

MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD

Chairman –	VACANT (03)	VACANT (06)	Kenneth Hoffman (10)
Vice Chair –	Kim Bergey (04)	Adam Jensi (07)	Thomas Bergey (11)
LaMarr Anderson (01)	Jozef Slowik (05)	Stephen Brown (08)	VACANT (12)
Amanda Salmon (02)		Misty O'Connor (09)	

AGENDA

REGULAR MEETING
DSJ Building / Lower Level Conference Room

January 17, 2024
4:30 P.M.

Call In #: 1-907-290-7880

Participant Code: 321 841 35#

- I. CALL TO ORDER; ROLL CALL
- II. ELECTION OF CHAIRMAN AND VICE CHAIRMAN
- III. APPROVAL OF AGENDA; PLEDGE OF ALLEGIANCE
- IV. AUDIENCE PARTICIPATION (Limit 3 minutes)
- V. APPROVAL OF MINUTES: December 20, 2023
- VI. ITEMS OF BUSINESS
 - A. Staff Report – Joe Metzger
 - B. Resolution 24-01: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT ORDINANCE SERIAL NO. 24-027, CONVEYING THE BOROUGH'S DEVELOPMENT RIGHTS INTEREST TO RAYMOND AND SHANNON LATCHEM FOR FEE SIMPLE TITLE WITH AGRICULTURAL COVENANTS (MSB001123).
 - C. Work Session
- VII. MEMBER COMMENTS (Limit to 3 minutes)
- VIII. NEXT MEETING: February 21, 2024
- IX. ADJOURNMENT

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B. Work Session Follow up
Mr. Anderson recommended going into “Committee As A Whole” to discuss without making final decisions to allow.

Mr. Brown motioned to go into Committee As A Whole until 5:30 p.m.; Ms. Bergey seconded. An attached form gives the overview of discussion; this form will be used to add future discussions.

Mr. Brown motioned to come out of Committee as a Whole; Ms. Bergey seconded.

C. 2024 Agriculture Advisory Board Meeting Schedule
Presented to the Board so they could set their calendars for meetings in 2024.

VII. MEMBER COMMENTS (Limit to 3 minutes)

Mr. Stahl stated he appreciated the opportunity to be on this Board. Several mentioned this meeting had good discussion, and they appreciated hearing the issues Mr. Metzger has been hearing from Borough Ag Land owners.

VIII. NEXT MEETING
January 17, 2024

IX. ADJOURNMENT

Mr. Anderson adjourned the meeting at 5:55 p.m.

_____, Chairman DATE

ATTEST:

Margie Cobb
Department Administrative Specialist

TITLE CHANGES

Current Concerns:

- Preserve Ag land now and in the future
- Cannot divide property among more than four heirs.
- Court settlements that do not match covenants
- 79 acres does not allow for any division due to minimum 40 acre requirement
- Provide incentives for those with large parcels to use for ag purposes
- There are few 40-100 acre areas available for Borough Ag sale until West Susitna opens.

Focus Points:

- Possible lot size of 10-20 acres
- Could affect all Title 13, 15 and 23 Ag Land Owners
- Definitions/designations for lot sizes based on soil composition and watershed
- Think of future – ensure the right language
 - o Ensure owners can't be sued by neighbors

PROS	CONS
	Not too small to make income

**MATANUSKA-SUSITNA BOROUGH
AGRICULTURE ADVISORY BOARD
RESOLUTION NO. 24-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT ORDINANCE SERIAL NO. 24-027, CONVEYING THE BOROUGH'S DEVELOPMENT RIGHTS INTEREST TO RAYMOND AND SHANNON LATCHEM FOR FEE SIMPLE TITLE WITH AGRICULTURAL COVENANTS (MSB001123).

WHEREAS, the Borough Agriculture Advisory Board was enacted by Matanuska-Susitna Borough Ordinance 15-050 to review issues specifically related to and affecting Borough agriculture lands, and advise the Assembly and Manager on such matter; and

WHEREAS, the Agriculture Advisory Board asked Land and Resource Management staff to develop a program to convert and merge the Borough's development rights held in deeds for the 1977, 1981, 1982, and 1983 agricultural land sales programs; and

WHEREAS, on November 22, 2022, the Matanuska-Susitna Borough Assembly approved Informational Memorandum No. 22-224 and Resolution Serial No. 22-105, amending Title 23 Real Property and the Land and Resource Management Policy and Procedures Manual Part 5, for the Agricultural Land Sales under former Title 13 that occurred in 1977, 1981, 1982, and 1983 and merge the Borough's development right with the agricultural rights title for fee simple title with agricultural covenants; and

WHEREAS, the Matanuska-Susitna Borough Land and Resource Management Division received an application from Raymond and Shannon Latchem to acquire the remaining interest in the land

estate of Tax ID 4809000T031A; and

WHEREAS, Raymond and Shannon Latchem qualify to purchase the remaining interest in a land estate in accordance with MSB Title 23 and Land and Resource Management Policy and Procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Agriculture Advisory Board recommends the Matanuska-Susitna Borough Assembly hereby adopt Ordinance Serial No. 24-027, conveying the Borough's development rights interest to Raymond and Shannon Latchem for fee simple title with agricultural covenants.

ADOPTED by the Matanuska-Susitna Borough Agricultural Advisory Board this 17th day of January 2024.

, Chair

ATTEST:

Margie Cobb,
Department Administrative Specialist

Matanuska-Susitna Borough



MEMORANDUM

TO: Agriculture Advisory Board Members

THROUGH: Eric Phillips, Community Development Director *EP*

FROM: Joe Metzger, Asset Manager *Jm*

DATE: January 17, 2024 meeting

RE: MSB0001123 - Request to acquire the remaining interest in the land estate for an agricultural land sale that occurred in 1981
Tax ID No. 4809000T031A (292.8 Acres)
Tax Map FH32

The applicants/buyers, Raymond and Shannon Latchem, have applied to acquire the remaining interest in the land estate of Tract 31A, Section 35, Township 16 North, Range 5 West, Seward Meridian (Tax ID 4809000T041A). This request would merge the Borough's development rights with the agricultural rights title for a fee simple estate and would implement the covenants, conditions, and restrictions used under Title 23 agricultural programs. This request is allowed under MSB 23.10.230(A)(1)(g).

The subject property, approximately 292.8 acres, was originally part of a 301 +/- acre parcel that was sold under former Title 13 in 1981. Under former Title 13, when the Borough conveyed land in agricultural land sale programs, it conveyed the "agricultural rights" to the buyer and retained the "development rights". MSB 13.30.120(H) defined the rights conveyed as "All rights except mineral rights and development rights. Development rights are the rights to subdivide or use the surface of the land for residential, commercial or industrial uses which are not part of the farming enterprise conducted on the land."

Title 13 was replaced by Title 23 in 1994. Under Title 23, when the Borough sells agricultural properties, it conveys fee simple estate and imposes covenants, conditions, and restrictions on

the fee simple title. The covenants, conditions, and restrictions are designed to maintain the agriculture potential of the land without requiring certain clearing or production requirements as necessary under former Title 13.

Pursuant to MSB 23.10.230(A)(1)(g) the Manager may, with the approval of the Assembly by ordinance, approve a sale of Borough-owned real property by application for disposal of the Borough's interest in the agricultural land sales conducted in 1977, 1981, 1982, and 1983. Raymond and Shannon Latchem have submitted an application and qualify to purchase the remaining interest in a land estate in accordance with MSB Title 23 and Land and Resource Management Policy and Procedures.

RECOMMENDATION: The Land and Resource Management Division respectfully requests the Agriculture Advisory Board approves Agriculture Advisory Board Resolution 24-01 recommending the Matanuska-Susitna Borough adopt Ordinance Serial No. 24-027.