

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on March 7, 2016, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Chair John Klapperich.

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

Planning Commission members present and establishing a quorum:

- Ms. Mary Anderson, Assembly District #1
- Mr. Thomas Healy, Assembly District #2
- Mr. John Klapperich, Assembly District #3 *Chair*
- Ms. Colleen Vague, Assembly District #4
- Mr. Tomas Adams, Assembly District #6
- Mr. Vern Rauchenstein, Assembly District #7

Planning Commission members absent and excused were:

- Mr. William Kendig, Assembly District #5

Staff in attendance:

- Mr. Alex Strawn, Development Services Manager
- Ms. Shannon Bodolay, Assistant Borough Attorney
- Ms. Susan Lee, Planner II
- Ms. Nancy Cameron, Land Management Agent
- Ms. Glenda Smith, Real Property Analyst
- Mr. Ryan Johnston, Land Management Specialist
- Ms. Mary Brodigan, Planning Commission Clerk

II. APPROVAL OF AGENDA

Chair Klapperich inquired if there were any changes to the agenda.

GENERAL CONSENT: The revised agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Ms. Nancy Cameron, a staff member.

IV. CONSENT AGENDA

A. Minutes

1. February 1, 2016, regular meeting minutes

A. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

(There were no introductions for quasi-judicial matters.)

B. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

1. **Resolution 16-09**, a resolution recommending the Assembly adopt the 2016 Port MacKenzie Master Plan. Referred to the Planning Commission by the Assembly on February 2, 2016, and due back by May 3, 2016. Public Hearing: March 21, 2016. (Staff: *Eileen Probasco*)
2. **Resolution 16-08**, a resolution recommending Assembly approval of an Interim Materials District (IMD) in accordance with MSB 17.28 – Interim Materials District, for the extraction of 750,000 cubic yards of earth material from a 25-acre site within a 40-acre parcel, located within Township 17 North, Range 04 West, Section 25, Tax Parcel B19 (17N04W25B019) Seward Meridian. Public Hearing; March 21, 2016. (Staff: *Mark Whisenhunt*, Applicant: *Happy Heiret*)
3. **Resolution 16-13**, a resolution recommending the Assembly adopt MSB 8.41, Marijuana Related Facility License Referrals. Referred to the Planning Commission by the Assembly on February 16, 2016, and due back by May 16, 2016. Public Hearing: March 21, 2016. (Staff: *Alex Strawn*)

Chair Klapperich read the consent agenda into the record.

Chair Klapperich inquired if there were any changes to the consent agenda.

Commissioner Vague noted that the February 1, 2016, regular minutes inaccurately listed her as representing District 1 and Commissioner Anderson District 4.

[Clerk's note: The February 1, 2016, minutes were corrected to list Commissioner Vague as representing District 4 and Commissioner Anderson District 1.]

GENERAL CONSENT: The consent agenda was approved without objection.

V. COMMITTEE REPORTS

(There were no committee reports.)

VI. AGENCY/STAFF REPORTS

(There were no agency/staff reports.)

VII. LAND USE CLASSIFICATIONS

- A. **Resolution 16-10**, a resolution recommending Assembly approval to classify lands and approve said lands for inclusion in the 2016 Competitive Sealed Bid Land Sale (MSB007129). (Staff: *Nancy Cameron*)

Chair Klapperich read the resolution title into the record.

Ms. Nancy Cameron provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- how the value of the parcels is determined; and
- how did the parcels become owned by the borough.

MOTION: Commissioner Rauchenstein moved to approve Resolution 16-10. The motion was seconded.

Commissioner Healy expressed his appreciation for the comprehensive classification process.

Chair Klapperich questioned if this was the first year that the borough would offer financing for the purchase of borough property.

VOTE: The motion passed without objection.

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding concerns with the new and existing Iditarod Elementary School: Mr. Garvin Bucaria.

The following person spoke regarding concerns with state budget process and concerns that there wasn't a public hearing for the Land Classification: Mr. Eugene Carl Haberman.

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Public Hearing not to begin before 6:15 P.M.*)

Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

(There were no quasi-judicial public hearings.)

X. PUBLIC HEARING LEGISLATIVE MATTERS

- A. **Resolution 16-07**, A resolution recommending Assembly approval of an Interim Materials District (IMD), known as Alsop East; located on Tract A, Point MacKenzie Phase I Subdivision; within Township 15 North, Range 4 West, Section 27, Seward Meridian. (*Staff: Susan Lee, Applicant: MSB Land Management*)

Chair Klapperich read the resolution title into the record.

Ms. Susan Lee and Ms. Glenda Smith provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- whether traffic concerns identified by the Road Service Area Board (RSA) have been addressed;

- will the roads identified within the IMD area be maintained to the level that they currently are at, or will they be brought up to higher standards;
- will Port MacKenzie Road be maintained as well;
- whether it's common to require maintenance of roads as a condition for an IMD; and
- whether the commission can require a performance bond as a condition of approval.

Ms. Shannon Bodolay, Assistant Borough Attorney:

- stated that she will need a few minutes to review code to see if a bond can be required as a condition of approval;
- noted that this is a different situation due to the fact that this is a borough-owned gravel pit;
- the borough will be contracting with a vendor to mine the gravel;
- acknowledged that the borough requires timber project applicants to maintain roads and typically requires bonding; and
- opined that this makes sense with contracting, but will have to think about how it will apply to an IMD which is really zoning.

Commissioner Adams:

- stated that he is not aware of other IMD's that this commission has approved where the applicant is the borough;
- questioned how the value of the gravel will be transferred back to the borough;
- suggested that it might be better to sell the land and let a commercial enterprise mine and sell the gravel; and
- questioned whether the Port MacKenzie Townsite has the support of the current Mayor.

Mr. Ryan Johnston provided an overview of MSB Land Management's application.

Commissioners questioned Mr. Johnston regarding:

- will the gravel be dedicated to borough projects or will it be available to commercial enterprise; and
- how can the commission attach responsibility for road maintenance to the contracting operator.

(The meeting recessed at 7:40 p.m., and resumed at 7:46 p.m.)

Chair Klapperich opened the public hearing.

The following person spoke in opposition of Resolution 16-07 and displayed an aerial photo of Point MacKenzie Townsite, a picture showing Point MacKenzie Townsite Elevation Contours, Point MacKenzie Townsite LiDAR, and hand written notes showing his speaking points: Mr. Garvin Bucaria.

The following person spoke regarding concerns with the public hearing and public notification: Mr. Eugene Carl Haberman.

Chair Klapperich invited Mr. Johnston to respond to questions and concerns made by members of the public.

Mr. Johnston responded to questions and concerns made by members of the public.

There being no one else to be heard, Chair Klapperich closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Vague moved to approve Resolution 16-07. The motion was seconded.

Commissioner Rauchenstein suggested that a fee should be charged for maintenance of the roads in the IMD area.

MOTION: Commissioner Rauchenstein moved a primary amendment to require a whereas statement that states that “the Planning Commission recommends setting aside a fee per cubic yard of material sold to cover the cost of road maintenance in the affected area”. The motion was seconded.

Discussion ensued regarding the primary amendment and whether it is the best way to approach the intent of the amendment.

VOTE: The primary amendment failed with Commissioner Rauchenstein in favor.

MOTION: Commissioner Rauchenstein moved a primary amendment to require a whereas statement that states that “the Planning Commission recommends setting aside a fee per cubic yard of material sold or to put a portion of the construction bond designated to cover the cost of road maintenance in the affected area.

VOTE: The primary amendment died due to lack of second.

MOTION: Commissioner Anderson moved a primary amendment to add a condition number 20 stating that “a performance bond as well as any other bond necessary to cover road maintenance shall be included in the contracts with the operator”. The motion was seconded.

Discussion ensued regarding:

- the primary amendment and whether it is the best way to approach the intent of making sure that roads in the IMD area are maintained;
- whether the commission should be specific and identify the roads that will be impacted by gravel traffic for this IMD; and
- whether it’s appropriate for the borough to be in the gravel business, or if the property should be sold to private enterprise.

VOTE: The primary amendment passed with Commissioner Adams in opposition.

MOTION: Commissioner Adams moved a primary amendment by adding a condition number 21 to state that “the hours of operation shall be limited to 7 a.m. to 10 p.m., Monday through Saturday”. The motion was seconded.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Rauchenstein moved a primary amendment to delete "and will forward their recommendation to the borough Assembly" from the now, therefore, be it further resolved statement. The motion was seconded.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Anderson moved a primary amendment to add a condition number 22 to state that "dust control shall be achieved at the gravel pit, rock screener, crusher, and roads, as necessary". The motion was seconded.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended with Commission Adams in opposition.

XI. CORRESPONDENCE AND INFORMATION

A. Email from Tina Crawford, Wasilla City Planner, dated January 18, 2016, regarding minimum setbacks for marijuana retail and cultivation facilities.

(Correspondence and information was presented and no comments were noted.)

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

(There was no new business.)

XIV. COMMISSION BUSINESS

A. School Site Selection Committee - PC Representative 2

Ms. Brodigan:

- reminded the commission that they had been unable to fill the Planning Commission Representative 2 position on the School Site Selection Committee (SSSC) for the past couple of years;
- stated that Commissioner Kendig had agreed to fill the Representative 2 position and was approved by the commission at the January 5, 2015, meeting;
- discovered that his name had not been forwarded to Mayor DeVilbiss, and that the error wasn't found since the SSSC didn't meet in 2015;
- stated that Mayor Halter has requested that Commissioner Vague apply for the Representative 2 position; and
- requested that the chair ask for volunteers and the commission select a new Representative 2.

Discussion ensued regarding postponing the decision until the next meeting when Commissioner Kendig is in attendance.

[Clerk's note: the commission decided to postpone this item until the March 21, 2016, meeting so that Commissioner Kendig can participate.]

B. Upcoming Planning Commission Agenda Items

Mr. Strawn provided a brief update on projects that will be coming before the Planning Commission.

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Healy welcomed Commissioner Anderson and stated that he looks forward to working with her.

Commissioner Adams:

- welcomed Commissioner Anderson to the commission;
- stated that he found it interesting that the commission spent two hours discussing the maintenance of roads for a gravel pit in excess of 110 acres, but didn't get into a lot of discussion about other elements of the application; and
- he will be out of state during spring break, and won't have much time to prepare for the next meeting.

Chair Klapperich:

- stated that he is encouraged that the commission is looking ahead to future planning;
- opined that the commission spent the last few hours trying to do the best thing for the borough, tax payers, and residents;
- pleased that everyone comes prepared, has the courage to stand up and speak when they disagree, and state the reasons for their disagreement;
- appreciates everyone's patience with him;
- stated that former Assemblymember Darcie Salmon recently retired to Michigan and has contracted a bad infection in his leg;
- he had surgery today; and
- requested that everyone keep him in their prayers.

Commissioner Vague:

- welcomed Commissioner Anderson and stated that she is happy to have another woman on the commission;
- it has been her experience that if it isn't written down, it doesn't happen;
- is glad that they added something to the resolution regarding road maintenance; and
- enjoyed the lively discussion.

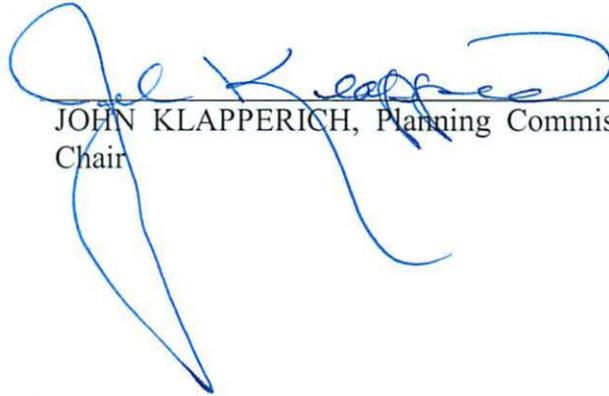
Commissioner Anderson:

- stated that she is astounded by the work that was accomplished tonight;
- opined that it is good to have and express conflicting and different ideas;

- noted that fellow commissioners had brought up things that she had not initially thought of;
- hopes that this is the beginning of many good meetings; and
- thanked the commission for letting her be a part of this.

XVI. ADJOURNMENT

The regular meeting adjourned at 9:37 p.m.



JOHN KLAPPERICH, Planning Commission
Chair

ATTEST:



MARY BRODIGAN, Planning Commission
Clerk

Minutes approved: March 21, 2016