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Minutes of the Worksession
Denali Borough Planning Commission
Tri-Valley Community Center
May 21, 2013

Call to Order: Presiding Officer, Sid MICHAELS, called the Planning Commission Worksession to order at 6:20 PM.

Roll Call: Planning Commissioners present were Patricia GRIGGS, Steve JONES, Ryan JUSCZAK, Molly MCKINLEY, Baxter MERCER and Sid MICHAELS. Mr. Mark MENKE arrived at the worksession at 6:23 PM.

1. Draft 8 Chapter 4.10 Management of Borough Real Property

A proposed additional option for leasing borough property (4.10.050 Leasing Borough Real Property) would allow for negotiation of a commercial lease based on a percentage of after sales gross income in certain situations. The new language would stipulate that the percentage will not be less than three percent. A comparison was made between the borough lease to a commercial enterprise for access in the canyon, which amounts to approximately \$20,000, and the commercial lease agreement for 12 acres between a landowner and Princess Hotel in the canyon, at over \$100,000. The proposed lease language is standard for commercial leases. It was queried as to whether inserting the proposed lease language would affect other parts of the chapter. The proposal would not affect the Overnight Accommodation Tax. Affected sections would be 4.10.050 A and J.

The proposed language states "in certain situations, such as high density developments like hotels," will be looked at further to provide clarity as to which commercial enterprises might be impacted by basing lease rates on a percentage of after sales gross income.

Additional language changes (land and parcel vs. property, mayor to administrator) to this chapter are recommended. Procedural requirements throughout Title 4 should read similarly in order to achieve consistency.

2. Draft 13 Chapter 4.25 Classification of Borough-owned Land

It is proposed that a chart providing an example of how lands could be classified be included in the chapter between 4.25.030 E. and F.

Discussion ensued as to how the proposed chapter would be implemented. The following encapsulates some of the issues that arose:

- How would the commission determine which classification applied to a property given that the classifications are so similar?
- It was suggested that reclassification is a simple process.
- What is a classification and what is a use? The example of classifying a property as SETTLEMENT was used whereby an allowed use could be CONSERVATION, which is a use under a different classification. Under the SETTLEMENT classification, there are ten uses of which one or all of them could be recommended uses and/or recommended secondary uses. A secondary use could be from one of the other two classifications. This example appears to indicate that a property could have more than one classification applied to it.
- The question arose as to whether it would be better to have more than three broad classification categories. More classification categories would eliminate the chance that a property could be deemed to fall under two classifications or have secondary uses from more than one classification.
- A single property should have a singular classification.
- Classification differs from zoning in that classification has no enforceability.
- It was suggested that only large pieces of property would be classified to avoid spot zoning.
- Residential area use could be controlled via plat notes; which would be a form of zoning without actually zoning. Enforcement would be by the Alaska Superior Court not the borough.

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- The commission is proposing to only classify borough-owned land, while at the same time it is proposing to zone state land.
- Draft 13 Chapter 4.25 proposes using three classifications with uses defined under each. Would the chapter work better if the list of classifications was increased and the number of uses decreased or eliminated?
- The classification categories are broad and they overlap; what is the value of the broad sweeps when the detailed uses will have to be identified anyway? In paring back the number of classifications have we lost something valuable?
- It was recommended that the commissioners read the classification chapter presently in code and compare it to the proposed new chapter.
- What is in code now did not address the gravel pit on Stampede Road when that issue arose and the original intent of revisiting the chapter was to tweak it a bit to address that and other minor issues.

The worksession hour elapsed prior to the following two issues being discussed:

3. Draft 1 Chapter 9.21 Zoning Nenana Scenic Corridor (Proposed)
4. Draft 1 Chapter 9.22 Zoning Airport Reserve (Proposed)

Adjournment: The Presiding Officer closed the Planning Commission Worksession @ 7:16 PM.

APPROVED: Sidney W. Michaels
Sid MICHAELS, Presiding Officer

ATTEST: Linda P. Paganelli
Linda PAGANELLI, Deputy Clerk

Date Approved: June 18, 2013