

Planning Commissioners  
Ben McDowell, Seat A  
Paul Liedberg, Seat B  
Bill Rodawalt, Seat C, Chair



Vacant, Seat D  
Andy Anderson, Seat E  
Julie Baltar, Seat F  
Vacant, Seat G

**REGULAR MEETING MINUTES**  
**October 15, 2013**

**I. CALL TO ORDER**

Bill Rodawalt, Chair, called the meeting to order at 5:40 p.m.

**II. ROLL CALL** (quorum is 4)

Members present:

Paul Liedberg, Seat B  
Bill Rodawalt, Seat C  
Andy Anderson, Seat E  
Julie Baltar, Seat F on teleconference

Members Absent

Staff in Attendance:

Jody Seitz, City Planner, Recorder

Guests:

Paul Hulbert, MatSu Borough Planner

**III. APPROVAL OF THE MINUTES OF September 17, 2013**

MOTION: Paul Liedberg moved and Andy Anderson seconded the motion to approve the minutes of September 17, 2013

VOTE: The motion passed unanimously.

**IV. APPROVAL OF THE AGENDA**

MOTION: Paul Liedberg; Andy Anderson seconded the motion to approve the agenda.

Discussion: to break to allow guest to speak as soon as he signs on the teleconference.

VOTE: The motion passed unanimously.

**COMMUNICATIONS**

- A. Communications to the Planning Commission. Staff noted that Council members are urging the Planning Commission to proceed with its deliberations on subdivision access expeditiously.
- B. Planner's Report – Staff mentioned that she is working on the Land Use permit code, and that the current process of issuing Stop Work Orders are successful in getting better compliance with the code when construction has begun prior to obtaining a land use permit.
- C. Citizens comments on items not on the agenda. No citizens attended the meeting other than the commissioners and staff.

## **VI. PUBLIC HEARINGS**

There were no public hearings.

## **VII. UNFINISHED BUSINESS**

- A. Title 18 Revisions. Planner discussed several code revisions which she feels would improve the utility, effectiveness, and purpose of the code and asked commissioners to review the handout for the next meeting.

### Discussion:

- Planner noted that the Bristol Bay Borough code mentions protecting resources and the environment in the code's purpose.
- Planner mentioned that she had requested clarification in code about which entities are exempt from Title 18, including FAA, ADOT, and Native Allotments. Notes that the Bristol Bay Boro has done that.
- Requested that the BIA be consulted and invited to attend a Planning Commission workshop before asking the City Attorney for an opinion clarifying whether Title 18 applies to Native Allotments.
- Discussed that container vans were hard to keep track of as referred to in DMC 18.12.020.

Break: Paul Hulbert joined the Planning Commission meeting at 6:05 p.m. to discuss subdivision access.

- B. Subdivision Access Ordinance revision. Commission has copies of the recommendations and codes supplied which address access, road standards and other provisions.

### Discussion:

Paul Hulbert provided some background on the Matanuska Susitna Borough code and its current ordinances.

- The MatSu Borough has allowed private roads for at least the last 20 years. At first its was an exception for the private roads. They were located within a

subdivision. At first there were limits to where they could be located. They couldn't be extended beyond the boundaries of a parcel. The road would deadend at a lake or a peninsula. One criteria, they had to be constructed to minimum borough residential standards even though they were not maintained by the borough because it was private road status. It would allow homeowners to request public dedication one day if they so wished because it would meet the standards for borough maintenance. They had to guarantee road maintenance, EMS access with something like a lockbox with a key if it was a gated road. The access leading to the subdivision had to be public. In some instances they couldn't get public access to the subdivision and could only be circumvented with a variance by the platting board.

- Title 16 was replaced with Title 27, had the same premises for public road, and then Title 43 opened it up.
- Title 43 has no criteria for prohibiting private roads. Any property can have private interior roads, but still has to construct it to borough standards. They were allowed to be extended and located any place. And the private road can go from one end to the other and exit, without allowing public through traffic.
- If a developer wants to extend onto the original road, subdivide on the far side of a private road subdivision the road would have to be continued as private, unless the developer could have a public road that goes around it hooking into his subdivision. The MSB has not had developers piggybacking on each other. Had one developer who would keep expanding onto this lots.
- The borough road standards are dependent on road classification: minimum right of way width is 60 ft, with specific grade, curve, radii and gravel specifications.
- A pioneer road (outside the Road Service Area) is the narrowest, at 18 feet, subbase of 18" of NSF gravel, a lesser quality of gravel than the next higher road classifications. Residential 1 requires a 24" subbase and 20' wide shoulder to shoulder with better gravel (3"- gravel, more expensive). Residential 2 requires a 22' width with same gravel and a collector is 24' wide improved surface.
- Road Classification is dependent on amount of traffic in the subdivision.
- What about feedback from Public safety with the thought of operating equipment. MSB Public Safety opposes long driveways and pioneer roads and flag lots, which are often really long. The MatSu Borough code allows flag lots, which Public Safety doesn't like because property owners don't construct good enough driveways. Not constructed to standard which would support their trucks. Fire trucks get stuck.

- Condo subdivisions are in the Alaska statutes. Property owner does a declaration. There's complicated issues about that. They circumvent the subdivision platting code. Lots are called units and the road system is a common area. They are used to circumvent the platting code. Sometimes they are quite a nightmare. There is a section in the zoning code called Multifamily residence, which refers to a certain number of dwelling units per property size.
- Subdivision Instruction Manual. Subdivision average daily traffic count. Each unit has a certain amount of traffic per day. The size of the road is determined by the estimated amount of traffic. They use an old standard of six trips per day per dwelling unit. Now standards are like 11 trips per day. Area wide there's no zoning, so it's open to any type of dwelling units, but assumed it is residential. One residential house would produce 6 trips per day. Residential roads have 282 count, so you would divide 282/6 to get 18 lots....if you have a loop road you would allow twice that. subcollector is twice that and so on...road classification is geared to number of lots in a subdivision.
- Question re: allotments and regulating them. Hulbert says it has been an ongoing issue for a long time whether they fall under the land use and subdivision codes. The final conclusion is that the only exemption allotments have is for taxation. However the BIA still has to sign off on allotment plats. They can use the subdivision code.
- Concerned about requirement for road maintenance and ability to enforce on Native Allotments. Although he hears that the City does have that authority. How is compliance? Does Borough ever have to step in?
- The MatSu Borough's Road Service Area is only about 30% of the Borough's land; the rest is outside of that and allows different standards and no road maintenance by the Borough. If they are going through the subdivision code there are certain standards they have to follow. Depending on the location, and the type of subdivision they are doing it may or may not have to be constructed to a specific standard. Title 43 got very complicated as to when and where and how much road had to be constructed....a Planning tech had to do a matrix to get a handle on things.
- So, on those private roads, the borough hasn't experienced issues with them being maintained the way they said they were going to be maintained?
- Oh yes. Inevitably property owners will complain about lack of maintenance within their subdivision and they want borough assistance. The only thing we can point to them is a letter from the developer saying they will do the interior road maintenance. And we'll point to the code section saying you bought a lot within a private road subdivision and we'll show them that on the plat showing the clearly labeled private road and its not maintained by the borough. Do

have a requirement saying the roads have to be maintained. But it's very loose as far as the Borough trying to enforce that. We'll put it back on the private landowner to deal with the developer.

- Regarding roads which have been platted, but not constructed. Current Title allows subdivision of 4 lots or less outside the Road Service area to be platted without road construction. There has to be plat note stating that if the property is subdivided in the future a road constructed to borough standards has to be provided. There has to be a public right of way to the subdivision.
- Old code had waiver for developer of road construction had to demonstrate that legal access was suitable for a future borough standard road. Limited to 5 acres, max number of parcels was 4. There were 80 lineal miles of roads which were not constructed. The assembly after 2 years of dealing with that and the outcry from EMS and the public, with the lack of roads they repealed that section of the code.
- Financing of borough roads, or private roads. Does the bank treat the parcels differently as far as financing? Can't answer.
- So is the 4 lot subdivision without improving the road still in the code? Only outside the road service area can have 4 lots without building a road, has to have public access to it.
- Number of lots versus number of dwellings on lots.
- When developer comes in, can't see what the plan is for the lots, have to assume one single family residence on the property. Years ago the borough required them to have a plat note specifying each lot had one single family residence. Or have a covenant. Borough quickly realized error of trying to enforce plat notes and stopped requiring that.
- Why do people want private roads and gated communities? They limit public egress and ingress. There's control over who is traveling through the neighborhood and the appearance of being safer. There's also an idea that property values would be higher in a gated community than on private roads, but that is not born out by the assessor's tax data.
- Private roads – required homeowners pay association dues, or dues for maintenance. It's possible that homeowner association might have quicker response than the borough.
- Are there recommended lengths for a road that is not a loop? Had a maximum amount of block length. With Title 43 lost that..

- Landlocked parcels behind private road subdivisions: Previously had to provide access to adjoining parcels, now it wasn't true unless you didn't have other access. Last person developing has to give access...
- Requiring access to adjacent parcels is basically for emergency access, don't want landlocked properties. It's a fundamental premis of land planning – for emergency access, for traffic circulation is desired, you want a network or roads to provide access to community. It is a premis in virtually all subdivision codes you look at.
- Many of new subdivisions developed here might go with private access roads if we allowed it, rather than public roads, what issues would you see with having a majority of new subdivisions with private access roads rather than public, if any.
- Access to adjoining property. Private roads have a limitation. Do they want to provide access to adjoining property, do you want them to? Depends on road maintenance...what if road maintenance wasn't up to par on a subdivision which blocked access to another subdivision?

Paul Hulbert left at 6:44. p.m. Suggested talking with boro planners about material sites development.

- Asked if the Planning Commission has policy to implement its code. How much we have to legislate this and how much could be handled in that way.
- Wondered about how much the economics regarding land sales will drive the number of abuses of the land. How much responsibility does the commission have versus how much liability landowners will have. A balancing act.
- Suggested that commissioners look at Kodiak, Matsu, and Fairbanks North Star Borough codes regarding access and road standards. All allow private access but have boundaries on it. Require building the road to standards. 18' is the narrowest width.
- Seems like commission should start with SAC recommendations and explain why we support or don't support each one.
- Comprehensive Plan supposed to drive our ordinances. Supports providing access to adjacent parcels so that commission can plan future roads and road networks.
- We need to be responsible to the SAC in coming up with the reasons why we support or don't support them.

- Planning Commission to hold a workshop on November 2. Need to provide justification for recommendations.
- Next steps: invite Paul Roehl of BIA, come up with recommendations and justification for the recommendations, distribute to stakeholders for review.

### **VIII. COMMISSIONER COMMENTS**

Paul Liedberg -9 a.m. to finish on November 2. The Public Safety and Fire Hall replacement planning process will begin in November. Intent is to get public input on one building or two and who would be located in them/it. also Ben McDowell is joining the Planning Commission. Will have to bring him up to speed.

Julie Baltar – None.

Andy Anderson – None.

Bill Rodawalt – None.

### **X. ADJOURNMENT**

Meeting Adjourned 7:02 p.m

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Bill Rodawalt, Chair

ATTEST:

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Jody Seitz, Recorder