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**Minutes of the Regular Meeting  
Denali Borough Planning Commission  
Tri-Valley Community Center  
August 19, 2014**

**1) Call to Order**

The Presiding Officer called the planning commission regular meeting to order at 7:40 PM.

**2) Roll Call**

Planning Commissioners present were Patricia GRIGGS, Steve JONES, Ryan JUSZAK, Lee LIGHTFOOT, Molly MCKINLEY, Mark MENKE, Baxter MERCER, Sid MICHAELS, and Kesslyn TENCH.

**3) Public Comments**

There were no public comments.

**4) Approval of Agenda**

Patricia GRIGGS MOVED to approve the agenda; Ryan JUSZAK seconded. The VOTE to approve agenda PASSED unanimously.

**5) Approval of Minutes**

Patricia GRIGGS MOVED to approve the July 15, 2014 Worksession, Public Hearing, and Regular Meeting minutes; Kesslyn TENCH seconded. The VOTE to approve the July minutes PASSED unanimously.

**6) Correspondence**

• Charlie Loeb – Comments on planning approach to Panguingue B West

Commissioner JUSZAK stated that although Mr. Loeb indicates there is private property for sale in the borough what is not mentioned is that the sale price is \$20,000 an acre and not everyone can afford that price. He continued that there needs to be more affordable private land. Mr. Loeb suggested and JUSZAK agreed that it might be a good idea for the borough to survey what land is for sale within the borough prior to putting land up for sale.

There are currently five borough-owned lots still available in the Panguingue Creek Subdivision, but the lots are not road accessible. The state has lots available in the June Creek area. Jeff King bought a native allotment and created a subdivision from it. There are also lots available in the Anderson-Clear area.

Mr. Loeb also questioned why the commission had selected the Panguingue Creek parcel as the starting point for planning. It was noted that the commission determined that this was the parcel that was being surveyed and was a logical one to develop.

• Usibelli Coal Mine (UCM) Healy Basin Operation Plan

The development is slated for the old UCM mine site. Road and bridge development has already begun. Mayor Walker noted that Mr. Mitch Usibelli provided a presentation on the project to the assembly at their August regular meeting. The mayor submitted comments to the Division of Gas. The gist of his comments included clarification of the role and requirements of the Denali Borough regarding the project, that the project adheres to Denali Borough Code, and the borough appreciates that the project is located east of the Nenana River.

• US Army Corps of Engineers – Intent to Draft a Supplemental Environmental Impact Statement (EIS) for the proposed ASAP gas line project

It was noted that there was no scoping meeting planned for the Anderson area. The City Clerk of Anderson was contacted regarding this shortcoming. The Corps should work on arranging a meeting in the

1 northern district of the borough as the newly proposed route of the ASAP pipeline runs directly thru and  
2 will impact the area.

3  
4 The mayor attended the scoping meeting held in Healy on August 18. The presenters left the maps,  
5 depicting revision number six of the proposed route alignment, for borough review. The Supplemental EIS  
6 is an important time for the borough to comment on the proposed changes as the corridor now  
7 encompasses significantly more private land than the original, which was located largely along the  
8 highway corridor. The commission may want to add this item to the September agenda, where a review  
9 of the maps and a possible comment letter could be developed.

10  
11 In moving the pipeline further from the highway corridor, different pipeline specifications are used and it  
12 is less expensive to manufacture, i.e. a thinner-walled pipeline is permissible if it is not located adjacent to  
13 a main transportation corridor. Some justifications for moving the pipeline away from the highway  
14 included the following: less overall pipeline would be required, less environmental impact, and less  
15 expense.

### 16 17 **7) Plats and Conditional Uses**

- 18 • Resolution PC No. 14-07 Request for Public Access Easement across Denali Borough Land ADL 415800  
19 Sections 27 & 28, T11S, R8W, F.M. Slate Creek Area near Healy, AK

20  
21 A typographical error in the NOW THEREFORE clause 3) will be amended to read Northwestern instead of  
22 Northeastern property boundary.

23  
24 The commission has granted one other public access easement across borough land, which has caused some  
25 unforeseen issues. The BE IT FURTHER RESOLVED clause in Resolution PC No. 14-07 states that the planning  
26 office shall adjudicate the final plat within two years of preliminary approval. If there is not a final plat in two  
27 years, what does the commission propose be done? This same language was used in the prior granting of an  
28 access easement, but a final plat was never submitted. Points of discussion included the following:

- 29 1. If the "contract" is not completed in its entirety, it becomes null and void.
- 30 2. The resolution should include language concerning liability, indemnification, and remediation to  
31 protect the borough from a negative outcome.
- 32 3. Language referencing bonding and conditions that need to be met by the applicant should be  
33 included in the resolution until such time as the code can be amended to address these issues.
- 34 4. A provision regarding how drainage is handled should be included.
- 35 5. It was suggested that a set of rules outlining expectations regarding development of access  
36 easements be established and then all future resolutions can reference those compliance standards  
37 instead of enumerating all rules in every resolution.

38  
39 The Matanuska-Susitna and Fairbanks North Star Boroughs have developed standards for road construction.  
40 The planner was requested to do some research and provide some information for the next commission  
41 meeting.

42  
43 The commission determined that the application and plan put forward by Mr. Antis is compliant with what is  
44 presently in code.

45  
46 Steve JONES MOVED to approve Resolution PC No. 14-07; Baxter MERCER seconded. The ROLL CALL VOTE to  
47 approve Resolution PC No. 14-07 PASSED unanimously with Patricia GRIGGS, Steve JONES, Ryan JUSCZAK, Lee  
48 LIGHTFOOT, Molly MCKINLEY, Mark MENKE, Baxter MERCER, Sid MICHAELS, and Kesslyn TENCH voting in the  
49 affirmative.  
50  
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52

1 **8) Reports**

2 a) **Mayor**

- 3 • It is great to see a full commission at work. Thank you for your service.
- 4 • The Municipal Advisory Gas Project (MAG) Board met for the first time in Anchorage for two days in
- 5 early August. The task to be completed by the MAG Board is to write recommendations for changes
- 6 to oil and gas taxation. The only mechanism in use at present is property tax. A final report is due to
- 7 the governor by December 15, 2014.
- 8 • The Healy Transportation and Pedestrian Safety Committee met for the first time this month. Officers
- 9 were elected and a purpose for the committee was established. Two representatives from the
- 10 Department of Transportation & Public Facilities (DOT) presented information and guidance to the
- 11 committee. It is a nine member committee; seven seats are filled. There is one assembly
- 12 representative; a planning commissioner on the committee would be beneficial.
- 13 • ASAP submitted borehole requests for potential development of material sites; one has been
- 14 approved. Forty-five comments were submitted by the public to the borough.
- 15 • The ordinance addressing public noticing of easement vacations was introduced at the July assembly
- 16 meeting. At the August meeting, the assembly discussed the timeline of the proposed notice.
- 17 Vacating right-of-ways is a serious endeavor that should be allowed ample time for public response.
- 18 The entire process will most likely take up to two months to complete. The commission’s intent was
- 19 to request a 21 to 30-day total time for notice and response not 42 days.
- 20 • The assembly was informed that one of the lots in the Panguingue Creek Subdivision had been sold.
- 21 An assemblyperson opined that more land should be made available by the borough for private
- 22 ownership. The borough owns lots in established subdivisions that could be sold.

23  
24 The mayor responded to the following questions:

- 25 • What is the status of Chapters 9.21 Zoning Nenana River Scenic Corridor and 9.22 Zoning Airport Reserve?
- 26 The mayor said they are on his desk; they have not been moved to the assembly.
- 27 • What is the status of the Local Boundary Commission application and is AHTNA on-board and working
- 28 with the borough? AHTNA is fully on board for the borough to pursue the effort, but is not offering any
- 29 assistance. A good answer to the question as to why the detachment from the Matanuska-Susitna
- 30 Borough and annexation to the Denali Borough is in the best interest of the State of Alaska has to be
- 31 developed before a lot of time and resources is invested. As circumstances have changed, the Denali
- 32 Borough is in a weaker position this time than in prior similar attempts.

33  
34 b) **Borough Planner**

- 35 • DOT has scheduled a public scoping meeting on the Mile 231 Enhancement Project near the McKinley
- 36 Village area. The meeting will be held in Healy. DOT is considering holding a meeting in the Village area.

37  
38 **9) Communication and Appearance Requests**

39 Hannah Ragland – Presentation of Municipal Land Planning in Alaska

40 Ms. Ragland reviewed 10 Alaskan boroughs but focused on three including the Denali Borough. There is great

41 variation amongst the boroughs as to how they handle their municipal land entitlements. There are only two

42 boroughs including the Denali Borough that do not have zoning ordinances. Almost every borough has

43 extensive management plans, which are mostly incorporated into their Comprehensive Land Use Plans.

44 Wrangell Saint Elias, Skagway, and Lake Peninsula Boroughs were used to illustrate planning in boroughs that

45 were similar in size to the Denali Borough. Sheinberg Associates, a community planning firm, is a group that

46 has been used by Alaskan boroughs to assist them in planning issues facing their municipalities.

47  
48 **10) Unfinished Business**

49 a) **Discussion of Gas Pipeline Project(s) within the Denali Borough**

50 Steve JONES commented that there was a meeting in the Village area regarding development of a material site

51 last week. By unanimous consent this item was postponed to the next meeting.

1           **b) Draft 1 Management Plan – Panguingue B West**

2           Molly MCKINLEY MOVED to substitute Draft 2 for Draft 1; Baxter MERCER seconded. The VOTE to substitute  
3           was unanimous. By unanimous consent this item was postponed to the next worksession, public hearing, and  
4           regular meeting.

5  
6           Items c), d), e), f) and g) were postponed to the next meeting by unanimous consent.

7  
8           **c) Draft 3 Chapter 4.01 Definitions (Proposed)**

9  
10          **d) Draft 3 Chapter 4.05 Real Property Acquisition**

11  
12          **e) Draft 12 Chapter 4.10 Management of Borough Real Property**

13  
14          **f) Draft 8 Chapter 4.15 Disposal of Borough Real Property**

15  
16          **g) Draft 17 Chapter 4.25 Real Property Management Plan (Proposed replacement for Chapter 4.25 Classification  
17          of Borough-owned Lands.)**

18  
19          **h) Draft 2 Chapter 9.15 Zoning – Proposed Amendment: Height Restrictions**

20          Steve JONES MOVED to substitute Draft 4 for Draft 2; Kesslyn TENCH seconded. The VOTE to substitute was  
21          unanimous.

22  
23          Kesslyn TENCH MOVED to amend Draft 4 by changing the title to Section 9.15.020 from “Land zoned  
24          unrestricted” to “Zoning” and in the same section replace “all borough land is zoned unrestricted” with “all land  
25          in the borough shall be zoned by ordinance.” Steve JONES seconded. The VOTE to amend as described PASSED  
26          unanimously.

27  
28          A typographical error in 9.15.025 C. shall be corrected by deleting the extra “and.”

29  
30          Kesslyn TENCH MOVED to amend Section 9.15.025 D. 5 by deleting the word Assembly and replacing it with  
31          “Board of Adjustments per DBC 5.20.110.” Patricia GRIGGS seconded. The VOTE to amend as described  
32          PASSED unanimously.

33  
34          Kesslyn TENCH MOVED to amend Section 9.15.025 D. 6 by deleting the word Assembly and replacing it with  
35          “Board of Adjustments” and adding after the Superior Court of Alaska in the manner provided by “DBC  
36          5.20.130.” Patricia GRIGGS seconded. The VOTE to amend as described PASSED unanimously.

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

39  
40          **i) Comprehensive Plan Review**

41          The commission will review Chapters 4, 5, and 6 for the next meeting.

42  
43          By unanimous consent this item was postponed to the next regular meeting.

44  
45          **j. DNR – Public and Charitable Use (Land) – Broad Pass**

46          There was no discussion on this item. By unanimous consent this item was postponed to the next regular  
47          meeting.

48  
49          **k. DOT – Statewide Long Range Transportation Plan**

50          The Draft 2007 Transportation Plan basically contains roads and trails already established in the borough. DOT  
51          has plans, which are available on their website, for transportation in the Denali Borough. DOT will be  
52          accepting comments on the long range plan into the autumn. By unanimous consent this item was postponed  
53          to the next regular meeting.

1  
2 **I. Discussion Speer Easement across Borough Land – Slate Creek Area**

3 A final plat has never been submitted. The commission concurred the mayor should send Ms. Speer a letter  
4 that she has not fulfilled her obligations via the resolution, she is in trespass, and she should remove items  
5 from borough property. Ms. Speer will have to go thru the process of requesting the easement again. The  
6 mayor agreed to the request to author the letter to Ms. Speer. It might be a good idea to run this issue by the  
7 borough attorney. By unanimous consent this item was postponed to the next regular meeting.  
8

9 **11) New Business**

10 There was no new business before the commission.  
11

12 **12) Public Comments**

13 Susan Braun of Panguingue Creek Subdivision

14 Ms. Braun stated that she was in favor of hiring Sheinberg Associates to assist the borough in planning.  
15

16 Hannah Ragland of Panguingue Creek Subdivision

17 Ms. Ragland stated that at least for the first parcel, Panguingue B, the borough should obtain some  
18 professional assistance in planning. Once one is done it could be used as a template for future planning.  
19

20 **13) Commissioner Comments**

21 Patricia GRIGGS stated that she appreciated the presentation given by Hannah Ragland. There is a situation  
22 occurring in the northern part of the borough regarding road maintenance that may come before the commission.  
23

24 Kesslyn TENCH thanked the public and specifically thanked Hannah for her presentation.  
25

26 Steve JONES supports hiring a community planning firm to assist the borough.  
27

28 Ryan JUSCZAK thanked Hannah for her presentation.  
29

30 Molly MCKINLEY thanked Hannah for her presentation. She queried how the commission might want to move  
31 forward with Title 4. Molly will be resigning from the commission due to a new job with the National Park Service.  
32 She has enjoyed working with the group and is actively searching for a replacement commissioner.  
33

34 Lee LIGHTFOOT was happy to see all nine members present.  
35

36 Mayor Walker stated it was a good meeting and Hannah gave a good presentation.  
37

38 Sid MICHAELS stated that he appreciated the public comments and Hannah's presentation. He thanked Lee  
39 LIGHTFOOT for acting as presiding officer in his absence. He had a great time in Europe.  
40

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

42 The next regular meeting of the commission will be September 16, 2014 @ 6:15 PM in the Tri-Valley  
43 Community Center.  
44

45 **15) Adjournment**

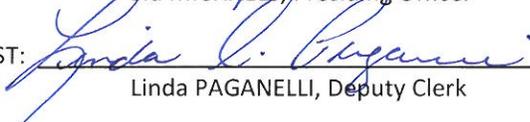
46 The Acting-Presiding Officer adjourned the July 15, 2014 Regular Meeting at 9:41 PM.  
47

48 APPROVED:



49 Sid MICHAELS, Presiding Officer

50 ATTEST:



51 Linda PAGANELLI, Deputy Clerk

52 Date Approved:

