

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on October 28, 2008, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:05 p.m. by Mayor Curtis Menard 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 (*Deputy Mayor*)
Mr. Pete Houston, Assembly District No. 2
Ms. Michelle R. Church, Assembly District No. 3
Ms. Mark Ewing, Assembly District No. 4
Ms. Cindy L. Bettine, Assembly District No. 5
Mr. Robert Wells, Assembly District No. 6
Mr. Tom Kluberton, Assembly District No. 7

Planning Commission members present and establishing a quorum were:

Ms. Helga Larson, District 2 (*Chair*)
Mr. Mark Masteller, District 3 (*Vice-Chair*)
Mr. Dick Zobel, District 6
Mr. Vern Halter, District 7

Planning Commission member absent and excused were:

Mr. Ken Klunder, District 1
Mr. William Bruu, District 5

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Duffy, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney
Ms. Amanda E. Charles, Executive Assistant to the Borough Clerk
Ms. Elizabeth Grey, Assistant Borough Manager
Mr. Linda Brenner, Community Development Director
Ms. Eileen Probasco, Chief of Planning
Ms. Lisa Thomas, Assistant Borough Attorney
Ms. Shannon Bodolay, Assistant Borough Attorney

III. APPROVAL OF AGENDA

Mayor Menard 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 Mr. Gary LoRusso.

V. AUDIENCE PARTICIPATION

The following person spoke regarding the Smart Growth Presentation work session: Mr. Kyle Carr, Homebuilders Association.

The following person spoke regarding conservation design subdivisions: Mr. Gary LoRusso.

VI. ITEMS OF BUSINESS

A. Land Use Permit Report (*Requested by: Assemblymember Bettine*)

Ms. Probasco:

- advised that so far 578 land use permits have been issued;
- gave an overview on the processing of the land use permits; and
- spoke to the benefits of the land use permits.

Planning Commissioner Masteller queried whether there was a way to know if people have not built after they have received their land use permit.

Ms. Probasco spoke to the difficulties in tying together the process for a drive way permit and the land use permit.

Ms. Probasco advised that there is not a way for the Borough to know whether people have built after receive a land use permit.

Planning Commission Chair Larson queried the compliance ratio in the outlying areas.

Ms. Probasco:

- stated that the permits are not tracked by areas; and
- noted that calls are made by concerned neighbors when they do not see a posted permit on a property under construction.

Assemblymember Kluberton:

- spoke to previous discussions regarding having land use permits received at local libraries; and
- asked if any progress had been made.

Ms. Probasco:

- stated that they are still contemplating the idea; and
- noted that they are looking at satellite offices or putting the permit online.

Mr. Duffy:

- stated that they have looked have having scanners at the libraries so that they can be scanned in and sent directly to the Borough; and
- reported that they are currently doing the cost estimates of that project.

Assemblymember Church queried the reference to communications on the handout and asked what it included.

Ms. Probasco:

- stated that she believed it would be for cell towers.
- noted that a tower may not fall within the 480 square foot requirement for a land use permit; and
- explained that the Planning Department has some suggested amendments.

Assemblymember Church queried how the amendments would come forward.

Ms. Probasco advised that the amendments for the land use permit would come forward within the next month, prior to the flex zoning legislation.

Assemblymember Church queried the public notification process for a land use permit.

Ms. Probasco stated that the requirement is that the permit be posted on the property.

Assemblymember Bettine queried if all planning staff were working on the land use permits.

Ms. Probasco:

- affirmed the query; and
- stated that Mr. Alex Strawn was the main contact for land use permits.

Assemblymember Bettine queried if the land use permit and the driveway permit were being processed together.

Ms. Probasco:

- noted that initially staff wanted the two tied together for efficiency; and
- explained that after processing the few land use permits in conjunction with the driveway permit staff saw the need to separate the two.

Mr. Duffy provided an explanation of conditional permits for the driveways.

Assemblymember Bettine queried the amount of revenue that has been generated.

Ms. Probasco stated that they had not yet generated a list with that information.

Mr. Duffy stated that they would go back and prepare the figures and provide them to the Assembly.

Ms. Probasco stated that the fee does not cover the administrative costs.

Discussion ensued regarding:

- what could trigger the need for a land use permit;
- the need to make the permit process seamless;
- conditional use permits for towers;
- the need to add the Assembly District on the permit application for reporting purposes;
- the administrative costs for issuing the permits; and
- the possibility of requiring people with driveway permits to post signs on their property when the driveway is under construction.

B. Planning Department Projects *(Requested by: Assemblymember Church)*

Mr. Probasco:

- provided a handout listing the projects that the Planning Department is working on;
- noted the daily routine tasks and projects;
- stated that Planning is trying to time land use regulations to fit well with the flex zoning ordinance; and
- spoke regarding special projects, comprehensive plans, special land use districts, and transportation.

Assemblymember Church queried where Nelson Road was on the list.

Mr. Duffy stated that Nelson Road is currently in Public Works.

Ms. Probasco continued her report regarding environmental projects, historical projects, lake management plans, school site selection, and grants.

Assemblymember Church:

- queried the reason that lake management plans are not blanket plans based on the size of the lake; and
- spoke to the similarities in the plans.

Ms. Probasco:

- noted that they had researched that possibility, as it had been previously suggested;
- stated that Mr. Emerson Kruger is drafting a characteristics list of all the lakes;
- spoke to the benefits of the current process; and
- advised that they are trying to streamline the process for writing the lake management plans, as this takes the most time.

Mr. Duffy spoke regarding the difficulties in blanket plans.

Ms. Probasco spoke to the need to accommodate the requests that are pending.

Planning Commission Chair Larson asked for an update on the Glenn Highway issues.

Ms. Probasco stated that she would follow up with staff and provide the report at a later date.

Assemblymember Woods provided a brief update on how funds were found for the Glenn Highway repairs.

Planning Commissioner Masteller:

- spoke to the facilities plan update;
- opined that green infrastructure should be added to the list; and
- spoke to concerns with on-site drainage and the possibilities of future water quality issues.

Discussion ensued regarding:

- projects that did not appear on the list;
- the addition of expected completion dates for all of the projects;
- staffing within the Planning Department; and
- the use of comprehensive plans and land use permits within the Borough

C. Platting, Planning, and Land Use Legislative Procedures *(Requested by: Administration)*

Mr. Spiropoulos:

- provided a presentation on platting, planning and land use legislative procedures;
- spoke to Alaska State Statute 29.40.020, 29.40.030(a) and (b), 29.40.040(a), 29.25.020(b);
- commented on the Griswold v. City of Homer case and how it is applicable to land use regulations in the Borough;
- suggested a proposed ordinance enactment as follows;
 - ordinance goes to Assembly for introduction and the Assembly would refer it to the Planning Commission;
 - the Planning Commission would receive it from the public process;
 - if there are no changes, the Planning Commission would send it back to Assembly;
 - if there are changes, the Planning Commission would then send the ordinance forward to the Assembly with a resolution noting their changes; and
 - the ordinance would be back before the Assembly to be introduced and set for public hearing

Discussion ensued regarding the proposed changes.

D. South Denali Visitor's Center Update *(Requested by: Administration)*

Ms. Probasco:

- noted that the presenters could not be present this evening;
- provided a handout from the State website;
- noted that the website had been updated today;
- encouraged the bodies to visit the website; and
- stated that a more in-depth process would be provided at a later date.

Mr. Masteller asked if the site proposed today was the same as six months ago.

Assemblymember Kluberton stated that he believed that the site has moved one-half miles away from the original site location.

E. Earthquake Mitigation Building Development Code (*Requested by: Assemblymember Church*)

Ms. Probasco stated that the Borough would be providing a list of resources for users to reference when building within the Borough as it pertains to earthquakes.

Assemblymember Church:

- spoke regarding research performed by Mr. Dodd Shay; and
- queried if the Borough had any liability when an inspector states that a residence is built to code and the building is later affected by an earthquake.

Mr. Duffy:

- advised that the Borough would not be liable; and
- noted that earth quake mitigation will be incorporated into the strategic plan.

Mr. Masteller requested if the resources provided would be informational in nature and not a requirement.

Mr. Duffy affirmed the query.

Planning Commission Chair Larson noted the need to also list erosion issues.

Assemblymember Kluberton:

- noted that the Borough could start building code once the flex zoning ordinance is complete; and
- stated that providing links to best building practices is the right thing to do.

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

Commissioner Masteller:

- referred to the Fish Creek Management Plan and how it pertains to smart growth;
- spoke to protecting current farm land; and
- opined that not enough is being done to protect food security.

Commissioners Halter and Zobel thanked everyone for the meeting.

Assemblymember Church:

- spoke to the importance of the joint meetings; and
- spoke regarding the need for more planning staff and more space for the new planners.

Assemblymember Ewing thanked everyone for the joint meeting.

Assemblymember Kluberton:

- noted his appreciation of the discussions;
- thanked Ms. Probasco for the Planning Project list;
- requested that the list be amended by adding the names of the planners who are assigned to each project; and
- expressed his concerns that Open Office will not be compatible with TRIM.

Assemblymember Houston expressed his appreciation for the work that is accomplished at the joint meetings.

Assemblymember Wells commented on his concerns with adding production of agricultural goods within the Borough.

Assemblymember Bettine:

- thanked the Home Builders Association for their initiative with bringing forward the Smart Growth presentation;
- supported Assemblymember Kluberton's request to add the planners responsible for each project to the list of projects;
- requested that the list include expected completion dates; and
- stated that she appreciated the presentation provide by Mr. Spiropoulos and the new way that land use issues can be brought forward.

Assemblymember Woods:

- stated that she looks forward to joint meetings;
- noted her appreciation for the comments provided;
- commented that she was encouraged by the Home Builders Association bringing forward the presentation on Smart Growth; and
- stated that she saw great potential for smart growth.

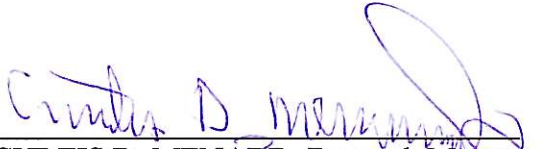
Mr. Duffy:

- stated that the Open Office issue as far as to compatibility with TRIM had been addressed; and
- stated he would follow up with the addition to Planning's project list.

Ms. McKechnie informed the Assembly that Ms. Amanda Charles had accepted the Deputy City Clerk position with the city of Wasilla.

VIII. ADJOURNMENT

The special meeting adjourned at 8:42 p.m.


CURTIS D. MENARD, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

Minutes approved: 12/02/08