

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on March 28, 2000, at the Matanuska-Susitna Borough Assembly Chambers, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Darcie K. Salmon. The purpose of the special meeting was to meet jointly with the planning commission.

II. ROLL CALL

Assembly members present and establishing a quorum were:

- Mr. Larry DeVilbiss, Assembly District No. 1
- Ms. Sara Jansen, Assembly District No. 2
- Mr. James Colberg, Assembly District No. 3
- Mr. Dan Kelly, Assembly District No. 4 (entered at 6:05 p.m.)
- Ms. Jody Simpson, Assembly District No. 5
- Mr. Jim Turner, Assembly District No. 6
- Mr. Doyle Holmes, Assembly District No. 7 (Deputy Mayor)

Staff in attendance were:

- Ms. Sandra Dillon, Borough Clerk
- Mr. Michael J. Scott, Borough Manager
- Mr. Michael Gatti, Borough Attorney
- Ms. Elizabeth Manfred, Borough Deputy Clerk

Planning Commissioners present were:

- Ms. Cynthia Payne, District 2
- Mr. Tim Anderson, District 3
- Ms. Mary Kvalheim, District 4
- Mr. Craig Savage, District 5, Chairman
- Mr. Dick Stoffel, District 6
- Mr. William Moll, District 7

Planning Commissioner absent and excused:

- Mr. Steve Rowland, District 1

Planning Department staff present were:

- Mr. Rick Brown, Planning Officer, Acting Planning Director
- Ms. Sandy Garley, Planning Chief
- Ms. Priscilla Goff, Planning Department Secretary

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Planning Commission Chairman Savage.

V. JOINT ASSEMBLY/PLANNING COMMISSION MEETING

A. NEW BUSINESS

1. Euclidean Zoning

Commissioner Anderson:

- Stated that two of the three incorporated cities within the borough have Euclidean zoning and requested an open discussion.

Discussion followed.

Assemblymember Holmes:

- Expressed concern with flexible zoning and suggested that the issue be postponed until the Euclidean zoning could be introduced to the general public.
- Explained his perception of the zoning process: (1) design of regular land designations in separate districts where a set number of residents are required for a zoning request; (2) letters mailed to residents in that specified area asking if they want zoning and give options; and (3) letters advising residents of the specified area zoned and the classification designated.
- Recommended two types of systems: zoning and transition.
- Suggested that a title of his suggestion be "local option zoning."

(Assemblymember Kelly entered the meeting at 6:05 p.m.)

Assemblymember Jansen:

- Stated that the residents in core area want some kind of zoning.
- Supported advising the public about both Euclidean and flexible zoning.
- Expressed her opposition to slowing down the flexible zoning process and voiced an interest in Euclidean zoning.

Assemblymember Kelly:

- Commented that flexible and Euclidean zoning are not compatible.
- Suggested that the less populated areas may have flexible zoning.
- Explained that people are afraid of zoning because they think they will lose their right to build whatever they wish.
- Believes Euclidean zoning is best for the core area.
- Voiced support for updated the borough's 1970 comprehensive plan.

Assemblymember Turner:

- Stated that a permit system is generally favored, but that it can become overly bureaucratic and time consuming.
- Stated that flexible zoning is a compromise of the permit system and Euclidean zoning: flexible zoning does not preclude uses; and Euclidean zoning precludes uses based on arbitrary decisions and districts.
- Opposes Euclidean zoning because it precludes uses.

Assemblymember Colberg:

- Commented that zoning protects as well as prohibits infringements.
- Advocated that the planning commission distribute information regarding Euclidean and flexible zoning to the public and request public preference.

Discussion followed.

Assemblymember Jansen inquired about the planning commission's position on Euclidean zoning.

Planning Commission Chairman Savage responded that the commission decided to pursue flexible zoning.

Discussion continued.

Ms. Garley clarified that the borough has not yet entered the public participation portion of zoning plan.

Discussion continued.

Mr. Scott:

- Announced that April 12, 2000, or before, is the projected date for mailing the community survey.
- Commented that the manager's strategic plan does speak to zoning and stated his intention to bring it back for assembly consideration.
- Expressed concern regarding the possible additional development time with Euclidean zoning after having spent 18 months developing the flexible zoning plan.
- Shared his thoughts that if the tax cap passes in November, there will be a move for the core area to become its own city in order to receive the needed services.
- Remarked that the borough needs to move expeditiously to zone in areas where there was a positive zoning vote as reflected in the October 1999 ballot proposition.
- Suggested that the borough not develop another plan with Euclidean zoning; rather, present the current plan to the public with some optional information on Euclidean zoning.

Commissioner Savage suggested the possibility of waiting until the cities begin annexing and boundaries meet. He sees zoning as a local issue.

Commissioner Moll:

- Stated that accuracy is better than speed in whichever zoning direction taken.
- Commented that through his research, flexible zoning has been a universal failure where it has been adopted; that some form of Euclidean zoning has been used to replace the flexible system.
- Mentioned that residents should participate and decide the method of regulation.
- Noted that the current developers are designing subdivisions and projects with covenants, conditions, and restrictions (CC&R).
- Remarked that the borough should not be in the business of designing lifestyles for residential areas.

Discussion continued on the approach to the current flexible zoning plan and whether to also consider Euclidean zoning.

Assemblymember Colberg supported the manager's suggestion to move forward with the current plan and also be prepared to explain the optional Euclidean zoning.

Assemblymember Holmes suggested that the borough develop definitions; discussed land use districts and regulations.

Assemblymember Jansen supported moving forward with the current plan and provide information on Euclidean in an effort to meet the public's needs.

Commissioner Kvalheim:

- Stated that the planning commission has spoken to the cities about differing types of zoning and the process of change when property is annexed into those cities.
- Commented that the planning commission can draft competent Euclidean zoning definitions for public information.

Ms. Garley remarked that a sectional analysis with definitions is being drafted by the planning department staff.

Commissioner Payne recommended quality be balanced against speeding up the process; encouraged assembly and planning commission to query their constituents.

Discussion continued on the types of zoning.

Commissioner Stoffel supported getting public comments.

The special assembly meeting recessed at 7:35 p.m. and reconvened at 7:50 p.m.

Discussion continued.

Assemblymember DeVilbiss inquired about areas where flexible zoning has worked.

Ms. Garley:

- Responded that Ft. Collins, Colorado, and Bucks County, Pennsylvania, were examples of successful performance-based zoning.
- Commented that flexible zoning is the combination of Euclidean and performance standard zoning.

Discussion continued.

B. PLANNING COMMISSION, MAYOR, ASSEMBLY, AND STAFF COMMENTS

Commissioner Stoffel stated that public input should drive this plan and encouraged it be presented to the public soon.

Assemblymember Holmes commented that if the plan was given to the public immediately, the zoning process would be set back by several years.

Assemblymember Kelly:

- Expressed concern that the 1970 borough comprehensive plan has not been reviewed.
- Inquired about the definition of "periodic" in relation to state statute required "periodic" review, and the consequences of not defining "periodic."
- Read AS 29.40.030 regarding required review of the borough comprehensive plan.
- Requested that the borough schedule a review of the 1970 borough comprehensive plan.

Discussion followed.

Mr. Gatti:

- Responded that there can be several definitions of the word "periodic."
- Replied that the consequences would be based on the enforcement and penalties associated with the periodic review.
- Stated that he believes that the borough assembly has performed their responsibility in reviewing the comprehensive plan, and that litigation through the Alaska Supreme Court has upheld the 1970 borough comprehensive plan.

Commissioner Kvalheim appreciated the representation at the table and the hard work done by all.

Assemblymember Turner:

- Opposed the current flexible zoning plan.
- Noted that he thinks the planning commission should present the plan, after some fine tuning.
- Stated that the focus should be on an ordinance to come before the borough assembly for adoption.

- Mentioned that permit systems have been cumbersome and not workable, pure Euclidean zoning does not exist and is unworkable, and that flexible zoning is the most acceptable.
- Encouraged the planning commission and assembly to move forward and stay on schedule.

Commissioner Moll remarked that community councils should decide the zoning in their areas and have commercial/industrial areas governed by the borough.

Mr. Gatti noted it is not permissible to delegate zoning powers to community councils.

Assemblymember Colberg:

- Inquired about the core area comprehensive plan status.
- Queried if the special land use rules of the core area are considered flexible zoning and why did the title not so state.
- Supported the planning commission moving forward with zoning and beginning public participation.

Discussion continued.

Commissioner Savage responded that the Special Land Use Rules of the core area is the document the citizen's committee has been working on for 14 months and is now being presented as flexible zoning.

Discussion followed.

Commissioner Anderson:

- Thanked the assembly for their input and direction.
- Commented that it is time for a pro-active borough zoning effort.
- Reminded those present that the flexible zoning document is in draft form and will receive public input.

Assemblymember Simpson inquired about the time frame planned for this flexible zoning document.

Mr. Scott:

- Responded that a six-month time frame has been determined for public input after the planning commission releases the document.
- Clarified that the intent of the ballot proposition was to support zoning so the borough could concentrate its effort; noted the strongest support was in the core area.
- Spoke regarding the general public's wish to review, in a timely manner, some type of zoning documentation concerning the vote taken.

Assemblymember Jansen:

- Appreciated all comments and input at this meeting.
- Spoke in opposition to presenting Euclidean zoning to the public.
- Suggested the present plan may need refining before going to the public.

Commission Chairman Savage:

- Commented that through tonight's discussions, the planning commission needs to go forward with the current plan for input from the public.
- Stated that the core area citizens committee held meetings for public input and helped draft the current document.
- Commented that he is convinced that something needs to be done in core area and that the public needs to make the decisions.
- Suggested that the public may want to consider annexation or the creation of another city.
- Interprets the ballot proposition as the public opposed to zoning.

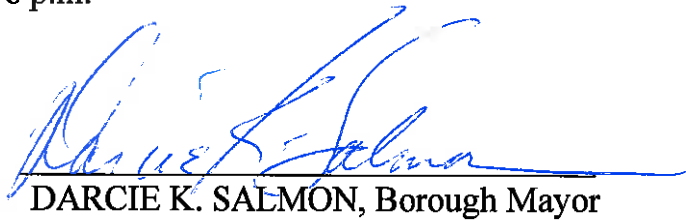
Mayor Salmon:

- Spoke regarding the voter turnout for the zoning proposition.
- Expressed his curiosity about the definition of "core area."
- Noted concern that the planning commission needs more time, and agrees with Mr. Scott and Ms. Garley to go forward with the documentation.
- Thanked the new planning commission members for accepting the responsibility of membership.
- Appreciated the discussions at this meeting.

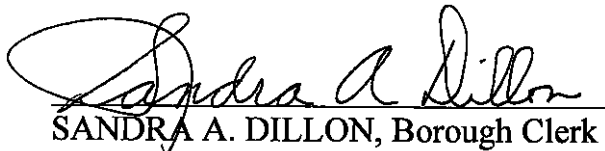
VI. ADJOURNMENT

The special assembly meeting adjourned at 8:38 p.m.

ATTEST:



DARCIE K. SALMON, Borough Mayor



SANDRA A. DILLON, Borough Clerk

Minutes approved April 18, 2000.