

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING TITLE 23 REAL PROPERTY AND A RESOLUTION ADOPTING 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 RIGHTS WITH THE AGRICULTURAL RIGHTS TITLE FOR FEE SIMPLE TITLE WITH AGRICULTURAL COVENANTS.

AGENDA OF: October 18, 2022

ASSEMBLY ACTION:

Adopted without objection
11-22-22

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: *WJB*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>YKM</i>	
	Community Development Director	<i>EX</i>	
	Finance Director	<i>[Signature]</i>	
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>[Signature]</i> <i>Jun 10/10/22</i>	<i>[Signature]</i>

ATTACHMENT (S) : Fiscal Note: YES X NO _____
 Exhibit A - Proposed Changes to Agricultural Rights
 Parcels (2 pp)
 Public Notice Comments (14 pp)
 Matanuska-Susitna Borough Agriculture Advisory
 Board Resolution Serial No. 22-01 (2 pp)
 Ordinance Serial No. 22-127 (2 pp)
 Resolution Serial No. 22-105 (3 pp) and addendum
 Title 23 Policy and Procedure, Part 5.

SUMMARY STATEMENT:

The goal is to provide the agricultural rights owners who own properties sold in the 1977, 1981, 1982 and 1983 lands sales with agricultural rights only interest under former Title 13 the ability to obtain the fee simple estate and revise the covenants, conditions, and restriction to those used in the Title 23 agricultural programs. This program is voluntary and developed as an effort to bring as many agricultural parcels sold by the borough under former Title 13 as close to the same rules as possible under Title 23.

BACKGROUND:

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, "[a]ll 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 [sic] which are not a part of the farming enterprise conducted on the land. Any deed issued shall be subject to the condition that the real estate conveyed shall be utilized in accordance with the grantee's farm use plan and implementation schedule."

Since Title 23 was adopted in 1994, the borough conveys its fee simple estate and imposes covenants, conditions, and restrictions on the fee simple title that were designed to maintain the agricultural potential of the land without monitoring any clearing or production requirements. Title 23 also changed the definition of agriculture to include agricultural uses beyond the row crop and animal unit production used in the Title 13 programs.

There are major changes that will take place for owners of Title 13 "agricultural rights" parcels for those owners that chose to participate in the proposed voluntary program and outlined in Exhibit A. The proposed cost associated with the conversion is \$1,500.

DISCUSSION:

Over the years the Assembly, Advisory Boards, and Borough staff have spent countless hours processing requests from individual agricultural rights owners who need permission to do certain things under, or exceptions to, the original Title 13 agricultural land sale programs. The agricultural rights owners making the requests often view the process as burdensome and the timeframes required to complete the request as bureaucratic.

Moreover, the programs and imposed restrictions are 40-45 years old and outdated. Today's farming practices and the popularity of agritourism business, allows farmers the ability to use the land for tourism activities or other home-based small businesses to promote direct sales of agricultural products that supplements their income.

The Borough's 1977, 1981 and MSB001274 (1983 ag sale) reserves in the deed "alienation of property," which is "the agricultural interest, the sole interest herein conveyed, may not be sold, leased, or conveyed, in whole or in part, without first obtaining written approval from the Matanuska-Susitna Borough." In other words, the owner of the agricultural rights cannot grant an easement for utilities or sell their farm without the Borough's written consent and approval. Furthermore, any subdivision for any of the four agricultural land sales requires Assembly approval.

Staff's experience working with agricultural owners under Title 23 agricultural program has been a positive experience and time has confirmed that ongoing administrative costs to the borough taxpayer are minimal in comparison to former Title 13 agricultural land sales.

The voluntary program processing fee is \$1,500 to cover the application fee (currently \$500), title report (\$250), and recording fees of under \$200 for the termination of covenant, conditions and restrictions under Title 13, imposing covenant, conditions and restrictions under Title 23, quitclaim deed, and the notice of designated improvement site. The applicant will be responsible for any public notice or advertising costs since those costs are not fixed, any fees associated with a lender or lien holder that are outside of a consent approval, or costs not anticipated, such as clearing title or liens.

A 30-day public notice was mailed to all current owners that hold an agricultural rights interest, all Borough Community Councils, Mayor, Assembly members, manager, Agriculture Advisory Board members, the Upper Susitna, Palmer and Wasilla Soil & Water Conservation Districts. Public Notices were posted at all borough post offices, posted on the Borough's website, and advertised in the Frontiersman.

All comments received from the public notice and advertising are attached. One comment received from Ms. Glenda Smith opposed the conversion program.

On February 23, 2022, the Agriculture Advisory Board unanimously passed Resolution Serial No. 22-01 recommending the Matanuska-Susitna Borough Assembly adopt by Ordinance the Land and Resource Management Division Policy and Procedure Manual, Part 5, Agricultural Land Sale Conversion Program.

RECOMMENDATION OF ADMINISTRATION:

The Land and Resource Management Division recommends Assembly approval of the Borough's conveyance of the fee simple title with agricultural covenants, conditions and restriction under Title 23 and the addition to the Policy and Procedure Manual, Part 5.

MATANUSKA-SUSITNA BOROUGH

FISCAL NOTE

Agenda Date: October 18, 2022

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING TITLE 23 REAL PROPERTY AND A RESOLUTION ADOPTING 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 RIGHTS WITH THE AGRICULTURAL RIGHTS TITLE FOR FEE SIMPLE TITLE WITH AGRICULTURAL COVENANTS.

ORIGINATOR: Tracy K. McDaniel

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES NO
AMOUNT REQUESTED \$1,500	FUNDING SOURCE Land Management
FROM ACCOUNT # 100.130.141 4xx.4xx	PROJECT
TO ACCOUNT :	PROJECT #
VERIFIED BY: Kim Whilard	CERTIFIED BY:
DATE: 10-5-22	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL	1.5					
---------	-----	--	--	--	--	--

REVENUE						
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FUNDING:

(Thousands of Dollars)

General Fund	1.5					
State/Federal Funds						
Other						
TOTAL	1.5					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____

DEPARTMENT: _____ DATE: _____

APPROVED BY: Cherylne Daniel DATE: 10/5/22

IM No. 22-224
Ordinance Serial No. 22-127
Resolution Serial No. 22-105

Exhibit A

PROPOSED CHANGES TO AGRICULTURAL RIGHTS PARCELS	
PROPOSED CHANGE	REASON AND EFFECT ON EXISTING STATUS
QUITCLAIM DEED	
MSB will convey by quitclaim deed the "Development Rights" it retained under the Title 13 Agricultural Rights programs. The MSB retained the rights, included ability to subdivide the original farm unit, or use the property for commercial, industrial purposes, or for multiple residences (One residence was allowed per original farm unit provided it was in the approved development plan). Restrictions used under the current Title 23 agricultural programs will be imposed by Covenants, Conditions and Restrictions (CCRs) executed and recorded concurrently with the Quitclaim Deed.	The Quitclaim Deed will serve to merge rights of title retained by MSB with the "Agricultural Rights only" conveyed to the farm unit owner. The farm unit owner will have title to the fee simple estate subject to reservations and exceptions in US and SOA patents, all easements, covenants, conditions and restrictions and other matters of record, including liens and encumbrances, if any, affecting the farm unit owner.
Release the borough's deed condition of "alienation of property" of the Agricultural Rights owner to further convey, in whole or in part, lease or mortgage without MSB approval.	The restraint language was used in the quitclaim deeds prepared for the 1977 sale, 1981 sale, and MSB001274 (Stahl). In later programs it was not evenly applied. It is a severe limitation to the title that has little purpose after the purchase price is paid and development requirements met.
COVENANTS, CONDITIONS AND RESTRICTIONS	
The CCRs recorded for the Ag Right programs under former Title 13 will be released by mutual consent. This will release, among other things, the continuing requirement that farm plans be amended anytime the farm operation changes. Under the Title 23 agricultural programs, a farm development plan is not required.	The Title 13 CCRs will be relased and replaced with the CCRs used under Title 23 that is slightly modified to eliminate the 10 year rule of holding title before subdividing. The Title 23 CCRs do not require farm development plans or continuing farm production under a plan, they also provide the ability to use the designated Primary Improvement Site (typically the homesite) for Home-based business uses that were not allowed under Title 13, such as Bed and Breakfast or farm stay business.
SUBDIVISION OF THE FARM UNIT	
Title 23 CCRs will be signed and recorded to allow up to four (4) parcels, minimum of 40 acres in size, to be created within the boundary of the farm unit. Borough platting codes and regulations must be met at the time of dividing parcels. Subdivision under Title 23 CCR's is an administrative approval that is guided by certain limitations.	Under "Ag Rights" CCRs and subsequent Ordinance 86-78, the request to divide an original farm unit (other than the home/headquarters site as explained below) requires approval of the borough assembly on a case-by case basis.
SUBDIVISION OF THE HOME SITE	
Under Title 23 CCRs, each Original Farm Unit and each Farm Sub-unit created will be eligible to use up to 5 acres for designated improvement sites with one (1) of the sites designated as a primary improvement site. Any previously designated sites existing within a Farm Sub-unit at the time the Sub-unit is created will count toward the 5 acre total, unless undeveloped and the location amended.	Under the original farm programs the development was limited to a single home/headquarters site, in which all structural development was to occur. Approval for any other sites, limited to ag purposes only, required assembly approval on a case-by-case basis. Under Title 23 CCRs the process uses an administrative approval that is guided by certain limitations.

PROPOSED CHANGES TO AGRICULTURAL RIGHTS PARCELS	
PROPOSED CHANGE	REASON AND EFFECT ON EXISTING STATUS
SUBDIVISION OF THE HOME SITE (con't)	
Any existing Title 13 Sub Units that were authorized to divide from the Original Farm Unit and were also approved for a residential site (typically not more than 2 acres) and required to remain ag rights only, may be changed to the new program and will then be allowed to select up to 5 acres total for designated improvement sites.	This is consistent with the rules currently used for Original Farm Units created under the Title 23 program.
APPLICATION AND PROCESSING (Title 23)	
<p>Application and processing fee of \$1,500 per current Farm Unit or Farm Sub-Unit, if previously subdivided, will cover the purchase of a title report, staff time to review the title reports and prepare documents, assist the agricultural rights owners with the "Notice of Designated Improvement Sites" form and any consents or approvals needed from their lenders or lien holders (if any) to complete the change in title and implement revised CCRs; recording fees for MSB's quitclaim deed and CCRs and the Notice of Designated Improvement sites.</p> <p>It is necessary to determine current status of title for each parcel in order to properly draw Quitclaim Deed for conveyance of borough's "development rights" and to release and replace the Covenants, Conditions and Restrictions. Consent and non-objection of the proposed changes will need to be obtained from all parties having a recorded interest in the property, including lien holders and lessees. It is not foreseen that these consents will be difficult to obtain since the expanded rights to the title will be seen as a benefit by most lenders or lienholders.</p>	

Tracy McDaniel

From: Jill Irsik
Sent: Monday, April 11, 2022 4:41 PM
To: Tracy McDaniel
Subject: FW: Title 13 conversion program

From: Glenda Smith <glenda@glendasmith.realtor>
Sent: Monday, April 11, 2022 4:36 PM
To: Tracy McDaniel <Tracy.McDaniel@matsugov.us>; TimHaleDistrict1@gmail.com; Land Management <Land.Management@matsugov.us>
Subject: Title 13 conversion program

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

To: MSB/LMB
From: Glenda Smith
Palmer, Alaska
Re: Title 13 Conversion Program
Date: April 11, 2022

I am opposed to the current proposed conversion program as I understand the written public notice. This potential conversion sounds like the State of Alaska 1997 HB109 program for agricultural lands sold. With the current Food Security and Independence Task Force, established by Governor Dunleavy's executive order 331, I would encourage the borough to re-think the current proposal.

1. Regardless of Ag rights only or fee simple purchase of property, agriculture is a commercial purpose.
2. Participating with soil and water conservation districts and funding for the same (which is an active part of state government in all the Lower 48 states) allows many levels of cooperation among the agriculture owners without involving the local and state governments in the minutia.
3. Title 13 agricultural rights owners paid 10% of the fair market value to purchase Ag rights; at least that is the approximate amount I determined when researching the Title 13 Ag files. Title 23 fee simple owners paid fair market value for property restricted to agricultural use only. **Conveyance of development rights should require a current appraisal to determine the "sale price" for the development rights by the borough and require Ag rights owners to pay the appraised price to receive conveyance of the development rights.**
4. If there isn't any farm plan (worked through with soil and water conservation districts and USDA in Lower 48 states), why would the property be considered agricultural?
5. Why sell large parcels of land as Ag land if there is no requirement for any type of agricultural use of the land? Food safety and security is a HUGE issue in Alaska and large numbers of potential agricultural users are looking for land they can lease or purchase for agricultural use. I think the state and borough should stop selling large parcels as "ag land" without any requirement to do anything but build a house and enjoy the view from the 40 (or more) acres purchased.

IM 22-224
OR 22-127
RS 22-105

6. Retained rights to use the property for commercial, industrial purposes, or multiple residences could all be changed with a change in the borough's definition of agriculture and does not require conveyance of development rights.
7. Kennels and catteries as stated on Page 2 of 5 of the proposed Declaration of Covenants, Conditions, and Restrictions, SHOULD NOT be a home-based business for agricultural property unless the dogs and cats are being bred and raised as a food source.

When I worked for the Matanuska-Susitna Borough I had people interested in agricultural properties call often. During the 2014 agricultural forum that I participated in at MSB, many participants asked for parcels smaller than 40 acres. The borough has vacant land with soils consistent with Ag soils that could be classified and sold for agricultural purposes but 40 acres is the smallest size allowed currently and will be so in the new proposed policy. Many small CSA farmers do quite well with their production on 10-20 acres. The agriculture advisory board established after that forum in 2014 did propose allowing smaller agriculture parcels. As a licensed realtor, I am still assisting people interested in purchasing agricultural property in the borough.

It was also proposed originally by the Agriculture Advisory Board to continue Ag rights only sales since most young or starting out farmers have an easier time purchasing Ag rights which, from the research I have done on MSB sales, is 10% of the fair market value and development rights valued at 90% of the fair market value. In reviewing the original agriculture land sales in MSB under Title 15, there were two appraisals done for each parcel, one as fee simple unrestricted and the other as fee simple with agricultural covenants, conditions, and restrictions in perpetuity. I cannot remember the specific difference off the top of my head but, of course, those properties with agricultural CCRs in perpetuity were less per acre than unrestricted fee simple.

I would definitely be interested in what plan the borough has for the "sale" of the development rights as this is not clear in this proposed legislation and for continued required use of sold Ag properties.

Thank you for your consideration.

--

Glenda Smith, SR/WA, Realtor
Lee Realty LLC
glenda@glendasmith.realtor
(907) 232-0518 (cell)
(907) 376-4039 (facsimile)

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IM 22-224
OR 22-127
RS 22-105



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

39

18N01E05A007

TROUTMAN MARK ALLEN

CUTLER BEVERLY WINSLOW

8470 N RUSSET DR
PALMER, AK 99645

MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

**Borough Conveyance of the Fee Simple Title for
Agricultural Lands Sales Conducted in 1977, 1981, 1982 & 1983 Under Former Title 13
Conversion Program to Title 23 Fee Simple Title with Agricultural Covenants**

You are receiving this Public Notice as an owner(s) of agricultural rights deed under former Title 13, wherein the Borough retained the development rights to the farm unit(s) that includes the ability to subdivide the original farm, or use the property for commercial, industrial purposes, or for multiple residences.

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division developed policy and procedures for assembly consideration as a voluntary program that applies to Borough lands classified and sold as "agricultural lands" under former MSB Title 13 as an agricultural rights interest only. The program, if approved by the assembly, will allow an owner(s) to covert and merge their agricultural interest to fee simple title with agricultural covenants under the current MSB Title 23 agricultural program.

The proposed policy and procedures and other associated documents can be found on the Borough's web page www.matsugov.us under Public Notice & Announcements section and available in the Land and Resource Management Division for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **April 11, 2022**. If you have questions about this request: call Tracy McDaniel at 861-7864 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (please refer Former Title 13 Conversion Program when submitting comments).

Comments:

I approve of and support the establishment of this voluntary program.

I do wish the proposed policy and procedures allowed a parcel of 200 acres or more to be divided into at least 5 (or more) "40's", if large enough to contain such. The "4 parcel limit" seems to derive from another sale where parcels were smaller.

I also ask that the proposed policy and procedures

Signature: (on next page)

(cont'd on next page)

This public notice & request for comments is in compliance with MSB Code 23.05.025

IM 22-224
OR 22-127
RS 22-105



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

39 18N01E05A007
TROUTMAN MARK ALLEN
CUTLER BEVERLY WINSLOW
8470 N RUSSET DR
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Comments:

permit farm parcels as small as 10 acres, so long as the ratio of land that can be an "improvement site" is the same as "5 acres to 40." Thus the ratio would be "1.25 acres to 10."

The MSB now can sell/is selling 10 acre Ag parcels. I don't see why these current MSB Ag parcels cannot also be divided the same. In today's Alaska farming world, 10 acres is plenty for many types of farming/ag uses, including vegetables, potatoes, seed potatoes, flowers, High Tunnel projects, etc.; and many can afford only 10 acres, yet want land and to farm.

Signature:

This public notice & request for comments is in compliance with MSB Code 23.05.025

Signature: Beverly W Cutler, 4/3/2022

IM 22-224
OR 22-127
RS 22-105



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

39 18N01E05A007
TROUTMAN MARK ALLEN
CUTLER BEVERLY WINSLOW
8470 N RUSSET DR
PALMER, AK 99645

MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

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The proposed policy and procedures and other associated documents can be found on the Borough's web page www.matsugov.us under Public Notice & Announcements section and available in the Land and Resource Management Division for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **April 11, 2022**. If you have questions about this request: call Tracy McDaniel at 861-7864 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (please refer Former Title 13 Conversion Program when submitting comments).

Comments:

I support the establishment of this program. I ask the borough to consider two easy changes, however.

1. The proposed policy and procedures should allow a parcel of 200 acres or more to be divided into as many 40's as can fit into that parcel. The "4 parcel limit" does not make sense in light of Alaska farming today. That limit may derive from a sale where parcels tended to be smaller than those in the 1977 sale.

2. The proposed policy and procedures should permit farm parcels as small as 10 acres (which the borough now sells) so long as the ratio of land that can be used as an "improvement site" is the same as it is for 40 acres. Currently in the proposed policy that is 5 acres out of 40. Thus the ratio for a 10 acre parcel would be that only 1.25 acres can be used for an improvement site. That is plenty for a homesite and related out buildings for the types of Alaska farms we see developing today. Ten acres is more than enough land for a farm project in today's Alaska farming world, where ag uses commonly are vegetable and salad green growing, potatoes, seed potatoes, flowers, High Tunnel projects and the like. As well many would-be farmers can afford only 10 acres in today's economic world.

This public notice & request for comments is in compliance with MSB Code 23.05.025

Signatures

Mark A. Troutman
Mark Allen Troutman

IM 22-224
OR 22-127
RS 22-105



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

34 26N05W21C002
SMITH PHILLIP & POLLY FAM
PO BOX 4272
PALMER, AK 99645-4272

MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

**Borough Conveyance of the Fee Simple Title for
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The proposed policy and procedures and other associated documents can be found on the Borough's web page www.matsugov.us under Public Notice & Announcements section and available in the Land and Resource Management Division for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building: the Land Management Division. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **April 11, 2022**. If you have questions about this request: call Tracy McDaniel at 861-7864 between 8:00-5:00 or you can send an e-mail to LMB@matsugov.us (please refer Former Title 13 Conversion Program when submitting comments).

Comments: _____

I am in favor of the new program to allow owners to convert to a fee simple title. Thank you for the opportunity to address this.

Signature: _____

This public notice & request for comments is in compliance with MSB Code 23.05.025

IM 22-224
OR 22-127
RS 22-105

Tracy McDaniel

From: Tracy McDaniel
Sent: Monday, May 9, 2022 10:35 AM
To: 'Polly Smith'
Subject: RE: Fee Simple legislation for Ag parcels

You are already on my list. 😊

Tracy K. McDaniel, SR/WA
Asset Manager
907.861.7864 (direct)

From: Polly Smith <pkpsmith@gmail.com>
Sent: Monday, May 9, 2022 10:22 AM
To: Tracy McDaniel <Tracy.McDaniel@matsugov.us>
Subject: Re: Fee Simple legislation for Ag parcels

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]



On Mon, May 9, 2022 at 10:21 AM Tracy McDaniel <Tracy.McDaniel@matsugov.us> wrote:

Thank you Polly.

Tracy K. McDaniel, SR/WA
Asset Manager
907.861.7864 (direct)

From: Polly Smith <pkpsmith@gmail.com>
Sent: Monday, May 9, 2022 10:15 AM
To: Tracy McDaniel <Tracy.McDaniel@matsugov.us>
Subject: Fee Simple legislation for Ag parcels

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hello Tracy,

IM 22-224
OR 22-127
RS 22-105

Thank you for your information today regarding the proposed legislation for fee simple title for agricultural lands.

I appreciate your offer to maintain communication on this matter.

Sincerely,

Polly Smith,

Trapper Creek Farm

Tracy McDaniel

From: Jill Irsik
Sent: Monday, April 11, 2022 1:57 PM
To: Tracy McDaniel
Subject: FW: former Title 13 conversion

-----Original Message-----

From: Parson Jill <personaljmp@mtaonline.net>
Sent: Friday, April 8, 2022 10:54 AM
To: Land Management <Land.Management@matsugov.us>
Subject: former Title 13 conversion

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I support this conversion. I was MSB's Land Management Officer when Title 23 replaced Title 13 and participated in drafting the new regulations for agricultural parcels. The Title 13 agricultural regulations created an unwieldy and difficult to manage agricultural program, both for property owners and MSB Land Management. Title 23 offers additional options to purchasers of lands with agricultural covenants but preserves the large acreage agricultural potential, and does not allow property owners to develop property purchased at low cost to market value profitable subdivision sites.

Being on the Big Lake Community Council Board (BLCC) I encouraged the Board to respond positively to this notice since the BLCC will not meet before the notice period ends. The other Board members did not consider my request so no response should be coming timely from the BLCC or its Board.

Jill Parson
PO Box 521315
Big Lake, AK 99652

Tracy McDaniel

From: Jill Irsik
Sent: Thursday, April 7, 2022 8:10 AM
To: Tracy McDaniel
Subject: FW: Former title 13 conversion program

-----Original Message-----

From: Willy Peabody <pipit@mtaonline.net>
Sent: Wednesday, April 6, 2022 7:00 PM
To: Land Management <Land.Management@matsugov.us>
Subject: Former title 13 conversion program

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I was concerned about this at first when I saw transfer to fee simple. But after talking to Tracy McDaniels my fears of ag land being turned into subdivisions was put to rest. This voluntary program should allow the same protection for the land as I understand it. In addition to providing more tax revenue for the borough it should make ag land more friendly for banks to finance. This should aid in the sale and purchase of these lands in the future. I support this conversion program. Thank you for your work will peabody Sent from my iPhone

Tracy McDaniel

From: Tory Oleck <tory.oleck@gmail.com>
Sent: Tuesday, March 22, 2022 7:01 PM
To: Tracy McDaniel
Subject: AG Title 13 conversion

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Tracy,

I received by mail the MSB notice concerning the proposed conversion of ag lands to fee simple title with CCR's. I have reviewed all the information available on the MSB website concerning this option for ag land holders. I am in favor of this proposal so please pass along my positive comments to the assembly for their consideration. Please put me down as a applicant if or when the process commences. I would be happy to schedule a visit with you to get any further details if you can fit me into your calendar. I hope this message finds you well! Thank you Tory R Oleck Willow

Tracy McDaniel

From: Sue Wallin <pswallinalaska@gmail.com>
Sent: Thursday, March 24, 2022 10:17 AM
To: Tracy McDaniel
Subject: Re: FW: Former Title 13 Conversion Program

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

THANK-you SO much for the answers! WE will talk with platting today :)

Hope to see ya next week in your office.

Enjoy your time outside!

Paul and Sue Wallin

On Wed, Mar 23, 2022 at 1:18 PM Tracy McDaniel <Tracy.McDaniel@matsugov.us> wrote:

Hello Sue,

Please see my answers in red to your questions below.

Tracy K. McDaniel, SR/WA

Asset Manager

907.861.7864 (direct)

From: Jill Irsik <Jill.Irsik@matsugov.us>
Sent: Wednesday, March 23, 2022 8:03 AM
To: Tracy McDaniel <Tracy.McDaniel@matsugov.us>
Subject: FW: Former Title 13 Conversion Program

From: Sue Wallin <pswallinalaska@gmail.com>
Sent: Tuesday, March 22, 2022 7:33 PM
To: Land Management <Land.Management@matsugov.us>
Subject: Former Title 13 Conversion Program

IM 22-224
OR 22-127
RS 22-105

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

We rec'd notice of conveyance of fee simple title with Ag covenants.

We have several questions.

How does taxation status change IF we do choose to convert / merge? The change in status of the ownership interest will change the property tax status, which would most likely increase.

What is the window for us to merge? There is no "window" or timeframe for the voluntary program. The intent of the program is to be in place to use at any time through the Borough's Policy and Procedures Manual adopted by the assembly.

Must 40 ac parcels be surveyed and have access to be sold? Yes, and I recommend that you talk with the Platting Division about subdivision of land.

Would new owner then need to survey a 5 ac homsite and purchase those rights from boro at market value? Not under the voluntary program.

Does access have to be a boro approved road? Again, talk with the Platting folks.

IF we use an existing section line as access, must we improve it to Boro Road standards? Same answer as above.

Can we make an appt to see Tracy McDaniel this Thursday March 24? I am currently out of state and return next Tuesday if you would like to meet at my office. I am also available to talk on the phone. You can call my direct line 907.861.7864. If I am not available, please leave a message and I will return your call.

All the information is posted on the Borough's website located at:
<https://www.matsugov.us/publicnotice/publicnotice-ag-title-13-conversion>

Susan Walli 907.354.3749

Tracy McDaniel

From: Jill Irsik
Sent: Tuesday, March 29, 2022 8:27 AM
To: Tracy McDaniel
Subject: FW: Tract 31A Pt. McKenzie

From: Ray Latchem <ray@spectrumlng.com>
Sent: Monday, March 28, 2022 11:29 AM
To: Land Management <Land.Management@matsugov.us>
Cc: Shannon Latchem <shannon@spectrumtulsa.com>
Subject: Tract 31A Pt. McKenzie

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Tracy,

Please let me know how the parcels that apply to convert to Title 23 Fee Simple will be appraised or priced.

Thanks,
Ray

Ray Latchem

WWW.NORGASCO.COM
8607 S Airport Way E, B-123
Tulsa, OK 74132
918-236-4100
Cell 918-630-1642
ray@norgasco.com

NORGASCO, INC.
4341 B Street Suite 306
Anchorage, AK 99503
907-562-5520

IM 22-224
OR 22-127
RS 22-105

**MATANUSKA-SUSITNA BOROUGH
AGRICULTURE ADVISORY BOARD
RESOLUTION NO. 22-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AGRICULTURE ADVISORY BOARD RECOMMENDING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPT THE LAND AND RESOURCE MANAGEMENT DIVISION POLICY AND PROCEDURES MANUAL, PART 5, FOR THE AGRICULTURAL LAND SALES THAT OCCURRED IN 1977, 1981, 1982 AND 1983 AND MERGE THE BOROUGH'S DEVELOPMENT RIGHTS WITH THE AGRICULTURAL RIGHTS TITLE FOR FEE SIMPLE TITLE WITH AGRICULTURAL COVENANTS.

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 Borough retained certain development rights for agricultural land sales conducted in 1977, 1981, 1982 and 1983 land sales under former Title 13; and

WHEREAS, the Borough Agriculture Advisory Board developed a voluntary policy and procedure for the previous agricultural sales to convert and merge their agricultural interest to fee simple title with agricultural covenants; and

WHEREAS, the developed voluntary policy and procedure will remove severe limitations and constraints conveyed in the quitclaim deeds that has little purpose after the purchase price was paid and the development requirements met.


NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Agriculture Advisory Board recommends the Matanuska-Susitna Borough Assembly hereby adopt by Ordinance the Land and

Resource Management Division Policy and Procedure Manual, Part 5, agricultural land sales that occurred in 1977, 1981, 1982 and 1983 and merge the Borough's development rights with the agricultural title rights for fee simple title with agricultural covenants by application and fee in the amount of \$1,500.00.

ADOPTED by the Matanuska-Susitna Borough Agricultural Advisory Board this 23th day of February, 2022.


Cody Beus, Chairperson

ATTEST:


Jill Irsik,
Department Administrative Specialist

TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL

Agricultural Land Sales: 1977, 1981, 1982 and 1983 Borough Conveyance of the Fee Simple Title
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PART 5	Effective Date: xx-xx-2022
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- 1.1 Authority: 23.05.025 Public Notice
23.05.030 Ownership & Method of Disposal
23.10.230 Agreements by Application
- 2.1 Purpose Statement. This voluntary program applies to Borough lands classified and sold as "agricultural lands" under former MSB Title 13 as an agricultural rights interest only, with the development rights retained by the Borough.
- The purpose of these procedures is to outline the application process for an agricultural rights owner to convert and merge their agricultural interest to fee simple title. MSB will convey by quitclaim deed its interest retained under the Title 13 Agricultural Rights programs. The retained rights included the ability to subdivide the original farm unit, or use the property for commercial, industrial purposes, or for multiple residences.
- 2.2 The Agricultural Covenants, Conditions, and Restriction currently used under Title 23 agricultural programs will be imposed and recorded concurrently with the quitclaim deed conveying the Borough's interest. Some elements of the Covenants, Conditions, and Restrictions used under this program include:
- A. Modified to eliminate the 10 year rule of holding title before subdividing.
 - B. Will not require a farm development plan or continuing farm production under a plan.
 - C. Provide the ability to use the designated Primary Improvement Site (known as the homesite under Title 13) for home-based business uses such as Bed and Breakfast or farm stay business.
 - D. Allows subdivision of up to four (4) parcels created, no less than 40 acres, within the boundary of the original farm unit or sub-unit.
 - 1. Each farm unit or sub-unit created will be eligible to use up to 5 acres for designated improvement sites.
- 3.1 Application submittal and review. The following procedures should be followed in general when preparing for the conveyance of the Borough's interest under the authorities cited in paragraph 1.1 of this chapter prior to acceptance of the application for processing.

IM 22-224
OR 22-127
RS 22-105

A. The application:

1. The steps under "Applications: Filing & Acceptance" Part 10 of the Land and Resource Management Division Policy and Procedure Manual shall be followed.
2. Staff will create or update a case file that contains the application and any pertinent enclosures or inclusions.
3. Staff will provide a comprehensive review of the property status and check the land for any current uses, reservation, or prohibited uses to determine if the property is subject to any existing restrictions or area plans.
4. Financial and interdepartmental review is initiated upon submittal of the application.

4.1 An applicant must be deemed a qualified applicant pursuant to MSB 23.10.090.

A. Prior to Borough acceptance of the application for processing, an application conference is held to present to the applicant findings from the financial and interdepartmental review and:

1. The application processing steps are discussed with the applicant;
2. Any other conditions or Borough code considerations are discussed with the applicant; and
3. The applicant pays the processing fee, which includes, but not limited to the following:
 - a. Title report;
 - b. Document preparation, including but not limited to adoption of legislation;
 - c. Assist owners with the "Notice of Designated Improvement Sites" form as required under the new Covenants, Conditions and Restrictions in accordance with Title 23;
 - d. The processing of consents or approvals from lenders or lien holders (if any), excepting therefrom any additional fees associated with the process outside of fees a lender or lien holder may charge an owner;
 - e. Recording fees for the Covenants, Conditions and Restriction, quitclaim deed, and Notice of Designated Improvements Sites.
4. The MSB will not be responsible for any public notice or advertising costs or costs not anticipated which are associated with the conveyance of the Borough's interest.

- B. Legislation is prepared and provided to the applicant, MSB Agriculture Advisory Board, and Borough Assembly as required by MSB 23.10.020, Assembly Approval of Disposal.
 - C. Based on the outcome of the decision, the MSB Land and Resource Management Division will prepare a package to the applicant as follows:
 - 1. If approved, a purchase agreement as appropriate will be prepared and shall incorporate the terms and conditions as approved, and shall set out the remaining steps and monies required to close, if applicable. Original documents will be provided to the applicant with instructions that the applicant execute and return the original(s).
 - 2. If denied, the applicant will be notified by certified mail with a summary of the reason for denial. The decision of the Borough Assembly may be appealed to the superior court within 30 days in accordance with the Alaska State Rules of Appellate Procedure.
- 5.1 Should the owner decide not to complete the conversion, the applicant may continue to occupy the property under the title of that particular agricultural sale program and the borough will continue to hold the development rights of the property.