

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on March 26, 2013, at the Borough School District Administration Building, 501 N. Gulkana Street, Palmer, Alaska. The meeting was called to order at 6:01 p.m. by Presiding Officer Salmon for the purpose of holding a joint Assembly/Planning Commission meeting and taking up Ordinance Serial No. 12-169.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Warren Keogh, Assembly District No. 1
Mr. Noel Woods, Assembly District No. 2
Mr. Ronald Arvin, Assembly District No. 3 (*Deputy Mayor*) (*entered telephonically at 6:25 p.m.*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Darcie K. Salmon, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Mr. Vern Halter, Assembly District No. 7

Planning Commission Members present and establishing a quorum were:

Mr. Brian Endle, Seat 1
Mr. Thomas Healy, Seat 2 (*attended telephonically*)
Mr. John Klapperich, Seat 3 (*Planning Commission Chair*)
Mr. Bruce Walden, Seat 4
Mr. Tom Adams, Seat 6
Mr. Vern Rauchenstein, Seat 7

Planning Commission Members absent and excused:

Mr. William Haller, Seat 5

Staff in attendance were:

Ms. Jamie Newman, Deputy Borough Clerk
Mr. George Hays, Assistant Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Brenda J. Henry, Assistant Clerk
Ms. Pamela Graham, Grants and Project Coordinator
Ms. Mary Brodigan, Administrative Secretary II
Ms. Frankie Barker, Environmental Planner II
Ms. Peggy Fowler, Platting Technician
Ms. Eileen Probasco, Planning and Land Use Director
Ms. Lauren Driscoll, Chief of Planning
Mr. Paul Hulbert, Platting Officer

III. APPROVAL OF AGENDA

Presiding Officer Salmon 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 Planning Commission Chair John Klapperich.

V. AUDIENCE PARTICIPATION

The following person spoke to concerns with making changes to Title 43: Mr. Marty Van Diest, Planning Board Member.

VI. JOINT ITEMS OF BUSINESS

- A. Matanuska-Susitna Borough Annual Community Survey Presentation – Dr. Sharon Chamard (*Requested by Administration*)

Dr. Sharon Chamard provided a presentation regarding the Matanuska-Susitna Borough Annual Community Survey.

Assemblymember Halter requested the data regarding revenue and taxation.

Dr. Chamard:

- advised that the source book is the product of the survey and published every year; and
- related that the comprehensive data is available on the Justice Center website at <http://justice.uaa.alaska.edu/>.

Assemblymember Halter queried if there was any information supporting an increase in the bed tax.

Dr. Chamard:

- stated that 11.7 percent of respondents stated that they strongly agreed with increasing the bed tax;
- further stated that 5.1 percent said they agreed;
- noted that approximately 19 percent were neutral;
- stated that 27.5 percent disagreed;
- related that approximately 17 percent strongly disagreed; and
- advised that over the last five years, that rating has remained constant.

Discussion ensued regarding:

- if and how the census blocks affected the survey results;
- how the data is measured and what services drive the satisfaction of the participants;

- how performance measures impact the data;
- the data comparisons for the last five years;
- comments regarding the improvement of road service area maintenance in the last two years; and
- concerns with the rating for commercial lighting regulation.

B. Stormwater Management Plan Update *(Requested by Administration)*

Ms. Probasco provided an update on the Stormwater Management Plan.

Planning Commission Member Adams queried what kind of burden the project could put on the Borough.

Ms. Probasco:

- stated that it would not burden the Borough, however, it would ensure that things are constructed a certain way in order to accommodate stormwater runoff; and
- related that it will have a staff time impact.

Assemblymember Colver queried the advantage to moving forward with this project before it is mandated to begin.

Ms. Probasco:

- noted that the Alaska State Department of Environmental Conservation is following the process very closely;
- stated that they are happy with how the Borough is moving forward; and
- advised that the advantage to moving forward now, is that the Borough gets to drive the development of the project rather than being dictated as to how it will proceed.

C. Matanuska-Susitna Borough 50th Anniversary Update *(Requested by Administration)*

Ms. Pamela Graham provided an update regarding the Matanuska-Susitna Borough 50th Anniversary.

D. Fisheries Update *(Requested by Administration)*

Ms. Barker provided an update regarding fisheries issues.

Assemblymember Colligan:

- spoke to his appreciation of the update; and
- queried if \$1,080,000 had already been appropriated for fish passage projects.

Ms. Barker spoke to the many sources for fish passage funding that have been provided.

Discussion ensued regarding:

- that funds come before the Assembly for appropriation for each Borough fish passage project;
- that federal funding requires a match;
- the importance of getting State matching funds for fish passage projects;
- how the funds spent by anglers was computed;
- the comprehensive report showing where the funds are being spent statewide;
- the value in working closely with the Alaska Board of Fisheries;
- concerns with fish passage project funds declining; and
- the request for funding within the budget to cover travel expenses for the MSB Fish and Wildlife Commission members.

E. MSB 17.73, Multi-Family and MSB 17.74, Substandard Housing *(Requested by Assemblymember Colver)*

Presiding Officer Salmon advised the public that the public hearing regarding the Ordinance on MSB 17.73 ordinance has already closed.

Assemblymember Colver:

- noted that the possible legislation regarding MSB 17.74 was drafted as a back-up to the multifamily ordinance; and
- stated that he would like to have the input of the body regarding substandard housing.

Planning Commission Chair Klapperich noted that there was a lot of public testimony received by the Planning Commission.

Planning Commission Member Adams:

- stated that generally, the Planning Commission has agreed that if MSB 17.73 is written correctly, that it would be sufficient to address substandard housing;
- noted that a change in the density levels could impact the philosophy of MSB 17.74; and
- spoke to the concerns with having to review the density levels.

Discussion ensued regarding:

- whether or not to raise the density levels to larger than what could accommodate a six-plex;
- the history of the amendments made to date;
- concerns with changing the density levels contrary to the advice of the Planning Commission;
- concerns with adopting MSB 17.74 unnecessarily; and
- that the Planning Commission recommended to retain the current densities that are in code.

(The meeting recessed at 7:06 and reconvened at 7:15 p.m.)

F. Recommendations from the Planning Division and Platting Department for Improvements to Title 43 *(Requested by Assemblymember Keogh)*

Ms. Fowler provided a report on the recommendations from the Planning Division and the Platting Division for changes to Title 43.

Assemblymember Keogh:

- thanked staff for compiling the memorandum outlining suggested changes; and
- queried how staff is dealing with the current inconsistencies in code.

Mr. Hulbert advised that when issues are identified, the practice is to default to the more restrictive portions of code.

Discussion ensued regarding:

- the housekeeping items outlined in the update that are routine tasks that must be done in order for a system to function efficiently;
- that the procedural items relate to the administration of the code by Platting Staff;
- that by fixing inconsistencies in code it would clear up contradictory elements or those that lack compatibility with other sections of the code;
- that the substantial items that are being suggested, may be something that the Assembly may want to discuss or provide more input on;
- the history of the cases submitted to the Platting authority since April of 2011;
- that restating variance compliance is typical language, such as what is in State law;
- that zoning code is more restrictive than platting code; and
- that it is up to the Assembly as to how much variance they would like to allow.

VII. PLANNING COMMISSION COMMENTS

Planning Commission Member Adams:

- requested that consideration be given to minimum density levels; and
- stated that he is looking forward to reviewing the proposed changes to Title 43.

Planning Commission Member Endle:

- opined that the felony flats area could have been avoided through current code; and
- stated that the Assembly should look into that.

Planning Commission Member Healy:

- spoke to his appreciation of the information received this evening; and
- noted his concerns regarding density issues.

Planning Commission Chair Klapperich:

- spoke to how the Planning Commission conducts public hearings;
- opined that the community benefits from proper planning;
- spoke to the attendance of the Planning Commission; and
- thanked the Planning Commission for always being prepared and arriving on time.

Presiding Officer Salmon:

- noted that the joint items of business have concluded; and
- invited the Planning Commission to remain at the dais if they would like to do so.

[Clerk's note: The Planning Commission remained at the dais for the rest of the meeting.]

VIII. ASSEMBLY ITEMS OF BUSINESS

A. Ordinance Serial No. 12-169: AN ORDINANCE AMENDING MSB 17.73, MULTIFAMILY DEVELOPMENT DESIGN STANDARDS, AND MSB 17.125.010, DEFINITIONS. *(Sponsored by Assemblymembers Halter and Salmon)*

1. IM No. 12-258

MOTION PENDING: Assemblymember Halter moved to adopt Ordinance Serial No. 12-169.

MOTION PENDING: Assemblymember Salmon moved a primary amendment to Ordinance Serial No. 12-169, MSB 17.73.040(A) as follows:

- (A) by striking the words “determined using either of the two equations listed below;”
- (A)(1) by striking the number “five” and inserting in its place twelve;”
- by striking (A)(1)(a) and (A)(1)(a)(i) in their entirety; and
- by striking (A)(2) in its entirety.
- To read: “(A) A density threshold is used by this chapter to determine if the chapter applies. The density threshold is:
(1) residential development constructed at a density equal to or greater than five dwelling units per 40,000 square feet of lot area.”

Assemblymember Colver requested a staff report.

Ms. Driscoll provided a staff report.

Assemblymember Salmon stated that if there was no objection, he would withdraw his primary amendment.

There was no objection noted.

MOTION: Assemblymember Colligan moved a primary amendment to Ordinance Serial No. 12-169, MSB 17.73.190, to strike the current language and inserting in its place the following:

- “(B) Landscaping. The existing natural landscape, especially healthy plants, shrubs, and trees indigenous to the area, should be preserved to an extent that is reasonable and feasible. Further, if it is not prudent to retain existing vegetation or no existing vegetation

exists, the site shall be designed to accommodate landscaping. The following landscaping standards apply:

- (1) Landscape Plan.
 - (a) The applicant's proposed landscape plan will indicate the project's compliance with these standards.
- (2) Plant Materials.
 - (a) Retain at a minimum, 10 percent of the existing ground cover, natural plant species, and healthy tree canopy of the lot, including the understory and foliage; or
 - (b) Install landscaping for 10 percent of the area within a 100-foot radius of each structure on the property.

Installed landscaping shall be:

- (i) a species known to reach a minimum height of at least three feet and tolerant of the climate zone;
 - (ii) established within two years of the project's application.
- (3) Perimeter Landscaping.
 - (a) The perimeter(s) of the subject property adjacent to developed or developable properties, other than a street edge, require a perimeter landscape buffer.
 - (i) vegetation used for the perimeter buffers shall be at a minimum, three feet in height at the time of installation.
 - (ii) vegetation used for the perimeter buffers shall be species known to reach a minimum height of six feet and tolerant of the local climate zone.
 - (b) Perimeter buffers shall be landscaped with a combination of evergreen trees or shrubs at a ratio of 1 per 40 linear feet of edge, measured on center. Fractional requirements will be rounded up.
 - (c) All perimeter landscaping located on corner lots shall be located and maintained so as not to obstruct vehicular/driver visibility in accordance with the American Association of State Highway and Transportation Officials (AASHTO) standards.
 - (d) Exception. If the application has multiple lots that will be part of one large multifamily development, perimeter landscaping is only required around the perimeter of the overall development area.
- (4) Perimeter Fences and Walls.

- (a) A perimeter fence or wall is not required but may be installed. If a perimeter fence or wall is installed, in addition to the perimeter landscaping, then the following standards apply:
- (i) walls and fences shall be constructed of high-quality materials, such as treated wood, decorative blocks, brick, stone, wrought iron, chain link, and other natural and appropriate building materials.”

MOTION: Assemblymember Keogh moved a secondary amendment to MSB 17.73.190(A)(3)(a), by striking the word “property” inserting the word “development” in its place.

VOTE: The secondary amendment passed without objection.

Assemblymember Arvin spoke to concerns that the amendment eliminates the need for specificity.

Ms. Driscoll:

- advised that it has not been an issue that has previously come up;
- noted that most projects come in with a defined project area; and
- related that it is not difficult to get developers to define where their development area is.

VOTE: The primary amendment passed without objection.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 12-169, MSB 17.73.030, to insert a new subsection (D) to read: “The provisions of this chapter may not be used to permit multi-family developments or buildings within recorded subdivisions with covenants prohibiting multi-family developments.”

Assemblymember Salmon opined that the amendment was unnecessary because covenants can be enforced civilly.

Assemblymember Arvin noted that he supports the amendment in theory but does have concerns.

Discussion ensued regarding:

- that the Borough does not have the authority to enforce covenants;
- concerns with promoting activities that are prohibited by covenants; and
- that covenants are not filed with the Borough.

VOTE: The primary amendment failed with Assemblymembers Keogh, Colver, and Halter in support.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 12-169, MSB 17.73.140(D)(2), by reinserting the language in section (D), which reads: "The structural extension above 45 feet will not adversely impact the available views and access to sunlight of adjacent and surround properties."

Assemblymember Colver stated that the intent of the amendment is to protect homeowners from their sunlight being blocked by an adjacent property owner who may install things, such as solar panels in their yard.

Assemblymember Arvin spoke to concerns with adjacent property owners dictating what their neighbors can do with their property.

VOTE: The primary amendment passed with Assemblymembers Arvin, Colligan, and Salmon in opposed.

MOTION: Assemblymember Colver moved a primary amendment to Ordinance Serial No. 12-169, MSB 17.73.100(A)(1) and (2), by reinserting the language in (A)(1) to read: "(A) All multifamily dwellings: (1) shall comply with current Alaska State Fire Code; (2) may be subject to a nonstructural fire and life safety plan review before construction may begin."

VOTE: The primary amendment passed with Assemblymember Salmon opposed.

VOTE: The main motion passed as amended without objection.

IX. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Assemblymember Colver:

- spoke to his pleasure that Title 43 is promoting development;
- stated that he appreciates the public testimony that has been received; and
- spoke to concerns with amendments diluting the intent of the legislation.

Assemblymember Colligan:

- thanked the Planning Commission for the joint meeting;
- stated that he was happy to have Planning Commission Member Walden at the meeting and in good health; and
- welcomed Planning Commission Member Endle.

Assemblymember Woods opined it was a very useful meeting.

Assemblymember Halter:

- thanked the body for the joint meeting; and
- spoke to his appreciation of the report regarding changes to Title 43.

Assemblymember Arvin:

- stated that it is good to remember the goals and objectives of the Assembly;
- opined that the Planning Commission is doing an outstanding job;
- spoke to his appreciation of their hard work; and
- requested that amendments be provided to the body in advance of the meetings when possible.

Assemblymember Keogh:


- related that today was the first meeting of the Tall Tower Advisory Committee;
- stated that they will be taking up the issue of the tall tower ordinance; and
- noted that he is looking forward to reviewing their suggestions.

Assemblymember Salmon:

- provided a history of how felony flats came to be;
- noted that the surrounding area is all commercial use;
- opined that no one would ever build a home in that area, even though it is residential, due to commercial development that surrounds the parcel;
- spoke to his desire to work to protect individual property rights;
- thanked the Planning Commission for their hard work;
- welcomed Planning Commission Member Endle; and
- spoke to his appreciation of staff and their hard work.

X. ADJOURNMENT

The meeting adjourned at 8:30 p.m.


LARRY DEVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes Approved: 04/16/13