

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on June 3, 2019, 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. 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. Sassan Mossanen, Assembly District #7

Planning Commission members absent and excused were:

VACANT, Assembly District #2
Ms. Mary Anderson, Assembly District #1, Vice Chair

Staff in attendance:

Ms. Eileen Probasco, Planning and Land Use Department Director
Mr. Alex Strawn, Development Services Manager
Ms. Susie Lemon, Assistant Borough Attorney
Mr. Joseph Metzger, Planner II
Ms. Pamela Graham, Planner I
Mr. Emerson Krueger, Land Management Specialist
Ms. Karol Riese, Planning Division Administrative Specialist
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 Ms. Betty Vehrs, a member of the audience.

IV. CONSENT AGENDA

A. Minutes

1. May 20, 2019, regular meeting minutes

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

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

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

(There were no introductions for legislative matters.)

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 public process: Mr. Eugene Carl Haberman.

(The meeting recessed at 6:06 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 PC 19-17**, a Conditional Use Permit in Accordance with MSB 17.60 – Conditional Uses; allowing for the operation of a marijuana retail facility, located at 1204 N. Hyer Spur (Tax ID# 7775000L002); within Township 17 North, Range 1 East, Section 4, Seward Meridian. *(Applicant: Teri Zell, on behalf of Higher By Bad Gramm3r, LLC; Staff: Joe Metzger)*

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. Metzger provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- what does it mean when the state permit is awarded with delegation;
- clarification of “character and integrity of the area;”
- whether approval of this application will cause the school district to have to change bus stops in order to avoid a marijuana facility;
- the proximity of Excel Gymnastics to the proposed marijuana facility and whether it will be an issue;
- does the traffic generated by Excel Gymnastics impact the neighborhood;
- what will be the impact to traffic;
- clarification of the section line easement;
- clarification of when the berm was put in and by whom; and
- confirmation that public comments were online with the rest of the packet.

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

Ms. Teri Zell, Mr. Matthew Clarambeau, and Mr. Peter Zell, Applicants, provided an overview of their application.

Commissioners questioned the applicant regarding:

- whether the angles of the security cameras can be modified to ensure the privacy of neighbors;
- clarification of the lighting for the sign that will be above the building;
- clarification of the setback requirements;
- when was the berm installed;
- whether the applicant is willing to put up a fence to block trespassers; and
- clarification of access to a tank fabrication facility and a butcher shop in the area.

Chair Vague opened the public hearing.

The following persons spoke in favor of Resolution PC 19-17: Ms. Eden Smith, Mr. Robbin Robbert, and Ms. Elizabeth Maxson.

The following persons spoke in opposition of Resolution PC 19-17: Ms. Tiffany Trice, Ms. Kelly Welton, Mr. Travis Welton, Mr. Bob Davila, Mr. Wayne Whaley, Ms. Karie Raynovic, Mr. Mike Raynovic, Ms. Linda Loria, Mr. Ron Nelson, Mr. Tim Gurnett, Ms. Mariela Figueroa, Ms. Deborah Quinn, Ms. Andrea Berg, Ms. Sidney Berg, Mr. Ron Vargason, Ms. Sarah Welton, and Ms. Jackie Williams.

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 PC 19-17. The motion was seconded.

Commissioner Glashan:

- stated his appreciation that were so many people in attendance;
- wished people would pay attention even when it's not in their neighborhood;
- opined that the borough needs zoning;
- in response to a citizen's statement, noted that Planning Commissioners are volunteers and are not elected officials; and
- stated that commissioners are bound to enforce the standards.

MOTION: Commissioner Mossanen moved a primary amendment to add a condition to read: "a fence shall be constructed along the west border of the parcel along the section line common with Lot 1, Lot 17, Lot 18, and Lot 1 to the north, or completely surrounding the facility, within one year of approval." The motion was seconded.

Commissioner Glashan:

- stated that his concerns are more with light pollution and privacy than with trespassing;
- prefers a more performance based barrier than just a 6-foot fence;
- would like to see lighting concerns addressed prior to the store opening, and
- suggested that the applicant be allowed to find the most cost effective means to accomplish this rather than having it dictated by the commission.

MOTION: Commissioner Glashan moved a secondary amendment to read: "the applicant shall provide changes to camera placement to prevent the inadvertent filming of private property."

WITHDRAWN: Commissioner Glashan moved to withdraw his motion.

There was no objection noted.

MOTION: Commissioner Glashan moved a secondary amendment to replace "within one year of approval" with "the fence must be completed by September 30, 2019." The motion was seconded.

VOTE: The secondary amendment failed with Commissioners Glashan, Elder, and Mossanen in favor.

VOTE: The primary amendment passed without objection

MOTION: Commissioner Glashan moved a primary amendment to add a condition to read: "the applicant shall use visual buffering or adjust field of view of security cameras

to prevent filming of neighboring residential properties.” The motion was seconded.

VOTE: The primary amendment passed without objection

MOTION: Commissioner Chesbro moved a primary amendment to strike Condition 5.

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

Chair Vague:

- questioned what the driving pattern will be with the addition of a marijuana retail facility;
- noted her concerns with the busses and all of the other traffic;
- stated that she is not in favor of approving this resolution until a traffic impact study is done that shows that residents will not be impacted when entering or exiting their neighborhood; and
- would like to see the decision postponed.

Commissioner Glashan:

- acknowledged that there are a lot of roads in the borough that are over used;
- noted that the applicants traffic plan was conducted by a licensed engineer;
- opined that the commission would be over stepping their boundaries by holding up this application; and
- stated that he agrees that something should to be done about the road.

VOTE: The main motion passed as amended with Chair Vague in opposition.

(The meeting recessed at 8:30 p.m., and reconvened at 8:41 p.m.)

X. PUBLIC HEARING LEGISLATIVE MATTERS

- A. **Resolution PC 19-12**, recommending Assembly adoption of the Asset Management Plan: Natural Resources Management Units, its Land Use Designation and Classifications, and Amending MSB 15.24.030, Comprehensive Plan and Purposes. *(Staff: Emerson Krueger)*

Chair Vague read the resolution title into the record.

Mr. Emerson Krueger provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- whether staff responded to the letter from the Talkeetna Community Council and the email from Mr. John Strassenburgh;
- the amount of commercial logging in the area; and
- clarification that this plan covers borough timber sales and not individual sales for homes and firewood.

Chair Vague opened the public hearing.

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

MOTION: Commissioner Glashan moved to approve Resolution PC 19-12. The motion was seconded.

Commissioner Glashan spoke in favor of the resolution.

Commissioner Mossanen spoke in opposition to the resolution.

MOTION: Commissioner Glashan moved a primary amendment to add a BE IT FURTHER RESOLVED statement to read: "the commission recommends that that this plan be updated every 10 years." The motion was seconded.

Commissioner Chesbro spoke in favor of the primary amendment.

Commissioner Mossanen spoke in opposition to the primary amendment.

VOTE: The primary amendment passed without opposition

VOTE: The main motion failed with Commissioners Vague, Chesbro, and Glashan in favor.

B. **Resolution PC 19-15**, recommending Assembly adoption of an ordinance Amending MSB 15.24.030(C) and Repealing MSB 15.24.031 Initiating and Amending Lake Management Plans. (*Staff: Pamela Graham and Eileen Probasco*)

Ms. Pamela Graham and Ms. Eileen Probasco provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- clarification of the cost of doing a Lake Management Plan (LMP);
- how can a public hearing take place without a public process;
- why repeal the process if there is already a moratorium on LMP's;
- clarification that this ordinance will do away with the current process before a new process is in place; and
- what does staff propose for a new process.

Chair Vague opened the public hearing.

The following persons spoke in opposition of Resolution PC 19-15: Ms. Betty Vehrs, Mr. Craig Stewart, and Ms. Sam Hanson.

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

MOTION: Commissioner Mossanen moved to approve Resolution PC 19-15. The motion was seconded.

Commissioner Elder spoke in favor of the resolution.

Commissioners Glashan, Chesbro, and Vague spoke in opposition to the resolution.

VOTE: The main motion failed with Commissioner Elder in favor.

C. **Resolution PC 19-16**, recommending approval of an ordinance Amending MSB 17.29 to Adopt the most recent Flood Insurance Study and Flood Insurance Rate Map. (*Staff: Alex Strawn*)

Mr. Alex Strawn provided a staff report:

- staff recommended approval of the resolution.

Chair Vague opened the public hearing.

The following persons spoke in favor of Resolution PC 19-16: Mr. Wayne Whaley.

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

MOTION: Commissioner Mossanen moved to approve Resolution PC 19-16. The motion was seconded.

Commissioners requested clarification of benchmarks.

Commissioners Chesbro and Vague spoke in favor of the resolution.

VOTE: The main motion 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. Adjudicatory (*if needed*)
- B. Upcoming Planning Commission Agenda Items

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

XV. DIRECTOR AND COMMISSIONER COMMENTS

Ms. Probasco:

- stated that there is nothing on the agenda for the June 17th PC meeting;
- suggested that the commission may want to vote to cancel that meeting;
- there is no meeting scheduled for July 1st so the next meeting will be July 15th;
- noted that the Assembly adopted a budget and approved an additional Code Compliance Officer for a total of four officers;
- stated that staff has almost finalized the Subdivision Construction Manual (SCM) Update;
- it will go before the Transportation Advisory Board (TAB) and the Platting Board in the next month or so;
- it will probably be coming forward to the PC in August;
- noted that the section dealing with driveways has been removed from the SCM and added to Title 11 which deals with roads ways;
- this will cover all driveways and not just the ones that are going in as part of the subdivision process;
- stated that she will be providing an update to the Comprehensive Plan Process Update on July 15th; and
- noted that Assemblymember Sumner sponsored the Lake Management Plan legislation at her request.

MOTION: Commissioner Mossanen moved to cancel the June 17, 2019, Planning Commission Meeting due to lack of an agenda. The motion was seconded.

VOTE: The motion to cancel the June 17, 2019, Planning Commission Meeting passed without objection.

Commissioner Chesbro:

- acknowledged that it was a busy meeting tonight;
- stated her appreciated for the discussion and testimony;
- opined that the borough has been growing so fast and has not been able to keep up with much needed planning;
- noted that it is important that community councils participate in the planning process;
- hopes that people will see that they can make a difference working with their community councils; and
- stated her appreciation for input from Talkeetna Community Council on two separate public hearings tonight.

Commissioner Mossanen:

- stated that this meeting was definitely worth driving in for;
- he signed up to be a commissioner to work on difficult and contentious issues;
- acknowledged that not everyone is going to be happy with the outcomes;
- thanked staff for all of their hard work; and

- noted that sometimes staff has to go back to the drawing table, but that doesn't mean that the commission does not appreciate the work.

Commissioner Elder:

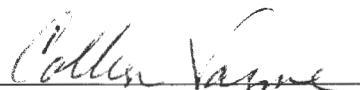
- stated his frustration with the phrase "value and character of a neighborhood;"
- would like to understand this at least for his own benefit so that he can make decisions as to whether a gravel pit or a marijuana facility should go into a neighborhood;
- opined that this needs to be made more clear; and
- suggested that Mr. Metzger deserves a raise.

Chair Vague:

- stated that she remembers when and why lake management plans came into existence;
- noted it was due to the frustration of homeowners who felt like their property rights were not being respected;
- stated her appreciation and respect for the work of the planners even if the commission denies some of their suggestions;
- opined that lake management plans are a work in progress and will come up again;
- appreciated the discussion this evening; and
- thanked everyone for all that they do.

XVI. ADJOURNMENT

The regular meeting adjourned at 10:01 p.m.



COLLEEN VAGUE, Planning Commission
Chair

ATTEST:



MARY BRODIGAN, Planning Commission
Clerk

Minutes approved: July 15, 2019