

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on May 16, 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. Shannon Bodolay, Assistant Borough Attorney  
Ms. Frankie Barker, Environmental Planner II  
Mr. Mark Whisenhunt, Planner II  
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.

Commissioner Kendig stated that Ms. Cameron was not able to attend the meeting and will be placed on a future agenda.

**MOTION:** Commissioner Kendig moved to pull Ms. Cameron's update from the agenda. The motion was seconded.

**VOTE:** The motion passed without objection.

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

**III. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Mr. Butch Moore, a member of the audience.

**IV. CONSENT AGENDA**

A. Minutes

1. September 21, 2015, regular meeting minutes
2. May 2, 2016, regular meeting minutes

**B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS**

1. **Resolution 16-20**, A request for a Conditional Use Permit in accordance with MSB 17.70, Regulation of Alcoholic Beverages Uses, for the operation of a Liquor Package Store within a proposed convenience store, located on Lot 11, Hollywood Heights; 14468 W. Hollywood Road; within Township 17 North, Range 3 West, Section 24. Public Hearing: June 6, 2016. (*Applicant: Three Bears Alaska, Inc., Staff: Susan Lee*)

**C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS**

Chair Klapperich read the consent agenda into the record.

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

GENERAL CONSENT: The consent agenda was approved without objection.

**V. COMMITTEE REPORTS**

*(There were no committee reports.)*

**VI. AGENCY/STAFF REPORTS**

- A. An Update on the Old Iditarod School. (*Staff: Nancy Cameron*)

*(This item was pulled from the agenda during the approval of the agenda.)*

**VII. LAND USE CLASSIFICATIONS**

*(There were no land use classifications.)*

**VIII. AUDIENCE PARTICIPATION (Three minutes per person.)**

The following person spoke regarding concerns with the public notification of public hearings: Mr. Bill Haller.

The following person spoke regarding concerns with dumping gravel in Big Lake and notifications for public hearings: Mr. Butch Moore.

The following person spoke regarding concerns with the public process: 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 16-21**, recommending Assembly approval of an Interim Materials District (IMD) at the MSB Central Landfill in accordance with MSB 17.28 – Interim Materials District, for the extraction of 3,120,000 cubic yards of earth material from 45 acres within a 120-acre area, located within Township 17 North, Range 1 East, Section 1, Tax Parcel D5 (17N01E01D005). (*Applicant: MSB Land Management, Staff: Mark Whisenhunt*)

Chair Klapperich read the resolution title into the record.

Mr. Mark Whisenhunt provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- how staff will address conflicts with neighboring land uses, traffic, public safety, visual aesthetics, dust, noise and water quality issues;
- will they be screening and crushing rock on site in the future; and
- will there be rock crushing and screening associated with the Administrative Permit that was just issued.

Mr. Ryan Johnston, MSB Land Management Specialist, provided an overview of the application.

Chair Klapperich opened the public hearing.

The following persons spoke in favor of Resolution 16-21: Mr. Butch Moore and Mr. Timothy Hale.

The following persons spoke in opposition of Resolution 16-21: Mr. Kenneth Smith, Mr. James Walker, and Mr. Lyle Downing.

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

Chair Klapperich invited Mr. Johnston to respond to questions and statements from the public.

Mr. Johnston responded to questions and statements from the public.

Mr. Whisenhunt responded to questions and statements from the public.

Commissioners questioned staff regarding:

- will the phasing of gravel extraction be consistent with the landfill, or will the gravel be sold until it is mined out;
- did public notification coincide with Gateway Community Council's schedule;
- what effect will the approval of the IMD have on the Administrative Permit;
- what is the going price for gravel and can the money be used for litter cleanup;
- where does the revenue raised from the gravel royalties go;

- can the money go to building a higher fence and covering the trash more often;
- clarification of the number of public notices that were mailed; and
- can the PC put a condition on the IMD that requires all revenues for gravel extraction be used at the landfill.

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

**MOTION:** Commissioner Adams moved to approve Resolution 16-21. The motion was seconded.

Discussion ensued regarding:

- negative impacts from the landfill;
- concerns with operating a crusher and screener on site; and
- the amount of clearing that will take place and when.

**MOTION:** Commissioner Rauchenstein moved a primary amendment to add a condition to state "the Planning Commission recommends that the Matanuska-Susitna Borough double the effort put forth in retaining trash on site at the landfill." The motion was seconded.

Ms. Shannon Bodolay, MSB Assistant Borough Attorney:

- stated that normally it would not be appropriate for the Planning Commission to put financial conditions on a land use application; however
- this is legislation and it is acceptable to make a recommendation to the Assembly that funding be used in a certain way.

**VOTE:** The primary amendment failed with Commissioners Healy, Vague, and Rauchenstein in favor.

**MOTION:** Commissioner Anderson moved a primary amendment to add a condition stating "The Planning Commission recommends that a portion of the gravel royalties be used to retain trash on site and to deal with the excessive birds associated with the landfill". The motion was seconded.

Discussion ensued regarding the best way to limit the amount of loose trash that gets away from the landfill and the feasibility of dealing with birds at the landfill.

**MOTION:** Commissioner Adams moved a secondary amendment to strike "and to deal with the excessive birds associated with the landfill". The motion was seconded.

**VOTE:** The secondary amendment passed without objection.

**VOTE:** The primary amendment passed with Commissioners Klapperich and Kendig in opposition.

**MOTION:** Commissioner Healy moved a primary amendment to add a condition to state "land clearing and earth materials extraction activities associated with this IMD shall be coordinated and phased with the need for additional landfill cells to avoid removal of vegetation and earth materials before those areas are needed for landfill operations". The motion was seconded.

**VOTE:** The primary amendment passed with Commissioners Vague, Kendig, and Klapperich in opposition.

**VOTE:** The main motion passed as amended without objection.

*(The meeting recessed at 8:00 p.m., and reconvened at 8:08 p.m.)*

**A. Resolution 16-19**, recommending Assembly adoption of an Ordinance establishing Riparian Buffer Standards on High Priority Salmon Streams. Referred by the Assembly to the PC on April 20, 2016, for 90 days. *(Staff: Frankie Barker)*

Chair Klapperich read the resolution title into the record.

Ms. Frankie Barker provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- if there will be waivers for substandard lots;
- how were the water bodies identified in the ordinance selected for inclusion;
- clarification of how mining operations will be impacted;
- what is the borough doing to address the Northern Pike issue; and
- whether there is a clearly defined public need for this new setback.

Chair Klapperich opened the public hearing.

The following persons spoke in favor of Resolution 16-19: Mr. Terry Nininger, MSB Fish & Wildlife Commission; Ms. Amy O'Connor; Mr. Jeff Davis; Ms. Beth Fitzgerald; Mr. Doug Hill; and Ms. Elizabeth Mitchell.

The following persons spoke in opposition of Resolution 16-19: Mr. Steve Borell, provided a letter from himself and the Alaska Miners Association; Ms. Winona Lee, provided a written copy of her testimony; Mr. Matt Branson; Mr. Bill Haller, provided a letter and a picture of a Northern Pike; Mr. Lyle Downing; Mr. David Chudwotsky; Mr. Tim Bauman; Mr. Kurt Newcomb; Mr. Norman Bournival; Mr. Butch Moore; Mr. Steve Snead; Mr. Edward Middleton; Mr. Larry Middleton; Ms. Michele Stevens; Ms. Cindy Michaelson, provided a letter and copy of Seymour Lake 2015 Data Summary; Ms. Elise Buchholz, provided a letter from Mr. Gerard Billinger; Mr. Tim Hale; Mr. Josep Baker; Mr. Ken Peltier; Mr. Larry Michaelson; Ms. Suellen Appellof; and Mr. Kenneth Lee.

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

Chair Klapperich invited Ms. Barker to respond to questions and statements from the public.

Ms. Barker responded to questions and statements from the public.

Commissioners questioned staff regarding:

- was there a notification mailing; and
- clarification of "minimal disturbance" and clearing for view sheds.

Commissioner Kendig stated that he would like to table this item until all property owners can be noticed.

**MOTION:** Commissioner Kendig moved to table Resolution 16-19 until all affected property owners can be notified. The motion was seconded.

Discussion ensued regarding:

- whether there is enough time to notify all affected property owners;
- can the PC request more time from the Assembly;
- whether there is a public purpose for these new regulations;
- requesting additional information from staff and stakeholders; and
- whether the best way to deal with the ordinance is to table the item or vote it down.

**WITHDRAWN:** Commissioner Kendig withdrew his motion.

There was no objection noted.

Ms. Bodolay:

- stated that it is not clear what direction the commission is going;
- questioned whether they want to vote the resolution down or request more time from the Assembly;
- stated that borough notification requirements were met; and
- noted that the Assembly may choose to put the item on their agenda with or without input from the Planning Commission.

**MOTION:** Commissioner Vague moved to continue Resolution 16-19 until after the conclusion of mining in 2016, and until after all property owners have been noticed.

Discussion ensued regarding:

- appropriate notification for this ordinance;
- requesting additional time for review from the Assembly;
- whether to continue the public hearing until all property owners have been notified or close the public hearing and vote the resolution up or down; and
- requesting a new resolution from staff detailing the reasons that the PC voted the resolution down.

**WITHDRAWN:** Commissioner Vague withdrew her motion.

There was no objection noted.

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 16-19. The motion was seconded.

**VOTE:** The main motion failed unanimously.

Commissioners requested that staff provide a new resolution at the June 6, 2016, meeting supporting the failure of Resolution 16-19.

[Clerk's note: Resolution 16-23, recommending denial of an Ordinance amending MSB 17.55 to add Riparian Buffer Standards was added to the June 6, 2016 agenda.]

*(The meeting recessed at 10:55 p.m., and reconvened at 11:00 p.m.)*

**A. Resolution 16-22**, recommending amendments to Assembly Ordinance 16-003, an Ordinance Amending MSB 17.60 to Include Permit Requirements and Standards for Marijuana Related Facilities. Referred by the Assembly to the PC on April 5, 2016, for 90 days. *(Staff: Alex Strawn)*

Chair Klapperich read the resolution title into the record.

Mr. Alex Strawn provided a staff report:

- staff recommended approval of the resolution.

Chair Klapperich opened the public hearing.

The following person spoke in favor of Option 1 of Resolution 16-22: Mr. Tim Hale.

The following person spoke in favor of Option 3 of Resolution 16-22: Mr. Corey Wray.

The following person spoke in opposition of Resolution 16-22: Mr. John Cramer.

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

Chair Klapperich invited Mr. Strawn to respond to questions and statements from the public.

Mr. Strawn responded to questions and statements from the public.

Commissioners questioned Mr. Strawn regarding clarification of the setback requirements.

Discussion ensued regarding:

- whether there was enough time left for discussion and a vote prior to the mandatory adjournment time of midnight;

- whether there was appropriate public participation due to the late timing of the public hearing; and
- continuing the public hearing until the next meeting.

**MOTION:** Commissioner Healy moved to continue Resolution 16-22 until June 6, 2016, keep the public hearing open, and allow people to testify again. The motion was seconded.

**VOTE:** The motion to continue the public hearing for Resolution 16-22 passed without objection.

#### **XI. CORRESPONDENCE AND INFORMATION**

*(There was no correspondence and information.)*

#### **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

*(Commission Business was presented and no comments were noted.)*

#### **XV. DIRECTOR AND COMMISSIONER COMMENTS**

Commissioner Vague:

- voiced her frustration that people sat in the audience for hours and hours and the commission didn't make a decision tonight;
- opined that the commission owes it to the public to try and come to a decision if they can;
- apologized to the people that sat through the entire meeting and encouraged them to come back; and
- stated that it was a good meeting.

Commissioner Anderson:

- thanked everyone that came out to testify tonight;
- opined that it helps commissioners understand how people feel about the different issues that come before the commission; and
- thanked staff for the presentations tonight.

Commissioner Adams:

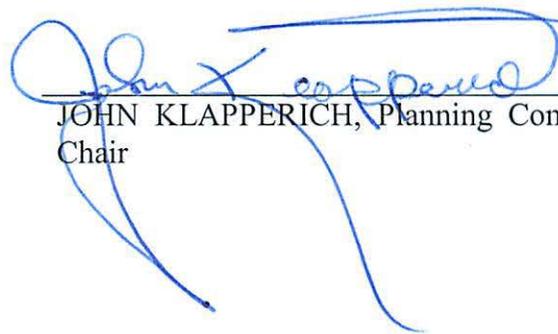
- acknowledged that he appreciates the public sitting through the meeting all night, but also thinks that they can bring forward a better product when everyone has a fresh mind; and
- requested that staff not put three large items on the same agenda in the future.

Chair Klapperich:

- stated that he appreciates the patience of his fellow commissioners; and
- appreciated Commissioner Vague's comments, but opined that the public would rather have it right than quick.

**XVI. ADJOURNMENT**

The regular meeting adjourned at 11:46 p.m.



JOHN KLAPPERICH, Planning Commission  
Chair

ATTEST:



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MARY BRODIGAN, Planning Commission  
Clerk

*Minutes approved: June 6, 2016*