





**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 4.46 HISTORICAL PRESERVATION COMMISSION IN ORDER TO INCREASE COMMISSION EFFICIENCY AND ALIGN COMMISSION RESPONSIBILITIES WITH STATE GUIDELINES.

**AGENDA OF:** February 15, 2022

**ASSEMBLY ACTION:**  
*Adopted without objection*  
*7-19-22* 

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:** 

Route To:	Department/Individual	Initials	Remarks
	Originator - A. Bradway	<i>AB</i>	
	Planning Director <i>A. Strawn</i>		<i>1/28/2022</i>
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>Jan 27/22</i>	

**ATTACHMENT (S) :** Fiscal Note: YES \_\_\_ NO x  
 HPC Resolution No. 19-01 (6 pp)  
 HPC Resolution No. 20-04 (2 pp)  
 Ordinance Serial No. 22-015 (7 pp)  
*Summer Amendment (1pp)*

**SUMMARY STATEMENT:**

The Matanuska-Susitna Borough Planning Department currently facilitates eight boards and commissions, including the Historical Preservation Commission (HPC). During recent budget cycles, Borough staff has been asked to review current tasks and duties to identify ways to improve efficiencies. Planning staff conferred with the Assembly and asked for direction as to what product or task the Assembly would like to see each board accomplish.

On January 3, 2017, the Assembly approved a motion to "direct the offices of the Manager, Clerk, and Planning together to conduct a comprehensive review of all boards and commissions and bring forward draft ordinances that would make changes to the tasks, duties, make up, and meeting frequency of the boards and

further the goals of the Assembly beginning with the following five boards: Transportation Advisory Board, Aviation Advisory Board, Historical Preservation Commission, School Site Selection Committee, and Health and Social Services Board.”

Due to staffing changes, staff shortages, HPC quorum challenges, and a detail-oriented commission, the Historical Preservation Commission is the last remaining board/commission for which this revision needs to be completed.

Staff presented a draft code ordinance for the HPC to review in the spring of 2017, meant to clarify the HPC’s responsibilities and improve efficiency, as directed by the Assembly. The HPC responded with substantial changes in their own draft code ordinance. The HPC’s proposed changes would substantially increase the responsibilities of the HPC and its staff.

Staff discussed the potential impact of the HPC's proposed changes with the HPC and suggested changes that would further the HPC's goals without additional staff burden. The HPC felt strongly that their changes were important and needed to be considered by the Assembly. The HPC adopted HPC resolution 19-01 on December 5, 2019, recommending their proposed amendments to MSB 4.46.

After many more discussions between staff and the HPC, the HPC agreed to amend their resolution to ensure that the proposed changes did not substantially increase HPC and staff responsibilities. On October 22, 2020, the HPC adopted HPC resolution 20-04, amending their 2019 resolution. Ordinance 22-015 reflects substantial cooperation between Borough staff and the Borough Historical Preservation Commission.

Ordinance 22-015:

- Reduces meetings to quarterly, or as requested by the administration, Assembly, or commission chairperson.
- Reduces the board from nine members to seven to alleviate quorum issues.
- Aligns HPC responsibilities with State of Alaska Certified Local Government requirements. The Matanuska-Susitna Borough is a part of the Certified Local Government program. This program is related to the National Historic Preservation Act and is implemented through the HPC. HPC code should mirror the state requirements for the program.

**RECOMMENDATION OF ADMINISTRATION:**

Matanuska-Susitna Borough Assembly adoption of Ordinance 22-015 amending MSB 4.46 Historical Preservation Commission.

MATANUSKA-SUSITNA BOROUGH  
HISTORICAL PRESERVATION COMMISSION  
RESOLUTION SERIAL NO. HPC19-01

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH HISTORICAL PRESERVATION COMMISSION RECOMENDING AMENDMENTS TO MSB 4.46 HISTORICAL PRESERVATION COMMISSION.

WHEREAS, on January 3, 2017 the Matanuska-Susitna Borough Assembly directed the offices of the Manager, Clerk, and Planning to bring forward draft ordinance what would make changes to the tasks, duties, make-up, and meeting frequency of boards and commissions; and

WHEREAS, these changes are to clarify responsibilities and expectations to make the boards function more efficiently and further the goals of the Assembly; and

WHEREAS, planning staff has asked for the input of the Historic Preservation Commission in the drafting of this ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Historical Preservation Commission recommends that the Matanuska-Susitna Borough Assembly amend MSB 4.46 as follows:

Section

- 4.46.010 [ESTABLISHED] Establishment and purpose
- 4.46.020 Functions
- 4.46.030 Composition
- 4.46.035 Meetings
- 4.46.040 Term of members
- 4.46.050 Compensation
- 4.46.060 Definitions

*1M 22-025 OR 22-015*

4.46.010 [ESTABLISHED] ESTABLISHMENT AND PURPOSE.

[THERE IS] In order to comply with the Certified Local Government Program of the National Historic Preservation Act, the Matanuska-Susitna Borough has established a historical preservation commission. The purpose of the commission is to encourage, participate, and coordinate historic preservation activities within the borough, to provide local government involvement in regional and state-wide historic preservation efforts, and to advise and report to the Assembly as outlined in the functions listed below.

4.46.020 FUNCTIONS.

(A) The commission shall:

- (1) advise the assembly in [THE IDENTIFICATION OF BUILDINGS, SITES AND LANDMARKS AND WRITINGS AND OBJECTS] identifying, protecting, preserving and interpreting cultural resources within the borough that are of archaeological, historic, cultural, scientific, or geographic importance;
- (2) develop and maintain an inventory of [LANDMARKS, HISTORICAL BUILDINGS AND SITES AND WRITINGS AND OBJECTS] cultural resources within the borough;
- (3) [ADVISE THE PLANNING COMMISSION ON PLANNING IN CONNECTION WITH HISTORIC PRESERVATION]
- (4) [ADVISE THE BOROUGH AND PRIVATE PROPERTY OWNERS ON RESTORATION AND MAINTENANCE OF HISTORICAL BUILDINGS, SITES AND LANDMARKS AND WRITINGS AND OBJECTS]
- (5) [COORDINATE, ASSIST AND AID IN THE PLANNING OF HISTORICAL PRESERVATION AND RESTORATION PROJECTS IN THE BOROUGH]

(6) [RECOMMEND TO THE ASSEMBLY BUILDINGS, SITES AND LANDMARKS AND WRITINGS AND OBJECTS OF HISTORICAL, CULTURAL OR GEOGRAPHIC SIGNIFICANCE IN THE BOROUGH ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES BY THE UNITED STATES OR STATE GOVERNMENTS, AND SEEK APPROVAL FROM CITY COUNCILS ON RECOMMENDATIONS REGARDING HISTORIC PLACES WITHIN CITIES; AND]

(7) [RECOMMEND TO THE ASSEMBLY HISTORICAL PRESERVATION AND RESTORATION PROGRAMS AND SITE IMPROVEMENTS TO BE IMPLEMENTED BY OR SUPPORTED BY THE BOROUGH.]

(8) develop a local historic preservation plan providing for the identification, protection, management, and interpretation of cultural resources within the borough;

(a) The preservation plan shall be compatible with the Alaska Historic Preservation Plan.

(b) The preservation plan will be reviewed by the commission annually, and updated every 5-10 years to reflect newly identified cultural resources, changes to local, state, and/or federal laws that affect cultural resources within the borough, and any other relevant information regarding cultural resources within the borough.

(9) review and make recommendations on construction and development projects within the borough that have the potential to adversely affect cultural resources within the MSB;

(a) The commission will work with staff to develop a "high potential map for cultural resources" to be used in development permit reviews. Developments located in areas with high potential will be referred to a

cultural resources professional for a voluntary cultural resource survey. The purpose of developing a high potential map is to ensure that developers of parcels identified as high potential shall receive verbal and written information about this during their pre-development conference.

(10) receive and review nominations for listing borough cultural resources on the National Register of Historic Places from the Alaska State Historic Preservation Office, National Park Service, a tribe, academic institution, or from the borough community; and

(11) review and make recommendations on Certified Local Government grant applications and/or grant applications from the Matanuska-Susitna community.

#### 4.46.030 COMPOSITION.

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(A) The commission shall consist of [NINE] seven citizens of the borough who have demonstrated an interest, competence, or knowledge in the historical and cultural foundations of the borough and the state, which includes Alaska Native traditional knowledge bearers who are members of federally-recognized tribes within the borough. To the extent available in the borough, the mayor shall appoint [PROFESSIONAL MEMBERS FROM] , subject to confirmation by the assembly, citizens with professional expertise in the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology.

#### 4.46.035 MEETINGS.

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The commission shall meet at least quarterly, or as requested by the administration, Historical Preservation Commission chair, or assembly.

4.46.040 TERM OF MEMBERS.

(A) Irrespective of the limits specified in MSB 4.05.040, a board member may serve more than two consecutive three-year terms.

4.46.050 COMPENSATION.

Commission members shall be reimbursed for mileage incurred in connection with meetings of the board in the same manner as borough employees are compensated for mileage expenses upon presentation of supporting documentation satisfactory to the appropriate director.

4.46.060 Definitions.

Within this section, the following definitions are used:

- "Cultural Resources" includes, but is not limited to, historic buildings, archaeological sites, important landmarks, historic objects, traditional use areas, cultural landscapes, structures, and historic districts.
- "Adverse affect" means any change to the qualities or characteristics of a cultural resource that may diminish its ability to convey its historic or cultural importance. Examples of adverse effects may include the demolition, relocation, or alteration of historic buildings or structures, the destruction of archaeological or cultural sites, or the introduction of intrusive elements into a historic district.




ADOPTED by the Matanuska-Susitna Borough Historical  
Preservation Commission this 5th day of December, 2019.



Fran Seager-Boss, Chair

ATTEST:



Adam R. Bradway, Planner II

**MATANUSKA-SUSITNA BOROUGH  
HISTORICAL PRESERVATION COMMISSION  
RESOLUTION SERIAL NO. 20-04**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH HISTORICAL PRESERVATION COMMISSION RECOMENDING AMENDMENTS TO HISTORICAL PRESERVATION COMMISSION RESOLUTION 19-01.

WHEREAS, on January 3, 2017 the Matanuska-Susitna Borough Assembly directed the offices of the Manager, Clerk, and Planning to bring forward draft ordinance what would make changes to the tasks, duties, make-up, and meeting frequency of boards and commissions; and

WHEREAS, these changes are to clarify responsibilities and expectations to make the boards function more efficiently and further the goals of the Assembly; and

WHEREAS, planning staff has asked for the input of the Historic Preservation Commission in the drafting of this ordinance; and

WHEREAS, the Commission passed HPC Resolution 19-01, recommending amendments to their code, MSB 4.46, on December 5, 2019; and

WHEREAS, after review of HPC resolution 19-01 Staff asked the Commission to amend the language proposed for paragraph 4.46(A)(9).

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Historical Preservation Commission amends HPC Resolution

19-01, proposed paragraph 4.46(A) (9), as follows:

~~(9) review and make recommendations on construction and development projects within the borough that have the potential to adversely affect cultural resources within the MSB;~~

~~(a) The commission will work with staff to develop a "high potential map for cultural resources" to be used in development permit reviews. Developments located in areas with high potential will be referred to a cultural resources professional for a voluntary cultural resource survey. The purpose of developing a high potential map is to ensure that developers of parcels identified as high potential shall receive verbal and written information about this during their pre-development conference.~~

(9) review and make recommendations to the Borough Assembly about local projects that might affect properties identified in the historic preservation plan;

ADOPTED by the Matanuska-Susitna Borough Historical Preservation Commission this 22nd day of October, 2019.

  
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Jake Anders, Chair

ATTEST:

  
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Adam R. Bradway, Planner II

I MOVE to amend Ordinance 22-015 as follows:

- 4.46.020(A)(1), replace the words “protecting, preserving and interpreting cultural” with the word “historic;”
- 4.46.020(A)(1), strike the words “cultural, scientific;”
- 4.46.020(A)(2), strike the word “cultural” and replace it with “historic;”
- 4.46.020(A)(8), strike the words “protection, management, and interpretation of cultural” and replace it with “of historic;”
- 4.46.020(A)(8)(b), strike the words “every 5-10 years” and replace it with “not more often than every 10 years;”
- 4.46.020(A)(9), strike in its entirety;
- 4.46.030(A), strike the words “who have demonstrated an interest, competence, or knowledge in the historical and cultural foundation of the borough and state, which includes Alaska Native traditional knowledge bearers who are members of federally-recognized tribes with in the Borough. To the extent available in the borough;”
- 4.46.030(A), strike the words “citizens with professional expertise in the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology” and replace it with “one member each to represent professional experience in planning, American history, residential construction, mining, logging, oil and gas, road construction.” and
- replace the word “cultural” with “historic” where the above amendments have not captured.

NOT  
moved