feedback to find out if there is an interest to release the FDP requirement for a nominal fee in order to cover the recording fees (draft attached).
2. If a majority of the owners shows an interest, pursue legislation from the Agriculture Advisory Board to the assembly recommending approval to release the FDP requirements.

Attached is a draft form for the Notice of Release from the Farm Development Plan that illustrates the type of instrument for recording.

Motion for the board to entertain: I move that staff send the current owners of the former Title 13 agricultural land sales a letter to see if there is an interest of a majority of the owner to release the farm use development plan requirement for a nominal recording fee.

Respectfully, Tracy

Tracy K. McDaniel, SR/WA, Asset Manager
Community Development Department | Land and Resource Management Division
350 E. Dahlia Avenue, Palmer, Alaska 99645
907.861.7864 Direct

MATANUSKA-SUSITNA BOROUGH
Community Development Department
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7869 • Fax (907) 861-8635
E-mail: lmb@matsugov.us
www.matsugov.us

[MONTH DAY], 2020

[NAME(S)]
[ADDRESS]
[CITY, STATE, ZIP]

Re: Borough Agricultural Rights Land Sales 1977, 1981, 1982 & 1983
Farm Use Development Plan requirement

Dear [MR./MRS. LAST NAME]:

You are receiving this letter as [an owner/owners] of an agricultural rights deed issued by the Matanuska-Susitna Borough (MSB) in either the 1977, 1981, 1982 or 1983 agricultural land sale program.

Through research of various agricultural sale files, minutes, and legislation, it was determined that a majority of owners never requested a release from their farm use development plan requirement. The farm use development plan requirement was implemented by declaration of covenants or deed restrictions, depending on the year of the land sale, as a "mandatory" requirement which could be released at the owner(s) request to the MSB Assembly.

As the landowner of an agricultural rights parcel, the MSB is inquiring if you would be interested in the MSB releasing this requirement at a cost of $25 to $35 for recording a Notice to Release the Farm Use Plan Requirement. If you are interested in participating in this process, please contact me at the phone number or email below by [MONTH DAY], 2020. Upon confirmation that a majority of owners show an interest in removing the requirement, I will prepare legislation for the MSB Assembly's approval to release the requirement by a recorded document and request that no application fee is required, only a recording fee from the owner as noted above.

Please feel free to contact me with any questions.

Sincerely,

Tracy K. McDaniel, SR/WA | Asset Manager
Matanuska-Susitna Borough
Community Development Department
Land & Resource Management Division
350 E. Dahlia Avenue, Palmer, Alaska 99645
907.861.7864 (direct) | tracy.mcdaniel@matsugov.us (email)

2020/02/04 DRAFT

DRAFT

NOTICE OF RELEASE FROM THE
FARM USE/DEVELOPMENT PLAN REQUIREMENT

NOTICE IS HEREBY GIVEN that the MATANUSKA-SUSITNA BOROUGH, a municipal corporation, whose address is 350 E. Dahlia Avenue, Palmer, Alaska 99645, **does hereby release** [NAME(S)] whose address of record is [ADDRESS], including their successors and assigns, from the condition that their agricultural parcel shall be utilized in accordance with the farm use development plan/farm use plan, for the following described real property:

[INSERT LEGAL DESCRIPTION]

As set out by the Grantor, the Matanuska-Susitna Borough, in that certain Quitclaim Deed recorded on [DATE RECORDED], at Book [XX] and Page [XX], conveyed all agricultural rights in and to the surface of the property described herein, under the condition that the agricultural rights shall be utilized in accordance with the Grantee's farm use development plan/farm use plan.

As set out by Matanuska-Susitna Borough Assembly Ordinance Serial No. 2020-XXX, which allows the manger to release the Grantee/Grantee's, their successors and assigns, from the farm use development plan/farm use plan requirement on the above described lands.

THEREFORE, the Matanuska-Susitna Borough Manager does hereby release [NAME] from the requirement to utilize their agricultural parcel in accordance with the farm use development plan/farm use plan.

RELEASE from the farm use development plan/farm use plan **does not** release the Grantee/Grantee's from the Covenants, Conditions, and Restriction separately recorded nor from the requirement that the use of the property be for agricultural purposes and for maximizing the agricultural potential of the property and all other reservations, easements, covenants, conditions, restrictions, plat notes, and exceptions of record.

DATED this _____, day of _____, 20XX.

GRANTOR:
Matnauska-Susitna Borough

_____
John Moosey, Manager

STATE OF ALASKA)
) ss.
Third Judicial District)

The foregoing instrument was acknowledged before me this _____, day of _____, 20XX, by JOHN MOOSEY, manager of the Matanuska-Susitna Borough, a municipal corporation organized and existing under the laws of the state of Alaska, on behalf of the corporation.

[NOTARY SEAL]

_____
Notary Public for State of Alaska
My commission expires:_____

RETURN TO:
MSB/L&RMD
350 E. Dahlia Avenue
Palmer, Alaska 99645