

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on June 20, 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. Lauren Driscoll, Planning Services Chief
- Ms. Laura Newton, Assistant Borough Attorney
- Ms. Taunnie Boothby, Planner II
- Ms. Jessica Smith, Transportation 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 Ms. Laura Newton, Assistant Borough Attorney.

IV. CONSENT AGENDA

A. Minutes

1. June 6, 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 16-26**, recommending the Assembly adopt the update to the Borough Recreational Trails Plan. Public Hearing: August 1, 2016. *(Staff: Emerson Krueger)*

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

(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 persons spoke regarding permit requirements and standards for marijuana related facilities: Mr. Timothy Hale and Mr. Tel White.

The following person spoke regarding concerns with 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 16-24**, amending the comprehensive planning process as requested by the Chase Community Council. *(Staff: Taunnie Boothby)*

Chair Klapperich read the resolution title into the record.

Ms. Taunnie Boothby, Planner II, provided a staff report:

- staff recommended approval of the resolution.

Chair Klapperich offered a member of the Chase Community Council an opportunity to provide an overview of their request.

Mr. James Tunnell, Chase Community Council, provided an overview of their request to amend their comprehensive plan process.

Commissioners questioned the Mr. Tunnell, regarding:

- whether there are any concerns with possible impacts from Alaska Department of Transportation (AKDOT) projects and the Watana Dam; and
- will people that applied to be on the Planning Team have an opportunity to participate.

Ms. Boothby and Ms. Lauren Driscoll, Planning Services Chief, responded to questions and statements from the public.

Chair Klapperich opened the public hearing.

The following person spoke in favor of Resolution 16-24: Ms. Beth Pike.

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

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 16-24. The motion was seconded.

Discussion ensued regarding:

- clarification of what the community council wants to achieve;
- the public notification process;
- clarification of the comprehensive plan process;
- creating a template for an abbreviated plan process before approving this resolution;
- supporting the community council in their request; and
- a future review and update to the comprehensive plan process.

MOTION: Commissioner Healy moved a primary amendment to replace the word "lite" with "limited" in the fourth WHEREAS statement on page 36 of the packet. The motion was seconded.

MOTION: Commissioner Adams proposed a secondary amendment to replace "this new lite" with "revising the current" and replacing "with" with "to" and "consideration" with "consider". The motion was seconded.

Discussion ensued regarding the proposed amendments.

VOTE: The secondary amendment failed with Commissioner Adams in favor.

MOTION: Commissioner Anderson moved a secondary amendment to replace "an opportunity to assess the overall applicability of this new 'lite' process" in the fourth WHEREAS statement on page 36 of the packet with "a pilot project to assess the overall applicability of a simplified update process". The motion was seconded.

VOTE: The secondary amendment failed with Commissioners Anderson and Vague in favor.

Discussion ensued regarding the primary amendment made by Commissioner Healy.

WITHDRAWN: Commission Healy withdrew his primary amendment.

There was no objection noted.

MOTION: Commissioner Kendig moved a primary amendment to strike the fourth WHEREAS statement on page 36 of the packet. The motion was seconded.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Adams moved a primary amendment to the first WHEREAS statement on page 36 of the packet to replace "run this alternative" with "vary from the current." The motion was seconded.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Adams moved a primary amendment to the NOW, THEREFORE BE IT RESOLVED statement to strike "amended planning process requested by the" and "request" at the end to read: "the Matanuska-Susitna Borough Planning Commission does hereby approve the Chase Community Council's request." The motion was seconded.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Anderson moved a primary amendment to add a BE IT FURTHER RESOLVED statement to read: "the Planning Commission hereby requests an assessment report from Planning staff regarding the results of these efforts". The motion was seconded.

VOTE: The primary amendment failed with Commissioners Anderson and Healy in favor.

VOTE: The main motion passed as amended without objection.

B. Resolution 16-25, recommending the Assembly support the development of a Regional Transportation Planning Partnership Program. (*Staff: Jessica Smith*)

Chair Klapperich read the resolution title into the record.

Ms. Jessica Smith provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- the reason that the funding source comes in at the end of the proposed process instead of earlier in the process; and
- if the Transportation Advisory Board (TAB) has weighed in on this resolution.

(The meeting recessed at 8:10 p.m., and reconvened at 8:15 p.m.)

Chair Klapperich opened the public hearing.

The following person spoke in favor of Resolution 16-25: Mr. Timothy Hale.

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

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

Commissioners questioned staff regarding:

- whether this process will cause the cost of AKDOT projects to be increased;
- which projects will use this process; and
- what will this partnership accomplish that isn't already being done.

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

MOTION: Commissioner Kendig moved to approve Resolution 16-25. The motion was seconded.

Discussion ensued regarding:

- postponing a decision on Resolution 16-25 until TAB takes action on their resolution; and
- the need for each entity to step up to the plate and participate.

MOTION: Commissioner Adams moved to postpone a decision on Resolution 16-25 until August 1, 2016, to allow TAB to submit their recommendations via resolution. The motion was seconded.

VOTE: The motion to postpone to August 1, 2016, passed without objection.

XI. CORRESPONDENCE AND INFORMATION

(There was no correspondence and information.)

XII. UNFINISHED BUSINESS

- 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. Continued from May 16, 2016. Postponed from June 6, 2016 (*Staff: Alex Strawn*)

Chair Klapperich:

- stated that he has made a living with media strategies, marketing, and public relations for campaigns and ballot initiatives for the past 25 years;
- he is an expert on advising people about how best to use media;
- stated that he contacted the attorneys office to determine if there would be a conflict of interest should he contract to work with a group that either supports or does not support marijuana facilities;
- stated that Ms. Shannon Bodolay emailed him in response saying that being a Planning Commissioner does not prohibit him from making a living;
- he was directed to MSB 2.71.020, Conflict of Interest; Prohibited Acts, to determine if he may have a conflict of interest prior to voting on any matter that is before the Planning Commission;
- noted that only the Ethics Board has the power to issue and opinion that is binding;
- opined that his advisory position on campaign strategies for October 4th has nothing to do with governmental decisions;
- stated that he does not have a conflict of interest and will be participating in this discuss; and
- queried the commission to see if anyone objected.

There was no objection noted.

Mr. Alex Strawn provided an overview of the changes made to the Proposed Amendment Number 8.

Commissioners questioned staff regarding:

- similarities between alcohol and marijuana businesses; and
- what if any restrictions are included in alcohol code that can be used for marijuana related facilities.

MOTION: Commissioner Healy moved a primary amendment to adopt all of the changes included in Exhibit A as presented on page 137 of the packet, and to include the foot note from 138. The motion was seconded.

VOTE: The primary amendment passed without objection.

Commissioner Adams:

- opined that much of tonight's discussion would have been simpler with some form of zoning;
- suggested that borough staff should work closely with the PC to dig into this issue; and

- it's time to find out if this borough and its residents are prepared and ready to go this direction.

Commissioner Rauchenstein noted that Option 1 under Amendment 7 on page 137 of the packet refers to a 50 foot setback from rights-of-way, and the BE IT FURTHER RESOLVED statement of the resolution on page 142 of the packet refers to a 100 foot setback.

MOTION: Commissioner Rauchenstein moved a primary amendment to replace "a 100 foot" with "additional" in the first BE IT FURTHER RESOLVED statement on page 142 to read: the Matanuska-Susitna Borough Planning Commission recommends adoption of additional setbacks for cultivation facilities as recommended in option one within the table attached hereto." The motion was seconded.

MOTION: Commission Adams moved a secondary amendment to the first BE IT FURTHER RESOLVED statement to strike the words "in option one". The motion was seconded.

VOTE: The secondary amendment passed without objection.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Adams moved a primary amendment to strike the second BE IT FURTHER RESOLVED statement. The motion was seconded.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Kendig moved a primary amendment to insert "as Exhibit A" after "hereto" in the BE IT RESOLVED statement. The motion was seconded.

VOTE: The primary amendment passed without objection.

VOTE: The main motion to approve Resolution 16-22 passed as amended without objection.

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;
- informed the commission that staff did not have any agenda items for the July 18, 2016, PC meeting; and
- queried the commission about cancelling the meeting.

Commissioners requested that staff cancel the July 18, 2016, meeting if no agenda items are received by the agenda cut-off date.

[Clerk's note: the July 18, 2016, meeting was cancelled on June 27, 2016, due to lack of agenda items.]

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Vague:

- stated her appreciation of the thoughtfulness with which the Marijuana Advisory Commission (MAC) presented their ideas and suggestions;
- opined that staff has done a really great job and appreciates their being able to answer questions; and
- hopes not to see everyone until the August 1st meeting.

Commissioner Adams:

- congratulated all of the people that diligently participated in the discussion regarding marijuana regulations;
- opined that this may not be a perfect ordinance, but it is at least a starting point;
- noted that the Assembly will be making the final decision;
- stated that there has been an attempt to get the School Site Selection Committee (SSSC) back together for a meeting;
- acknowledged that he doesn't know why the SSSC will be meeting at this point; and
- will continue to keep commissioners apprised.

Commissioner Anderson:

- thanked staff for doing an excellent job;
- thanked Mr. Strawn for his continued work on marijuana legislation;
- thanked Ms. Driscoll, Ms. Boothby, and Ms. Smith for their reports and answering all of the questions;
- thanked the public for participating and for coming out again to testify, especially the people from Chase that made quite a trip to participate;
- thanked her fellow commissioners for weighing in;
- noted that commissioners may not always agree, but opined that at the end, they come up with a good product; and
- wished everyone a happy 4th of July.

Commissioner Kendig:

- applauded the MAC for their work and is glad the commission spent extra time on this item;
- agrees that the commission came up with a decent product; and
- stated that he will not be available for the July 18th meeting if it isn't cancelled.

Commissioner Rauchenstein opined that the folks from the Chase Community Council were here to make sure that the borough leaves them alone.

Chair Klapperich wished everyone a happy solstice and God Bless America.

XVI. ADJOURNMENT

The regular meeting adjourned at 9:40 p.m.



JOHN KLAPPERICH, Planning Commission
Chair

ATTEST:



MARY BRODIGAN, Planning Commission
Clerk

Minutes approved: August 1, 2016