

SUBJECT: REQUEST TO AMEND AN EXISTING FARM CONSERVATION PLAN FOR AN AGRICULTURAL RIGHTS PARCEL SOLD IN THE 1977 LAND SALE UNDER FORMER TITLE 13, LOCATED WITHIN LOTS 1, 2, 3, AND 4, AND THE SOUTH ONE-HALF OF THE NORTH ONE HALF (S1/2 N1/2), SECTION 4, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN (MSB000471).

AGENDA OF: April 6, 2021

Assembly Action:

Approved under the Consent agenda
4-6-21 (BGM)

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:

WNB

Route To:	Department/Individual	Initials	Remarks
	Originator	JKH	
	Community Development Director	EQ	
	Finance Director	CY	
	Borough Attorney	AS	
	Borough Clerk	BGA for JKM	

ATTACHMENT (S): Fiscal Note: YES _____ NO X
Farm Conservation Plan, "Exhibit A": (7 pp)
Soils Report, "Exhibit B": (2 pp)
Agriculture Advisory Board Memorandum (2 pp)
Resolution Serial No. 21-028 (2 pp)

SUMMARY STATEMENT: The owners, Paul and Margaret Cook, have requested to amend the current farm conservation plan to add a 60' by 100' building on their property consisting of 320 acres more or less. The pole barn building will support the farming operations to store farm equipment, with additional use as a repair shop for the farm equipment, and an airplane hangar for fly-in hunters.

The property sold in the Borough's 1977 Agricultural Land Sale. The Borough conveyed a Quitclaim Deed, Agricultural Rights, and recorded on May 31, 1977, with conditions and restrictions specific

to the parcel. Under Section 6, Farm Use Development Plan, the conditions and restrictions state the following, "Adherence to the Farm Use Development Plan submitted to (sic) the grantee and as approved by the Matanuska-Susitna Borough is mandatory. Such Plan, however, may be modified or amended upon written approval from the Matanuska-Susitna Borough."

The proposed building location is in Field 14, labeled as "f 14, 2.7 ac. Pasture & Pole Barn" on Exhibit A, which is Class 3c soils considered farmland of local importance (Exhibit B). The proposed building will have a footprint of approximately 6,000 SQ/FT (0.13 acre) and is of little consequence to the overall agricultural production and operations that currently exists on the properties but is a needed addition to productivity of the farm. The building location is in an area that is easily accessible by the internal farm roads, pastures, and its runway.

At the March 17, 2021, Agriculture Advisory Board meeting, the board unanimously concurred with staff's recommendation to amended farm conservation plan and recommend Borough Assembly approval.

RECOMMENDATION OF ADMINISTRATION: The Land and Resource Management Division respectfully request the Borough Assembly approve the current agricultural rights owners' amendment of the farm conservation plan to construct a 60' by 100' pole barn building to support the farming operations.

EXHIBIT A

MATANUSKA SUSITNA BOROUGH
COMMUNITY DEVELOPMENT DEPARTMENT
LAND AND RESOURCE MANAGEMENT DIVISION
BOROUGH FARM CONSERVATION PLAN

Pursuant to MSB Title 13, MSB Title 23, and Alaska Statute 9.45.235 Agricultural operations

NAME: Paul + Margaret Cook MSB 00411
ADDRESS: 8850 North Summer Creek, Palmer, AK 99645
TELEPHONE: _____ (HOME) 630 742 2613 (MOBILE)

This Farm Conservation Plan (FCP) is required as a condition of the Agricultural Covenants, Conditions, and Restrictions within the contract or deed, summarizes the purchaser's/owner's commitment to proper agricultural land use and conservation practices, which are represented graphically on the attached parcel map and supplementary written narrative. When approved by the Borough Manager, this plan remains with the property title as currently approved or subsequently amended.

COVENANTS:

1. The owner of this parcel agrees to inform himself or herself of the relevant Borough Code under which this agricultural property was sold and all associated conditions of sale/conveyance addressed in the brochure, sale contract, covenants, conditions, and restrictions (CCRs), and to abide by all covenants and restrictions listed therein.
2. The purchaser is required to use management practices reasonably designed to prevent pollution of water and to prevent soil erosion greater than applicable soil loss tolerances estimated by USDA Natural Resource Conservation Service guidelines.
3. To the extent that development takes place, the owners agree to develop in conformance with this plan. This plan may be modified upon request of the purchaser by the same administrative process required for approval of the original plan.
4. The purchaser/owner understands that a Farm Conservation Plan developed individually or in conjunction with, a review by the Soil and Water Conservation District and approved by the Matanuska Susitna Borough Manager may not fulfill USDA requirements for funding resource applications. The Borough recommends, but does not require the purchaser/owner consult Natural Resource Conservation Service for assistance in developing a Borough Farm Conservation Plan.

A Farm Conservation Plan must be updated prior to any significant changes on or to the property including, but not limited to, the amount of acres cleared/planted, new farm roads, or buildings/structures not indicated on the current plan. Covenants, Conditions, and Restrictions for Borough property sold under Title 13 convey only the Agricultural Rights and any transfer of those rights requires consent of the Borough, which require Assembly approval or Manager's Decision depending on the CCRs that run with the property.

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RS 21-028

If an agricultural parcel is subdivided, a new Borough Farm Conservation Plan must be submitted for each parcel created by the subdivision of the original parcel. The new plan(s) must be approved prior to subdivision and platting actions.

A properly completed plan will address such permanent conservation objectives as:

- 1) Protection of wetland, streams, and related water resources of the land;
- 2) Protection of highly erodible land, farmsteads, animal rest areas, etc. with conservation practices such as effective wind barriers (natural or planted wind breaks), permanent cover crops, and proper location of improvements.

The following is a SUMMARY of the information required to complete a FCP .

- 1) A written narrative describing the planned development and conservation measures to be employed as shown on the required map. The narrative must provide details about the improvements; including the primary agricultural use of any structure, and any planned secondary uses.
- 2) Structures, such as barns and shops, used for agricultural purposes, may be used for commercial purposes if it does not interfere with the primary, agriculture-related purpose.
- 3) A physical resource map indicating;
 - a) Map scale;
 - b) Soil types
 - b) Clearing configuration, use, and acreage;
 - c) If the agricultural use does not require clearing, i.e. birch syrup production, greenhouse, hoop house, low tunnel, organic niche farming, peony production, wind generation, etc., the diagram will include such information;
 - c) Real property (houses, barns, fences etc.) improvement locations, type, and size;
 - d) Access/farm roads, legal easements, setbacks, physical features such as water bodies, or planned physical features such as stock ponds or irrigation ditches.

Type of Ag planned: ☒ Field crops ☒ Food animals ☐ Birds/Bees ☐ Hoop/Greenhouse
☒ Grazing ☐ Other _____

Is clearing required? ☐ Yes ☒ No

Map scale _____	Acres	Map # of Improvement	Improvement Type	Size
Total Acres: <u>315</u>	_____	_____	_____	_____
Soils types and classes	_____	_____	_____	_____
Cleared acres (planned)	_____	_____	_____	_____
Cleared acres (existing)	_____	_____	_____	_____
Cropland acres (planned)	_____	_____	_____	_____
Cropland acres (existing)	_____	_____	_____	_____
Pasture acres (planned)	_____	_____	_____	_____
Pasture acres (existing)	_____	_____	_____	_____

See Attached Map

*IM 21-060
RS 21-028*

SEE ATTACHED MAP

Con't.	Acres	Map # of Improvement	Improvement Type	Size
Primary improvement site (planned)	_____	_____	_____	_____
Primary improvement site (existing)	_____	_____	_____	_____
Real property: house, barns, fences	_____	_____	_____	_____
Greenhouse/hoop house/low tunnel	_____	_____	_____	_____
Access/farm roads	_____	_____	_____	_____
Legal easements	_____	_____	_____	_____
Setbacks	_____	_____	_____	_____
Stock ponds/lakes/creeks	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____

As the purchaser/owner of MSB 000471, I am aware of the requirement in my contract, deed, or CCRs to operate the farm in accordance with an approved Farm Conservation Plan and that any modification may require a modification to an existing Farm Conservation Plan.

I have reviewed this plan with the Soil and Water Conservation District and agree to operate the farm according to this Plan. The plan shows all improvements/structures currently on the property and the attached narrative explains their primary agricultural use as well as any secondary uses.

Paul Crill
Purchaser/owner signature

[Signature]
Purchaser/owner signature

2 22 2021
Date

2-22-2021
Date

I approve this Farm Conservation Plan.

MSB Manager

Date approved

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IF APPLICABLE

The _____ Soil and Water Conservation District has reviewed this Farm Conservation Plan for MSB _____ and believes that it, including any attached comments and recommendations, fulfills the requirements of MSB Title 13 or Title 23 as well as Alaska Statute 09.45.235 for a conservation plan implemented in cooperation with the district. By signing a plan that modifies an existing plan, the District asserts that the new plan accurately reflects the present state of the farm including all structures, physical features, cleared fields, greenhouse(s), hoop house(s), low tunnel(s), grazing, birds/bees, or other agricultural production as specified, and conservation measures currently in place as well as indicating the planned changes. District staff has verified the accuracy of the information provided.

Soil and Water Conservation District Comments and/or Recommendations:
(Attach a separate sheet, if needed.)

Reviewed by the _____ Soil and Water Conservation District on _____.
Date reviewed

SWCD Chair

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MATANUSKA SUSITNA BOROUGH
COMMUNITY DEVELOPMENT DEPARTMENT
LAND AND RESOURCE MANAGEMENT DIVISION
BOROUGH FARM CONSERVATION PLAN

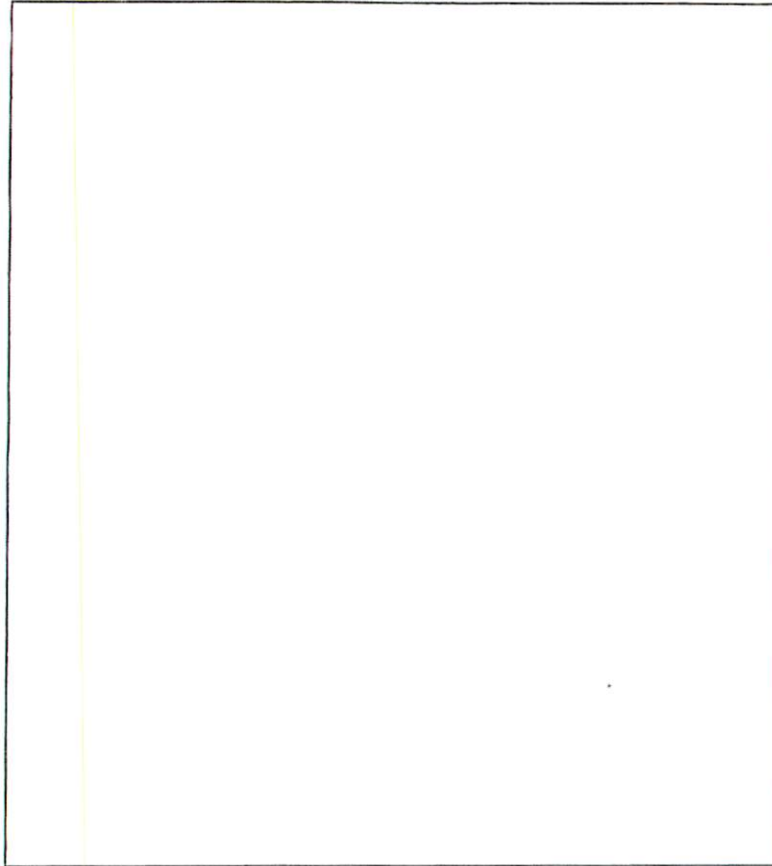
SEE ATTACHED MAP

Purchaser/Owner _____ Date _____

Scale _____ Total acres _____ Conservation District _____

Location (community, project area, neighborhood) _____

Please show nearby roads or other identifiable features to help locate the parcel



*1M 21-060,
RS 21-028*

FARM CONSERVATION PLAN MAP LEGEND

North Arrow

Parcel Boundary

Existing Access (road and/or trails)

Proposed Access (road and/or trails)

Irrigation or drainage ditch

Streams or sloughs

Existing buildings with Map ID

Proposed buildings with Map ID

Existing field cleared and cultivated

Proposed fields to be cleared and cultivated

Pasture (existing or proposed)

Undeveloped Area

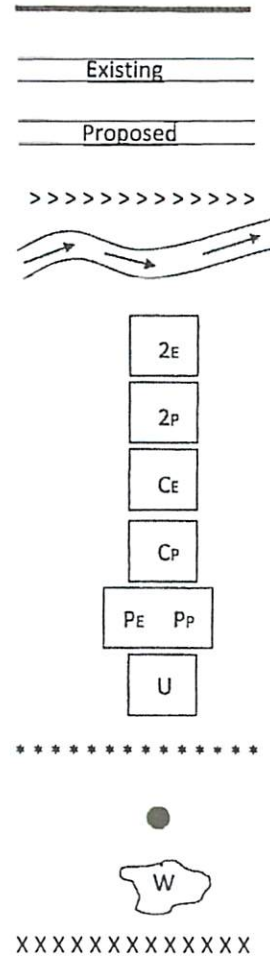
Windbreaks (indicated width in narrative)

Well

Water (reservoir, natural/mad-made pond)

Fence (describe type in narrative)

Other Markers used



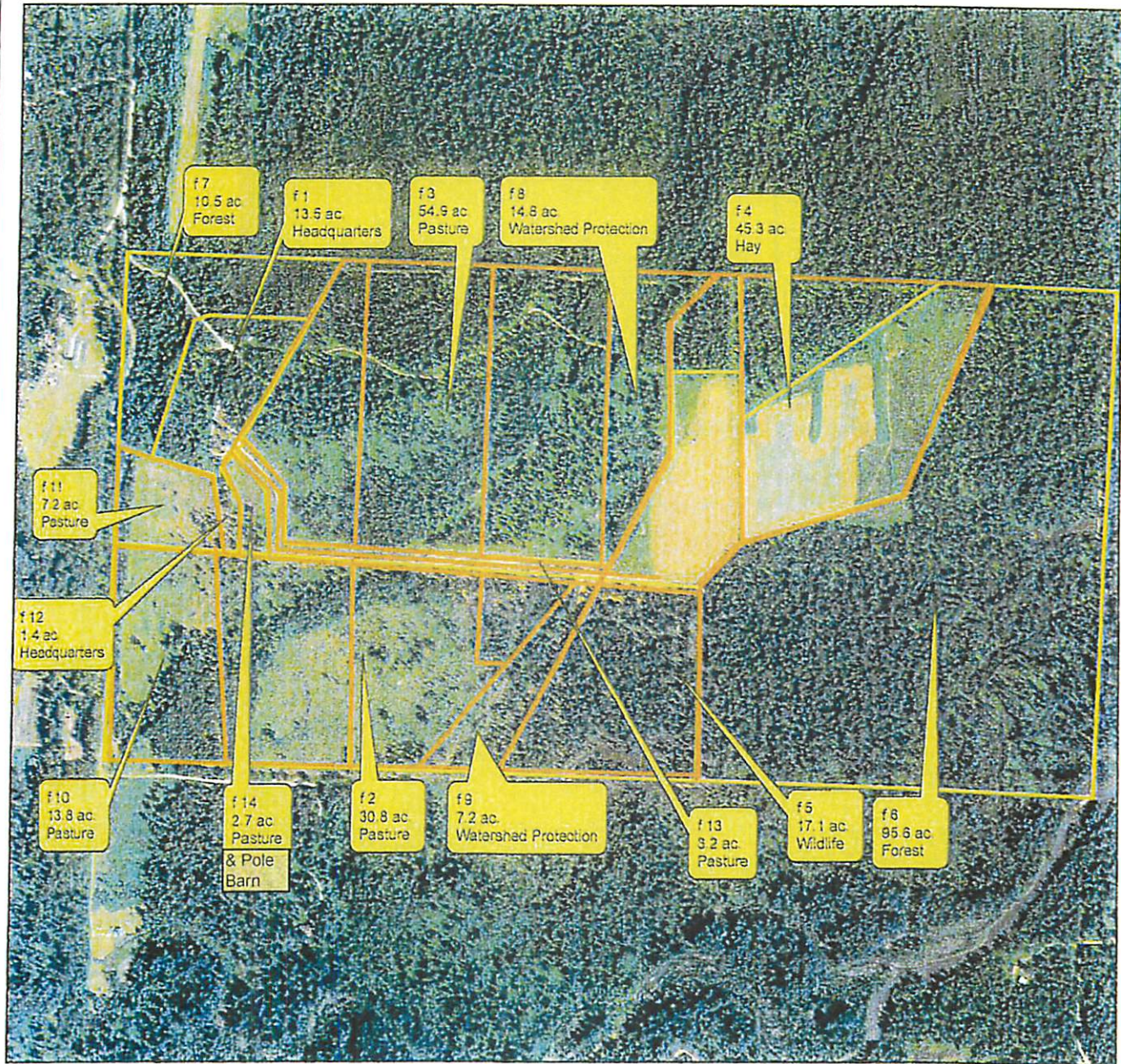
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Conservation Plan Map

Date: 2/20/2021

Customer(s): NORTHERN LIGHTS ELK RANCH
MSB000471 / 1977 Agricultural Land Sale

Legal Description: Twp. 18N, Range 1E, Section 4, GLO Lots 1, 2, 3, 4 & S1/2 N1/2



Legend

- Use & Acreage (lines)
- Farm Unit(s) Boundary (lines)

N



Amend f14 to add a pole barn - This location allows an outbuilding at the end of the runway to serve as an airplane hangar for fly in hunters, farm equipment storage, and a repair shop. The outbuilding will be an enclosed 60' by 100' (approx.) steel pole barn.

400 0 400 800 1,200 1,600 Feet

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Exhibit B

Custom Soil Resource Report

Map Unit Legend (8850 Simineo Circle 18N02E04 N1/2)

Matanuska-Susitna Valley Area, Alaska (AK600)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
116	Cryaquepts, depressional, 0 to 7 percent slopes	15.6	4.8%
159	Kidazqeni, cool, and Niklason, cool soils, 4 to 12 percent slopes	5.4	1.7%
162	Kidazqeni-Niklason complex, 0 to 2 percent slopes	135.5	41.6%
185	Susitna silt loam, 0 to 2 percent slopes	168.9	51.8%
220	Water	0.7	0.2%
Totals for Area of Interest		326.1	100.0%

EXHIBIT B, PG 1 of 2
1M 21-060,
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Custom Soil Resource Report
Soil Map (8850 Simineo Circle 18N02E04 N1/2)

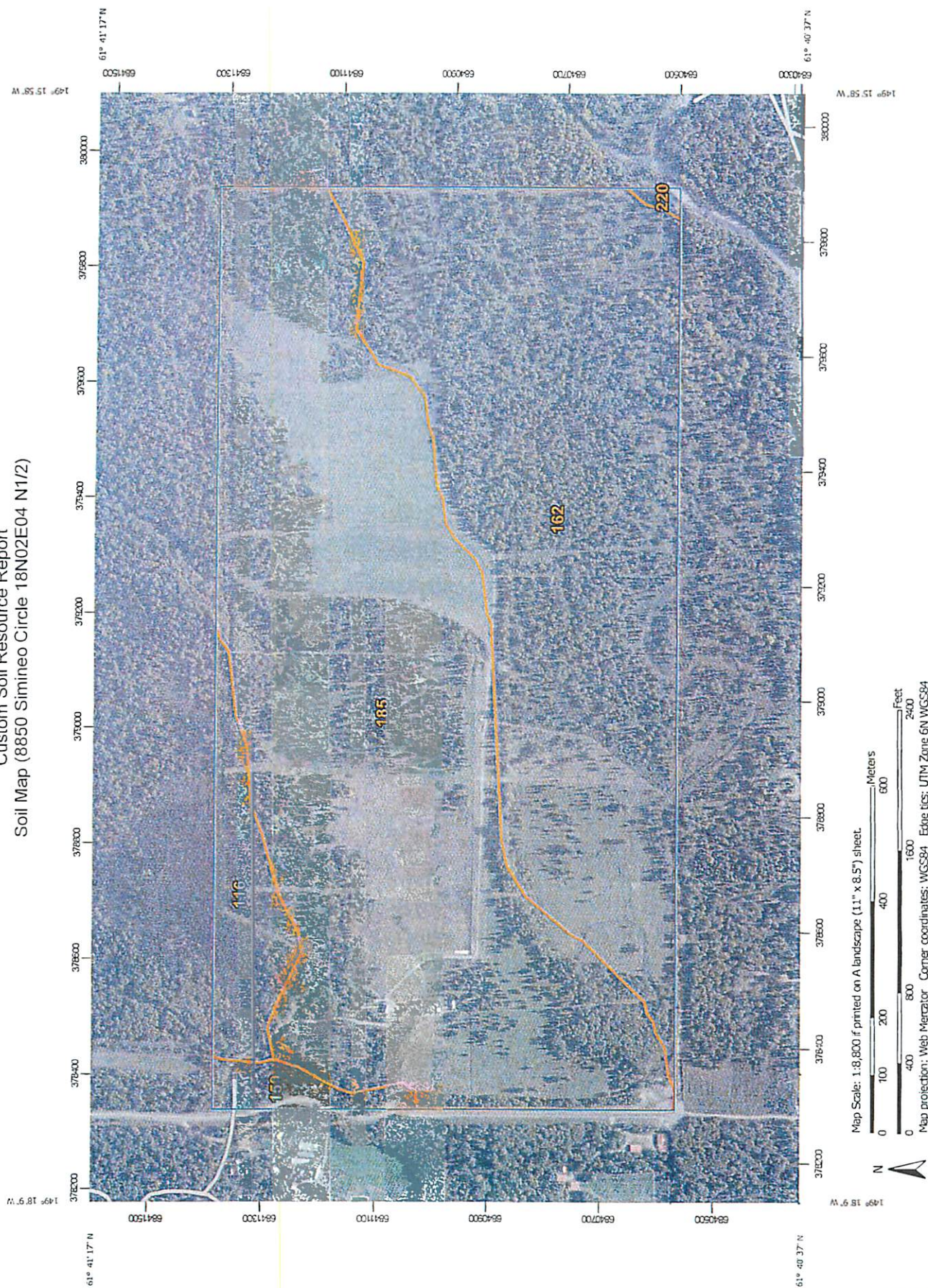


EXHIBIT B, PG 20 of 2
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Matanuska-Susitna Borough



MEMORANDUM

TO: Agriculture Advisory Board Members

THROUGH: Eric Phillips, Community Development Director *EP*

FROM: Tracy K. McDaniel, Asset Manager *TKM*

DATE: March 17, 2021 meeting

RE: MSB000471/Request to Amend the Farm Conservation Plan
Tax ID No. 18N01E04A002 (39.93 Acres) & 18N01E04B001 (279.71 Acres)
Tax Map WA 02

The applicants/buyers, Paul & Margaret Cook and Cook Raevsky Ezra LK, LLC, have applied to amend the current Farm Conservation Plan for the above reference agricultural parcels sold in the 1977 Agricultural Sale program under former MSB Title 13. The applicants request to amend the 2005 Farm Conservation Plan and add a 60' by 100' steel sided, pole barn within the pasture area identified as "f 2, 2.7 ac. Pasture" Exhibit A.

The property was sold in the Borough's 1977 Agricultural Land Sale. The deed issued by the Borough on March 31, 1977, was recorded with conditions and restrictions specific to the parcel and under Section 6, Farm Use Development Plan, the conditions and restrictions state the following, "Adherence to the Farm Use Development Plan submitted to (sic) the grantee and as approved by the Matanuska-Susitna Borough is mandatory. Such Plan, however, may be modified or amended upon written approval from the Matanuska-Susitna Borough."

The applicants will continue the established farm use related to maintaining an elk herd, growing hay and grain, and guided hunts on the farm. The pole barn building will support the farming operations to store farm equipment, with additional use as a repair shop for the farm equipment, and an airplane hangar for fly-in hunters.

The proposed location of the building is located on Class 3c soils considered farmland of local importance (Exhibit B). The proposed building will have a footprint of approximately 6,000 SQ/FT (0.13 acre) and is of little consequence to the overall agricultural production and operations that currently exists on the properties but is a needed addition to productivity of the farm. The building location is in an area that is easily accessible by the internal farm roads, pastures, and its runway.

RECOMMENDATION: The Land and Resource Management Division respectfully requests the Agriculture Advisory Board recommend the Borough Assembly approve the applicant's request to amend the farm conservation plan to construct a 60' by 100' pole barn building to support the farm and shall take effect upon transfer of the agricultural rights ownership from the current owners to the applicants/buyers.

No comments

✓

Concur with staff recommendations

Concur with staff recommendations with the following modification:

Do not concur

Comments:

3-17-2021

Date



Chairman