

MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD

Chairman – VACANT	Mark Stahl (03)	Stephen Brown (08)	VACANT (12)
Vice Chair – Cody Beus (04)	Jozef Slowik (05)	Benjamin Swimm (09)	
VACANT (01)	Steven Sawyer (06)	Kenneth Hoffman (10)	
Dick Zobel (02)	Adam Jensi (07)	Erik “Moe” Johnson (11)	

AGENDA

REGULAR MEETING LOWER LEVEL CONFERENCE ROOM

**January 19, 2022
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. October 20, 2021
- VI. ITEMS OF BUSINESS
 - A. Ag Conversion PPM Draft
 - B. Resolution 22-01 - A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT THE LAND AND RESOURCE MANAGEMENT DIVISION POLICY AND PROCEDURES MANUAL, PART 5, FOR THE AGRICULTURAL LAND SALES THAT OCCURRED IN 1977, 1981, 1982 AND 1983 AND MERGE THE BOROUGH’S DEVELOPMENT RIGHTS WITH THE AGRICULTURAL RIGHTS TITLE FOR FEE SIMPLE TITLE WITH AGRICULTURAL COVENANTS
- VII. MEMBER COMMENTS (Limit to 3 minutes)
- VIII. NEXT MEETING
 - TBD
- IX. ADJOURNMENT

1 **MATANUSKA-SUSITNA BOROUGH**
2 **AGRICULTURE ADVISORY BOARD**
3

Chairman – Jon Olsen (10)	Mark Stahl (03)	Stephen Brown (08)
Vice Chair – Cody Beus (04)	VACANT (05)	Benjamin Swimm (09)
VACANT (01)	Steven Sawyer (06)	Erik “Moe” Johnson (11)
Dick Zobel (02)	VACANT (07)	VACANT (12)

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6 **DRAFT MINUTES**
7

8 **REGULAR MEETING**

October 20, 2021

9 **DSJ BUILDING**

4:30 P.M.

10 **LOWER LEVEL CONFERENCE ROOM**
11

12 I. **CALL TO ORDER; ROLL CALL**

13 Mr. Olsen called the meeting to order at 4:32 p.m.

14 Members present and establishing a quorum were: Jon Olsen, Erik Johnson, Mark Stahl,
15 Benjamin Swimm, Stephen Brown, Steven Sawyer, Cody Beus

16 Members Absent and Excused:

17 Members Absent: Dick Zobel

18 Staff present: Tracy McDaniel, Asset Manager
19 Jill Irsik, Dept. Admin Specialist
20

21 II. **APPROVAL OF AGENDA; PLEDGE OF ALLEGIANCE**

22 MOTION: Mr. Brown moved, Mr. Sawyer 2nd. Agenda approved
23

24 III. **AUDIENCE PARTICIPATION (Limit to 3 minutes)**

25 Beverly Cutler spoke to the material that Ms. McDaniel had compiled for this meeting.
26 Would like to see “no net loss” of ag land.
27

28 IV. **APPROVAL OF MINUTES**

29 A. September 15, 2021

30 MOTION: Mr. Sawyer moved, Mr. Stahl 2nd.

31 Minutes approved.
32

33 V. **ITEMS OF BUSINESS**

34 A. Agricultural Conversion Program from former Title 13 to Title 23

- 35 • Ms. McDaniel presented the Board with the final draft of the Agricultural
- 36 Conversion Program from former Title 13 to Title 23 properties.
- 37 • Will create Policy & Procedures, and bring a resolution to the board supporting
- 38 the Policy & Procedure, then it will go to the Assembly for approval, at which
- 39 point the program can be offered.
- 40 • Pointed out that every application to convert would have to come to the Ag
- 41 Board prior to it going to the Assembly.
- 42 • Fee to be determined at a later date
43
44

- 45 B. Classification of Tax ID 24N05W15D002 – Public Notice MSB007767
46 • The board would like to see the northern section of the property dually
47 classified as commercial and agriculture.
48
- 49 C. Resolution 21-01 - A RESOLUTION OF THE MATANUSKA-SUSITNA
50 BOROUGH AGRICULTURE ADVISORY BOARD RECOMMENDING THE
51 MATANUSKA-SUSITNA BOROUGH ASSEMBLY DUALY CLASSIFY A
52 PARCEL OF LAND WITHIN SE/14 NE1/4 LYING SOUTH OF THE PARKS
53 HIGHWAY AS COMMERCIAL LANDS AND THE E1/2 SE1/4 AND GLO LOT
54 5 AS AGRICULTURAL LANDS, ALL LOCATED WITHIN SECTION 15,
55 TOWNSHIP 24 NORTH, RANGE 5 WEST, SEWARD MERIDIAN, ALASKA
56 (TAX ID 24N05W15D002).
57 MOTION: Mr. Johnson moved, Mr. Brown 2nd. Discussion.
58 Amendments to the resolution were discussed. Amendments included adding
59 “agricultural lands” after “commercial lands” in the title, in the 5th Whereas
60 paragraph, and in the final paragraph. Also added “while allowing for potential
61 future agricultural use” was added to the fifth Whereas paragraph. Also changed
62 the soil types in the sixth Whereas paragraph from class II & III soils, to class III &
63 IV soils.
64 All in favor of the amendments.
65 MOTION: Mr. Brown moved to approve the amended resolution, Mr. Sawyer 2nd.
66 All in favor.
67
- 68 D. 2022 Meeting Calendar
69 2022 meeting calendar was presented. All meetings will be on a need to meet basis.
70 The board will be notified if there will be a meeting as scheduled.
71
- 72 E. Staff Report
73 • Ms. McDaniel reported that there were still several vacancies on the board.
74 Would like the members to reach out
75 • Reported that the Trytten Farm sold in the most recent Borough competitive
76 land sale.
77
- 78 VI. MEMBER COMMENTS (limit to 3 minutes)
79 • Mr. Beus – good work everyone
80 • Mr. Olson – thanked staff
81
- 82 VII. NEXT MEETING
83 A. TBD
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VIII. ADJOURNMENT

Mr. Olsen adjourned the meeting at 5:56 pm

, Chairperson

ATTEST:

Jill Irsik
Department Administrative Specialist

TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL

Agricultural Land Sales: 1977, 1981, 1982 AND 1983 Borough Conveyance of the Fee Simple Title	
PART 5	Effective Date: xx-xx-2022

- 1.1 Authority: 23.05.025 Public Notice
23.05.030 (E)(6) Ownership & Method of Disposal
23.10.230 Agreements by Application **[ADD TO CODE
23.10.230(A)(1)(g)]**
- 2.1 Purpose Statement. This voluntary program applies to Borough lands classified and sold as “agricultural lands” under former MSB Title 13 as an agricultural rights interest only, with the development rights retained by the Borough.
- The purpose of these procedures is to outline the application process for an agricultural rights owner to convert and merge their agricultural interest to fee simple title. MSB will convey by quitclaim deed its interest retained under the Title 13 Agricultural Rights programs. The retained rights included the ability to subdivide the original farm unit, or use the property for commercial, industrial purposes, or for multiple residences.
- 2.2 The Agricultural Covenants, Conditions, and Restriction currently used under Title 23 agricultural programs will be imposed and recorded concurrently with the Quitclaim Deed conveying the Borough’s interest. Some elements of the Covenants, Conditions, and Restrictions used under this program include:
- A. Modified to eliminate the 10 year rule of holding title before subdividing.
 - B. Will not require a farm development plan or continuing farm production under a plan.
 - C. Provide the ability to use the designated Primary Improvement Site (known as the homesite under Title 13) for home-based business uses such as Bed and Breakfast or farm stay business.
 - D. Allows subdivision of up to four (4) parcels created, no less than 40 acres, within the boundary of the original farm unit or sub-unit.
 - 1. Each farm unit or sub-unit created will be eligible to use up to 5 acres for designated improvement sites.
- 3.1 Application submittal and review. The following procedures should be followed in general when preparing for the conveyance of the Borough’s interest under the authorities cited in paragraph 1.1 of this chapter prior to acceptance of the application for processing.

- A. The application:
 - 1. The steps under “Applications: Filing & Acceptance” Part 10 of the Land and Resource Management Division Policy and Procedure Manual shall be followed.
 - 2. Staff will create or update a case file that contains the application and any pertinent enclosures or inclusions.
 - 3. Staff will provide a comprehensive review of the property status and check the land for any current uses, reservation, or prohibited uses to determine if the property is subject to any existing restrictions or area plans.
 - 4. Financial and Interdepartmental review is initiated upon submittal of the application.
- 4.1 An applicant must be deemed a qualified applicant pursuant to MSB 23.10.090.
 - A. Prior to Borough acceptance of the application for processing, an application conference is held to present to the applicant findings from the financial and interdepartmental review and:
 - 1. The application processing steps are discussed with the applicant;
 - 2. Any other conditions or Borough code considerations are discussed with the applicant; and
 - 3. The applicant pays the processing fee, which includes, but not limited to the following:
 - a. Title report;
 - b. Document preparation, including but not limited to adoption of legislation;
 - c. Assist owners with the “Notice of Designated Improvement Sites” form as required under the new Covenants, Conditions and Restrictions in accordance with Title 23;
 - d. The processing of consents or approvals from lenders or lien holders (if any), excepting therefrom any additional fees associated with the process outside of fees a lender or lien holder may charge an owner;
 - e. Recording fees for the Covenants, Conditions and Restriction, quitclaim deed, and Notice of Designated Improvements Sites.
 - 4. The MSB will not be responsible for any costs not anticipated which are associated with the conveyance of the Borough’s interest.
 - B. Legislation is prepared and provided to the applicant, MSB Agriculture Advisory Board, and Borough Assembly, if applicable, as required by MSB

5-X

23.10.020, Assembly Approval of Disposal. [ADD TO CODE MSB 23.10.020(E)]

- C. Based on the outcome of the decision, the MSB Land and Resource Management Division will prepare a package to the applicant as follows:
 - 1. If approved, a purchase agreement as appropriate will be prepared and shall incorporate the terms and conditions as approved, and shall set out the remaining steps and monies required to close, if applicable. Original documents will be provided to the applicant with instructions that the applicant execute and return the original(s).
 - 2. If denied, the applicant will be notified by certified mail with a summary of the reason for denial and a copy of MSB 23.05.090, Reconsideration and Appeals.
- 5.1 Should the owner decide not to complete the conversion, the applicant may continue to occupy the property under the title of that particular agricultural sale program and the borough will continue to hold the development right of the property.

23.10.020 ASSEMBLY APPROVAL OF DISPOSAL.

(A) The manager is authorized to approve all disposal of interest in borough-owned real property (except as otherwise restricted in this title) that has a fair market value equal to or less than \$25,000 per transaction; any single disposal transaction with the fair market value in excess of \$25,000 shall be approved by assembly ordinance.

(B) When disposing of any borough-owned real property having a fair market value equal to or less than \$25,000 the manager shall comply with the public notice requirements and all other applicable requirements of this title, and at least two weeks prior to the disposal shall inform the assembly by informational memorandum of the proposed action. The informational memorandum shall include, at a minimum the following:

- (1) the identity of the applicant;
- (2) all essential sale or lease terms;
- (3) the price of the transaction; and
- (4) comments received from the public and affected community council, if any.

(C) The assembly upon receipt of the informational memorandum may, by approved motion, require the action to proceed by the applicable procedure established for disposal having a fair market value in excess of \$25,000.

(D) The manager is authorized to approve, in accordance with adopted policy and procedure and without additional assembly approval, the sale of borough-owned real property, ten acres in size or smaller, with a pre-existing Alaska Division of Lands (ADL) lease to the lessee at fair market value.

(E) When disposing of any borough interest in the agricultural land sale programs conducted in 1977, 1981, 1982 and 1983, in accordance with adopted policy and procedure, the manager shall comply with the applicable requirements of this title and shall be approved by assembly ordinance.

(Ord. 98-107, § 2, 1998; 94-069AM1, § 3 (part), 1994)

23.10.230 AGREEMENTS BY APPLICATION.

(A) The manager may, with the approval of the assembly by ordinance when required by this title, approve a sale or lease of borough-owned real property by application if one of the following conditions exists:

(1) the application is:

- (a) by a public utility or public agency for facilities serving the general public; or
- (b) *[Repealed by Ord. 01-049 (AM) § 2, 2001]*
- (c) *[Repealed by Ord. 01-049 (AM) § 2, 2001]*
- (d) for an adjacent property owner for access or to address a substandard or unusable lot condition; or
- (e) for use for a nonprofit organization; or
- (f) for a disposal where the assembly has determined it is in the best interest of the borough to process the application based on economic development incentives or is a beneficial industrial or commercial enterprise.
- (g) for disposal of the borough's interest in the agricultural land sales conducted in 1977, 1981, 1982 and 1983.**

(2) all other requirements and conditions applicable to sales or leases under this title are met.

(Ord. 16-100, § 20, 2016; Ord. 01-049(AM) § 2, 2001; 94-069AM1, § 3 (part), 1994)

DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS

The Matanuska-Susitna Borough, a municipal corporation organized and existing under the laws of the state of Alaska (hereinafter “Declarant”), as owner of real property classified as “Agricultural lands,” does hereby declare and impose these covenants, conditions, and restrictions on the real property described in “Exhibit A” attached hereto, in order to promote the agricultural use and development of the subject real property. This declaration of covenants, conditions and restrictions so declared are perpetual and shall run with the land and be binding on all parties coming under them hereafter, including all successors and assigns.

DEFINITIONS

Farm Unit: The individual parcels described in this declaration, each to be conveyed as a single farm unit.

Farm Sub-Units: The parcels later created within the boundary of a Farm Unit.

Improvement Sites: The areas within a Farm Unit, or subsequent Farm Sub-Unit, that must be designated as the location for all real property improvements and the non-agricultural development permitted by this declaration.

Primary Improvement Site: The one (1) designated improvement site within a Farm Unit, or subsequent Farm Sub-Unit, in which the farm headquarters, residential use, and home-based business use, including associated well and septic systems, shall be located.

Real Property Improvements: Any structural improvement that is built or located upon the land in a fixed, permanent, or immovable state. For the purposes of this declaration, farm fencing, irrigation wells and systems, utility service lines (aerial or buried), farm field roads, and public infrastructure located in public use easements or right-of-ways are not considered as real property improvements that must be located within the designated Improvement Sites.

Agricultural Development: The development of the land for Agricultural Purposes.

Agricultural Purposes: The production and harvest, for commercial or personal use, of plants, animals, birds, fish, bees, and other organisms by humans to provide food, fuel, fiber, shelter, clothing, energy and aesthetics, and including:

Real property improvements used in the care, housing, processing, and storage of the agricultural assets, EXCEPT that kennels and catteries are not considered an agricultural purpose;

Other land improvements that are reasonably required for or related to agricultural development;

The personal use of gravel resources located within the Farm Unit for development within the Farm Unit boundary; and

The removal and disposition of timber located within the Farm Unit in order to bring the land into agricultural production.

Residential Use: Any Real Property Improvement that is used as living quarters by the landowner(s) or farm laborers employed on the Farm Unit, and including members of their immediate family residing with them.

Home-Based Business Use: A business activity carried out on the same Improvement Site as a Residential Use, being located in a residential structure or a detached appurtenance, that is clearly incidental and subordinate to the agricultural development. Examples of such a use may include professional service businesses, bed and breakfast or farm-stay businesses, and kennel and cattery businesses for boarding or breeding.

LAND USE RESTRICTIONS

1. The farm headquarters, residential use, and home-based business use, including associated well and septic systems, shall be located within one (1) Improvement Site that is identified as the Primary Improvement Site. Additional Improvement Sites may be indicated within the Farm Unit but are strictly limited to facilities necessary to the agricultural development of the Farm Unit and shall not include residential or home-based business uses as defined herein. The aggregate area of all Improvement Sites may not exceed five (5) acres, unless specifically authorized by the Matanuska-Susitna Borough Manager.
2. The Borough Manager may authorize designated Improvement Sites in an aggregate area larger than five (5) acres when the additional area is needed for unusual or larger scale real property improvements necessary for agricultural development of the parcel.

The designated Improvement Site(s) must be identified prior to construction of the real property improvement(s) by the Farm Unit purchaser/owner submitting location map(s) on a form, approved by the borough manager that is acceptable for recording. The location and size of each designated Improvement Site, including the Primary Improvement Site, shall be indicated on the map. A "Notice of Designated Improvement Sites" that includes a copy of the location map(s) as approved by the Borough Manager shall be recorded in the office of the district recorder at the expense of the Farm Unit purchaser/owner. The Notice of Designated Improvement Sites, most recently accepted by the Borough Manager and recorded, may be used as a basis for enforcing the covenants, conditions and restrictions herein. The size and location of the Improvement Sites may be amended prior to construction of improvements within designated Improvement Sites. An "Amended Notice" shall be recorded in the same manner as the original "Notice".

3. Requests to amend or enlarge the designated Improvement Sites, including the fees to process such a request shall be submitted to the Matanuska-Susitna Borough, Land Management Division. The Borough Manager may impose such conditions of use on the additional acreage authorized as deemed prudent and necessary based on a review of the intended uses. A notice of the authorization of sites larger than five (5) acres aggregate and any special conditions of use shall be recorded as a part of the original "Notice" or as an "Amended Notice" in the records of the district recorder in the same manner as the "Notice".
4. The development of condominiums or co-operatively owned apartments within any area of the Farm Unit is prohibited.

5. The excavation or removal of any natural deposits of gravel, sand, rock, peat or similar natural resource materials located within the Farm Unit for the purposes of sale, trade, barter, or exchange is prohibited.
6. All development and uses within the Farm Unit shall conform to all federal, state, and local laws, regulations, and codes.

SUBDIVISION RESTRICTIONS

1. ~~The Farm Unit may not be subdivided for a period of ten (10) years from the date the sale documents from the Matanuska-Susitna Borough conveying the Farm Unit to the purchaser are recorded in the office of the district recorder.~~ **DELETE NO. 1**
2. ~~After the expiration of ten (10) years as set forth herein,~~ a A Farm Unit larger than 80 acres in size may be subdivided. The Farm Unit may not be divided into parcels less than 40 acres in size. No more than a total of four (4) parcels may result within the boundary of the Farm Unit. Parcels created from the Farm Unit by subdivision may not be further subdivided and will be identified as Farm Sub-Units.
3. A parcel subdivided from the Farm Unit will continue to come under this Declaration of Covenants, Conditions, and Restrictions.
4. Subdivision of the Farm Unit must meet the subdivision code and regulations in place at the time such subdivision occurs.
5. Each Farm Sub-Unit shall be authorized to designate not more than an aggregate of five (5) acres for Improvement Sites that may include one (1) Primary Improvement Site. The five (5) acre limit shall include any designated Improvement Sites located within the boundary of the Farm Sub-Unit previously existing under the rules for the Farm Unit, unless such site has not been utilized and its location is released by an approved amendment.

DEVELOPMENT REQUIREMENTS

The Farm Units have been classified under MSB 23.05.100 as “Agricultural Lands” because they are recognized as land that “because of soils, location, physical or climatic features, or adjacent development are presently or potentially valuable for the production of agricultural crops”. Any agricultural potential of the Farm Units shall be enhanced by land and water stewardship practices that minimize adverse environmental impacts. An implementation schedule for the development of each Farm Unit is not required and will not be enforced.

WASTE

Development methods shall not waste the topsoil and other natural resources of the Farm Unit nor shall it diminish the agricultural potential of the Farm Unit.

AMENDMENT OR MODIFICATION

This Declaration of Covenants, Conditions, and Restrictions is intended to be perpetual. The Matanuska-Susitna Borough Assembly having imposed these conditions under Ordinance Serial Number XX-XXX may amend or modify the Covenants, Conditions and Restrictions by subsequent ordinance upon written petition, signed by the owners of record of no less than 70 % of the existing Farm Units and Farm Sub-

Units affected by this Declaration at the time the petition is presented, and upon a public hearing, provided the amendment or modification shall apply equally to all Farm Units and Farm Sub-Units.

INTERPRETATION

The provisions of these covenants, conditions, and restrictions shall be liberally construed to effect the purpose of encouraging agricultural development. Failure to enforce any provision shall not constitute a waiver of the right to enforce such provision or any other provision herein. Any conflicts in interpretation arising between this declaration and other covenants, conditions, and restrictions of record or zoning that may affect a Farm Unit or Farm Sub-Unit shall be adhered to based on the more restrictive interpretation.

ENFORCEMENT

This Declaration of Covenants, Conditions, and Restrictions may be enforced only by a civil action brought by the Matanuska-Susitna Borough, its successors or assigns; or a local municipality or city in which the Farm Unit or Farm Sub-Unit is located; or an owner of a Farm Unit or Farm Sub-Unit affected by this declaration; or an owner of adjacent land adversely affected by the failure of a Farm Unit or Farm Sub-Unit owner(s) to adhere to the covenants, conditions and restrictions herein. A civil action may be filed after the plaintiff has notified the Farm Unit or Farm Sub-Unit owner(s), in writing by certified mail or personal service, of the particular violations of this Declaration at least 90 days before the civil action is undertaken. Enforcement under this section shall not limit the ability of a party to seek injunctive relief on an expedited basis when life, health, or safety is an issue.

IN WITNESS WHEREOF, this declaration is made and executed on this _____ day of _____, 20XX by the undersigned on behalf of the Matanuska-Susitna Borough under authority granted by the laws of the State of Alaska and the Matanuska-Susitna Borough.

ATTEST:

MATANUSKA-SUSITNA BOROUGH

Lonnie McKechnie, Borough Clerk

Michael Brown, Borough Manager

Seal:

STATE OF ALASKA)
)ss.
Third Judicial District)

On _____, _____, 20XX, Michael Brown, Borough Manager of the Matanuska-Susitna Borough, who is personally known to me, appeared and acknowledged before me that he signed the Declaration of Covenants, Conditions and Restrictions on behalf of the municipal corporation.

Seal:

Notary Public for State of Alaska
My commission expires: _____

EXHIBIT A

[INSERT LEGAL DESCRIPTION]

DRAFT

PROPOSED CHANGES TO AGRICULTURAL RIGHTS PARCELS	
PROPOSED CHANGE	REASON AND EFFECT ON EXISTING STATUS
QUITCLAIM DEED	
MSB will convey by quitclaim deed the “Development Rights” it retained under the Title 13 Agricultural Rights programs. The MSB retained the rights, included ability to subdivide the original farm unit, or use the property for commercial, industrial purposes, or for multiple residences (One residence was allowed per original farm unit provided it was in the approved development plan). Restrictions used under the current Title 23 agricultural programs will be imposed by Covenants, Conditions and Restrictions (CCRs) executed and recorded concurrently with the Quitclaim Deed.	The Quitclaim Deed will serve to merge rights of title retained by MSB with the “Agricultural Rights only” conveyed to the farm unit owner. The farm unit owner will have title to the fee simple estate subject to reservations and exceptions in US and SOA patents, all easements, covenants, conditions and restrictions and other matters of record, including liens and encumbrances, if any, affecting the farm unit owner.
Release the borough’s deed condition of “restraint” of the Agricultural Rights owner to further convey, lease or mortgage without MSB approval.	The restraint language was used in the quitclaim deeds prepared for the 1977 sale, 1981 sale, and MSB001274 (Stahl). In later programs it was not evenly applied. It is a severe limitation to the title that has little purpose after the purchase price is paid and development requirements met.
COVENANTS, CONDITIONS AND RESTRICTIONS	
The CCRs recorded for the Ag Right programs will be released by mutual consent. This will release, among other things, the continuing requirement that farm plans be amended anytime the farm operation changes. Under the Title 23 agricultural programs, a farm development plan is not required.	The Title 13 CCRs will be replaced with the CCRs used under Title 23 that is slightly modified to eliminate the 10 year rule of holding title before subdividing. The Title 23 CCRs do not require farm development plans or continuing farm production under a plan, they also provide the ability to use the designated Primary Improvement Site (typically the homesite) for Home-based business uses that were not allowed under Title 13, such as Bed and Breakfast or farm stay business.

PROPOSED CHANGES TO AGRICULTURAL RIGHTS PARCELS	
PROPOSED CHANGE	REASON AND EFFECT ON EXISTING STATUS
SUBDIVISION OF THE FARM UNIT	
Title 23 CCRs will be signed and recorded to allow up to 4 parcels, in the future being at least 40 acres in size, to be created within the boundary of the original farm unit. Borough platting codes and regulations must be met at the time of dividing parcels. Parcels already created from the original farm unit will be counted toward the total count of four parcels regardless of size. The original farm unit is the legal description conveyed by the borough's Quitclaim Deed for Agricultural Rights (including subsequent deed corrections) and was intended to be managed as a single farm unit at the time of the borough agricultural program. (This definition overcomes the fact that many of the 1982 and 1983 lease/sale parcels required boundary description changes between the time of the lease and the time of the deed, so the "original" lease parcel description should not be used.)	Under "Ag Rights" CCRs and subsequent Ordinance 86-78, the request to divide an original farm unit (other than the home/headquarters site as explained below) requires approval of the borough assembly on a case-by-case basis. The boundary description of many of the 1982 and 1983 lease/sale parcels changed as surveys were accomplished according to SOA/ DNR survey rules, so the original farm unit boundary under the lease changed by the time MSB conveyed by deed. The farm unit conveyed and as corrected by the borough will be used as the original unit boundary in those cases. Subdivision under Title 23 CCR's is an administrative approval that is guided by certain limitations.
SUBDIVISION OF THE HOME SITE	
Under Title 23 CCRs, each Original Farm Unit and each Farm Sub-unit created will be eligible to use up to 5 acres for designated improvement sites with 1 of the sites designated as a primary improvement site. Any previously designated sites existing within a Farm Sub-unit at the time the Sub-unit is created will count toward the 5 acre total, unless undeveloped and the location amended.	Under the original farm programs the development was limited to a single home/headquarters site, in which all structural development was to occur. Approval for any other sites, limited to ag purposes only, required assembly approval on a case-by-case basis. Under Title 23 CCRs the process uses an administrative approval that is guided by certain limitations.
Any existing Title 13 Sub Units that were authorized to divide from the Original Farm Unit and were also approved for a residential site (typically not more than 2 acres) and required to remain ag rights only, may be changed to the new program and will then be allowed to select up to 5 acres total for designated improvement sites.	This is consistent with the rules currently used for Original Farm Units created under the Title 23 program.

PROPOSED CHANGES TO AGRICULTURAL RIGHTS PARCELS	
PROPOSED CHANGE	REASON AND EFFECT ON EXISTING STATUS
APPLICATION AND PROCESSING	
Application and processing fee of \$X,000 per current Farm Unit or Farm Sub-Unit, if previously subdivided, will cover the purchase of a title report, staff time to review the title reports and prepare documents, assist the agricultural rights owners with the “Notice of Designated Improvement Sites” form and any consents or approvals needed from their lenders or lien holders (if any) to complete the change in title and implement revised CCRs; recording fees for MSB’s quitclaim deed and CCRs and the Notice of Designated Improvement sites.	It is necessary to determine current status of title for each parcel in order to properly draw Quitclaim Deed for conveyance of borough’s “development rights” and to release and replace the Covenants, Conditions and Restrictions. Consent and non-objection of the proposed changes will need to be obtained from all parties having a recorded interest in the property, including lien holders and lessees. It is not foreseen that these consents will be difficult to obtain since the expanded rights to the title will be seen as a benefit by most lenders or lienholders.

**MATANUSKA-SUSITNA BOROUGH
AGRICULTURE ADVISORY BOARD
RESOLUTION NO. 22-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT THE LAND AND RESOURCE MANAGEMENT DIVISION POLICY AND PROCEDURES MANUAL, PART 5, FOR THE AGRICULTURAL LAND SALES THAT OCCURRED IN 1977, 1981, 1982 AND 1983 AND MERGE THE BOROUGH'S DEVELOPMENT RIGHTS WITH THE AGRICULTURAL RIGHTS TITLE FOR FEE SIMPLE TITLE WITH AGRICULTURAL COVENANTS.

WHEREAS, the Borough Agriculture Advisory Board was enacted by Matanuska-Susitna Borough Ordinance 15-050 to review issues specifically related to and affecting Borough agriculture lands, and advise the Assembly and Manager on such matter; and

WHEREAS, the Borough retained certain development rights for agricultural land sales conducted in 1977, 1981, 1982 and 1983 land sales under former Title 13; and

WHEREAS, the Borough Agriculture Advisory Board developed a voluntary policy and procedure for the previous agricultural sales to convert and merge their agricultural interest to fee simple title with agricultural covenants; and

WHEREAS, the developed voluntary policy and procedure will remove severe limitations and constraints conveyed in the quitclaim deeds that has little purpose after the purchase price was paid and the development requirements met.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Agriculture Advisory Board recommends the Matanuska-Susitna Borough Assembly hereby adopt by Ordinance the Land and

Resource Management Division Policy and Procedure Manual, Part 5, agricultural land sales that occurred in 1977, 1981, 1982 and 1983 and merge the Borough's development rights with the agricultural title rights for fee simple title with agricultural covenants by application and fee in the amount of \$X,XXX.

ADOPTED by the Matanuska-Susitna Borough Agricultural Advisory Board this 19th day of January 2022.

, Chairman

ATTEST:

Jill Irsik,
Department Administrative Specialist

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Agriculture Advisory Board

Board Exp

vacancy			Board Position	AGAB (01) Palmer Soil/Water Conservation District	
Company Representing			Term		to 12/31/2024
			Type of Term		
			Member		
Home		Work		Cell	
				E-mail	

Zobel	Dick		Board Position	AGAB (02) Wasilla Soil/Water Conservation District	
Company Representing			Term	9/15/2015	to 12/31/2022
PO Box 872683			Type of Term	2	Full & Partial
Wasilla	AK	99687	Member		
Home	(907) 355-2755	Work		Cell	
				E-mail	

Stahl	Mark		Board Position	AGAB (03) Upper Susitna Soil/Water Conservation Di	
Company Representing			Term	9/18/2018	to 12/31/2023
PO Box 212			Type of Term	2	Full
Talkeetna	AK	99676	Member		
Home		Work		Cell	(907) 355-5813
				E-mail	markcstahl@yahoo.com

Beus	Cody	Jame	Board Position	AGAB (04) Alaska Farm Bureau - Mat-Su Chapter	
Company Representing			Term	11/17/2020	to 12/31/2024
11000 E Yarrow Rd			Type of Term	1	Full & Partial
Palmer	AK	99645-9490	Member		
Home		Work		Cell	(907) 390-0026
				E-mail	cody.beus@matsuk12.us

Slowik	Jozef		Board Position	AGAB (05) Palmer Center for Sustainable Living	
Company Representing			Term	1/1/2022	to 12/31/2022
PO Box 3666			Type of Term	1	Partial
Palmer	AK	99645	Member		
Home		Work	(907) 746-9489	Cell	(907) 401-1839
				E-mail	jaslowik@alaska.edu

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Agriculture Advisory Board

Board Exp

Sawyer	Steven	C	Board Position	AGAB (06) Knowledge and/or Experience Production
Company Representing			Term	11/27/2018 to 12/31/2023
6000 N SS Waldron Circle			Type of Term	2 Full
Wasilla	AK	99654	Member	
Home	(907) 982-4433	Work	Cell	E-mail spikeinc@hotmail.com

Jenski	Adam		Board Position	AGAB (07) Knowledge and/or Experience Livestock,
Company Representing			Term	1/4/2022 to 12/31/2024
PO Box 167			Type of Term	1 Full
Sutton	AK	99674	Member	
Home	(907) 715-6318	Work	Cell	E-mail adam_jenski@yahoo.com

Brown	Stephen	C	Board Position	AGAB (08) Knowledge and/or Experience in Field Cro
Company Representing			Term	2/4/2020 to 12/31/2022
7698 N Goldcord Cir			Type of Term	1 Full
Palmer	AK	99645	Member	
Home	(907) 355-0692	Work (907) 745-3639	Cell	E-mail scbrown4@alaska.edu

Swimm	Benjamin		Board Position	AGAB (09) Knowledge and/or Experience in Floricultu
Company Representing			Term	2/16/2021 to 12/31/2023
11408 N Ridge Runner Cir			Type of Term	1 Full
Palmer	AK	99645	Member	
Home		Work	Cell (907) 795-6362	E-mail browndogfarmak@gmail.com

Hoffman	Kenneth	M	Board Position	AGAB (10) Knowledge and/or Experience Ag Econ D
Company Representing			Term	12/7/2021 to 12/31/2024
1480 S Vermillon Dr			Type of Term	1 Full
Palmer	AK	99645	Member	
Home		Work	Cell (907) 841-2593	E-mail makana@mtaonline.net

MATANUSKA-SUSITNA BOROUGH DIRECTORY OF ORGANIZATIONS

Agriculture Advisory Board

Board Exp

Johnson	Erik "Moe"		Board Position	AGAB (11) At-Large Member	
Company Representing				Term	8/18/2015 to 12/31/2022
1190 S Lower Rd			Type of Term	2	Full & Partial
Palmer	AK	99645	Member		
Home		Work	(907) 761-3863	Cell	(907) 841-2796
				E-mail	erik.johnson@alaska.gov

vacancy			Board Position	AGAB (12) Non-Voting Youth Intern	
Company Representing				Term	to 12/31/2023
			Type of Term		
			Member		
Home		Work		Cell	
				E-mail	

Information Contact	Community Development Department 861-7869
Total Board Members	12 Members
Meeting Schedule	3rd Wednesday of each month, 4:30 pm
Meeting Location	Assembly Chambers
Board Notes:	Board established OR 15-050; IM 15-088. All matters pertaining to the Agriculture Advisory Board, unless otherwise specified shall be governed by MSB 4.05. Six members shall constitute a quorum.