

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on December 7, 2020, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 pm 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, Vice-Chair
- Mr. Jason Ortiz, 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. Sassan Mossanen, Assembly District #7*

Planning Commission members absent and excused were:

Staff in attendance:

- Mr. Alex Strawn, Planning and Land Use Director
- Ms. Kim Sollien, Planning Services Manager
- Ms. Denise Michalske, Assistant Borough Attorney
- Mr. Mark Whisenhunt, Acting Development Services Manager
- Mr. Joseph Metzger, Planner II
- Ms. Taunnie Boothby, Planner II
- Mr. Emerson Krueger, Natural Resource Manager
- Ms. Karol Riese, Planning Commission Clerk*

*Indicates that the individual attended telephonically due to COVID safety protocols.

II. APPROVAL OF AGENDA

Chair Vague inquired if there were any changes to the agenda.

Changes: Mr. Whisenhunt stated two amendments:

- Minutes of November 16, 2020, are not ready and should be removed;
- Planning Reso 20-46 should be moved to Unfinished Business.

GENERAL CONSENT: The agenda was approved with amendments without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Emerson Krueger.

IV. CONSENT AGENDA

A. Minutes

(moved from Agenda – November 16, 2020 Minutes are not prepared).

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

1. **PC Resolution 20-47** a conditional use permit modification request in accordance with MSB 17.60 – Conditional Uses; has been submitted by Kerby Coman, on behalf of Green Degree (Machen), for the operation of a marijuana retail facility located at 3361 W. Machen Road, Tax ID #2420B02L001; within Township 17 North, Range 1 West, Section 7, Seward Meridian. Public Hearing: December 21, 2020 (*Applicant: Kerby Coman, on behalf of Green Degree (Machen); Staff: Joe Metzger.*
2. **PC Resolution 20-48** a conditional use permit modification request in accordance with MSB 17.60 – Conditional Uses; has been submitted by Kerby Coman, on behalf of Green Degree (KGB), for the operation of a marijuana retail facility located at 2301 S. Knik Goose Bay Road, Tax ID #1005000L00W-1; within Township 17 North, Range 1 West, Section 17, Seward Meridian. Public Hearing: December 21, 2020 (*Applicant: Kerby Coman, on behalf of Green Degree (Machen); Staff: Joe Metzger.*

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
(None)

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

The following person spoke against Planning Commission Resolution 20-46 (Unfinished Business): Ashley Stetson

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

- A. **Resolution PC 20-43**, A Conditional Use Permit request in accordance with MSB 17.60 - Conditional Uses; has been submitted by Jana Weltzin, on behalf of Midnight Sun Distributors, for the operation of a marijuana retail facility located at 28011 West Old Parks Highway; Tax ID # 1480B01L001; within Township 19 North, Range 4 West, Section 28, Seward Meridian (*Staff: Joe Metzger.*

Chair Vague read the resolution title into the record.

Mr. Metzger provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- Structure size (CE);
- State regulation hours and specifics (PC);
- Complaints or violations of existing facility (SG);

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

Ms. Jana Weltzin, applicant's attorney, provided an overview of the application and the applicant and would answer questions; stated that kids can be in the vehicle and that the application for a drive through has not been submitted as of yet.

Chair Vague opened the public hearing.

The following persons spoke in favor of Resolution PC 20-43: Kerby Coman.

Discussion regarding road types (collector, residential, dirt, etc.) (CV)

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

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

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

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

Ms. Weltzin, applicant's attorney, stated that they had nothing further to add.

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 20-43. The motion was seconded.

Discussion ensued

MOTION: Commissioner Glashan moved a primary amendment to the hours of operation from 8:00 am – 12:00 am. The motion was seconded.

Discussion ensued about being consistent with the hours of operation with other similar businesses.

VOTE: The primary amendment failed.

Yes: (3) Commissioner Anderson, Commissioner Vague, Commissioner Glashan

No: (4) Commissioner Chesbro, Commissioner Ortiz, Commissioner Elder, Commissioner Mossanen

VOTE: The main motion passed without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

A. **Resolution PC 20-34**, Jonesville Public Use Area Management Plan: A Resolution supporting Assembly adoption under MSB 15.24.030(B). Public Hearing: December 7, 2020 (*Staff: Emerson Krueger*).

Chair Vague read the resolution title into the record.

Mr. Krueger provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- Location of shooting range (MA)
- Input from Cook Inlet Regional (JO)
- Maintenance of area (CV)

Chair Vague opened the public hearing.

The following persons spoke in favor of Resolution PC 20-34: Andrew Collins and Brian Largent

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

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

Mr. Krueger responded to questions and statements from members of 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 PC 20-34. The motion was seconded.

Discussion ensued

VOTE: The main motion passed without objection.

B. **Resolution PC 20-42**, A resolution of the Matanuska-Susitna Planning Commission recommending adoption of the 2020 Mat-Su Borough Hazard Mitigation Plan. Public Hearing: December 7, 2020 (*Staff: Taunnie Boothby*).

Chair Vague read the resolution title into the record.

Ms. Taunnie Boothby provided a staff report:

- staff recommended approval of the resolution.

Recess at 7:34 pm due to discrepancies in packet (draft Resolution missing);
Reconvened at 7:39 pm.

Resolution missing in packet – meeting will be listed under “Unfinished Business” at December 21, 2021 meeting – public hearing will be open.

- C. **Resolution PC 20-44**, A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.60 to create an administrative permit process for marijuana cultivation facilities and changing the applicability of MSB 17.60 to include facilities that are less than 500 square feet. Public Hearing: December 7, 2020 (*Staff: Alex Strawn*).

Chair Vague read the resolution title into the record.

Mr. Strawn provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- Eliminating subjective standards
- Distance from school/state regulated
- Notification Borough receives – number of notifications received
- Role of Planning Commission going forward with an administrative permit
- Denial of marijuana cultivation from PC
- Limited Liability
- Number of illegal grow operations before MSB started regulating

Chair Vague opened the public hearing.

The following persons spoke in favor of Resolution PC 20-44: Sam Hanson, Rebecca Rein, Kelly Kuvina, Ms. Kuzina, Michael Fernandez (setback to ½ mile),

The following persons spoke in opposition of Resolution PC 20-44: Kerby Coman provided some amendments.

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

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

Mr. Strawn stated that they had nothing further to add.

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

MOTION: Commissioner Ortiz moved to approve Resolution PC 20-44. The motion was seconded.

Discussion ensued regarding administrative permit with limited staff; public comment being removed – disconnect; rolling limited and full growth cultivations clumping together; and monitoring 500’ facilities.

Recessed at 9:00 pm to clarify language for Resolution 20-44
Reconvened at 9:05 pm.

MOTION: Commissioner Anderson moved a primary amendment stating:

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby does not recommend approval of the portion of Ordinance Serial No. 20-071 that creates an administrative permit process for cultivation facilities with 500 square feet or more under cultivation.

BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of the portion of Ordinance Serial No. 20-071 that creates an administrative permit process for cultivation facilities with less than 500 square feet under cultivation.

The motion was seconded. By Commissioner Chesbro.

VOTE: The primary amendment passed.

Yes: (6) Commissioner Chesbro, Commissioner Elder, Commissioner Ortiz, Commissioner Mossannen, Commissioner Anderson, Commissioner Vague

No: Commissioner Glashan

VOTE: The main motion passed as amended without objection.

D. **Resolution PC 20-45**, A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.60 to create hours of operation for marijuana retail facilities and add additional standards for retail facilities with marijuana consumption areas. Public Hearing: December 7, 2020 (*Staff: Alex Strawn*).

Chair Vague read the resolution title into the record.

Mr. Strawn provided a staff report:

- staff recommended approval of the resolution

Commissioners questioned staff regarding:

- On-site consumption parking standards (MA)
- State Law regarding smoking within a building or around a building
- Edibles only for consumption regulation

Chair Vague opened the public hearing.

The following persons spoke regarding Resolution PC 20-45: Rebecca Rein, Sam Hanson, Noelle Crowley-Bell, Kerby Coman,

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

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

Mr. Strawn responded to questions and statements from members of 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 Chesbro moved to approve Resolution PC 20-45. The motion was seconded.

Discussion ensued

MOTION: Commissioner Glashan moved a primary amendment to place a period after operation and eliminate “and adds standards that address on-site consumption of marijuana associated with marijuana retail facility, and add another paragraph of BE IT FURTHER RESOLVED after that. The amendment would read as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of the portion of Ordinance Serial No. 20-071 that establishes uniform hours of operation.

BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends the prohibition of on-site consumption.

The motion was seconded.

VOTE: The primary amendment passes.
Yes: (4) Commissioner Anderson, Commissioner Glashan, Commissioner Chesbro, Commissioner Vague;
No: (3) Commissioner Mossannen, Commissioner Elder, Commissioner Ortiz

VOTE: The main motion passed as amended.
Yes: (4) Commissioner Anderson, Commissioner Glashan, Commissioner Chesbro, Commissioner Vague;
No: (3) Commissioner Mossannen, Commissioner Elder, Commissioner Ortiz

XI. CORRESPONDENCE AND INFORMATION

(There was no correspondence and information.)

XII. UNFINISHED BUSINESS

- A. **Resolution PC 20-46**, a Resolution of the Matanuska-Susitna Borough Planning Commission adopting findings of fact and conclusions of law supporting the denial of PC Resolution 20-41 a conditional use permit request in accordance with MSB 17.70 – Regulation of Alcoholic Beverage Uses; has been submitted by Ashlee Stetson, on behalf of The Office, for the operation of a beverage dispensary (bar) located at 1987 E. Bogard Road (Tax ID #9057000L002); within Township 17 North, Range 1 West, Section 2, Seward Meridian (*Applicant: Ashlee Stetson, on behalf of The Office; Staff: Joe Metzger*).

Chair Vague read the resolution title into the record.

Commissioner Glashan was not at the November 16, 2020 meeting so will not be voting on this matter.

MOTION: Commissioner Anderson moved to approve Resolution PC 20-46. The motion was seconded.

Discussion ensued

VOTE: The main motion was split.
Yes: (3) Commissioner Vague, Commissioner Chesbro, Commissioner Anderson
No: (3) Commissioner Ortiz, Commissioner Elder, Commissioner Mossanen

Discussion ensued on how to proceed. Planning Commission needs to adopt Findings of Fact and Conclusions of Law. Commissioner Vague asked the Commissioners if there are any verbiage changes to make this resolution pass.

Commissioner Mossanen reconsidered his vote. (Change his no vote to a yes vote to move the issue forward. Asked for a re-vote.)

RE-VOTE: The main motion passed without objection.
Yes: (6) Commissioner Elder, Commissioner Chesbro, Commissioner Anderson, Commissioner Mossanen, Commissioner Ortiz, Commissioner Vague

XIII. NEW BUSINESS - (*There was no new business.*)

XIV. COMMISSION BUSINESS

- B. Upcoming Planning Commission Agenda Items (*Staff: Mark Whisenhunt*)

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

- Planning Commission meeting calendar will be coming up next meeting for 2021.
- Update on BOAA and Superior Court Decisions – please do not speak about these cases
- Communication to Community Councils

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

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Ortiz: Thank you; may not be at the next meeting (12/21).

Commissioner Mossanen: Fascinating meeting. I enjoy the meetings when they are challenging, and this one was. Thank you to the staff for all the good work. We will be faced with the on-site cannabis issue again in the future. I hope it will be on my watch.

Commissioner Chesbro: Thank you to the staff, and I do know you are overworked.

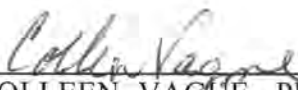
Commissioner Elder: I did wear a mask and put it on every time someone walked by I put it on. I am 15 feet away from anyone in my fishbowl; I think I am pretty safe. I apologize to Mr. Haberman if you feel I have endangered you. I will be more diligent.

Commissioner Anderson: Thank you to the staff and thank you to Mr. Whisenhunt for hearing my concerns about the community councils. We will probably see the on-site consumption again, but I would rather it be asked of us by the Assembly. I would like their feeling on it. We take baby steps – by doing that, we have been able to craft some really good regulations.

Commissioner Vague: Staff does an amazing job. I appreciate all the work always even when we vote down things. I want to applaud the other commission members because I do believe that we try to put the best interest forward for our communities. We manage to work through these things with very different ideas, all for the best of our communities.

XVI. ADJOURNMENT

The regular meeting adjourned at 10:40 pm.



COLLEEN VAGUE, Planning Commission
Chair

ATTEST:



KAROL RIESE, Planning Commission Clerk

Minutes approved: 12/21/2020