

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on July 20, 2020, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:03 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
- Mr. Chris Elder, Assembly District #5
- Mr. Stafford Glashan, Assembly District #6, (Arrived @ 6:05 PM)
- Mr. Sassan Mossanen, Assembly District #7

Planning Commission members absent and excused were:

- Ms. Colleen Vague, Assembly District #4, Chair

Staff in attendance:

- Ms. Eileen Probasco, Planning Department Manager
- Mr. Alex Strawn, Development Services Manager
- Ms. Kim Sollien, Planning Services Manager
- Mr. John Aschenbrenner, Deputy Borough Attorney
- Ms. Shannon Bodolay, Assistant Borough Attorney
- Mr. Joseph Metzger, Planner II
- Mr. Theodore Eischeid, Planner II
- Ms. Karol Riese, 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. Eugene Carl Haberman.

IV. CONSENT AGENDA

A. Minutes

(None)

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

1. **Resolution PC 20-26**, a Conditional Use Permit in accordance with MSB 17.27 – Talkeetna Special Land Use District, for the operation of a commercial storage unit facility greater than 6,000 square feet in size, located at 26731 S. Talkeetna Spur (Tax ID #7909000L001); within Township 25 North, Range 4 West, Section 7, Seward Meridian. Public Hearing:

August 3, 2020 (*Applicant: John & Andrea Gilliland, dba Alaska Self Storage; Staff: Mark Whisenhunt*).

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

1. **Resolution PC 20-12**, a resolution recommending Assembly adoption of MSB 17.68, Outdoor Shooting Facilities, in order to establish standards for commercial, educational, and nonprofit outdoor shooting facilities. Public Hearing: August 3, 2020 (*Staff: Alex Strawn*).

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 as amended 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 spruce tree beetles and combining projects to help with homeless & crime: Mr. Lee Huhnkie

The following persons spoke in favor of Reso 20-12 Outdoor Shooting Facility: Dave Musgrave (6:16 pm)

The following persons spoke regarding Reso 20-12 Outdoor Shooting Facility – Nuisance Noise Level Limits: Mr. Norm Stout

The following person spoke regarding concerns with public process and shooting range public hearing: Mr. Eugene Carl Haberman.

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.

(There were no quasi-judicial public hearings.)

X. PUBLIC HEARING LEGISLATIVE MATTERS

- A. **Resolution PC 20-24**, a Resolution recommending Assembly approval of an ordinance amending MSB 43.05.015(B)(3) to adopt the 2020 Subdivision Construction Manual *(Staff: Fred Wagner, Jamie Taylor, and Eileen Probasco)*.

Ms. Eileen Probasco provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- Commissioner Glashan: How does this fit into other planning documents? (Official Streets and Highways Plan)

Vice-Chair Anderson opened the public hearing.

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

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

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

MOTION: Commissioner Elder moved to approve Resolution PC 20-24 The motion was seconded.

Discussion ensued regarding:

Commissioner Elder: Supports the Subdivision Construction Manual; Over the last two and a half years, I have taken several calls from different developers and private and public entities all in favor of this. It was a long procedure that Ms. Probasco and Mr. Wagner oversaw, and they did an excellent job. There is a variety of wide-spread approval of this in our Borough. Very well written.

Commissioner: Chesbro: It appears that there is a lot of work, we have been updated on the progress, it is complicated, and I am glad that there were a lot of experts working on this.

MOTION: Commissioner Chesbro moved a primary amendment that we add the following language to the 2020 Subdivision Construction Manual” section C02.5 (e) to read as follows: For Residential and Residential Subcollector standard roads, compact all embankment to not less than 90 percent of the maximum dry density and the top 24 inches to not less than 95 percent of the maximum dry density. For Residential Collector standard roads, compact all embankment to not less than 98 percent of the maximum dry density and the top 24 inches to not less than 98 percent of the maximum dry density. Determine compaction in accordance with the *Standard Specifications for Highway Construction* (ADOT&PF) and any MSB Standard Modifications.

Compaction tests on the subbase layer shall be taken at representative locations along the roadways as follows:

The motion was seconded.

Discussion engaged:

Road Service Advisory Board and the Transportation Advisory Board resolutions; clarifying changes and how to make them within the documents; 90 percent/95 percent/98 percent standards – propose 95 percent for the entire thing.

Commissioner Glashan moved to amend the revision to the Subdivision Construction Manual to change everything to 95 percent, see the following language to the 2020 Subdivision Construction Manual” section C02.5 (e) to read as follows:

For Residential and Residential Subcollector standard roads, compact all embankment to not less than 95 percent of the maximum dry density and the top 24 inches to not less than 95 percent of the maximum dry density. For Residential Collector standard roads, compact all embankment to not less than 95 percent of the maximum dry density and the top 24 inches to not less than 95 percent of the maximum dry density. Determine compaction in accordance with the *Standard Specifications for Highway Construction* (ADOT&PF) and any MSB Standard Modifications. Compaction tests on the subbase layer shall be taken at representative locations along the roadways as follows:

The motion was seconded.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

B. **Resolution PC 20-25**, a Resolution 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 (*Staff: Alex Strawn and Jamie Taylor*).

Mr. Alex Strawn provided a staff report:

- staff recommended approval of the resolution.

Vice-Chair Anderson opened the public hearing.

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

The following person spoke regarding Mr. Habersman’s comment, in the calendar, you see the meeting, possible links to documents, easy to read, and there being experts reviewing and approving: Mr. Lee Huhnkie.

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

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

MOTION: Commissioner Chesbro moved to approve Resolution PC 20-25. The motion was seconded.

MOTION: Commissioner Chesbro moved an amended motion to adopt the recommendations by staff as related to the Transportation Advisory Board minus the disproportionate cost section. The motion was seconded.

VOTE: The amended 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)

1. **Resolution 20-29**, a Resolution of the Matanuska-Susitna Borough Planning Commission adopting findings of fact and conclusions of law supporting the denial of PC Resolution 20-18 concerning a request for a variance from MSB 17.55 to allow an existing single family residence to encroach into the required 75 foot waterbody setback at 5782 S. Big Lake Road (Tax ID# 6142000L006); within township 17 North, Range 3 West, Section 29 Seward Meridian (*Applicant: Dennelle Seetomona on behalf of Janice Ellsworth, Staff: Joe Metzger*).

MOTION: Commissioner Chesbro moved to approve Resolution PC 20-29. The motion was seconded.

MOTION: Commissioner Ortiz moved a primary amendment to Section 2 to remove everything from (see attachment C). “The commission finds that the special conditions that require the variance were partially the fault of the applicant, due to the fact that they knew the lot had setback challenges but chose to build the house without contacting the borough.” The motion was seconded.

Discussion ensued regarding the wording of the motion.

MOTION: Commissioner Chesbro moved to amend the primary amendment to Section 2 to remove “partially” rather than the entire sentence. The motion was seconded.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Ortiz moved an amendment to Section 3 to remove “Had the applicants contacted the borough prior to construction, they may have received better information on the implications of constructing the home they were proposing, and chosen a design that would not have encroached so much into the waterbody setback.” The motion was seconded.

The section would read as follows:

“The applicant alleges that the condition is not applicable since the homeowners are under no financial hardships nor did they build the home as contractors to re-sell. The commission finds that the applicant knew they were taking a risk in building the house they chose prior to contacting the borough, and to resolve the setback violation after the fact could indeed have a pecuniary impact, such as having to remodel the home to lessen the violation or not being able to obtain bank financing.”

VOTE: The amendment passed without objection.

MOTION: Commissioner Ortiz moved to correct a typographical error in the third WHEREAS to reflect 17.55.020. The motion was seconded.

VOTE: The amendment passed without objection.

VOTE: The motion passed as amended without objection.

B. Upcoming Planning Commission Agenda Items

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

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

XV. DIRECTOR AND COMMISSIONER COMMENTS

Ms. Probasco: Thanked the commissioners for their commitment to the job they have; sometimes it is really difficult, sometimes it goes through rather smoothly, but we have really tried hard over the years to give you the information you need, I appreciate your respect for us and you contacting us when you have questions. This is my last meeting, I have nine more days until I am officially on the retired list; not leaving the state just taking it easy for a while. Thank you for approving our driveway standards and construction manual, we will be taking them to the Assembly in August. I will be in attendance at those meetings as a taxpayer. Thanks again.

Mr. Strawn: Last meeting with Eileen Probasco – her leadership has been much appreciated, and she will be missed.

Commissioner Glashan: We must be wearing the staff out this year, another one we are going to miss. I believe the developers will howl a little bit about the 95% everywhere. I think

accommodating the 90% for the residential roads for below the structural section is a reasonable accommodation. I think you did a great job on it, and it was much overdue.

Commissioner Chesbro: Thank you to Ms. Probasco this has been a hard job in a borough that wants everything to be planned except for what is next to them. This is kind of a difficult place sometimes, and I appreciate everything that you do.

Commissioner Elder: Thanked Eileen Probasco and her professionalism – she will be missed.

Commissioner Mossanen: Three cheers for you, Eileen it has been great working with you. I hope you have a great retirement. Thank you, Ms. Bodolay, for your comments in our last meeting.

Commissioner Ortiz: I hope you sail off into retirement. I know you didn't get everything that you wanted to get accomplished, but you sure did knock a lot out. Great work on the Subdivision Construction Manual and Driveway Ordinance – you guys and staff did great. Enjoy your retirement, and maybe I will see you at the lake.

Commissioner Anderson: Thank you to all the Commissioners and staff. Working through different things are not always easy. Thankful for staff who brings things to us in an understandable manner. We will miss Eileen and her leadership. We have seen a lot of changes, but we do welcome the new staff members that are coming aboard, and we feel that they will also continue to carry it forward and move us in a positive direction. Next meeting is August 3rd.

XVI. ADJOURNMENT

The regular meeting adjourned at 7:40 p.m.



COLLEEN VAGUE, Planning Commission
Chair

ATTEST:



KAROL RIESE, Planning Commission Clerk

Minutes approved: 8/3/2020