

MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD

Chairman – LaMarr Anderson (01)	Melanie Glatt (03)	VACANT (06)	Kenneth Hoffman (10)
Vice Chair – Stephen Brown (08)	Alexandria Hoffman (04)	Adam Jensi (07)	Thomas Bergey (11)
Amanda Salmon (02)	Jozef Slowik (05)	Misty O'Connor (09)	VACANT (12)

AGENDA

REGULAR MEETING
DSJ Building / Lower Level Conference Room

September 18, 2024
4:30 P.M.

Call In #: 1-907-290-7880
Participant Code: 579 380 799#

- I. CALL TO ORDER; ROLL CALL
- II. APPROVAL OF AGENDA; PLEDGE OF ALLEGIANCE
- III. AUDIENCE PARTICIPATION (Limit 3 minutes)
- IV. APPROVAL OF MINUTES: April 17, 2024
- V. ITEMS OF BUSINESS
 - A. Staff Report – Joe Metzger
 - B. Resolution 24-02: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT ORDINANCE SERIAL NO. 24-099, CONVEYING THE BOROUGH'S DEVELOPMENT RIGHTS INTEREST TO ANTHONY AND TAMMIE WEST FOR FEE SIMPLE TITLE WITH AGRICULTURAL COVENANTS (MSB001285).
 - C. Work Session
- VI. MEMBER COMMENTS (Limit to 3 minutes)
- VII. NEXT MEETING: October 16, 2024
- VIII. ADJOURNMENT

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

4 Chairman – LaMarr Anderson (01)	Melanie Glatt (03)	VACANT (06)	Kenneth Hoffman (10)
Vice Chair – Stephen Brown (08)	Kim Bergey (04)	Adam Jenski (07)	Thomas Bergey (11)
Amanda Salmon (02)	Jozef Slowik (05)	Misty O’Connor (09)	VACANT (12)

5
6 **MINUTES - DRAFT**
7

8 **REGULAR MEETING**

April 17, 2024

9 **DSJ BUILDING**

4:30 P.M.

10 **LOWER LEVEL CONFERENCE ROOM**
11
12

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

14 Mr. Brown called the meeting to order at 4:43 p.m.

15 Members present and establishing a quorum were: LaMarr Anderson (arrived at 4:46
16 p.m.), Stephen Brown, Amanda Salmon, Melanie Glatt, Adam Jenski, Misty O’Connor
17 and Kenneth Hoffman

18 Members absent and excused: Jozef Slowik

19 Members absent: Kim Bergey, Thomas Bergey

20 Staff present: Joseph Metzger, Land Management Division Manager
21 Margie Cobb, Department Administrative Specialist
22

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

24 Agenda approved as presented.
25

26 **III. AUDIENCE PARTICIPATION (Limit 3 minutes)**

- 27 • Gabe Kitter (Title 23 Parcel): He is struggling with finding financial institutions that
28 will lend. He is looking to learn Ag, as a whole and wants to get involved in the
29 process.
- 30 • Rob Wells (Title 13 Parcel): He plans to reach out to his assemblyperson to request
31 this Board bring forth a change for smaller subdivision of parcels. He personally feels
32 this will allow smaller farmers to become involved; suggested 10 ac farm with a home,
33 and that Schedule F be a consideration, but not a sticking issue since some farmers do
34 not do a Schedule F.
- 35 • Bev Cutler (Title 13 Parcel): Agrees with Mr. Wells and would like the Board to
36 consider this request and ensure there is zero loss of ag land. She shared that when she
37 acquired the property in 1977 it was woods and they had to clear the land, which gave
38 the Borough a net gain of useable ag land. She further stated that the Board would be
39 seeing a future action for a lot line adjustment which she would like to be approved.
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41 **IV. APPROVAL OF MINUTES**

42 The March 20, 2024 Minutes were approved as presented.
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45 V. ITEMS OF BUSINESS

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47 A. Staff Report (Mr. Metzger)

- 48 - He thanked the three Borough Ag parcel owners for their comments and
- 49 perspectives
- 50 - He has handled calls from lenders fielding questions. Mr. Kitter was asked
- 51 about his funding issues; he stated he was only able to find funding through AK
- 52 Housing. Mr. Jenski noted that funding option are available through ARLF or
- 53 ARRC for farmers.
- 54 - He made the Board aware that he is aware of a potential subdivision and is
- 55 awaiting the application. It will go through the Platting Board, and if approved,
- 56 it will still require Ag Board approval and Assembly approval.
- 57 - He made the Board aware of the complexities of the lot line adjustment,
- 58 mentioned by Ms. Cutler. This will also come to this Board for approval, then
- 59 to the Assembly.

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61 B. Work Session Follow up – Title Changes

62 Discussion on potential Covenant changes was added to the notes from previous
63 meetings and is attached. Highlighted items are specific to this meeting.

64

65 VI. MEMBER COMMENTS (Limit to 3 minutes)

66 Everyone expressed that there was good discussion and input during the work session
67 that was very informative with the interaction requested from the three ag parcel owners
68 present.

69 Mr. Brown: Rhodiola is in limited supply in the Lower 48, but very available in Alaska;
70 this is a future market from Alaska.

71 Ms. Glatt: Feels this Board has a lot of business to address, suggested meeting twice a
72 month. Also, suggested seeing what the State can offer for good ag land without
73 compromising other economic factors.

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75 VII. NEXT MEETING: May 15, 2024

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77 VIII. ADJOURNMENT

78 Mr. Anderson adjourned the meeting at 6:30 p.m.

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LaMarr Anderson, Chairman DATE

84 ATTEST:

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88 _____
Margie Cobb

89 Department Administrative Specialist

TITLE CHANGES

Current Concerns:

- Preserve Ag land now and in the future
- Cannot divide property among more than four heirs.
- Court settlements that do not match covenants
- 79 acres does not allow for any division due to minimum 40 acre requirement
- **Provide incentives for those with large parcels to use for ag purposes**
- There are few 40-100 acre areas available for Borough Ag sale until West Susitna opens.

Focus Points:

- Possible lot size of 10-20 acres
 - o Balance: Preserve large lots for livestock while addressing need for small Ag
 - o Define rules for subdividing
- Add tax incentives for fam structures
- Could affect all Title 13, 15 and 23 Ag Land Owners
- Definitions/designations for lot sizes based on soil composition and watershed
- Think of future – ensure the right language
 - o Ensure owners can't be sued by neighbors

PROS	CONS
<ul style="list-style-type: none"> • Any proposed changes should result in zero loss of ag land for properties under Title 13, 15 and 23. 	<ul style="list-style-type: none"> • Not too small to make income. • Changes may not be approved by Title 23 landowners. • Enforcement difficult if language is too detailed.

CURRENT CONCERN: **Provide incentives for those with large parcels to use for ag purposes**

Agricultural Tax Incentives:

- **Only kick in if farming and proof provided by property owner (Schedule F or other).**
 - o State SB161; if passed, Borough could ratify. Maybe a resolution to Borough let the State know the Borough supports.
 - 4/18 – this draft does not address the issues of this Board Well
 - o Fairbanks legislation that was adopted.
 - **4/18 – ACTION ITEM** – Review for next meeting (5/15) to identify what can be used for recommendation to present to Assembly
- Tie tax incentives to agriculture production. Tiered approach.
- **Tax incentives not just the land, but the buildings to provide for infrastructure for storage/processing.**
-

QUESTIONS:

If someone doesn't want to approve any changes to covenants, when property divided, new properties are under new covenants, not the current covenants.

OVERALL GOALS:

Protect and preserve ag land

Ensure decisions today do not negatively affect the future.

Matanuska-Susitna Borough



MEMORANDUM

DATE: September 18, 2024 meeting
TO: Agriculture Advisory Board Members
THROUGH: Joe Metzger, Land Management Division Manager
FROM: Suzanne Reilly, Asset Manager
RE: MSB0001 - Request to acquire the remaining interest in the land estate for an agricultural land sale that occurred in 1981
Tax ID No. 26N05W21C002 and 26N05W21C003 (160 Acres)

The applicants/buyers, Anthony and Tammie West, have applied to acquire the remaining interest in the land estate of Tax ID's 26N05W21C002 and C003. This request would merge the Borough's development rights with the agricultural rights title for a fee simple estate and would implement the covenants, conditions, and restrictions used under Title 23 agricultural programs. This request is allowed under MSB 23.10.230(A)(1)(g).

The subject property, approximately 160 acres, was part of the 1983 Borough Agricultural Sale that was sold under former Title 13 in 1981. Under former Title 13, when the Borough conveyed land in agricultural land sale programs, it conveyed the "agricultural rights" to the buyer and retained the "development rights". MSB 13.30.120(H) defined the rights conveyed as "All rights except mineral rights and development rights. Development rights are the rights to subdivide or use the surface of the land for residential, commercial or industrial uses which are not part of the farming enterprise conducted on the land."

Title 13 was replaced by Title 23 in 1994. Under Title 23, when the Borough sells agricultural properties, it conveys fee simple estate and imposes covenants, conditions, and restrictions on the fee simple title. The covenants, conditions, and restrictions are designed to maintain the agriculture potential of the land without requiring certain clearing or production requirements as necessary under former Title 13.

Pursuant to MSB 23.10.230(A)(1)(g) the Manager may, with the approval of the Assembly by ordinance, approve a sale of Borough-owned real property by application for disposal of the Borough's interest in the agricultural land sales conducted in 1977, 1981, 1982, and 1983. Anthony and Tammie West have submitted an application and qualify to purchase the remaining interest in a land estate in accordance with MSB Title 23 and Land and Resource Management Policy and Procedures.

RECOMMENDATION: The Land and Resource Management Division respectfully requests the Agriculture Advisory Board approves Agriculture Advisory Board Resolution 24-02 recommending the Matanuska-Susitna Borough adopt Ordinance Serial No. 24-099.

**MATANUSKA-SUSITNA BOROUGH
AGRICULTURE ADVISORY BOARD
RESOLUTION NO. 24-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT ORDINANCE SERIAL NO. 24-099, CONVEYING THE BOROUGH'S DEVELOPMENT RIGHTS INTEREST TO ANTHONY AND TAMMIE WEST FOR FEE SIMPLE TITLE WITH AGRICULTURAL COVENANTS (MSB001285).

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 Agriculture Advisory Board asked Land and Resource Management staff to develop a program to convert and merge the Borough's development rights held in deeds for the 1977, 1981, 1982, and 1983 agricultural land sales programs; and

WHEREAS, on November 22, 2022, the Matanuska-Susitna Borough Assembly approved Informational Memorandum No. 22-224 and Resolution Serial No. 22-105, amending Title 23 Real Property and the Land and Resource Management Policy and Procedures Manual Part 5, for the Agricultural Land Sales under former Title 13 that occurred in 1977, 1981, 1982, and 1983 and merge the Borough's development right with the agricultural rights title for fee simple title with agricultural covenants; and

WHEREAS, the Matanuska-Susitna Borough Land and Resource Management Division received an application from Anthony and Tammie West to acquire the remaining interest in the land estate

of Tax ID's 26N05W21C002 and 26N05W21C003; and

WHEREAS, Anthony and Tammie West qualify to purchase the remaining interest in a land estate in accordance with MSB Title 23 and Land and Resource Management Policy and Procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Agriculture Advisory Board recommends the Matanuska-Susitna Borough Assembly hereby adopt Ordinance Serial No. 24-099, conveying the Borough's development rights interest to James and Amber McDonough for fee simple title with agricultural covenants.

ADOPTED by the Matanuska-Susitna Borough Agricultural Advisory Board this 18th day of September 2024.

LaMarr Anderson, Chairman

ATTEST:

Margie Cobb,
Department Administrative Specialist