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**Minutes of the Regular Meeting  
Denali Borough Planning Commission  
Tri-Valley Community Center  
February 18, 2014**

**1) Call to Order**

The Presiding Officer, Sid MICHAELS, called the planning commission regular meeting to order at 7:38 PM.

**2) Roll Call**

Planning Commissioners present were Steve JONES, Ryan JUSCZAK, Molly MCKINLEY, Baxter MERCER, and Sid MICHAELS. Patricia GRIGGS called the office to report she would be unable to attend the meeting due to illness. Mark MENKE was absent.

**3) Public Comments**

Cyrus Cooper, Ranch Road, Healy, Alaska

A while ago, there was a lot of discussion regarding fracking in the local area and Molly McKinley, now a commissioner, spoke to the issue of individual property owners preserving their water rights. Mr. Cooper wanted to bring to the attention of the commission that we now have industrial-sized development in our backyards that is significantly impacting the aquifer. The 12-inch waterline that has been installed into the aquifer that also serves local residents will soon be pulling at capacity and is of concern to the local communities. Is the Denali Borough concerned about water rights? If not, then that needs to be stated; if yes, then how is the borough protecting its citizens? It is the citizens' responsibility to safeguard their water and mineral rights. When a body of this stature approves subdivisions, whether corporate or residential, you are impacting the rights of other residents without asking for their input. As the borough goes forward, Mr. Cooper asked for caution and consideration because at some point in time our ability to provide all the necessary resources coming out of the ground may be strained especially in light of the damage the aquifer suffered from the 2003 earthquake. Many local residents had to drill new wells because the earthquake shifted the capacity of the aquifer.

In terms of the zoning of the scenic corridor and airport reserve, please ask the hard questions. Number one, why are we doing it and number two, if the time and effort are expended to advance these efforts, please ensure that these efforts are preserved for the future and don't make it easy to undo the successes.

Jared Zimmerman, Panguingue Creek Subdivision

Mr. Zimmerman wished to speak to the issue of classification of lands and how it interplays with the creation of management plans as provided for in code. He stated that as written land management disposal is effective and cautioned against making changes as discussed by the commission during the worksession. Tweaking one part of the code can lead to problems in other parts of the code. Mr. Zimmerman did not agree with the assessment that management plans are easier to produce than classifying land and cautioned against replacing classification with management plans in code. The current code outlines a workable process that allocates responsibility to the administration, the commission, and the assembly.

Much of Mr. Zimmerman's contemplation on this issue arose from the discussion of lands, with existing agricultural leases, given to the borough by the state on the Stampede Road. Existing uses on these lands needed to be accommodated but the borough had not classified the lands and management plans had not been prepared. Upcoming development and possible uses of borough lands include the gas pipeline, man-camps, and gas exploration. These uses should be addressed on classified and managed borough lands. Existing uses on certain borough parcels present a challenge, but should not skew how the bulk of the 50,000 acres are managed.

The borough selected certain parcels from the state for its municipal entitlement. Mr. Zimmerman hopes that the reasons why these selections were made has not been lost and as much as possible the reasons should be drawn upon to guide the classification process.

1  
2 Mr. Zimmerman did not agree with the statement that there is not a mandate for the commission to create a Land  
3 Use Plan as asserted in the January 21, 2014 minutes. Mr. Zimmerman stated that in order for the borough to do  
4 anything with its land it needs to be classified and he interprets that to mean that it is mandated that all borough  
5 land be classified so that the borough can manage its lands appropriately. The borough should look at all the land  
6 it has, assess what uses need to be accommodated, determine which if any borough land could lend itself to that  
7 use, and then classify the land accordingly. Once land has been classified, it then is the administrator's role to  
8 create a management plan for that land. The planning commission should not be burdened with creating  
9 management plans for specific parcels. The classification of a parcel, with all backup materials, guides the  
10 administration in identifying uses, regulations, whether lease or sale, etc. that will pertain to that parcel. The  
11 management plans should be done professionally by the administration. If needed, a planner should be hired to  
12 assist in these efforts. Creation of management plans is beyond the scope of the commission. Once developed, the  
13 management plans go to the assembly, which is the body that can take action on the plans. It is important for the  
14 management plans to funnel through the process.  
15

16 The Panguingue Creek Subdivision has high standards for land management processes. There was a question about  
17 the gravel pit located at 1.7 Mile Stampede Road and how it might be used. Heavy Industrial was the classification  
18 most suited to the site but that made people upset because under that classification other undesirable uses could  
19 also be allowed. In the scope of managing the 50,000 acres, classification provides the broad-brush picture while  
20 management plans provide the details on how specifically parcels will be managed and what uses will be  
21 permitted.  
22

23 Existing code states that each parcel of land will have a management plan developed for it. What is a parcel? The  
24 classification process could be used to identify like lands, which need not be contiguous, but could be lumped  
25 together into one management plan. The state area plans provide a good model for classification; they do not have  
26 a lot of teeth, but are effective planning tools.  
27

28 Mr. Zimmerman thanked the commission for hearing his comments and doing the work of the planning  
29 commission; it is a big task and it is appreciated.  
30

#### 31 **4) Approval of Agenda**

32 Ryan JUSCZAK MOVED to approve the agenda; Baxter MERCER seconded. The VOTE to approve the agenda PASSED  
33 unanimously.  
34

#### 35 **6) Approval of Minutes**

36 Baxter MERCER MOVED to approve the January 21, 2014 Worksession, Public Hearing, and Regular Meeting  
37 minutes; Molly MCKINLEY seconded. The VOTE to approve the January 21, 2014 minutes PASSED unanimously.  
38

#### 39 **7) Correspondence**

40 The commission received no correspondence.  
41

#### 42 **8) Plats and Conditional Uses**

##### 43 **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** 44 **(South of Carlo Creek)**

45  
46 Mr. Venechuk, representative of the property owners, was present to respond to questions.  
47

48 The small sketch in the upper left hand corner of the plat illustrates the 30-foot public utility easement and the  
49 20-foot access easements recorded in 2006, 2008, and 2009 that are requested to be vacated. The proposed  
50 access easement is for private, current residents, not public access. The easement will not extend to AHTNA  
51 land. The proposed replat is for a 50-foot combined utility and private access easement. The plat also illustrates  
52 a 30-foot wide Golden Valley Electric Association (GVEA) utility easement with no associated access. Mr.

1 Venechuk responded that he intends on addressing this issue by placing a statement on the plat that reads  
2 "access to the Parks Highway is via an existing gravel road." This is the same road that the Perch Restaurant uses.  
3

4 Is there any way to depict a unique private access and a unique utility easement? The representative stated that  
5 it is a combined easement that both GVEA and the property owners are happy with. The Denali Borough Code  
6 (DBC) calls for consideration of legal access. In this situation, a combined access/utility easement with neither  
7 defined, which entity has the first right-of-way GVEA or private access? What would happen if a conflict arose?  
8 Looking at the long term, the private property parcels are large enough to be subdivided and without providing  
9 true private access depicted on the plat is problematic. The planning commission is responsible to ensure access  
10 for the present and future property owners.  
11

12 In November 2009, the Denali Borough Planning Commission approved a non-platted access easement into this  
13 subdivision. One opinion was that as long as the plat before the commission stated that there was a 30-foot  
14 reserved utility easement, 15-feet on each side of the existing power line, it would not be a problem as long as  
15 GVEA agreed. Another opinion was opposed to perpetuating the mistake made in the past and suggested fixing  
16 the error by designating a separate private access easement on the plat.  
17

18 Under DBC 9.10.110 Vacations of easements and rights-of-way the vacation petition shall include the name,  
19 address, and land ownership of each petitioner and all other land owners within the petition area and within 500  
20 feet beyond the petition area. The vacation petition before the commission does not fulfill this requirement.  
21

22 One commissioner felt strongly that the code should be followed and stated that they would not vote for the  
23 resolution to approve the preliminary plat. There were five commissioners present and passage would require all  
24 five members to vote YEA. It was suggested that the plat be postponed to the next meeting to see if five votes  
25 could be mustered to pass the resolution.  
26

27 The representative asked what it would take to get the fifth vote. The response was an amended resolution  
28 stating that two easements (30-foot utility and 20-foot access) be defined on the plat and that the petition  
29 complies with DBC 9.10.110. The Perch Restaurant and AHTNA Corporation, property owners within 500 feet of  
30 the proposed vacation and replat, have not been notified of the proposed action.  
31

32 It was agreed that the DBC regarding the vacation of easements and right-of-ways is too simplistic and vague.  
33

34 Baxter MERCER MOVED to postpone this item to the next meeting; Steve JONES seconded.  
35

36 The code does not stipulate that the property owners within 500 feet of the petition area be notified only that their  
37 names and addresses be provided.  
38

39 The VOTE to postpone was unanimous.  
40

- 41 **b) Plat 14-003 Vacating and replatting a property line between lot 1 and 2, subdividing lot 2, and vacating a 25 foot**  
42 **public access easement within Parcel 1, ASLS 87-23 Located within Section 13, T12S, 8W, F.M., Alaska (Parks Hwy –**  
43 **Lausen)**  
44

45 Mr. Venechuk, representative of the property owners, was present to respond to questions.  
46

47 The commission had before them a preliminary drawing not a preliminary plat. Each of the lots depicted have  
48 ample access easements. In regards to vacating the 25-foot public access easement within Parcel 1, the resolution  
49 should be amended to ensure compliance with DBC 9.10.110. The representative prompted the property owners  
50 to vacate the access easement as Princess has already placed cabins within the easement. The representative  
51 stated that he would rescind the request for the vacation of the easement. He requested preliminary approval for  
52 subdividing Lot 2 and moving the lot line, between 1A and 2B/2A to make it parallel with the south boundary.

1  
2 Molly MCKINLEY MOVED to amend Resolution No. PC 14-03 by deleting from the title the following language  
3 "...and vacating a 25-foot public access easement within Lots 1 and 2 of Parcel 1..." and deleting 3) from the NOW  
4 THEREFORE BE IT RESOLVED clause; Steve JONES seconded. The VOTE to amend the resolution PASSED  
5 unanimately.  
6

7 Steve JONES MOVED to approve Resolution No. PC 14-03 as amended; Baxter MERCER seconded. The ROLL CALL  
8 VOTE to approve the resolution PASSED unanimately with JONES, JUSCZAK, MCKINLEY, MERCER, and MICHAELS  
9 voting in the affirmative.  
10

## 11 **9) Reports**

### 12 a) **Mayor**

13 The mayor was not present as he was attending the Alaska Municipal League Legislative Conference in Juneau,  
14 Alaska. The mayor provided a written report, which included the following:

- 15 • The mayor and planner visited the Northern Region Department of Transportation (DOT) to meet  
16 with the Denali Maintenance and Operations Supervisor, the Safety and Traffic Engineer, and the  
17 Healy area foreman. The purpose of the meeting was to discuss the increasing pedestrian and  
18 motorist traffic affecting Healy at the juncture of the Parks Highway and the Spur/Ranch Road  
19 intersections. During the next two years, highway refurbishing will limit what the DOT can do to  
20 alleviate potential problems. DOT recommends the borough plan, identify projects, and pass  
21 resolutions in support of the projects. The mayor recommends the borough engage the planning  
22 process via a committee or task force to develop a plan for pedestrian and motorist improvements  
23 particularly in the Healy area.
- 24 • The mayor continues to follow the gasline development projects. Senate Bill 138 may propose a  
25 Payment in Lieu of Taxes arrangement for gasline development vs. municipalities imposing a property  
26 tax on the line. Mr. Hinman remains involved with the Alaska Stand Alone Pipeline - Community  
27 Advisory Council and provides updates to the mayor.
- 28 • Mr. Lynn Thompson, GVEA Vice-President of Power Supply, met with the mayor to provide an update  
29 on the Healy Clean Coal Power Plant timeline for startup and staffing levels. To bring the plant online  
30 will take three years and approximately 80 employees. The retrofit includes construction of a nine  
31 story catalytic cleaner unit. When fully online, GVEA anticipates the 50 megawatt plant will employ  
32 25-30 full-time employees. GVEA expects to generate 100 megawatts of energy via the Healy  
33 infrastructure.  
34

35 Molly MCKINLEY thanked Marsha Lambert for attending the DOT meeting with the mayor and expressed  
36 interest in serving on the committee/task force suggested by the mayor to address safety issues in Healy.  
37

### 38 b) **Borough Planner**

39 The planner has created maps depicting borough lands that are patented and those for which management  
40 authority has been granted. The maps are posted on-line. The commission requested the maps be placed in  
41 binders and distributed at the next meeting.  
42

43 Responding to a request for information, the planner informed the commission that Adobe Pro is now more of  
44 a web-based program specializing in Excel and Power Point programs. Acrobat Reader standard version allows  
45 for editing. The free version (11 or 12) of Adobe also allows editing and saving of documents. Commissioners  
46 interested in editing PDF documents will update the free version of Adobe.  
47

## 48 **10) Communication and Appearance Requests**

49 There were no communication or appearance requests for this meeting.  
50  
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1 **11) Unfinished Business**

- 2  
3 a) **Discussion Alaska Gas-line Development Corp (AGDC) Pipeline Project within the Denali Borough**  
4 By unanimous consent, this item was postponed to the next meeting.

- 5  
6 b) **Draft 2 Chapter 4.01 Definitions (Proposed)**  
7 By unanimous consent, this item was postponed to the next meeting.

- 8  
9 c) **Draft 3 Chapter 4.05 Real Property Acquisition**  
10 There was no discussion on this issue. By unanimous consent, this item was postponed to the next meeting.

- 11  
12 d) **Draft 12 Chapter 4.10 Management of Borough Real Property**  
13 This item was discussed during the worksession. By unanimous consent, this item was postponed to the next  
14 worksession and regular meeting.

- 15  
16 e) **Draft 8 Chapter 4.15 Disposal of Borough Real Property**  
17 There was no discussion on this issue. By unanimous consent, this item was postponed to the next meeting.

- 18  
19 f) **Draft 16 Chapter 4.25 Classification of Borough-owned Land**  
20 Steve JONES submitted a draft document that replaced classification with management plans. The  
21 commission discussed this document during the worksession.

22  
23 In response to Mr. Zimmerman's comments, a commissioner queried as to whether taking away the  
24 requirement to classify land was failing to abide by our code and the requirements therein. If the  
25 assembly agrees to delete the classification chapter, then the answer is no. All of these planning processes  
26 have no teeth. The proposed substitute requires the assembly to adopt a management plan via resolution  
27 whereas the classification process did not require assembly action. An opinion provided that the  
28 classification of land and the creation of a management plan are actually redundant efforts. Concern was  
29 expressed that in deleting classification something will be lost in the planning process. Under D of Version  
30 2, only one public hearing is needed to create a management plan; it was advised that the language be  
31 altered to read at least one public hearing.

32  
33 Steve JONES MOVED to substitute Chapter 4.25 Proposed Substitute Version 2 for Draft 16 Chapter 4.25  
34 Classification thereby creating Draft 17 4.25 Real Property Management Plan; Baxter MERCER seconded.  
35 The VOTE to substitute PASSED 4 to 1, with Molly MCKINLEY opposed.

36  
37 By unanimous consent, this item was postponed to the next worksession and regular meeting.

38  
39 **Draft Resolution Working Example Version 6**

40 There was no discussion on this item.

- 41  
42 g) **Draft 4 Chapter 9.21 Zoning Nenana River Scenic Corridor (Proposed New Chapter)**

43 The clerk provided a draft memo to the assembly, which will accompany the two proposed zoning ordinance  
44 packages being forwarded. The Presiding Officer read the memo aloud. By unanimous consent, the  
45 commission approved the memo.

46  
47 A draft letter, providing background information and justification for the proposed actions defined in 9.21,  
48 which would become part of the 9.21 package was before the commission. Steve JONES MOVED to approve  
49 the letter; Baxter MERCER seconded. The ROLL CALL VOTE to approve the letter was unanimous with JONES,  
50 JUSZAK, MCKINLEY, MERCER, and MICHAELS voting in the affirmative.

1 The 9.21 Zoning Nenana River Scenic Corridor package consists of the proposed ordinance with backup  
2 materials, the letter and a map. Molly MCKINLEY MOVED to send the 9.21 package to the assembly; Steve  
3 JONES seconded. The VOTE to send the 9.21 package to the assembly PASSED unanimously.  
4

5 **h) Draft 3 Chapter 9.22 Zoning Airport Reserve (Proposed New Chapter)**

6 Concern was voiced regarding the impact of the 6000 foot expanse on either end of the airstrip, which will be  
7 subject to height restrictions, and how it will impact property owners. Should this area be zoned to reflect that  
8 restriction? Under 9.22.040 Definition, the height and noise restriction areas are identified. The ordinance  
9 does have a sunset clause. The commission is presently considering structure height restrictions under 9.15.

10  
11 Steve JONES MOVED to substitute Draft 3 of 9.22 Zoning Airport Reserve for Draft 2; Baxter MERCER  
12 seconded. The VOTE to substitute was unanimous.  
13

14 A draft letter, providing background information and justification for the proposed actions defined in 9.22,  
15 which would become part of the 9.22 package was before the commission. Steve JONES MOVED to amend the  
16 letter by deleting the words "mental health" and "university" from the third paragraph; Molly MCKINLEY  
17 seconded. The VOTE to amend the letter PASSED unanimously. Baxter MERCER MOVED to approve the letter  
18 as part of the package on 9.22 to be sent to the assembly; Steve JONES seconded. The ROLL CALL VOTE to  
19 approve the letter was unanimous with JONES, JUSCZAK, MCKINLEY, MERCER, and MICHAELS voting in the  
20 affirmative.  
21

22 A map will accompany the 9.22 package. The commission discussed possible revisions to be made to the map,  
23 Proposed Regional Airport/Commercial/Industrial Zoning Site, which has been before the commission. By  
24 unanimous consent, the commission asked the planner to make the following changes to the 9.22 map:

- 25 • Remove all private property owner names
- 26 • Designate all private property parcels sans names near the airport reserve
- 27 • Add a fourth red boundary line along the highway  
28

29 The 9.22 Zoning the Airport Reserve package consists of the proposed ordinance with backup materials, the  
30 letter and a map. Baxter MERCER MOVED to send the 9.22 package to the assembly; Steve JONES seconded.  
31 The VOTE to send the 9.22 package to the assembly PASSED unanimously.  
32

33 **i) FY 2015 Land Management Budget**

34 The formerly redacted numbers were inserted in an updated Land Management Fund budget and the  
35 recommended increases in staff and non-staff training were included in the commission's projected FY 2015  
36 budget.  
37

38 Baxter MERCER MOVED to send the Planning Commission Projected FY 2015 Budget to the mayor; Molly  
39 MCKINLEY seconded. The VOTE to send the budget to the mayor PASSED unanimously.  
40

41 **12) New Business**

42  
43 **a) Proposed Amendment to Chapter 9.15 Zoning - Height Restrictions**

44 By unanimous consent, this item was postponed to the next worksession and regular meeting.  
45

46 **13) Public Comments**

47 Ms. Kimberly Burrows, a new assembly member, was present to observe and learn about the commission and  
48 thanked the commission for their meeting.  
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1 **14) Commissioner Comments**

2 Molly MCKINLEY thanked the two members of the assembly, Jared Zimmerman and Kimberly Burrows, for attending  
3 the meeting. The commission would do well to question and look closely at all the easement issues that come before  
4 the commission and make sure that they do the right thing. Molly thanked Marsha for the tip on downloading the free  
5 version of Adobe 11 for the purpose of editing PDF documents. Molly has already successfully downloaded it.  
6

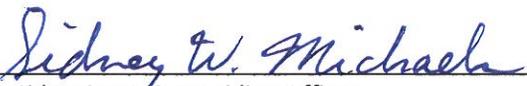
7 **15) Time and Place of Next Meeting**

8 The next meeting of the commission will be March 18, 2014 @ 6:15 PM in the Tri-Valley Community Center.  
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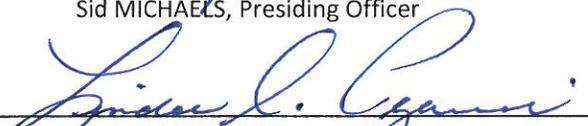
10 **16) Adjournment**

11 The Presiding Officer adjourned the February 18, 2014 Regular Meeting at 9:22 PM.  
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42 APPROVED:

  
Sid MICHAELS, Presiding Officer

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46 ATTEST:

  
Linda PAGANELLI, Deputy Clerk

47  
48 Date Approved: 3-18-2014