

**Minutes of the Regular Meeting
Denali Borough Planning Commission
Tri-Valley Community Center
February 19, 2013**

1) Call to Order

Presiding Officer, Sid MICHAELS, called the planning commission regular meeting to order at 2:13 PM.

2) Roll Call

Planning commission members present were Patricia GRIGGS, Steve JONES, Molly MCKINLEY, Mark MENKE, and Sid MICHAELS.

Election of Officers

Sid MICHAELS called for nominations for Presiding Officer of the Planning Commission. Steve JONES nominated Sid MICHAELS. Molly MCKINLEY seconded. There were no other nominations. The VOTE to elect Sid MICHAELS for Presiding Officer PASSED unanimously.

Sid MICHAELS called for nominations for Deputy Presiding Officer of the Planning Commission. Steve JONES nominated Molly MCKINLEY; Mark MENKE seconded. There were no other nominations. The VOTE to elect Molly MCKINLEY as Deputy Presiding Officer PASSED unanimously.

3) Public Comments

There were no public comments.

4) Approval of Agenda

Patricia GRIGGS MOVED to approve the agenda, Molly MCKINLEY seconded. The VOTE to approve the agenda PASSED unanimously.

5) Approval of Minutes

- a) Patricia GRIGGS MOVED to approve the minutes from the October 16, 2012 Public Hearing; Molly MCKINLEY seconded. The VOTE to approve the Public Hearing minutes PASSED unanimously.
- b) Patricia GRIGGS MOVED to approve the minutes from the October 16, 2012 Regular Meeting; Molly MCKINLEY seconded. The VOTE to approve the Regular Meeting minutes PASSED unanimously.
- c) Patricia GRIGGS MOVED to approve the minutes from the November 20, 2012 Public Hearing; Molly MCKINLEY seconded. The VOTE to approve the Public Hearing minutes PASSED unanimously.
- d) Patricia GRIGGS MOVED to approve the minutes from the November 20, 2012 Regular Meeting; Molly MCKINLEY seconded. The VOTE to approve the Regular Meeting minutes PASSED unanimously.

6) Correspondence

Presiding Officer, Sid MICHAELS, reviewed some of the correspondences that were emailed to the planning commission over the past few months.

- The State of Alaska issued a public notice for Preliminary Findings Of Fact And Decision Jumbo Dome Mine Road Corridor Surface Coal Mining Permit # S-0605. The Usibelli Coal Mine's renewal request is for an additional five-year term and includes the permit areas previously approved. No additional mining areas or revisions to the existing boundaries are proposed. Comment deadline for this issue was January 28, 2013.
- The State of Alaska issued a public notice for Preliminary Completeness Findings For A Major Revision To Permit # S-0603. Usibelli Coal Mine proposes to relocate the coal ash disposal site from Poker Flats to the Two Bull Ridge Permit Area. The comment deadline for this issue is March 4, 2013.

- The State of Alaska is preparing to issue Interagency Land Management Assignments (ILMA) to the Department of Transportation and Public Facilities (DOT) for six existing, designated material sites located in Interior Alaska. Management authority to DOT will be exclusive. The Rex Material Site, ADL 419861, is located along the Parks Highway near MP 277 within Fairbanks Meridian, Township 8 South, Range 9 West, section 13. DNR proposes dividing this material site. The developed western portion of the material site would remain a material site managed by DNR. This is a site that is sometimes used for Limited Material Permits for individual, non-commercial use of less than 200 cubic yards of material. DOT would be issued an ILMA for the eastern portion of the material site, which would require additional development. Comments on this issue were due January 21, 2013.

7) Plats and Conditional Uses

There were no plats or conditional uses before the commission.

8) Reports

a) Mayor Pro Tempore

Clay Walker provided the commission with a written report as he was unable to attend the meeting. Ryan Juszczak was confirmed by the Denali Borough Assembly for Seat F on the planning commission. Mr. Walker requested commissioners review the Mental Health Trust's competitive mineral lease offering of 37,629 acres of Trust Mineral Estate land in the Denali Borough and provide feedback to the administration/assembly. The borough intends to comment on this issue to maintain standing on the issue.

b) Borough Planner

- Design Alaska has submitted the final boundary survey for the Swan Lake parcel to the Department of Natural Resources (DNR) for review.
- On February 19, the borough received survey instructions for Panguingue B, which is intersected by the Parks Highway. The total number of acres is 2400 acres with 900 on the east side of the highway and 1500 acres on the west side. Design Alaska estimated that a boundary survey for the entire 2400 acres would cost \$145,000 (\$100,000 for west side only). The survey must be completed within two years of the borough receiving the instructions.
- GCI has recorded the final plat, with the State of Alaska, for the burial of a cable on borough land.
- The Temporary Use Permit issued to Baxter Mercer has been renewed.
- On March 1, 2013, Mr. Wallace's permit is due to expire.
- Ms. Lambert will be attending an ESRI Conference in July 2013. She will focus on learning how to do more with the program we already have, updating the base map, and posting information on-line.
- Mr. Kyle Davis has visited the Planning Office to ascertain what he can do to vacate a road easement (30 feet), which divides his two parcels of property (Lot 11 and 12) at Otto Lake. Mr. Davis has also expressed interest in burying utility lines across a utility easement (10 feet) from Lot 11 to Lot 12. The land in question was owned by GVEA, which created a subdivision for its workers.

Mr. Davis made the following points:

- Indicated he was not looking to block the road
- Has contacted DNR, Matanuska Telephone Association, and Golden Valley Electric Association (GVEA)
- The plat the commission is reviewing was produced and recorded by GVEA
- GVEA claims that the road was not constructed or used by them
- GVEA expressed no objection to his burying lines across the utility easement as long as he did not dig too deeply

- Mr. Davis, a neighbor, and Lake View Inn, including tour busses, utilize the road in question
- Mr. Davis declared that Lake View Inn had an alternative, useable road that can accommodate a bus
- The road easement in question was expanded beyond 30 feet on one corner
- Mr. Davis has not talked to the owners of Lake View Inn but will contact the owner
- A gravel pad that was recently laid down on his property overlaps an easement
- There is really only one other access currently available (from Otto Lake Road to the east of Lake View Inn); the other access (Near Lots 5 and 15) is more of a trail and is not maintained
- Mr. Davis would appreciate having this issue resolved now so as to better able plan for the future use of his lots

Comments from commissioners:

- If the road has been used for many years, the concept of adverse possession could cause some trouble if an attempt to vacate the easement was made
- Mr. Davis should get written permission from GVEA to bury his lines
- A telephone call is not traceable unless recorded; email provides a paper trail
- Neighbors (property owners within 500' of the area) would need to express in writing that they have no objection to vacating the road easement
- The easement might be temporarily closed for a short period of time to accomplish the burying of lines across the utility easement
- An easement cannot be vacated for a lesser access, but it can be vacated for an equal or better access
- A review of Denali Borough Code Chapter 9.10 – Subdivisions was advised
- Mr. Davis could come back before the commission to make a request for vacation of the easement

9) Communication and Appearance Requests

There were no communication or appearance requests.

10) Unfinished Business

The Presiding Officer suggested suspending the rules to allow the commission to address the three resolutions of appreciation and the Fiscal Year 2014 Budget listed under New Business before tackling Unfinished Business. There were no objections and thus, by unanimous consent, the rules were suspended.

New Business

- a) Resolution of Appreciation for Mr. Bill Mitchell
Patricia GRIGGS MOVED to adopt Resolution PC 13-01: A Resolution Extending Appreciation to Bill Mitchell; Mark MENKE seconded. The ROLL CALL VOTE to adopt the resolution PASSED unanimously, with GRIGGS, JONES, MCKINLEY, MENKE, and MICHAELS voting in the affirmative.
- b) Resolution of Appreciation for Mr. Rick Weibel
Patricia GRIGGS MOVED to adopt Resolution PC 13-03: A Resolution Extending Appreciation to Rick Weibel; Molly MCKINLEY seconded. The ROLL CALL VOTE to adopt Resolution PC 10-03 PASSED unanimously, with GRIGGS, JONES, MCKINLEY, MENKE, and MICHAELS voting in the affirmative.
- c) Resolution of Appreciation for Ms. Anne Capistrant
Molly MCKINLEY MOVED to adopt Resolution PC 13-02: A Resolution Extending Appreciation to Anne CAPISTRANT; Patricia GRIGGS seconded. The ROLL CALL VOTE to adopt the resolution PASSED unanimously with GRIGGS, JONES, MCKINLEY, MENKE, and MICHAELS voting in the affirmative.

1 j) Fiscal Year 2014 Land Management Budget

2 The draft FY 2014 budget for the Land Administration line item is presently set at \$140,000. In order
3 to be able to accommodate the total cost of the boundary survey for all of Panguingue B (2500 acres),
4 the Mayor Pro Tempore recommended the commission consider raising that line item to \$200,000.
5

6 Steve JONES MOVED to amend the FY 2014 Land Administration line item from \$140,000 to
7 \$200,000; Mark MENKE seconded. The VOTE to amend the budget PASSED unanimously.
8

9 Steve JONES MOVED to send the amended budget to the mayor; Mark MENKE seconded. The ROLL
10 CALL VOTE to send the amended FY 2014 budget to the mayor PASSED unanimously with GRIGGS,
11 JONES, MCKINLEY, MENKE, and MICHAELS voting in the affirmative.
12

13 **The Planning Commission moved back to Unfinished Business on the agenda.**

14
15 a) **Draft 1 Chapter 4.01 Definitions (Proposed New Chapter)**

16 Patricia GRIGGS MOVED to postpone this item to the next meeting; Molly MCKINLEY seconded. The VOTE
17 to postpone Chapter 4.01 to the next meeting PASSED unanimously.
18

19 b) **Draft 1 Chapter 4.05 Real Property Acquisition**

20 Patricia GRIGGS MOVED to substitute Draft 1 EDITS for Draft 1 and to label the new document Draft 2;
21 Mark MENKE seconded. The VOTE to substitute was unanimous. With no objections made, this item was
22 postponed to the next meeting by unanimous consent.
23

24 c) **Draft 6 Chapter 4.10 Management of Borough Real Property**

25 Patricia GRIGGS MOVED to substitute Draft 6 EDITS for Draft 6 and to label the new document Draft 7; Steve
26 JONES seconded. The VOTE to substitute was unanimous. With no objections made, this item was postponed
27 to the next meeting by unanimous consent.
28

29 d) **Draft 6 Chapter 4.15 Disposal of Borough Real Property**

30 Patricia GRIGGS MOVED to accept the changes made to Draft 6 thereby creating Draft 7; Molly MCKINLEY
31 seconded. The VOTE to accept the changes was unanimous. With no objections made, this item was
32 postponed to the next meeting by unanimous consent.
33

34 e) **Draft 1 Chapter 4.20 Financial Provisions for Land Sales and Leases**

35 Patricia GRIGGS MOVED to accept the changes made to Draft 1 thereby creating Draft 2; Mark MENKE
36 seconded. The VOTE to accept the changes was unanimous. With no objections made, this item was
37 postponed to the next meeting by unanimous consent.
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39 f) **Draft 13 Chapter 4.25 Classification of Borough-owned Land**

40 With no objections made, this item was postponed to the next meeting by unanimous consent.
41

42 **Draft Resolution Working Example Version 6**

43 With no objections made, this item was postponed to the next meeting by unanimous consent.
44

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

46 With no objections made, this item was postponed to the next meeting by unanimous consent.
47

48 h) **Draft 2 DBC Chapter 9.10 Subdivisions**

49 With no objections made, this item was postponed to the next meeting by unanimous consent.
50

51 i) **Draft Yukon-Tanana Area Plan Discussion**

52 With no objections made, this item was postponed to the next meeting by unanimous consent.

1 **11) New Business**

- 2 a) Resolution of Appreciation PC 13-10 see Unfinished Business
3 b) Resolution of Appreciation PC 13-03 see Unfinished Business
4 c) Resolution of Appreciation PC 13-02 see Unfinished Business

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6 d) **Alaska Railroad – Residential Use of Right-of-way**

7 The deadline to comment on this issue was December 2012. The Presiding Officer questioned whether the
8 railroad had approved the use of herbicides along the tracks and if so, does the use of potentially harmful
9 herbicides conflict with the proposed public use of impacted areas? The planner was asked to provide the
10 commission with an update on the status of the herbicide use and the outcome of the public use of right-of-
11 way comment period.

12
13 e) **Discussion of Land Classification**

14 The two pieces of property under this item were transferred to the Denali Borough from the State of Alaska as
15 part of the Municipal Land Entitlement program. As these properties have not been classified, the borough
16 granted both parties a Temporary Use Permit for temporary use of borough land. Via the Denali Borough Code
17 (DBC), a Temporary Use Permit is valid for one year; a Temporary Use Permit may be extended for a term not
18 to exceed one year.

19
20 i. LAS 24549 T12S R8W F.M. South Stampede Rd. (Coke Wallace)

21 The permit issued to Mr. Coke Wallace will expire on March 22, 2013.

22 ii. T12S R8W F.M. West portion of SE ¼ of Sec 2. North side of Stampede Rd at intersection with
23 highway (Baxter Mercer)

24 The permit issued to Mr. Baxter Mercer expired on January 17, 2013. His permit was extended for
25 one year.

26
27 Steve JONES MOVED to nominate for classification LAS 24549; Molly MCKINLEY seconded. The VOTE to
28 nominate LAS 24549 for classification PASSED unanimously. With no objections made, this item was
29 postponed to the next meeting by unanimous consent.

30
31 Steve JONES MOVED to nominate for classification T12S R8W F.M. West portion of SE ¼ of Sec 2; Patricia
32 GRIGGS seconded. The VOTE to nominate T12S R8W F.M. West portion of SE ¼ of Sec 2 for classification
33 PASSED unanimously. With no objections made, this item was postponed to the next meeting by unanimous
34 consent.

35
36 The commission briefly reviewed DBC 4.25.020 Procedural requirements for classifying borough land. The
37 clerk was asked to pass this development onto the administrator.

38
39 f) **Draft 9.21 Zoning Scenic Corridor (Proposed New Chapter)**

40 Steve JONES MOVED to introduce proposed Chapter 9.21 Zoning Scenic Corridor for consideration; Patricia
41 GRIGGS seconded.

42
43 Mr. JONES stated that at this time there is no private property in the Nenana River Canyon area under
44 consideration; all the land is owned by the State of Alaska and managed by the DOT or the DNR. He furthered
45 that the borough has the authority to zone state land. The proposed zoning ordinance would help to protect
46 some of the scenic qualities that bring tourists to the canyon. Mr. JONES stated that the area would first need
47 to be classified with the results presented, as a resolution, to the assembly for possible adoption. At some
48 later date, the zoning ordinance itself would be introduced and if passed, would become a separate chapter
49 within the DBC.

50
51 The VOTE to introduce the proposed new chapter 9.21 Zoning Scenic Corridor PASSED unanimously. With no
52 objections made, this item was postponed to the next meeting by unanimous consent.

1 **g) Draft 9.22 Zoning Airport Reserve (Proposed New Chapter)**

2 Steve JONES MOVED to introduce proposed Chapter 9.22 Zoning Airport Reserve for consideration; Patricia
3 GRIGGS seconded.

4
5 At this time no private property would be affected, however, it does impact the approach areas to the north
6 and south. Alaska Railroad, DOT, DNR, Denali Borough, and possibly, Mental Health properties may be
7 affected by this proposed action. Some restrictions might impact the type of activities that could occur, such
8 as, a maximum height for buildings and noise restrictions.

9
10 The VOTE to introduce 9.22 Zoning Airport Reserve for consideration was unanimous. With no objections
11 made, this item was postponed to the next meeting by unanimous consent.

12
13 **h) Draft 9.30 Zoning Signage (Proposed New Chapter)**

14 Steve JONES MOVED to introduce Chapter 9.30 Denali Borough Sign Code for consideration; Molly MCKINLEY
15 seconded.

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17 It was deemed the sooner this issue is addressed the better because at this point there will be very few
18 entities impacted. The draft was largely compiled from an ordinance recently passed in Homer, AK. This effort
19 may take a few years to resolve. If this chapter were to be adopted into code, entities could be granted a
20 period of time to comply with new guidelines for signage.

21
22 The VOTE to introduce 9.30 Denali Borough Sign Code for consideration was unanimous. With no objections
23 made, this item was postponed to the next meeting by unanimous consent.

24
25 **i) 12-02-12 Jones Nomination for Classification Proposal Letter (Scenic Corridor & Airport Reserve)**

26 Steve JONES nominated the lands involved in the Gateway Scenic Corridor District for classification; Molly
27 MCKINLEY seconded. The VOTE to nominate these lands for classification PASSED unanimously. With no
28 objections made, this item was postponed to the next meeting by unanimous consent.

29
30 Steve JONES nominated the lands involved in the Airport Reserve for classification; Patricia GRIGGS seconded.
31 The VOTE to nominate these lands for classification PASSED unanimously. With no objections made, this item
32 was postponed to the next meeting by unanimous consent.

33
34 The administrator should be notified of these actions.

35
36 **j) Fiscal Year 2014 Land Management Budget see Unfinished Business**

37
38 **12) Public Comments**

39 There were no public comments.

40
41 **13) Commissioner Comments**

42 Molly MCKINLEY thanked Steve JONES for the work he put into the proposed chapters especially the signage
43 code.

44
45 Steve JONES stated that he has drafted an ordinance to zone the Wolf Townships, as a public recreation area,
46 to strengthen the borough's position that a Stampede State Recreation Area be created and discourage the
47 state from further developing the area. Mr. JONES will get the draft to the clerk before the next meeting.

1 **14) Time and Place of Next Meeting**

2 The next meeting of the Planning Commission will be March 19, 2013 at 6 PM in the Tri-Valley Community
3 Center.

4
5 Via unanimous consent, a worksession to focus on chapters in Title 4 was scheduled for March 5, 2013 at
6 4 PM in the Tri-Valley Community Center.
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8 **15) Adjournment**

9 The Presiding Officer adjourned the February 19, 2013 Regular Meeting at 3:57 PM.
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36 APPROVED:

Sidney W. Michael
37 Presiding Officer

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42 ATTEST:

[Signature]
43 Deputy Clerk
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46 Date Approved: 03/19/2013
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