The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on September 18, 2017, 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 Colleen Vague.

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
   Ms. Patricia Chesbro, Assembly District #3
   Ms. Colleen Vague, Assembly District #4, Chair
   Mr. Chris Elder, Assembly District #5
   Mr. Stafford Glashan, Assembly District #6
   Mr. Vern Rauchenstein, Assembly District #7

Staff in attendance:

   Ms. Jessica Smith, Planning Services Manager
   Ms. Trina Sears, Assistant Borough Attorney
   Mr. Mark Whisenhunt, Planner II
   Mr. Christopher Cole, Planner II
   Ms. Mary Brodigan, Planning Commission Clerk

II. APPROVAL OF AGENDA

Chair Vague 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. Mark Whisenhunt, MSB Staff.

IV. CONSENT AGENDA

A. Minutes

1. August 7, 2017, regular meeting minutes
2. August 21, 2017, regular meeting minutes

A. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

B. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

1. **Resolution 17-42**, a resolution recommending Assembly approval of an ordinance amending MSB 1.45.100 Schedule of Fines for Infractions; changing references from misdemeanors to minor infractions within MSB Chapters 1.45, 3.15, 8.55, 17.23, and 17.62; and amending language within MSB 1.45 to match state statute and court rules. Public Hearing: October 9, 2017. *(Staff: Alex Strawn)*

Chair Vague read the consent agenda into the record.

Chair Vague 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 person spoke regarding concerns with the election process: Mr. Eugene Carl Haberman.

*(The meeting recessed at 6:08 p.m., and reconvened at 6:15 p.m.)*

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS *(Public Hearings 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 17-37**, a Conditional Use Permit (CUP) in accordance with MSB 17.60 – Conditional Uses; for the operation of a marijuana retail facility, located at 2893 S. Big Lake Road, Suite 1 (Tax ID# 1783B04L001); within Township 17 North, Range 3 West, Section 21, Seward Meridian. *(Applicant: Sara Williams on behalf of Green Spot, LLC, Staff: Mark Whisenhunt)*

Chair Vague read the resolution title into the record.
Chair Vague:
• 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.

Mr. Whisenhunt provided a staff report:
• staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:
• clarification of the borough process for removing its protest of the proposed license prior to the state issuing its final approval; and
• can Planning Commissioners be held responsible if an injury occurs as the result of the commission approving a permit.

Chair Vague invited the applicant or their representative to provide an overview of their application.

Ms. Sara Williams, on behalf of Robert and Joanne Jillson, provided an overview of their application.

Commissioners questioned the applicants regarding:
• concerns with putting non-domestic waste water into a private septic system; and
• clarification of the process to prevent diversion through the consumption of waste product.

Chair Vague opened the public hearing.

The following persons spoke in favor of Resolution 17-37: Mr. Troy Foley and Mr. Steve Kretschek.

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

Chair Vague invited the applicant or their representative to respond to questions and statements from the audience.

Ms. Williams responded to questions and statements from the audience.

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

MOTION: Commissioner Healy moved to approve Resolution 17-37. The motion was seconded.

Commissioner Healy spoke in favor of the resolution.
VOTE: The main motion passed without objection.

B. Resolution 17-38, a Conditional Use Permit (CUP) in accordance with MSB 17.60 – Conditional Uses; for the operation of a marijuana cultivation facility, located at 2301 S. Knik-Goose Bay Road, Suite 1 (Tax ID# 1005000L00W-1); within Township 17 North, Range 1 West, Section 17, Seward Meridian. (Applicant: Kerby Coman dba Green Degree, Staff: Mark Whisenhunt)

Chair Vague read the resolution title into the record.

Chair Vague:
- 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.

Mr. Whisenhunt provided a staff report:
- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:
- whether there will continually be plants on site;
- whether the applicant will have to go back to the state if they decide to change their application;
- clarification of the exemption process for a limited cultivation facility per parcel;
- whether the facility is setback far enough from the church;
- clarification of why this limited cultivation facility is applying for a CUP when it isn’t required;
- background on the shared access for this facility and the church;
- whether the state has regulations for marijuana related facilities and churches;
- clarification that the borough does not have setbacks regulations for marijuana related facilities and churches; and
- what happens if the City of Wasilla annexes this property into the city in the future.

Chair Vague invited the applicant or their representative to provide an overview of their application.

Mr. Kerby Coman, applicant, provided an overview of his application.

Chair Vague opened the public hearing.

The following persons spoke in favor of Resolution 17-38: Mr. Troy Foley and Mr. Steve Kretschek.
The following persons spoke in opposition of Resolution 17-38: Mr. Jason Daughtry, Mr. Adrian Ortiz, and Mr. Kevin Thompson.

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

Chair Vague invited the applicant to respond to questions and statements from the audience.

Mr. Coman responded to questions and statements from the audience.

Chair Vague invited staff to respond to questions and statements from the audience.

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

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

MOTION: Commissioner Anderson moved to approve Resolution 17-38. The motion was seconded.

Commissioners Anderson, Rauchenstein, Glashan, and Healy spoke in favor of the resolution.

VOTE: The main motion passed without objection.

(The meeting recessed at 7:52 p.m., and reconvened at 8:00 p.m.)

C. Resolution 17-39, a Conditional Use Permit (CUP) in accordance with MSB 17.60 - Conditional Uses; allowing an amendment to the operation of a marijuana retail facility, located at 1150 N. Helen Lane (Tax ID# 1068000L020); within Township 17 North, Range 1 West, Section 2, Seward Meridian. (Applicant: Peter Zell dba Bad Gramm3r, Staff: Mark Whisenhunt)

Chair Vague requested that Commissioner Anderson assume the powers of the Chair.

(Vice Chair Anderson assumed the powers of the Chair.)

Vice Chair Anderson read the resolution title into the record.

Vice Chair Anderson:
• 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.

Commissioner Vague:
• stated that she had previously recused herself from the initial application;
opined that she cannot be impartial in this case; and
is recusing herself from participating with this amendment request.

There was no objection noted.

(Commissioner Vague exited the meeting at 8:02 p.m.)

Mr. Whisenhunt provided a staff report:
• staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding when a fence will be required to be installed if the amendment to the permit is not granted.

Vice Chair Anderson invited the applicant or their representative to provide an overview of their application.

Mr. Peter Zell, applicant, stated that he has nothing further to add and will be happy to answer any questions.

Commissioners questioned the applicant regarding:
• clarification of why Mr. Zell changed his mind after stating that he will install a fence in order to provide a more robust barrier between his property and the neighbors;
• the cost of installing a fence; and
• whether there have there been any complaints about this business since it’s opening.

Vice Chair Anderson opened the public hearing.

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

Vice Chair Anderson invited the applicant to respond to questions and statements from the audience.

Mr. Zell stated that he had nothing further to add.

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

MOTION: Commissioner Healy moved to approve Resolution 17-39. The motion was seconded.

Discussion ensued regarding:
• the applicant’s initial willingness to install a fence in order to provide a more robust barrier between his business and his neighbors;
• the initial application did not characterize the need for a fence for security reasons; and
• acknowledgment that a fence is not a requirement for this type of permit.

Commissioner Healy spoke in favor of approving the resolution.
Commissioner Anderson spoke in opposition to approving the resolution.

VOTE: The main motion passed with Commissioner Anderson in opposition.

(The meeting recessed at 8:30 p.m., and reconvened at 8:32 p.m.)

(Commissioner Vague re-entered the meeting at 8:32 p.m., and resumed the powers of the Chair.)

X. PUBLIC HEARING LEGISLATIVE MATTERS

A. Resolution 17-40, a resolution recommending Assembly adoption of the Long Range Transportation Plan. (Staff: Jessica Smith)

Chair Vague read the resolution title into the record.

Ms. Jessica Smith provided a staff report:
• staff recommended approval of the resolution.

Commissioners questioned staff regarding:
• clarification of the process for performance measures;
• why the Point MacKenzie dock repair is not on the list;
• the cost of operations and maintenance for some of the more complicated road projects such as the Bogard Road Extension; and
• clarification of why some of the projects that were on previous lists are no longer on the list.

Chair Vague opened the public hearing.

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

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

MOTION: Commissioner Glashan moved to approve Resolution 17-40. The motion was seconded.

Commissioners Glashan, Anderson, and Vague spoke in favor of the resolution.

VOTE: The main motion passed without objection.

B. Resolution 17-41, a resolution recommending Assembly adoption of the Regional Aviation System Plan. (Staff: Christopher Cole)

Chair Vague:
• stated that the last item on the agenda is missing approximately 40 pages of information;
• noted that the commission will not be able to make a decision this evening;
queried the commission if they wanted to open the public hearing and continue it, or postpone the item until the next meeting.

Commissioner Glashan suggested that the commission postpone the item until the next meeting rather than opening the public hearing at this meeting and continuing it until the next meeting.

There was no objection noted.

MOTION: Commissioner Glashan moved to postpone Resolution 17-41 until October 9, 2017. The motion was seconded.

VOTE: The motion to postpone 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. Chromebook Update – Stafford Glashan

Commissioner Glashan:
- stated that he has been testing a Chrome Book for the clerk;
- the Chrome Book operates like a laptop or a tablet and uses a touch screen;
- he reviews the entire packet on the device and is able to make edits and comments;
- he has internet access and is able to review borough and state code throughout the meeting;
- in the past he has reviewed the packet on his computer:
- noted that with the Chrome Book, he can review the packet, make notes, and have everything in front of him for the meeting;
- the packet is bookmarked which allows for easy navigation throughout the document;
- the only drawback is to carefully turn the device to view landscape pages; and
- opined that this device has worked well for him;

B. Upcoming Planning Commission Agenda Items

Ms. Smith provided a brief update on projects that will be coming before the Planning Commission.
Ms. Smith:
- stated that staff kept numbers on every meeting that they held during their “road shows” for the LRTP, and they were all well attended;
- noted that the cities do not pass resolutions supporting plans such as the LRTP because they have their own planning powers; and
- thanked the commission for their support of the LRTP acknowledging that this is a pivotal part of their job.

Commissioner Chesbro:
- appreciates the encouragement to use the Chrome Book; and
- opined that this packet is a really good indicator that it is time to make that change.

Commissioner Elder:
- stated that he has been with the PC for six months now;
- noted that the people voted to adopt a wide tolerance for marijuana and yet there is still tremendous opposition to it;
- opined that “not in my back yard” really does come into play when it’s your back yard; and
- suggested that people need to become more proactive in the process at the voter level, and maybe some of this might not have as much of a sting to it.

Commissioner Anderson:
- thanked staff for all of the hard work on the staff reports and putting the packet together;
- concerned that the commission set a precedent in approving an amendment to a CUP short time after approving the CUP based on information provided in the application;
- concerned that applicants will be granted permits and then come back a short time later stating that they really don’t want to do something required by a condition;
- the commission tries to make the right decision in the first place;
- suggested that this process should be handled like a variance where there would be specific reasons why the applicant can have a condition changed; and
- opined that the commissions hands are tied in these cases.

Chair Vague:
- opined that the commission does a good job setting conditions for CUP’s;
- concerned that applicants can come back later and say they don’t want one or more of the conditions;
- there are reasons that conditions are set and to turn around and nullify them sets a bad precedent; and
- acknowledged the amount of work that goes into these applications and thanked staff.
XVI. ADJOURNMENT

The regular meeting adjourned at 9:08 p.m.

[Signature]

COLLEEN VAGUE, Planning Commission Chair

ATTEST:

[Signature]

MARY BRODIGAN, Planning Commission Clerk

Minutes approved: October 9, 2017