

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Minutes of the Worksession
Denali Borough Planning Commission
Tri-Valley Community Center
March 18, 2014

Call to Order: Presiding Officer, Sid MICHAELS, called the Planning Commission Worksession to order at 6:15 PM.

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

The Presiding Officer proposed amending the agenda to add Department of Natural Resources (DNR) – Municipal Land Entitlement Preliminary Decision as the first item. By unanimous consent, this item was added to the agenda.

1. DNR – Municipal Land Entitlement (MLE) Preliminary Decision

April 4, 2014 is the deadline for comment on this issue.

DNR erroneously refers to the City and Borough of Wrangell, in the notice letter to the mayor, and the Kenai Peninsula Borough, in the Preliminary Decision, instead of the Denali Borough. The Presiding Officer stated that the fact that the legal correspondence from the state refers to two other boroughs instead of the Denali Borough is insulting.

Mayor Walker noted that a number of assembly members were invited to attend the commission meeting as the Preliminary Decision came into the office on March 10, which did not provide the assembly anytime to review the document prior to their March 12, 2014 meeting. Assembly members Kimberly Burrows (Seat B), Jill Boelsma (Seat A), and Jared Zimmerman (Seat G) were introduced. Don DeBlauw (Seat H) was expected; in order to abide by the Open Meetings Act, Mr. Zimmerman would depart as there was no posting of this meeting for the assembly.

The mayor requested an extension to the comment period. It was denied by Mr. Dwyer, DNR Specialist II, who advised the mayor if he wanted to pursue this further he would need to go to the commissioner. The mayor decided that the assembly and commission could work together to submit prepared comments prior to the deadline.

Steve JONES was asked to provide a recap of the information he shared with the Denali Borough Assembly at their March 12, 2014 meeting.

- **Map 1** – West Clear Area Section 28, Tract A, SW4SE4; Table 4 (page 20) states Section 28 SW1/4. It appears that the map is correct, but the information in the table is wrong. Property ownership in this section was questioned with speculation that there may be multiple owners of the parcel in question.

The other parcel illustrated on Map 1, Julius Creek Area - Sections 25 and 36, located near the Denali Borough Landfill is good land and will be valuable for a long time.

- **Map 2** – Boulder Creek Area map is incorrect; what is designated as 15 should read 13; Table 5 (page 20) correctly identifies Sections 1, 12, and 13. The three parcels comprise approximately 1920 acres, of which only 1140 acres could be conveyed as the borough over selected above their land quota. The state provided tentative approval for this selection; the recommendation is for the borough to reject this selection in order to retain opportunity for future land selections.
- **Map 3** – Nenana River Area map appears to be correct, but Table 6 (page 21) incorrectly states Omnibus Road #52 (Denali Highway) instead of the Unnamed/Unimproved Road (top brown line) referenced

1 correctly in Table 4 (page 20). Mayor Walker discussed this error with Mr. Dwyer, who stated it would be
2 fixed in the Final Decision. The borough will not receive any land to the north of the Yukon Tanana Area
3 Plan boundary as the wildlife habitat classification remains in effect. The Unnamed Road is most likely
4 overgrown, may be difficult to locate, and will be expensive to survey. Mr. JONES professed that the
5 borough did good in this area and should go with the Unnamed/Unimproved Road as the northern
6 boundary to the selection.
7

- 8
9 • **Map 4** – Stampede Road, North & South Areas, the state proposes conveying the southern selection and
10 rejecting the northern one. The southern selection is low and wet, but there is some good land too. The
11 northern area is denied because the riparian area is described as providing salmon habitat; this area is
12 viewed as the better of the two. The borough could ask the state for a portion of the northern area in
13 trade for the southern area as the acreage is about equal. Obtaining additional land in the northern area
14 could provide a bridge to the borough-owned Slate Creek selection to the north of Panguingue
15 Subdivision/Stampede Road. If these two selections were tied together, there is a possibility of creating a
16 road system that would provide both ingress and egress, a PUBLIC SAFETY concern, for both areas. A lot of
17 the northern area is steep hillsides particularly in the eastern portion, which also has a designated State
18 Pipeline Corridor. Consensus was that the borough should strongly push for obtaining the northern half of
19 Section 5 and request Section 4.
- 20 • **Map 5** – Quota Area there are no errors detected, what is proposed to be conveyed is what the borough
21 requested, and the borough did okay in this area. The trails in this area have not been adjudicated.
22
- 23 • **Map 6** – Broad Pass Area all four sections requested were denied because the state does not own them.
24 There were questions regarding the map depicting private property in this area: Who and how was this
25 area conveyed to private ownership? The land was owned by the Bureau of Land Management (BLM) and
26 over selected by Ahtna, Inc., which is one of the reasons the borough selected these lands hoping that it
27 would receive at least one of the four sections. The state indicates that the land is owned by Railbelt
28 Mental Health (RMH). The state, Ahtna, RMH, and the borough have selected these same lands. It would
29 be in the borough's best interest to use any remaining acreage available (after rejecting the Boulder Creek
30 Area) to select in this southern region of the borough. The borough should wait on its final selection until
31 such time as BLM, the state, and Ahtna sort the issue out.
32

33 Although the federal government has made their land ownership information inaccessible on the internet
34 post 9-11, the borough may be able to get permission to access the files online or would be able to go to
35 Fairbanks and search the files in the BLM office. This is important because it is very difficult to find land to
36 select in the Cantwell area.
37

38 Two other areas that might be considered for selection are the Tonzona River region, mining area with an
39 airstrip, and the Delta River area, which also has an airstrip and is primarily used by guides for hunting
40 camps. The borough already owns a small parcel near the Tonzona River located SW of Denali National
41 Park & Preserve.
42

43 More time is required to review and compile comments on the Preliminary Decision. During the regular meeting,
44 the commission could vote to have the mayor contact the commissioner regarding an extension to the comment
45 period. The MLE process has been going on for a decade or more; a 30-day comment period is inadequate. A legal
46 opinion might also be sought. The assembly requested the mayor provide comment, within the timeframe of the
47 stated deadline, in order to allow the borough to remain engaged in the process going forward. In the letter the
48 borough would reserve the right to comment beyond the April 4 deadline. In addition to the mayor's comments,
49 both bodies should produce resolutions listing more substantive comments regarding disagreements with some of

1 the decisions and errors that were made. The commissioner should receive all comments and resolutions. An
2 extension of 90-days was thought to be reasonable.

3
4 Overall, the borough did very well with this decision. Before April 4, the borough should relinquish the Boulder
5 Creek Area and address the Stampede Road selections. During the break, the commission will attempt to draft a
6 resolution to be voted on during the regular meeting.

7
8 **2. Denali Borough Code – Title 4 Real Property**

9 **a) Draft 17 Chapter 4.25 Real Property Management Plan**

10 (Proposed replacement for Chapter 4.25 Classification of Borough-owned Lands)

11 The commission has been considering dropping the classification chapter, from code, and picking up the
12 duty of creating management plans, now under the prevue of the mayor. The mayor is amenable to that
13 change.

14
15 For some time, the commission has been working on Chapter 4.25 Classification; recently, the focus of the
16 work has changed from classification to creation of management plans. In order to retain the integrity of
17 the code and history of past actions taken under 4.25, the management plans should be placed in a new
18 chapter (4.30) and if deemed appropriate, chapter 4.25 repealed in its entirety. The commission again
19 discussed postponing indefinitely all draft chapters within Title 4 that they have worked on so as to be able
20 to begin anew. The documents would still be used as reference for many of the favorable changes
21 proposed.

22
23 Concern was voiced about the idea of eliminating the classification chapter. It was suggested that the
24 commission go thru the exercise of creating a management plan to see how it might work before making
25 any final decision on the issue.

26
27 **b) Draft 12 Chapter 4.10 Management of Borough Real Property**

28 There was no discussion on this item.

29
30 **3. Draft 1 Chapter 9.15 Proposed Amendment – Height Restrictions**

31 It would be ideal if this proposed amendment could be reviewed by the assembly at the same time they are
32 addressing Proposed Chapter 9.22 Zoning Airport Reserve. The language does not prohibit construction of any
33 tower or building, but it does require a review and a permit. Other borough codes call for review/permit at lower
34 heights than 40 feet for a building and 100 feet for a tower.

35
36
37
38 **Adjournment:** The Presiding Officer closed the Planning Commission Worksession @ 7:15 PM.

39
40
41
42
43 APPROVED: _____

44 *Sidney W. Michaels*
Sid MICHAELS, Presiding Officer

45
46
47 ATTEST: _____

48 *Linda Paganelli*
Linda PAGANELLI, Deputy Clerk

49
50
Date Approved: 4.15.14