

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on February 3, 2020, 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 Vice-Chair Mary Anderson.

**I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM**

Planning Commission members present and establishing a quorum:

- Ms. Mary Anderson, Assembly District #1, Vice-Chair
- Mr. Jason Ortiz, Assembly District #2
- Ms. Patricia Chesbro, Assembly District #3
- Ms. Colleen Vague, Assembly District #4, Chair, (*arrived at 6:18 p.m.*)
- Mr. Chris Elder, Assembly District #5
- Mr. Stafford Glashan, Assembly District #6
- Mr. Sassan Mossanen, Assembly District #7

Staff in attendance:

- Mr. Alex Strawn, Development Services Manager
- Ms. Susie Lemon, Assistant Borough Attorney
- Mr. Joseph Metzger, Planner II
- Ms. Mary Brodigan, Planning Commission Clerk

**II. APPROVAL OF AGENDA**

Vice-Chair Anderson 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. Joseph Metzger, a member of the planning staff.

**IV. CONSENT AGENDA**

**A. Minutes**

1. January 6, 2020, regular meeting minutes

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

1. **Resolution PC 20-06**, an application under MSB 17.65 Variances, for an exception to the minimum 25-foot right-of-way setback requirement under MSB 17.55. The variance would allow the existing single-family home to remain 21.3 feet from the E. Rough Cut Circle (Tax ID# 6333B02L008) right-of-way, and the existing garage to remain 1.9 feet from the E. Rough Cut Circle right-of-way. Public Hearing: March 2, 2020. (*Applicant: Adam Copson and Janet Flaherty, Staff: Joe Metzger*)

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

1. **Resolution PC 20-05**, supporting an ordinance amending MSB 43.05.015(B)(3) to adopt the 2020 Subdivision Construction Manual. Public Hearing: March 2, 2020. (*Staff: Eileen Probasco*)
2. **Resolution PC 20-07**, recommending Assembly approval of an ordinance adopting MSB 11.12 Driveway Standards in order to ensure driveways within borough right-of-ways minimize negative impact to drainage, maintenance, and safety of the traveling public. Public Hearing: March 2, 2020. (*Staff: Eileen Probasco*)

Vice-Chair Anderson read the consent agenda into the record.

Vice-Chair Anderson 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.)**

*(There were no persons to be heard.)*

*(The meeting recessed at 6:05 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 20-03**, a conditional use permit in accordance with MSB 17.60 – Conditional Uses; for the operation of a marijuana retail facility, located at 173 N. Rosie Circle (Tax ID# 17N01W11A011/91911000U001); within Township 17 North, Range 1 West, Section 11, Seward Meridian. (*Applicant: Kyle Lutz, on behalf of Laughing Salmon, Staff: Joe Metzger*)

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 entered the meeting at 6:18 p.m.)*

Vice-Chair Anderson:

- queried Commissioner Vague to determine if she has a financial interest in the proposed Conditional Use Permit (CUP);
- has had any ex parte contact with the applicant, members of the public, or interested parties in the proposed CUP; and
- if she is able to be impartial in a decision.

*(Commissioner Vague assumed the powers of the Chair at 6:18 p.m.)*

Mr. Metzger provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners requested clarification regarding the applicant holding barbeques at the facility.

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

Mr. Kyle Lutz, applicant, stated that he had nothing further to add and would answer questions.

Commissioners questioned the applicant regarding why he included something about barbeques in his application.

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 Mossanen moved to approve Resolution PC 20-03. The motion was seconded.

Discussion ensued regarding whether information about potential barbeque events should be included in an application for a conditional use permit.

**MOTION:** Commissioner Glashan moved a primary amendment to strike from the resolution "WHEREAS, the application material indicates that during the summer months outdoor BBQ events may be held on the south side of the structure between the

hours of 10:00 a.m. and 6:00 p.m., and WHEREAS, the application material indicates during the BBQ events, small speakers may be used to play music.” The motion was seconded.

VOTE: The primary amendment passed with no objection.

VOTE: The main motion passed as amended without objection.

- B. **Resolution PC 20-04**, a conditional use permit in accordance with MSB 17.30 – Conditional Use Permit for Earth Material Extraction, located at 3429 N. Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian. The proposed mining area is approximately 41 acres of the 71-acre parcel. A CUP would allow for the removal of approximately 400,000 cubic yards of earth materials through 2059. (*Applicant: Dan Steiner, on behalf of Foremost Construction, 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:

- why staff is recommending that the final year of extraction be 2030 instead of the requested 2059;
- how does this gravel pit fit in with the Meadow Lakes Comprehensive Plan;
- clarification of the lack of a definition for large scale mining;
- an explanation for why staff does not consider this a rural residential area;
- clarification of the reclamation process; and
- how much gravel will be extracted monthly.

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

Mr. Dan Steiner, Civil Engineer, and Ms. Irina Filyuk, applicant, provided an overview of their application.

Commissioners questioned the applicants regarding:

- will the extracted material be screened on-site;
- how many employees does Foremost Construction employ;

- how will accelerating the extraction to ten years affect their plans; and
- clarification of the amount of gravel that they plan to extract.

*(The meeting recessed at 7:16 p.m., and reconvened at 7:22 p.m.)*

Chair Vague opened the public hearing.

The following persons spoke in opposition to Resolution PC 20-04: Mr. John Kroutsky, Mr. Joe Bradley, Mr. Michael Gullett, Mr. Thomas Hood, Mr. Douglas Beaty, Ms. Michelle Meade, Mr. Gary Beach, and Mr. Kevin Ricke.

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

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

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

Mr. Steiner and Ms. Filyuk 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 Glashan moved to approve Resolution PC 20-04. The motion was seconded.

Discussion ensued regarding:

- it is the purview of the PC to determine the best use for a property;
- does a gravel pit fit the value, character, and integrity of the area; and
- whether the area is considered residential.

Commissioners Glashan, Elder, and Ortiz spoke in favor of the resolution.

Commissioners Chesbro, Anderson, and Vague spoke to their concerns with the resolution.

**VOTE:** The main motion passed with Commissioners Chesbro, Vague, and Anderson in opposition.

## **X. PUBLIC HEARING LEGISLATIVE MATTERS**

*(There were no legislative public hearings.)*

## **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

Mr. Strawn provided a brief update on projects that will be coming before the Planning Commission.

**XV. DIRECTOR AND COMMISSIONER COMMENTS**

Ms. Lemon:

- stated that she will be covering the next several meetings; and
- announced that Trina Sears has accepted a position with the District Attorney's office and has left the Borough Attorney's office.

Commissioner Chesbro:

- stated that she always worries about comprehensive plans and how they can be used when looking at applications for conditional use permits; and
- questioned how the Planning Commission can determine the character and integrity of an area and whether an application fits or doesn't fit.

Commissioner Glashan:

- acknowledged that he struggles with this as well, but doesn't see how they can do anything other than look at code; and
- opined that staff has listened to the commissions' concerns about neighbors and impacts, and appreciates that they encourage applicants to go beyond the bare minimums.

Commissioner Anderson:

- stated her appreciation for staff and their hard work;
- opined that comprehensive plans are in their toolbox and they are supposed to be looking at them;
- questioned how the commission can interpret these things when there aren't clear definitions;
- requested the inclusion of definitions as comprehensive plans are updated; and
- stated her appreciation for the debate since it is healthy to hear other points of view.

Chair Vague:

- stated that she understands the pain and despair of the neighbors because she has been there as well;

- acknowledged that the commission has ordinances that they must follow, but noted that they are not a rubber stamp; and
- the commission has to be able to use comprehensive plans when looking at conditional use permits.

**XVI. ADJOURNMENT**

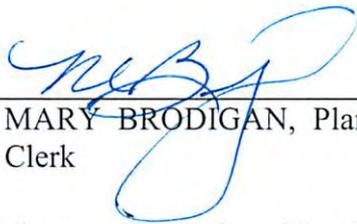
The regular meeting adjourned at 8:24 p.m.



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COLLEEN VAGUE, Planning Commission  
Chair

ATTEST:



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MARY BRODIGAN, Planning Commission  
Clerk

*Minutes approved: March 2, 2020*