I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on March 23, 2004, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Deputy Mayor Jim Colver for the purpose of holding a joint Assembly/Planning Commission/Platting Board meeting.

(Deputy Mayor Colver noted that a quorum of the Platting Board was pending the arrival of a Platting Board Member and that the presentation on wetlands banking from Critical Habitats, Inc. would be allowed at this time.)

(Ms. Dillon called the role of the members for the record.)

II. ROLL CALL

Assembly members present and establishing a quorum were:
- Mr. J. Bruce Bush, 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)

Assembly members absent and excused were:
- Mr. Bill Allen, Assembly District No. 2
- Ms. Betty Vehrs, Assembly District No. 7

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. David Webster, District No. 5
- Mr. Gary Wolf, District No. 6
- Ms. Rose M. Jenne, District No. 7

Planning Commission members absent were:
- Ms. Faye I. Palin, District No. 4

Platting Board members present and establishing a quorum were:
- Mr. Patrick Johnson, District No. 4 *(arrived at 6:30 p.m., quorum established)*
- Mr. William Bruu, District No. 5 (Vice-chair)
- Ms. Claudia Roberts, District No. 6
- Mr. Steve Heinrich, District No. 7

Platting Board members absent were:

Ms. Janet Kincaid, District No. 1 (Chair)
Mr. Alan L. Larson, District No. 2
Ms. Janet Whitfield, District No. 3

Staff in attendance were:

Ms. Sandra A. Dillon, CMC, Borough Clerk
Ms. Teresa S. Williams, Borough Attorney
Ms. Michelle M. McGehee, Deputy Borough Clerk
Mr. Ron Swanson, Community Development Director
Ms. Susan Dickinson, Planning Director
Mr. Murph O=Brien, Planning Chief
Mr. Paul Hulbert, Platting Officer

VI. ITEMS OF BUSINESS

A. Wetlands Banking Briefing Presentation B Critical Habitats, Inc.

Mr. Swanson:

- introduced Mr. Kevin Noon, President of Critical Habitats, Inc.;
- spoke regarding 350,000 acres of land acquired from the state;
- overviewed the asset management process, resources available to the private sector, and the development of some wetland areas;
- noted that 40,000 acres are considered critical wetlands;
- spoke regarding Mr. Noon=s experience and specialty in environmental banking; and
- introduced Mr. Noon to the members of the Assembly.

Mr. Noon, President of Critical Habitats:

- described the concept of environmental banking;
- spoke regarding developers and mitigation opportunities for different organizations;
- stated that a permit for development requires subsequent compensation for wetland development;
- advised regarding an incentive-based program designed by regulatory agencies;
- remarked that a third party creates compensatory mitigation on a large scale;
- noted that applicants can purchase credits for what is destroyed;
- spoke regarding the benefits to developers;
- advised that developers are required to create mitigation before a development project has been completed;
- noted the ecological benefits and regulatory benefits derived from environmental banking;
- spoke regarding the implementation of environmental banking in the Borough, the process of the feasibility study, and the analysis of land holdings;
- advised that he has met with various regulatory agencies to establish credibility and to confirm the site selection process; and

- stated that the next stage of the process is to refine the conceptual plan and define a partnership structure with the Borough.

Discussion ensued regarding:
- the certification process of bankers;
- the criteria used in the feasibility study;
- mitigation banking review teams;
- available credits certified through the bank;
- the placement of contingency plans;
- water quality improvement;
- the storage of storm water;
- the potential partnership structure;
- identifying critical wildlife habitats; and
- estimating the number of acres to be preserved.

(Platting Board Member Patrick Johnson arrived at this time.)

III. APPROVAL OF AGENDA

Deputy Mayor Colver inquired if there were any changes to the agenda.

Deputy Mayor Colver noted that item V., Audience Participation, would be moved to the end of the agenda before comments are presented.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. William Bruu.

VI. ITEMS OF BUSINESS

B. Proposed Title 17 Amendments

Ms. Dickinson:
$ spoke regarding a memo that she had distributed that outlined a number of proposed amendments to MSB Title 17;
$ noted that three items listed in the memo are actually contained in MSB Title 8;
$ commented that she has been working with the Attorney, the Clerk, and staff on the amendments;
$ overviewed the proposed amendments; and
$ provided the members with an ordinance work order form to request any additional amendments.

Discussion ensued regarding:

- $ proposed amendments for bed and breakfast standards and regulations; and
- $ the ordinance review committee that has been established to look at proposed ordinances and code amendments.

C. Site Condos

Mr. O=Brien:

- $ reported regarding standards related to the building and operation of site condos;
- $ commented that residents of site condos own the units, but usually not the property associated with the unit;
- $ noted issues associated with emergency access to site condos due to poor parking and driveway standards;
- $ spoke regarding how the Municipality of Anchorage is addressing site condo regulations on a conditional basis; and
- $ spoke to implementing a conditional permit process for site condos in the Borough.

Discussion ensued regarding:

- $ providing emergency services to site condo developments;
- $ the provision of road maintenance to site condo developments;
- $ the issuance of a land use permit regarding the construction of site condos;
- $ potential water and sewer problems associated with site condos, including well contamination;
- $ the possible implementation of mandatory regulations for planned unit developments; and
- $ the willingness of banks to now finance site condo developments.

D. Double Fronting Lots and Setback Consequences *(Platting Board)*

Platting Board Member Claudia Roberts:

- $ spoke regarding double-fronting lots that contain two or three right of ways;
- $ noted a lack of restrictions against double-fronting lots; and
- $ commented regarding the importance of providing relief for property owners and addressing the issue of setbacks in the development of subdivisions.

Discussion ensued regarding:

- $ setback regulations contained in MSB Title 17;
- $ setback issues resulting in not being able to finance properties due to encroachments; and
- $ vacating public right-of-ways in order to address setback issues.

Deputy Mayor Colver inquired if there was any objection to preparing an amendment to address the issue of double-fronting lots.

No objection was noted.

E. Affect of Well Radius on Adjoining Properties *(Platting Board)*

Mr. Hulbert:
- spoke regarding the radius of wells;
- $ noted the affect on adjoining properties if one lot contains a community well;
- $ commented that a well radius is 200 feet;
- $ spoke to the difficulties of placing a well on a lot;
- $ remarked that developers usually try to place wells in the right-of-way;
- $ stated that conflicts exist in regard to well radius and septic placements;
- $ spoke regarding well radius overlap on corner lot properties; and
- $ remarked that it would be prudent to make non-objection letters of adjacent property owners mandatory.

Discussion ensued regarding:
- $ providing a park or community area as a well protection area;
- $ acknowledgment of a developer that they will be losing lot space in order to benefit property owners;
- $ attaching well and septic plats for each lot when drafting the covenants of a new subdivision;
- $ obtaining the acknowledgment of property owners regarding the well and septic plats;
- $ non-binding acknowledgments from one property owner to another;
- $ Alaska State Department of Environmental Conservation septic regulations;
- $ underlying titles to plat reservations;
- $ the Alaska State Department of Environmental Conservation=s lack of enforcement authority in regard to the issues; and
- $ a needed requirement in Borough Code to show the protected well radius on plats.

F. Right-of-Way Vacations - Setback and Variance Requests *(Platting Board)*

Mr. Hulbert:
- spoke regarding the need for encroachment relief for the vacation process;
- commented regarding applications to the Planning Commission requesting legal non-conformity status; and
- noted how setback and variance requests often result in right-of-way vacations.

Discussion ensued regarding:
- incentives to builders to follow platting regulations, including fees; and
- a land use permit process being helpful to alleviate some of the issues.

G. Mandatory Building Acknowledgments and Incentives *(Platting Board)*

Mr. Hulbert:
- noted that this item of discussion was a continuation of the previous item of business; and
- advised that building acknowledgments are voluntary in the platting process and not mandatory at this time.

Ms. Dickinson commented that it may be in the best interest of the community to have a more definitive permitting process.

Discussion ensued regarding:

- how a site development permit would allow property owners to meet with staff in advance to identify buildable area;
- disclosure requirements for coal bed methane leases;
- devising an action plan to address the mandatory building acknowledgment issues that have been discussed; and
- obtaining the services of a professional land surveyor to identify problems areas with regard to buildable area before a buyer attempts to finance through a bank.

H. Large Developments B Designating School Tracts *(Platting Board)*

Mr. Hulbert advised that there is no provision in MSB Title 16 that states if a large number of lots are being developed that there should be land set aside for future school sites.

Discussion ensued regarding:

- large lot developments currently in the Borough;
- the number of residents that are contained in large lot developments;
- traffic patterns in large lot developments;
- basing the requirement of a school site on the density of the population in the area; and
- the development of schools being shared by developers in adjoining large lot areas.

V. AUDIENCE PARTICIPATION

(There were no persons present who wished to testify.)

VII. MAYOR, ASSEMBLY, PLANNING COMMISSION, AND PLATTING BOARD COMMENTS

Ms. Dickinson:

- thanked the members for being at the meeting;
- commented that the debate is very valuable;
- stated that the Borough Code does not require that amendments to MSB Title 8 go before the Planning Commission for review;
- noted that these revisions would go directly before the Assembly;
- reminded the members to fill out the ordinance form in order to address double-fronting lots; and
- advised that March 31, 2004, is the first meeting of the Citizens Advisory Committee for Title 16 Rewrite Committee.

Planning Commissioner Larson:
- noted her concerns regarding the sale of Borough land in an area where there may be a need for a school site in the future; and
- encouraged the Borough to retain some 40-acre tracts for this purpose.

Deputy Mayor Colver encouraged the Planning Commission to be aware of development requests and potential land sales when considering future school sites.

Platting Board Member Johnson thanked the members for good discussion during the meeting.

Assemblymember Simpson asked for a staff update of the Core Area Comprehensive Plan update.

Ms. Dickinson:
- advised that staff is working with a contractor on the update; and
- stated that she will advise the Assembly regarding a time frame for completion of the final draft.

Assemblymember Simpson inquired if the Planning Department intends to address some of the issues discussed this evening in the Core Area Comprehensive Plan update.

Ms. Dickinson advised that most of the issues discussed this evening are non-areawide.

Planning Commissioner Wolf:
- encouraged a planning study to further identify future infrastructure including schools and utilities; and
- stated that designation of land should be a priority.

Platting Board Member Roberts thanked the members for the meeting.

Planning Commissioner Webster thanked the members for the meeting.

Platting Board Member Heinrich:
- commented regarding the misplacement of wells and septics on properties; and
- spoke regarding the Caswell Lakes area as an emerging community that has no land reserved for future school sites.

Planning Commissioner Rose:
- commented that it is useful to have the Assembly, the Planning Commission, and the Platting Board meet jointly;
- spoke regarding Mr. Noon's presentation on wetland development; and
- advised that carbon emissions trading is also a valuable asset to consider.

Assemblymember Bush:
- stated that he liked the concept of carbon emissions trading;

- noted his concerns regarding emissions trading; and
- commented that the State backed away from the concept due to some potential problems with development.

Ms. Williams spoke in reference to the documentation she distributed to the Assembly on quasi-judicial issues, effective prosecutions of Borough Code violations, and the legal opinion requested on the Mayor's ability to break a tie in relation to an Assembly appointment of an executive position.

Ms. Dillon:

- advised the Planning Commission and the Platting Board members that she had submitted her notice to retire;
- stated that she will be taking the summer off;
- commented that it has been a pleasure working with everyone;
- noted that April 27, 2004, is the budget meeting with the Assembly and the School District;
- reminded members of the Assembly to bring their School District budgets; and
- advised that she has made arrangements to teleconference the Special Orders section of the April 6, 2004, Assembly meeting from Talkeetna Elementary School to the Borough Assembly Chambers.

Deputy Mayor Colver:

- stated that it is helpful to send out meeting reminders to all members of the boards prior to meetings in order to ensure that a quorum is present; and
- commented that he would like to have an Assembly work session scheduled regarding development permits prior to staff spending a lot of time on the issues to make sure that staff has a clear direction.

VIII. ADJOURNMENT

The special meeting adjourned at 8:15 p.m.

/S/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/S/

MICHELLE M. MCGEHEE, Borough Clerk

Minutes approved: April 6, 2004