

**Minutes of the Regular Meeting
Denali Borough Planning Commission
Tri-Valley Community Center
January 21, 2014**

1) Call to Order

The Presiding Officer, Sid MICHAELS, called the planning commission regular meeting to order at 7:30 PM.

2) Roll Call

Planning Commissioners present were Patricia GRIGGS, Steve JONES, Ryan JUSCZAK, Baxter MERCER, and Sid MICHAELS. Molly MCKINLEY informed the commission at the November 2013 meeting that she would be unable to attend the January meeting. Mark MENKE was absent.

3) Election of Officers

Sid MICHAELS called for nominations for Presiding Officer. Patricia GRIGGS nominated Sid MICHAELS; Steve JONES seconded. There were no further nominations. The VOTE to elect Sid MICHAELS as Presiding Officer PASSED unanimously.

Sid MICHAELS called for nominations for Deputy Presiding Officer. Steve JONES nominated Molly MCKINLEY; Baxter MERCER seconded. There were no further nominations. The VOTE to elect Molly MCKINLEY as Deputy Presiding Officer PASSED unanimously.

4) Public Comments

There were no public comments.

5) Approval of Agenda

Baxter MERCER MOVED to approve the agenda; Patricia GRIGGS seconded. Steve JONES MOVED to amend the agenda to add Building Height Restrictions under New Business C for discussion purposes. By unanimous consent, this item was added to the agenda. The VOTE to approve the amended agenda PASSED unanimously.

6) Approval of Minutes

Patricia GRIGGS MOVED to approve the November 12, 2013 Worksession, Public Hearing, and Regular Meeting minutes; Ryan JUSCZAK seconded. The VOTE to approve the November 12, 2013 minutes PASSED unanimously.

7) Correspondence

a) Mr. Chuck Saylor on Princess Employees and Land Classification

Mr. Saylor submitted this correspondence to the Presiding Officer and agreed that it could be shared with the commission. Some of the points Mr. Saylor incorporated in his correspondence that were discussed during the worksession include locating an airport that is closer to Healy than Clear and that we are too late to do anything about the influx of seasonal employees in Healy.

b) National Park Service on Gas Pipeline ROW Location in the Denali Borough/National Park lands

The correspondence gives the impression that the National Park Service (NPS) senses that the pipeline right-of-way location will be across borough land. A number of commissioners stated that the borough should take some action that would force the pipeline developers to use the highway utility corridor. The mayor and Mr. Terry Hinman attended the Community Advisory Council (CAC) meeting in Anchorage hosted by Alaska Gasline Development Corporation (AGDC) in November. The mayor is planning on attending the CAC meeting in Juneau in February. AGDC stated that going through the park via the highway involves lots of cumbersome regulations including Title XI of the Alaska National Interest Lands Conservation Act, which pertains to access onto federal lands. AGDC stated they are working with the NPS. Legislation, which would allow the pipeline to go through the park, has passed the United States Congress and has been signed by the President.

1 c) **Nenana Area Borough Options Study Draft Report**

2 It was opined that it is highly unlikely that the Nenana area will join the Denali Borough.

3 d) **DNR- Notice of Adoption of the Yukon Tanana Area Plan**

4 The plan was adopted on January 3, 2014.

5
6 **8) Plats and Conditional Uses**

7 a) **Plat 14-001 Replat a 50' access/utility easement Lot 2-A-N, Lot 2, Lot 1-A, and Lot 1-B, Freeheel Subdivision**
8 **(South of Carlo Creek)**

9
10 Points of discussion included the following:

- 11 • Golden Valley Electric Association (GVEA) requested the opportunity to review the final plat prior to final
12 approval by the Denali Borough to ensure that the Utility Notes found on the original are carried forward
13 onto the re-plat.
- 14 • The first utility note states: "There will be a 35-foot radius easement at each pole location for guys,
15 anchors, and other supportive structures." That would leave 15-feet for a road. The representative for the
16 landowners, Mr. Tim Venechuk, stated that the proposal is to produce a 50-foot combination easement
17 for private access and utilities.
- 18 • The second utility note states: "A 15-foot wide strip of land as determined necessary by the utility
19 companies is granted for the installation, maintenance, repair, or removal of yard poles."
- 20 • A viable access road would require a minimum width of 19 feet. Anything short of that minimum provides
21 for a one-lane road, which may suffice at present, but may cause problems in the future. The
22 representative stated that in order for GVEA to provide the letter of non-objection they required the
23 utility notes to be carried forward. If the re-plat ended up in court, GVEA would prevail and that would
24 leave a minimal if not unusable piece of land for an actual easement to the properties. Today, this is not a
25 problem because there is essentially a jeep trail into the properties, but ten to 20 years from now if there
26 is more development, residential or commercial, a conflict between GVEA and landowners may develop.
27 The goal of the commission is to try and prevent these kinds of potential conflicts from occurring.
- 28 • There are no stipulations on the plat to prevent GVEA from going down the center of the 50-foot
29 easement. Stipulations need to be included on the plat.
- 30 • Steve JONES has witnessed two similar cases unfold between the North Star Borough and a utility and the
31 utility won out in both cases.
- 32 • The representative suggested that a fix might be to create a 60-foot easement that straddles the property
33 line; with two 30-foot segments one dedicated to utilities the other to access. A commissioner voiced
34 support for dedicating two separate easements.
- 35 • The representative was asked whether the lay of the land would allow for a 19-foot roadbed within the
36 proposed easement; at this time, it is unknown. The easement may work fine on paper, but it may not
37 work on the ground.
- 38 • It was suggested that some modification be made to the area on the sketch referred to as the "wedge."
- 39 • The representative was asked to verify that there is no cut bank on the property that would skew the
40 proposed easements.
- 41 • It was requested that a preliminary plat vs. a sketch be provided to the commission at a future meeting.

42
43 Steve JONES MOVED to postpone, with concurrence from the representative, this item to the next Public Hearing
44 and Regular Meeting; Baxter MERCER seconded. The VOTE to postpone PASSED unanimously.

45
46 **b) Discussion of Plat 14-002 Nicklie Addition 1 SD Sec 3 T18S, R7W F.M. (.75 Mile Denali Highway)**

47
48 There is a problem with accessing the proposed piece of property even though it abuts the highway due to a steep
49 embankment. The state has provisions for driveway access to a highway. The landowner wants to create one two-
50 acre lot out of the 145 acre parcel. Abutting or in the midst of the 145 acres are multiple landowners including a 5-
51 acre AHTNA parcel, a Department of Transportation and Public Facilities (DOT) material site, and the Healy-Willow
52 Intertie transmission line easement and electric substation.

1
2 Discussion points included the following:

- 3 • The property owner, Nicklie, wants to subdivide a 2-acre lot to sell.
- 4 • There is a driveway depicted on the plat and a dotted line representing a walking trail.
- 5 • There is legal access from the Denali Highway but no practical physical access, due to the presence of a cliff;
6 however, pedestrian access is feasible.
- 7 • The further into the property the steeper it gets.
- 8 • It may be possible to access the property from the west side of the property near another property owner's
9 private driveway.
- 10 • The plat should illustrate where a useable access road can be built.
- 11 • The surveyor is asking the borough whether or not putting the easement on the plat is required.
- 12 • The surveyor is awaiting a response from DOT and has queried what would be considered a reasonable
13 amount of time for them to reply.
- 14 • Access to the rectangular-shaped lot should be platted.
- 15 • There are a number of mistakes on the plat which should be fixed as long as it is being redone.
- 16 • What constitutes feasible access may be different for different persons. It was believed by some that access
17 to what is presently the Denali Bluffs and Grande Denali locations was not feasible yet the road was put in
18 and is being used.
- 19 • There are mistakes in the Mat-Su Title Agency report. One that was brought to light is that the report states
20 that the land is not in an organized taxing district.

21
22 It was recommended that the planner further discuss the issue with the property owner and the surveyor. If this
23 item needs to come before the commission again, the planner will notify the clerk.
24

25 **9) Reports**

26 a) **Mayor**

- 27 • The mayor thanked Mr. MICHAELS for continuing his service on the planning commission. The assembly
28 approved both MICHAELS and MENKE. Although Mr. MENKE expressed that he was busy and may not be
29 able to attend meetings, there were no applicants for the two empty Healy seats and Mr. MENKE will do
30 what he can to assist the commission.
- 31 • All seats on the assembly are filled. Kim Burrows is the Seat B, McKinley Village, representative.
- 32 • The Annual Work Plan is posted to the borough's website.
- 33 • The mayor will be attending the Alaska Municipal League Legislative Conference in February. The
34 conference will conflict with the commission's February meeting and so the mayor will provide a written
35 report.

36
37 The mayor was asked to address the following issues:

- 38 • The Panguingue B survey is still in progress.
- 39 • The Cantwell meeting focusing on 14 (3) (C) was well attended and moderated by the Division of
40 Community and Regional Affairs. The Alaska Native Claims Settlement Act provides for some leeway
41 regarding the number of acres that need to be set aside for community development. A local Cantwell
42 committee will be looking at lands to select. Ownership of the school property is still not resolved.
- 43 • Within the next couple of months, the mayor will develop a priority list of lands to be surveyed.
- 44 • The deed to Swan Lake has not been recorded because the original plat was damaged.

45 46 b) **Borough Planner**

47 The planner has created maps depicting borough lands that are patented and those for which management
48 authority has been granted. The commission requested the maps be placed in binders and distributed at the
49 next meeting.
50
51

1 **10) Communication and Appearance Requests**

2 There were no communication or appearance requests for this meeting.

3
4 **11) Unfinished Business**

5
6 **a) Discussion Alaska Gas-line Development Corp (AGDC) Pipeline Project within the Denali Borough**

7 The mayor participated in a teleconference with Miles Baker and Frank Richards of AGDC on January 8th.
8 The entire pipeline route has been reassessed and a new revision of the alignment, number 6, will require a
9 supplemental Environmental Impact Statement. There are questions as to what the future pipeline project will
10 be: a small diameter pipeline carrying lean gas accessible to multiple communities or a larger diameter
11 pipeline with less clean gas, which would not allow the same accessibility to the resource for communities.
12

13 The commission has determined that it does not want the pipeline on the Montana Creek property. It was
14 suggested that a directive be written that forbids access to these lands. The assembly would be the body that
15 needs to act on this issue. Another suggestion was to zone the area in such a way so as to prevent a pipeline.
16 AGDC being a quasi-state agency has more power than a private developer. Bring ideas to the next meeting.
17

18 By unanimous consent, this item was postponed to the next meeting.

19
20 **b) Draft 2 Chapter 4.01 Definitions (Proposed)**

21 Presiding Officer MICHAELS informed the commission that Patricia GRIGGS has been working on Title 4 and
22 the effort to restore the definitions, proposed as a new chapter (4.01), to their original chapters (4.05, 4.10,
23 4.15, and 4.25) in code. Pat also added definitions for terms that were considered for inclusion to 4.01. The
24 commissioners were advised to review the documents and bring feedback to next month's meeting.
25

26 By unanimous consent, this item was postponed to the next meeting.

27
28 **c) Draft 3 Chapter 4.05 Real Property Acquisition**

29 There was no discussion on this issue. By unanimous consent, this item was postponed to the next meeting.
30

31 **d) Draft 12 Chapter 4.10 Management of Borough Real Property**

32 Steve JONES volunteered to review the DBC chapters relating to the Comprehensive Plan, land-use plan,
33 management plans, role of the commission, role of the administrator, etc. and to bring before the commission
34 proposed language changes to Chapter 4.10 and other relevant changes that might have to be made to other
35 chapters (9.05, 5.30, 4.15, etc) to make the proposed transition from the administrator to the commission
36 producing the management plans for borough real property.
37

38 By unanimous consent, this item was postponed to the next worksession and regular meeting.

39
40 **e) Draft 8 Chapter 4.15 Disposal of Borough Real Property**

41 Steve JONES noted that 4.15.015 A will need to be revised under the larger effort that he is undertaking as
42 described in d) above.
43

44 By unanimous consent, this item was postponed to the next meeting.

45
46 **f) Draft 16 Chapter 4.25 Classification of Borough-owned Land**

47 As with item d) 4.15 above, this item will need to be revised under the larger effort being undertaken by
48 Steve JONES.
49

50 By unanimous consent, this item was postponed to the next worksession and regular meeting.

51
52 **Draft Resolution Working Example Version 6**

53 There was no discussion on this item. By unanimous consent, this item was postponed to the next meeting.

1 **g) Letter to the Assembly (re: on recommended amendments to Title 4)**

2 By unanimous consent this item was postponed indefinitely.

3
4 **h) Draft 3 Chapter 9.21 Zoning Nenana River Scenic Corridor (Proposed New Chapter)**

5 Steve JONES MOVED to substitute the proposed amendment to Draft 3 for Draft 3 thus creating Draft 4;
6 Baxter MERCER seconded. The VOTE to substitute PASSED unanimously.

7
8 Sid MICHAELS volunteered to draft a narrative to accompany the proposed ordinance when it is passed on to
9 the assembly.

10
11 By unanimous consent, this item was postponed to the next worksession, public hearing, and regular meeting.

12
13 **i) Draft 2 Chapter 9.22 Zoning Airport Reserve (Proposed New Chapter)**

14 Steve JONES MOVED to amend the language presently in 9.22.050 Variances to read the same as that
15 contained in 9.21.050 Variances; Ryan JUSZAK seconded. The VOTE to amend the language PASSED
16 unanimously. The commission will now be working on Draft 3 Chapter 9.22.

17
18 Steve JONES volunteered to draft a narrative to accompany the proposed ordinance when it is passed on to
19 the assembly.

20
21 By unanimous consent, this item was postponed to the next worksession, public hearing, and regular meeting.

22
23 **12) New Business**

24 **a) Fiscal Year 2015 Land Management Budget**

25 The commission provides input on the Land Management budget to the mayor. The timeline for the budget
26 process dictates that the commission provides its input prior to the March 1 deadline.

27
28 The mayor was asked why the figures for line items: non-staff stipends, staff salaries, staff benefits, and non-
29 staff benefits are redacted. The mayor provided that these items are not under the purview of the
30 commission. In the past, the information has been provided. This information is public knowledge and
31 redacting it from the worksheet shows a lack of government transparency. The failure to include the
32 information provides inadequate information on what the total budget number is and does not allow for
33 comparison with prior year budgets. Even if the commission does not have the ability to alter these figures,
34 they may choose to make recommendations to do so. There are other line items, such as rent, that the
35 commission does not have the ability to change and these figures are provided.

36
37 Baxter MERCER MOVED to ask the administrator to insert the redacted figures; Patricia GRIGGS seconded. The
38 VOTE to request the redacted figures are inserted on a new worksheet PASSED unanimously.

39
40 The 2014 budget figure is the amended budget under Ordinance 13-10.

41
42 Steve JONES requested Acrobat Pro, a software program, to amend PDF files from sources other than the
43 borough. The office can send commissioners documents in Word for editing.

44
45 By unanimous consent the commission MOVED to request an increase to the FY 2015 budget line items staff
46 training and non-staff training to \$5000 and \$4000 respectively. It was noted that planning training has been
47 very beneficial to the individual and the borough. There was a distinction made between the travel line item,
48 which includes airfare, mileage, hotels, etc, and the training line item, which includes conference fees, books,
49 special sessions, etc.

50
51 The FY 2014 Land Administration line item was dropped drastically due to budget shortfalls. The line item now
52 is at \$70,000. The mayor has a goal of surveying at least two properties per year. The mayor suggested that

1 the Land Enterprise Fund, \$268,000, can be tapped for land planning. It would take a minimum of two
2 assembly meetings to allow for the transfer of these funds.

3
4 By unanimous consent, this item was postponed to the next public hearing and regular meeting.

5
6 **b) Resolution PC 14-01 in support of the Stampede State Recreation Area**

7 Steve JONES MOVED to pass and approve Resolution PC 14-01; Baxter MERCER seconded. This concept has
8 been pretty well supported in the area.

9
10 The ROLL CALL VOTE to approve Resolution PC 14-01 PASSED unanimously with GRIGGS, JONES, JUSCZAK,
11 MERCER, and MICHAELS voting in the affirmative.

12
13 **c) Building Height Restrictions**

14 Steve JONES asked the commission if it was willing to entertain inclusion of language in Title 9 that would
15 require the approval of the planning commission and the assembly to allow a residential building to be taller
16 than three stories high or a commercial building to be greater than 100 feet tall in the borough. The state
17 requires anything over three stories to install a sprinkler system. A permit or some other form of borough
18 approval would allow stipulations be required. It would be wise to get the local fire departments on board
19 with this effort. The Tri-Valley Volunteer Fire Department recently purchased a 40-foot ladder truck, which will
20 take a lot of training to get up and running.

21
22 The commission expressed interest in reviewing a document outlining building height restrictions. Steve
23 JONES will bring something to the next meeting.

24
25 **13) Public Comments**

26 There were no public comments.

27
28 **14) Commissioner Comments**

29 Ryan JUSCZAK declared that he would start researching right-of-way leases.

30
31 Mayor stated it was a good meeting and said the clerk is doing some research on that topic as well.

32
33 Sid MICHAELS said it was a good meeting with good discussions.

34
35 **15) Time and Place of Next Meeting**

36 The next meeting of the commission will be February 18, 2014 @ 6:15 PM in the Tri-Valley Community Center.

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38 **16) Adjournment**

39 The Presiding Officer adjourned the January 21, 2014 Regular Meeting at 9:25 PM.

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46 APPROVED:


Sid MICHAELS, Presiding Officer

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49
50 ATTEST:


Linda PAGANELLI, Deputy Clerk

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52 Date Approved: 02.18.14