

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on April 18, 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. William Kendig, Assembly District #5
- Mr. Tomas Adams, Assembly District #6
- Mr. Vern Rauchenstein, Assembly District #7

Staff in attendance:

- Mr. Alex Strawn, Development Services Manager
- Ms. Laura Newton, Assistant Borough Attorney
- Ms. Susan Lee, Planner II
- Ms. Sara Jansen, Planner II
- Ms. Mary Brodigan, Planning Commission Clerk

II. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Brian Endle, a member of the audience.

IV. CONSENT AGENDA

A. Minutes

1. March 21, 2016, regular meeting minutes
2. April 4, 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

(There were no introductions for legislative matters.)

Chair Klapperich read the consent agenda into the record.

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

Chair Klapperich:

- referred to page 6 of 11 of the March 21st meeting minutes;
- stated that he had said that “thirty members of the Big Lake Community Council had voted for the IMD and two against”, not “34 to 32” as stated in the minutes; and
- requested that the minutes be changed to reflect this.

There was no objection noted.

[Clerk’s note: page 6 of 11 of the March 21st meeting minutes were changed to read: “the community council also weighed in in favor of the proposed IMD with 30 for and 2 against”.]

GENERAL CONSENT: The consent agenda was approved as amended without objection.

V. COMMITTEE REPORTS

(There were no committee reports.)

VI. AGENCY/STAFF REPORTS

(There were no agency/staff reports.)

VII. LAND USE CLASSIFICATIONS

(There were no land use classifications.)

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding concerns with public process and Assembly Budget hearing meetings being scheduled at the same time and date as Planning Commission meetings: 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.

- A. **Resolution 16-15**, A resolution approving a variance to allow handicap access to a ramp/deck at the Trapper Creek Inn to remain set back 15.9 feet from the Parks Highway right-of-way; 23471 S. Parks Highway; within Township 26 North, Range 5 West, Section 29, Seward Meridian. *(Staff: Susan Lee, Applicant: Dooley Enterprises, LLC)*

Chair Klapperich read the resolution title into the record.

Chair Klapperich:

- read the memorandum regarding quasi-judicial actions into the record;
- queried commissioners to determine if any of them have a financial interest in the proposed Conditional Use Permit (CUP);
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed CUP; and
- if all commissioners are able to be impartial in a decision.

Ms. Susan Lee provided a staff report:

- staff recommended approval of the resolution.

Chair Klapperich invited the applicant to provide an overview of their application.

Mr. Taylor Moore, land surveyor for the applicant, provided an overview of the application.

Commissioners questioned the applicant regarding clarification of the legal nonconforming status determination.

Chair Klapperich opened the public hearing.

The following person spoke in opposition of Resolution 16-15: Ms. Patricia Rosnel.

The following person spoke regarding concerns with public process: Mr. Eugene Carl Haberman.

Chair Klapperich invited Mr. Moore to respond to questions and statements made by members of the public.

Mr. Moore responded to a question from a member of the public as to whether approving this variance will be harmful to 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 Rauchenstein moved to approve Resolution 16-15. The motion was seconded.

Commissioner Healy:

- opined that the information that was provided by the borough and their analysis of the application was thorough and logical ;
- Mr. Moore adequately addressed the question of whether this variance will be harmful to the public;
- opined that this is a legitimate case of where a variance can be issued; and
- stated that he will be supporting this variance request.

VOTE: The main motion passed without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

- A. **Resolution 16-17**, a resolution recommending Assembly adoption of the Louise Susitna Tyone Lakes Comprehensive Plan Update previously known as the Lake Louise Comprehensive Plan. Public Hearing continued from April 4, 2016. (*Staff: Sara Jansen*)

Chair Klapperich read the resolution title into the record.

Chair Klapperich:

- stated that Ms. Sara Jansen was ill during the last meeting and unable to attend;
- she had requested that the public hearing be postponed until April 18, 2016, and notified her planning team of this;
- Mr. Alex Strawn had requested that Chair Klapperich open the public hearing in case anyone was in the audience and wanted to testify;
- there was no one in the audience who wished to testify and Chair Klapperich asked for a motion to continue; and
- Commissioner Kendig then moved to continue the public hearing to April 18, 2016, and the motion was seconded by Commissioner Vague.

Ms. Sara Jansen provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- clarification of the Louise Susitna Tyone Community Association and how it compares to community council;
- does the community association carry the same weight as a community council and have the same rights and responsibilities;
- what are the boundaries of the association; and
- clarification regarding road access to Lake Louise.

Chair Klapperich opened the public hearing.

The following persons spoke in favor of Resolution 16-17: Mr. Jeffrey Urbanus, President of Louise Susitna Tyone Community Association; Mr. Ted Kinney; and Mr. Uve Kalenka.

The following persons spoke in opposition of Resolution 16-17: Ms. Patricia Rosnel.

The following person spoke regarding concerns with public process: Mr. Eugene Carl Haberman.

Chair Klapperich invited Ms. Jansen to respond to questions and statements made by members of the public.

Ms. Jansen responded to questions and statements made by members of the public.

Ms. Laura Newton, Assistant Borough Attorney, referred to MSB 2.76.070, Additional Citizen Participation in Municipal Government, which states "Nothing contained in this chapter is intended to deny or limit in any manner the right of persons individually or in groups to petition

the assembly or otherwise participate in borough government under existing procedures and practices”.

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

MOTION: Commissioner Anderson moved to approve Resolution 16-17. The motion was seconded.

Commissioner Vague:

- stated that she supports this resolution;
- appreciated Ms. Newton's clarification that the community association does qualify to initiate and update a comp plan;
- referred to MSB 2.76.030, Definition and Recognition of Community Councils, which indicated to her that the commission is well within the guidelines for moving forward;
- acknowledged that the goals are clearly defined for what the community wants in every section of the comp plan; and
- stated her appreciation for the amount of work that went into the comp plan.

Commissioner Anderson:

- agreed that this is a well thought out plan for what the community wants to see; and
- will be supporting this comp plan.

Commissioner Healy:

- stated that he supports this resolution as well;
- referenced the discussion about community councils and community associations;
- acknowledged that there appears to be circumstantial evidence that community associations have the same standing as community councils;
- opined that this is not the issue that is being addressed by the commission tonight;
- what is important is that there was a balanced and reasonable process that involved the community; and
- this was the case with this comp plan.

Chair Klapperich congratulated Ms. Jansen on her thoroughness, and the participants for achieving a consensus.

VOTE: The main motion passed without objection.

XI. CORRESPONDENCE AND INFORMATION

(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. 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 Anderson:

- kudos to staff and the community for the Louise Susitna Tyone Lakes Comp Plan; and
- acknowledged that comp plans are usually quite contentious, but this one went through rather smoothly.

Commissioner Rauchenstein:

- stated that there are several reasons why few people testify at public hearings;
- opined that people are not educated by the educational system about the benefits and duties of being a citizen; and
- although the borough follows its regulations regarding notifying the community, many people don't care.

Chair Klapperich:

- stated that he carefully considers what he says and how he says it so as not to be construed as not caring, not being accurate, and having already made up his mind;
- only he knows what is in his heart and how much he prepares for meetings;
- life means that at times there are winners and losers;
- we sometimes have to make concessions for the betterment of the entire borough;
- referenced TAB minutes dated January 27, 2016, on page 133 of the packet where a member of the audience voiced concerns that TAB recommendations are not being considered by the Assembly and Planning Commission;
- opined that transportation plays an important role in planning; and
- urged the commission to never give the impression that TAB recommendations are not being considered.

XVI. ADJOURNMENT

The regular meeting adjourned at 7:48 p.m.



JOHN KLAPPERICH, Planning Commission
Chair

ATTEST:



MARY BRODIGAN, Planning Commission
Clerk

Minutes approved: May 2, 2016