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MATANUSKA-SUSITNA BOROUGH
HISTORICAL PRESERVATION COMMISSION

REGULAR MEETING MINUTES
January 16, 2020

I. **CALL TO ORDER - ROLL CALL – QUORUM ESTABLISHED.**

The regular meeting of the Matanuska-Susitna Borough Historical Preservation Commission was called to order at 6:09 on Thursday, January 16, 2020, in the Matanuska-Susitna Borough Room 119, 350 E. Dahlia Avenue, Palmer, Alaska.

Historical Preservation Commissioners present and establishing a quorum:

Deborah Burlinski

Andrew Schweisthal

Eileen Haines

Jake Anders

Kevin Toothaker

Fran Seager-Boss

Staff and Agency Representatives in attendance:

Adam Bradway, Staff

II. **APPROVAL OF AGENDA**

MOTION: Eileen Haines moved to approve the agenda. Jake Anders seconded.

DISCUSSION: None.

VOTE: Motion passed unanimously.

III. **PLEDGE OF ALLEGIANCE**

IV. **APPROVAL OF MINUTES**

MOTION: Eileen Haines moved to approve the minutes. Andrew Schweisthal seconded.

DISCUSSION: None.

VOTE: Motion passed unanimously.

V. **AUDIENCE INTRODUCTIONS & PARTICIPATION**

Talon Boeve: In attendance to observe.

VI. **HISTORICAL SOCIETY/MUSEUM UPDATES**

VII. **REPORTS:STAFF/CORRESPONDENCE**

Adam Bradway: Gave a report on staff work and correspondence since the December HPC meeting.

VIII. **ITEMS OF BUSSINESS**

a) Old Business

1. 2020 Chair and Vice-Chair elections

MOTION: Eileen Haines moved to nominate Jake Anders as Chair. Deborah Burlinski seconded.

DISCUSSION: Discussion related to Jake's work as Vice Chair in the past year.

VOTE: Motion passed unanimously.

MOTION: Eileen Haines moved to nominate Deborah Burlinski as Vice Chair.

DISCUSSION: Discussion related to the duties of the Vice Chair. Deborah Burlinski stated that she would prefer not to serve in this position, as she has held commission positions in the past and would like to allow others an opportunity.

VOTE: Motion failed without a second.

MOTION: Deborah Burlinski moved to nominate Andrew Schweisthal as Vice Chair. Eileen Haines seconded.

DISCUSSION: None.

VOTE: Motion passed unanimously.

b) New Business

1. Rebarchek Grant, Resolution of Support

MOTION: Eileen Haines moved to approve *A Resolution of The Matanuska-Susitna Borough Historical Preservation Commission recommending endorsement of The Alaska State Fair's Request for a grant from The Cynthia Woods Mitchell Fund to help finance the interior restoration of the Rebarchek Farmhouse.* Andrew Schweisthal seconded.

DISCUSSION: Fran Seager-Boss explained the project and its importance to the historic preservation goals of the HPC. Discussion related to the funding source and project details ensued.

VOTE: Motion passed unanimously.

2. CLG Grant Opportunities 2020

IX. COMMISSION MEMBER COMMENTS

X. ADJOURNMENT

MOTION: Eileen Haines moved to adjourn the meeting at 7:24 P.M. Deborah Burlinski seconded.

DISCUSSION: None.

VOTE: None opposed. Motion passed.



Fran Seager-Boss, Chair

7/24/2020.

DATED



Adam Bradway, Planner II – Staff

7/27/2020

DATED

MATANUSKA-SUSITNA BOROUGH
HISTORICAL PRESERVATION COMMISSION

SPECIAL MEETING MINUTES
April 9, 2020

I. **CALL TO ORDER - ROLL CALL – QUORUM ESTABLISHED.**

The regular meeting of the Matanuska-Susitna Borough Historical Preservation Commission was called to order at 4:03 on Thursday, April 9, 2020, by teleconference(1-907-861-7888).

Historical Preservation Commissioners present and establishing a quorum:

Deborah Burlinski

Andrew Schweisthal

Jake Anders

Kevin Toothaker

Fran Seager-Boss

Staff and Agency Representatives in attendance:

Adam Bradway, Staff

II. **APPROVAL OF AGENDA**

MOTION: Deborah Burlinski moved to approve the agenda. Fran Seager-Boss seconded.

DISCUSSION: None.

VOTE: Motion passed unanimously.

III. **AUDIENCE INTRODUCTIONS & PARTICIPATION**

IV. **HISTORICAL SOCIETY/MUSEUM UPDATES**

V. **REPORTS:STAFF/CORRESPONDENCE**

Adam Bradway: Gave a report on the Historic Preservation Plan Update process and an update on related progress.

VI. **ITEMS OF BUSSINESS**

a) New Business

1. Organization of sub-committee to attend stakeholder meetings regarding the Historic Preservation Plan

MOTION: Deborah Burlinski moved to create a sub-committee of the Historical Preservation Commission to participate in Historic Preservation Plan meetings and report back to the Commission. The sub-committee shall include Jake Anders, Kevin Toothaker, and Fran Seager-Boss, with Deborah Burlinski and Andrew Schweisthal as alternates in the event one of the sub-committee members cannot attend a meeting. Fran Seager-Boss seconded.

VOTE: Motion passed unanimously.

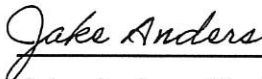
VII. COMMISSION MEMBER COMMENTS

VIII. ADJOURNMENT

MOTION: Fran Seager-Boss moved to adjourn the meeting at 4:21 P.M. Andrew Schweisthal seconded.

DISCUSSION: None.

VOTE: None opposed. Motion passed.



Jake Anders, Chair

7/9/2020

DATED



Adam Bradway, Planner II – Staff

7/9/2020

DATED

MATANUSKA-SUSITNA BOROUGH
HISTORICAL PRESERVATION COMMISSION

REGULAR MEETING MINUTES
July 9, 2020

I. **CALL TO ORDER - ROLL CALL – QUORUM ESTABLISHED.**

The regular meeting of the Matanuska-Susitna Borough Historical Preservation Commission was called to order at 6:07 on Thursday, July 9, 2020, in the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska, and also by teleconference (1-907-290-7880).

Historical Preservation Commissioners present and establishing a quorum:

Deborah Burlinski

Andrew Schweisthal

Jake Anders

Kevin Toothaker

Fran Seager-Boss

Staff and Agency Representatives in attendance:

Adam Bradway, Staff

Eileen Probasco, Staff

Kim Sollien, Staff

Alex Strawn, Staff

II. **APPROVAL OF AGENDA**

MOTION: Andrew Schweisthal moved to approve the agenda. Fran Seager-Boss seconded.

DISCUSSION: None.

VOTE: Motion passed unanimously.

III. **APPROVAL OF MINUTES**

MOTION: Jake Anders moved to approve the minutes. Andrew Schweisthal seconded.

DISCUSSION: None.

VOTE: Motion passed unanimously.

IV. **AUDIENCE INTRODUCTIONS & PARTICIPATION**

V. **HISTORICAL SOCIETY/MUSEUM UPDATES**

VI. **REPORTS:STAFF/CORRESPONDENCE**

Adam Bradway: Gave a report on the Historic Preservation Plan Update, Machetanz Elementary project, and MSB staff vacancy.

VII. **ITEMS OF BUSSINESS**

a) New Business

i Wasilla Train Depot Relocation – National Register

MOTION: Fran Seager-Boss moved to support the relocation of the Wasilla Train Depot and its retention of National Register status, but recommend that the proposed pavilion structure be redesigned so that it does not overshadow the historic Depot in size or design. Deborah Burlinski seconded.

DISCUSSION: Discussion related to potential adverse effects of the proposed pavilion structure and whether it is the role of the HPC to make recommendations on design at this time.

VOTE: Motion failed with Jake Anders opposed.

i Wasilla Train Depot Relocation – National Register

MOTION: Jake Anders moved to postpone this agenda item and revisit later in the meeting, to hear the remainder of the agenda items. Andrew Schweisthal seconded.

DISCUSSION: None.

VOTE: Motion passed unanimously.

i Wasilla Train Depot Relocation – National Register

MOTION: Jake Anders moved to take back up the discussion related to the Wasilla Train Depot. Andrew Schweisthal seconded.

DISCUSSION: None.

VOTE: Motion passed unanimously.

i Wasilla Train Depot Relocation – National Register

MOTION: Deborah Burlinski moved to table the discussion related to the Wasilla Train Depot Relocation, to allow for clarification of the required timeline for review, and to be revisited at the next meeting. Fran Seager-Boss seconded.

DISCUSSION: Discussion related to needing more clarification, and not having enough time to finish discussion on this agenda item.

VOTE: Motion passed unanimously.

b OLD BUSINESS

i 4.46 HPC Code Revision

MOTION: Jake Anders moved to postpone the discussion of 4.46 HPC Code Revision to the next available meeting agenda. Andrew Schweisthal seconded.

DISCUSSION: None.

VOTE: Motion passed unanimously.

VIII. COMMISSION MEMBER COMMENTS

IX. ADJOURNMENT

MOTION: Jake Anders moved to adjourn the meeting at 7:59 P.M. Deborah Burlinski seconded.

DISCUSSION: None.

VOTE: None opposed. Motion passed.



Jake Anders, Chair

7/23/2020

DATED



Adam Bradway, Planner II – Staff

7/24/2020

DATED

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**MATANUSKA-SUSITNA BOROUGH
HISTORICAL PRESERVATION COMMISSION
RESOLUTION SERIAL NO. 20-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH HISTORICAL PRESERVATION COMMISSION SUPPORTING THE RELOCATION OF THE WASILLA DEPOT, A PROPERTY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.

WHEREAS, the Matanuska-Susitna Borough Historical Preservation Commission is to recommend historical preservation and restoration programs and site improvements to be supported by the Borough; and

WHEREAS, the Wasilla Depot, a property listed in 1977 on the National Register of Historic Places, located within the Matanuska-Susitna Borough, is scheduled to move to a new location and the owner, the City of Wasilla, wishes it to remain on the National Register; and

WHEREAS, the Borough, as a Certified Local Government, is to review and make comments on whether the new location reestablishes the property's historic orientation, immediate setting and general environment; and

WHEREAS, the Commission finds that the new location reestablishes the property's historic orientation, immediate setting and general environment.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Historical Preservation Commission supports the relocation of the Wasilla Depot, and recommends that it remain listed on the National Register of Historic Places.

ADOPTED by the Matanuska-Susitna Borough Historical Preservation Commission this 23rd day of July, 2020.



Jake Anders, Chair

ATTEST:



Adam Bradway, Planner II

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**MATANUSKA-SUSITNA BOROUGH
HISTORICAL PRESERVATION COMMISSION
RESOLUTION SERIAL NO. 20-03**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH HISTORICAL PRESERVATION COMMISSION MAKING RECOMMENDATIONS ON THE PROPOSED DESIGN OF THE WASILLA TRAIN DEPOT INTERMODAL FACILITY.

WHEREAS, the Matanuska-Susitna Borough Historical Preservation Commission is to recommend historical preservation and restoration programs and site improvements to be supported by the Borough; and

WHEREAS, the Wasilla Depot, a property listed in 1977 on the National Register of Historic Places, located within the Matanuska-Susitna Borough, is scheduled to move to a new location and the owner, the City of Wasilla, wishes it to remain on the National Register; and

WHEREAS, Commission resolution 20-02 supports the move, and recommends that the Depot remain listed on the National Register; and

WHEREAS, the National Register relocation packet, provided to the Commission, included conceptual drawings for a Wasilla Intermodal Facility, located in close proximity to the new Depot site; and

WHEREAS, the Commission is concerned that the proposed design of the Intermodal Facility, could adversely affect the Depot's, immediate setting, general environment, and ultimately National

Register status; and

WHEREAS, the Commission acknowledges that the proposed Intermodal Facility design is subject to change.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Historical Preservation Commission recommends that the Wasilla Intermodal Facility be designed in a manner that does not adversely affect the National Register Status of the Wasilla Depot.

ADOPTED by the Matanuska-Susitna Borough Historical Preservation Commission this 23rd day of July, 2020.



Jake Anders, Chair

ATTEST:



Adam Bradway, Planner II

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on July 6, 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 – remotely
Mr. Sassan Mossanen, Assembly District #7

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Planning Commission members absent and excused were:

Staff in attendance:

Ms. Eileen Probasco, Planning Department Manager
Ms. Kim Sollien, Planning Services Manager
Ms. Shannon Bodolay, Assistant Borough Attorney
Mr. Mark Whisenhunt, Planner II
Mr. Joseph Metzger, Planner II
Mr. Emerson Krueger, Land Management Specialist
Ms. Karol Riese, 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. Need public hearing dates on introduction cases.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Shapiro.

IV. CONSENT AGENDA

A. Minutes

1. June 8, 2020, regular meeting minutes
2. June 15, 2020, 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

1. **Resolution PC 20-23**, a Resolution recommending Assembly approval of an ordinance amending MSB 15.24.030(C), The Matanuska-Susitna Borough Lake Management Plan, adopting MSB 17.59.063 Adoption and Amendment of Regulations on Lakes; and MSB 17.59.065 Regulations on Lakes; and repealing MSB 15.24.031 Initiating and Amending Lake Management Plans, MSB 17.58 Motorized Uses on Lakes and Waterways, and MSB 17.59.060 Limitation of Uses in their entirety Public Hearing: July 20, 2020 (*Staff: Eileen Probasco*).
2. **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. Public Hearing: July 20, 2020 (*Staff: Fred Wagner, Jamie Taylor, and Eileen Probasco*).
3. **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. Public Hearing: July 20, 2020 (*Staff: Alex Strawn and Jamie Taylor*).

Chair Vague read the consent agenda into the record.

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

1. Move Introduction for Public Hearing: Legislative Matters C (1) Resolution 20-23.
2. June 15, 2020 Minutes Commissioner Ortiz was present.

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 Lake Mangement Plan:

Patty Fischer, Esther Huddleston, Rick Taylor, Dan Hull, Travis Welton, Robert Yundt, Joel Fuller, Jason Solsvig, James Mulhaney, Michelle LaRose, and Tabith Nardini.

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

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS *(Public Hearings not to begin before 6:15 pm)*

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 20-18**, a request under MSB 17.65 Variances, for a variance from the 75-foot shoreline setback requirement under MSB 17.55, located at 5782 S. Big Lake Road (Tax ID# 6142000L006); within 17 North, Range 3 West, Section 29, Seward Meridian (*Applicant: Dennelle Seetomona on behalf of Janice Ellsworth, Staff: Joe Metzger*).

Chair Vague read the resolution titles into the record.

Chair Vague:

- read the memorandum regarding potential quasi-judicial or ex-parte actions into the record.

Mr. Metzger provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- Was there a mandatory Land Use Permit applied for?
- What plans were reviewed
- Requirements in 1991 – same setback requirements
- Lot to left owned by applicant; existing exemption for that structure
- When did the applicant become aware they needed a variance; structure was completed at that point
- Does the applicant have experience with construction
- Code requirements when obtained property

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

Ms. Dennelle Seetomona provided a statement regarding the allowable building area,

Commissioners questioned the applicant regarding:

- Experience with building
- Building on property to west

Chair Vague opened the public hearing.

(none)

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

MOTION: Commissioner Elder moved to approve Resolution PC 20-18. The motion was seconded.

Commissioner Elder:

Small lot, existing cabin, built after they knew they were in violation of setback and decided to go forward with it anyway. Therefore, I think that special condition that requires a variance are not caused by the person seeking the variance is what I am going to hang my hat on and I'm not going for this.

Commissioner Mossanen:

- You need to meet all the conditions.

Commissioner Anderson:

- I agree with Commissioner Elder. They purchased the property in 1991, there was a cabin on it and they used it until it became unusable; regardless, even the builder should have known that there was a 75 foot setback and should have advised them of that; just going ahead a building something and asking forgiveness doesn't guarantee it because one of the things it says is that it is illegal to get a variance if there are conditions that were caused by the person seeking the variance and the whole act of this building the house kindof made the purpose of needing to have the variance. I'm just not comfortable moving forward with this.

Commissioner Glashan:

- I agree with my fellow commissioners. I agree that the lot is small; but those easements were there when they purchased the lot – there are lots that are unbuildable. It would have been helpful to hear from the applicant and that the applicant didn't own the adjacent property that has similar conditions. I totally agree with the other commissioners and their comments.

Commissioner Vague:

- There is a buildable spot on that lot – it wouldn't be a very big one. I have a hard time, these are really hard decisions to make, they had the ability to build a house. I get the neighbors comments – there's a junk cabin, and it is lowering your house value but what the neighbors have built, the sizes of houses, none of that is relevant to the Borough restrictions and the setbacks that are there for a reason. You build what you can build on a lot that you have purchased. I am in agreement as well. I would have a really hard time moving forward with this variance for those reasons.

VOTE: The main motion failed by a vote of 0-7.

- B. **Resolution PC 20-19**, a Conditional Use Permit in accordance with MSB 17.60 – Conditional Uses, for the operation of a marijuana cultivation facility, located at 2439 S. Ridgecrest Road (Tax ID# 17N02W20B005); within Township 17 North, Range 2 East, Section 20, Seward Meridian (*Applicant: Heather Allen, on behalf of Bristol Bay Bud Company, Staff: Joe Metzger*).

Chair Vague read the resolution title into the record.

Chair Vague:

- read the memorandum regarding potential quasi-judicial or ex-parte actions into the record.

Mr. Metzger provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:

- Could you refresh my memory for the setbacks on the side lot lines.
- You mentioned this is a residential use property.

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

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

Commissioners questioned the applicant regarding:

- How much commercial traffic do you expect to and from the facility?
- Page 346 of the packet, there is something called an as-built that is not stamped by a surveyor, who actually did this?
- Can you give a further explanation with the driveway; it looks as though you have permission from the neighbor to use their driveway.
- Could you elaborate more on what you meant as far as zero traffic?

Chair Vague opened the public hearing.

The following persons spoke in opposition of Resolution PC 20-19:

- Sam Hanson regarding odor and lack of support from AMCO.
- Travis Welton regarding odor, traffic, notices to be posted on property, and SOA policies.
- William Schulz regarding building of home around the facility, odor, and commercial business in a residential area.
- Sherry Schulz regarding residential area and subdivision, cap on marijuana growth, odor, and traffic.
- Dave Glenn regarding commercial operation in a residential area doesn't fit.
- James White regarding traffic and odor.
- Walter Jackson regarding 600 feet notification limit – everyone should be notified, and property values.

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

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

Mr. Metzger responded to questions and statements from members of 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.

Mr. Allen 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 Chesbro moved to approve Resolution PC 20-19. The motion was seconded.

Discussion ensued regarding:

Commissioner Chesbro:

- Appears the application is complete and meets all requirements of MSB Code.

Commissioner Mossanen:

- As Planning Commissioners we find ourselves in a difficult situation when there are regulations and laws in place. These are not for us to interpret and as long as the application meets the legal requirements that exist in law. We have to follow MSB Code

Commissioner Ortiz:

- I echo the same thing. I would encourage the public if there is a problem with the process, I would contact your representative and follow that process to do it. I do empathize over all those things, but you have to look at it from an appellate point of view; if something were to happen on the legal side, the Commission has its hands tied on certain things.
- Remember, in the borough; there is no zoning – there is no such thing as residential designated or commercial designated zoned lands. We regulate land use by conditional use permit, and as long as the applicant has met all of those, we are bound to approve it. We do not have zoning – we are stuck with what we have until we come up with something better.

VOTE: The main motion passed without objection.

- C. **Resolution PC 20-20**, a Conditional Use Permit in accordance with MSB 17.60 – Conditional Uses, for the operation of a marijuana cultivation facility, located at 47265 S. Brookestar's Circle; (Tax ID# 22N04W01A004); within Township 22 North, Range 4 West, Section 01, Seward Meridian (*Applicant: Kenneth Champ, of Arctic Hydroponics, LLC, Staff: Mark Whisenhunt*).

Chair Vague read the resolution title into the record.

Chair Vague:

- read the memorandum regarding potential quasi-judicial or ex-parte actions into the record.

Mr. Whisenhunt provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:
(none)

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

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

Commissioners questioned the applicant regarding:

- generator and air irrigation system in greenhouses

Chair Vague opened the public hearing.

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

The following person spoke regarding concerns of the borough reputation, and applications will keep coming: Terry Welton

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

Mr. Whisenhunt stated that the wrong date for emailing to Susitna Community Council in the staff report; it should be May 26, 2020.

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

Mr. Champ 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 20-20. The motion was seconded.

Discussion ensued regarding:

Commissioner Mossanen:

- As a representative for District 7, where this license is being applied for, the people in District 7 voted on three separate occasions on cannabis. The last time this was voted on, it passed by a 64% majority. The people in District 7 spoke pretty clearly on what privileges they want themselves and their neighbors to have.

VOTE: The main motion passed without objection.

Recess – reconvene at 8:40 pm

- D. **Resolution PC 20-21**, a Conditional Use Permit in accordance with MSB 17.30— Conditional Use Permit (CUP) for Earth Materials Extraction Activities, for the extraction of approximately 407,300 cubic yards of earth material from a 19-acre site within two

parcels totaling 160 acres, located within Township 17 North, Range 1 East, Sections 1&2, Tax Parcels D21 & D5 (Tax ID# 17N01E02D021 & 17N01E01D005); Seward Meridian (*Applicant: MSB Land Management Division, Staff: Mark Whisenhunt*).

Chair Vague read the resolution titles into the record.

Chair Vague:

- read the memorandum regarding potential quasi-judicial or ex-parte actions into the record.

Mr. Whisenhunt provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding:
(none)

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

Mr. Butch Shapiro, MSB Central Landfill Manager, applicant, provided an overview of their application and would answer questions.

Commissioners questioned the applicant regarding:

- Commissioner Anderson: The contractor you had dropped out, and you are trying to find a new contractor?
- Commissioner Glashan: I like end dates on these types of permits; would five (5) years be okay, or would ten (10) years be better?
- Mr. Whisenhunt asked the Commission to make a correction on page 572 of the packet; the hours of operation should start at 8:00 am (the 11th condition of Resolution 20-21).

Chair Vague opened the public hearing.

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. Whisenhunt 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 Anderson moved to approve Resolution PC 20-21. The motion was seconded.

Discussion ensued regarding:

Commissioner Anderson:

- This is an ongoing process that we have discussed a couple of different times at the Planning Commission, and people have come in and testified numerous times about the gravel extraction. I am pretty comfortable with them moving forward; it is just part of a bigger plan moving cells or opening and closing other cells, and we can't do that with gravel in the way. I feel this is helping us to continue the process that we have already discussed before.
- Time:

Commissioner Mossanen:

- I echo Commissioner Anderson's statements, and if we can't keep it out of there, then we have to deal with it seems like the way to do it.

MOTION: Commissioner Anderson moved a primary amendment that all extraction activity associated with the permit shall be completed no later than December 31, 2030, and correct hours of operation to begin at 8:00 am. The motion was seconded.

Commissioner Anderson:

- I believe giving an end out, lets the public know this is not going on forever; just makes it clearer.

Commissioner Chesbro:

- I echo Commissioner Anderson's comment.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

(There were no legislative public hearings.)

XI. CORRESPONDENCE AND INFORMATION

(There was no correspondence and information.)

XII. UNFINISHED BUSINESS

- A. **Resolution PC 20-15**, recommending Assembly approval of an ordinance amending the Definition of Encroachment in MSB 11.10.010(A)(1) and amending MSB 17.23.150 Port Development Permit Required (*Staff: Alex Strawn and Emerson Krueger*).

Chair Vague read the resolution titles into the record.

Mr. Krueger provided an update of what happened with the Port Commission:

Commissioners questioned staff regarding:

(none)

Chair Vague opened the public hearing.

The following person spoke regarding concerns with the 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 Chesbro moved to approve Resolution PC 20-15. The motion was seconded.

Discussion ensued:

Commissioner Chesbro:

- I appreciate that we heard from the Port Commission.

Commissioner Mossanen:

- We had a specific request that was addressed.

VOTE: The main motion passed as amended without objection.

XIII. NEW BUSINESS

(There was no new business.)

XIV. COMMISSION BUSINESS

A. Adjudicatory

- a. **Resolution PC 20-23**, a Resolution recommending Assembly approval of an ordinance amending MSB 15.24.030(C), The Matanuska-Susitna Borough Lake Management Plan, adopting MSB 17.59.063 Adoption and Amendment of Regulations on Lakes; and MSB 17.59.065 Regulations on Lakes; and repealing MSB 15.24.031 Initiating and Amending Lake Management Plans, MSB 17.58 Motorized Uses on Lakes and Waterways, and MSB 17.59.060 Limitation of Uses in their entirety *(Staff: Eileen Probasco)*.

Commissioner Chesbro:

- I think that the public has the opportunity to balance the demands with the lake ecosystem. I think that it is important to have a process that works well; I don't think that is the only thing the borough should think about. As I listened to testimony tonight, I don't think the document states not clearly describe what I thought was the intent to the changes to the lake management system. I believe we should not deal with it at the next meeting, but we should maybe reconceptualize the way this is written, so it makes more sense. Even as I was reading it, and I have the background of listening to some of the things we have talked about in the past, I was confused, and so I think that again as I heard the testimony this evening, it needs another look to make clearer about what the intent of this is.

Commissioner Glashan:

- It is not a prescriptive ordinance; based on the size of the lake, there can still be various requirements based on the people that live around the lake, it just makes the overall process more streamline. I think it is more people not understanding it then opposed to it.

Discussion ensued regarding more clarification of what would happen if denied, the pleasure of the Commission, and public comment. Need time to repackage this and to educate the public about the proposed changes; open houses; there are different scenarios when the shoreline is privately owned.

MOTION: Commissioner Chesbro moved to postpone PC Resolution 20-23 a Resolution recommending Assembly approval of an ordinance amending MSB 15.24.030(C), The Matanuska-Susitna Borough Lake Management Plan, adopting MSB 17.59.063 Adoption and Amendment of Regulations on Lakes; and MSB 17.59.065 Regulations on Lakes; and repealing MSB 15.24.031 Initiating and Amending Lake Management Plans, MSB 17.58 Motorized Uses on Lakes and Waterways, and MSB 17.59.060 Limitation of Uses in their entirety to January 2021. The motion was seconded.

Discussion ensued regarding:

Commissioner Chesbro:

- I believe we need time to get information out and have meetings.

Commissioner Anderson:

- That makes the most sense. Each lake and neighborhood is different.

Commissioner Vague:

- Stay in contact with your planning members.

VOTE: The main motion passed without objection.

- Resolution PC 20-29, (Denial of PC 20-18)**, 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.

Chair Vague read the resolution title into the record.

Mr. Strawn provided the Commission with an overview of the process.

Discussion ensued regarding the pleasure of the Commission – if they wanted to complete tonight or compile and email findings of fact and conclusions of law to Clerk for a clean Resolution.

If the Commission makes a decision contrary to what is presented to them, it is the job of the Commission to come up with the findings to support their action.

- A definitive moment with the findings of fact that they did not meet all the requirements of an acceptable variance and specifically the situation arose from their own making.
- Section 17.65.030 Cases where the variance is illegal contains three instances in which a variance may NOT be granted which are:
 - (1) special conditions that require the variance are caused by the person seeking the variance;
 - (2) the variance will permit a land use in a district in which that use is prohibited;
 - (3) the variance is sought solely to relieve pecuniary hardship or inconvenience.
- Provide all communications to the Clerk.
- Commission agreed to postpone findings until the July 20, 2020 meeting.

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. Bodolay: Reminder that the public testimony platform is largely developed to allow people to testify. Caution to opening the door regarding dialogue about questions when we have a packed room.
- Ms. Probasco: I have one planning commission meeting left, maybe an assembly meeting or two. I was hoping to get this Lake MP through, but that is okay. I am hoping you folks are receptive to the construction manual that will be coming through your next meeting.
- Ms. Sollien: First meeting at the dais. I will be in Eileen's seat at the next meeting. I will work hard to support you.
- Commissioner Elder: Welcome, Kim. Looking forward to the next couple of months.
- Commissioner Anderson: Thanked the public for coming out and for their testimony and comments. Talked about the conditional use process; change comes at the Assembly level; and encouraged everybody to continue to be active.
- Commissioner Vague: Tonight was interesting. Talked about community members getting involved before it is in their back yard; Commission being held to what the codes are and that the quasi-judicial matters could end up in court; and change is made at the Assembly level. Thank you to staff.

XVI. ADJOURNMENT

The regular meeting adjourned at 9:55 pm.



COLLEEN VAGUE, Planning Commission
Chair

ATTEST:



KAROL RIESE, Planning Commission Clerk

Minutes approved: 8/3/2020

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

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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

By: Emerson Krueger
Introduced: May 18, 2020
Public Hearing: July 6, 2020
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 20-15**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ASSEMBLY ADOPTION OF AN ORDINANCE AMENDING THE DEFINITION OF ENCROACHMENT IN MSB 11.10.010(A) (1) AND AMENDING 17.23.150 PORT DEVELOPMENT PERMIT REQUIRED AND A RESOLUTION AMENDING PART 50, PERMITTING, OF THE LAND AND RESOURCE MANAGEMENT DIVISION POLICY AND PROCEDURES MANUAL.

WHEREAS, the Community Development Land and Resource Management Division was created to manage the use and development of Borough-owned land; and

WHEREAS, the Planning and Land Use Development Services Division has been issuing encroachment permits for development on Borough-owned land in accordance with the definition of "encroachment" in MSB 11.10.010(A); and

WHEREAS, through amendment of MSB 11.10.010 (A), limiting the number of departments responsible for permitting development and use of Borough land will simplify the permitting process, streamline government, and improve oversight; and

WHEREAS, there is a duplication of permit requirements within the special use Port district wherein both a Port Development Permit and a Temporary Land Use Permit are required under MSB 17.23.150(A) and MSB 23.10.100 respectively; and

WHEREAS, exempting the use and development of Borough-owned land from the Port Development Permit requirement will simplify the permitting process, streamline government, and reduce the cost of development in the Port District; and

WHEREAS, the application process for a Temporary Land Use Permit for Borough-owned land will be updated to include the Port Development Permit review requirements when an application is submitted for use or development of Borough-owned land within the Port District.

NOW, THEREFORE BE IT RESOLVED, that the Matanuska-Susitna Planning Commission hereby recommend Assembly adoption of the ordinance amending MSB 11 and 17 to remove the duplicative permitting requirements.

BE IT FURTHER RESOLVED, that the Planning Commission does hereby recommend Assembly adoption of the resolution amending the Land and Resources Management Policy and Procedures Manual, Part 50: Permits as presented.

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ADOPTED by the Matanuska-Susitna Borough Planning
Commission this 6th day of July, 2020.


COLLEEN VAGUE, Chair

ATTEST


KAROL RIESE, Clerk

(SEAL)

YES: 7

NO: 0

By: Eileen Probasco
Introduced: July 6, 2020
Public Hearing: July 20, 2020
Action: Approved

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**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 20-24**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
SUPPORTING AN ORDINANCE AMENDING MSB 43.05.015(B) (3) TO ADOPT THE
2020 SUBDIVISION CONSTRUCTION MANUAL.

WHEREAS, the Assembly adopted Resolution 17-003 requesting an
update of the 1991 subdivision construction manual; and

WHEREAS, the MSB planning department, capital projects
department and public works department worked together and created
a "first revision" public review draft document and distributed it
for public review and comment; and

WHEREAS, as a result of the first revision draft, an informal
working group was formed, consisting of subject matter experts
including MSB staff, RSA and TAB representatives, utilities,
engineers, surveyors, road builders and developers; and

WHEREAS, the working group met 26 times between July 2018 and
January 2020 and created a second revision draft document, for
further review and submittal to the appropriate boards; and

WHEREAS, the working group adopted their resolution 20-01
recommending approval of the 2020 Subdivision Construction Manual,
an ordinance creating MSB 11.12 Driveway Standards, and that the

Assembly consider a variety of other actions concerning land use, subdivisions, transportation issues and road funding at a future date; and

WHEREAS, the MSB Platting Board adopted their Resolution 2020-004 on February 20, 2020; and

WHEREAS, the MSB Transportation Advisory Board adopted their Resolution 20-03 on June 19, 2020; and

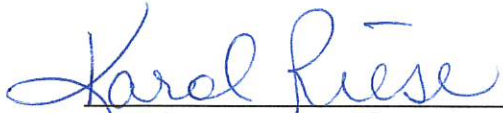
WHEREAS, the MSB Local Road Service Area Advisory Board adopted their Resolution 20-01 on June 18, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends adoption of an ordinance amending MSB 43.05.015(B)(3) to adopt the 2020 Subdivision Construction Manual.

BE IT FURTHER RESOLVED, that the commission supports the additional recommendations of the subdivision construction manual working group as outlined in their resolution.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 20th day of July, 2020.

ATTEST




KAROL RIESE, Planning Clerk



~~COLLEEN VAGUE, Chair~~

Mary P. Anderson, Acting Chair

(SEAL)

YES: 

NO: 

JUL 27 2020

CLERKS OFFICE

By: Alex Strawn
Introduced: July 6, 2020
Public Hearing: July 20, 2020
Action: APPROVED

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 20-25

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ASSEMBLY APPROVAL 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.

WHEREAS, The Borough originally adopted the requirement for driveway permitting in 1984 with adoption of MSB 11.10; and

WHEREAS, MSB 11.10 gives authority to the Public Works Director to set standards for driveways; and

WHEREAS, basic driveway standards were adopted within the 1991 Subdivision Construction Manual and additional guidelines were developed by the Public Works Director around 2003; and

WHEREAS, in April of 2016 the Mat-Su Borough Assembly signed Resolution 17-003 supporting the rewrite of the 1991 Subdivision Construction Manual (SCM); and

WHEREAS, a group of subject matter experts was formed to review the document, consisting of local Land Surveyors, Civil Engineers, Developers, Homebuilders, Board Members and borough staff; and

WHEREAS, their review meetings began in June of 2018. They met 27 times over the next 18 months, and finalized the 2020 Subdivision Construction Manual; and

WHEREAS, one of the major recommendations of the group was to remove driveway standards from the Subdivision Construction Manual and to create a new MSB Chapter of code specific to driveway standards; and

WHEREAS, the draft ordinance was reviewed and approved by the SCM working group, posted on the project web page and advertised on the Planning Department and MSB Facebook pages; and

WHEREAS, the proposed ordinance creates a clear permitting process and comprehensive standards for residential and commercial access onto Borough rights-of-way; and

WHEREAS, the proposed ordinance creates standards which protect the safety and movement of the traveling public, minimize the cost of road maintenance, ensure proper drainage, and protect Borough infrastructure; and

WHEREAS, the Planning Commission held a public hearing on the ordinance on July 20, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby approves Resolution 20-25, recommending adoption of Ordinance Serial No. 20-16.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 20th day of July, 2020.

ATTEST



KAROL RIESE, Planning Clerk

(SEAL)



~~COLLEEN VAGUE, Chair~~

Mary P. Anderson, Acting Chair

YES: 6

NO: 0

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AUG 04 2020

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By: Mark Whisenhunt
Introduced: July 20, 2020
Public Hearing: August 3, 2020
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 20-26**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A COMMERCIAL STORAGE FACILITY GREATER THAN 6,000 SQUARE FEET IN SIZE AT 26731 S. TALKEETNA SPUR (TAX ID# 7909000L001); WITHIN TOWNSHIP 25 NORTH, RANGE 4 WEST, SECTION 7, SEWARD MERIDIAN.

WHEREAS, an application has been received from John & Andrea Gilliland, dba Alaska Self Storage, for a conditional use permit for the operation of a commercial storage facility greater than 6,000 square feet in size, at 26731 S. Talkeetna Spur (Tax ID# 7909000L001); within Township 25 North, Range 4 West, Section 7, Seward Meridian; and

WHEREAS, MSB 17.25.070(D)(1) requires a conditional use permit for the operation of a retail, office, service, or other commercial use of more than 6,000 square feet; and

WHEREAS, according to the site plan, the height of the buildings for proposed use is nine feet; and

WHEREAS, according to the site plan, the each building will be 6,000 square feet in size; and

WHEREAS, according to the site plan, at its closest point the proposed use will be set back 90 feet from the Talkeetna Spur right-of-way; and

WHEREAS, according to the site plan, the proposed use will be set back 14 feet from the north side lot line; and

WHEREAS, according to the site plan, the proposed use will be set back 111.5 feet from the east side lot line; and

WHEREAS, according to the site plan, the existing building is set back 26 feet from the public use easement abutting the south side lot line; and

WHEREAS, an existing 25-foot vegetative buffer beginning at the boundary of the utility easement that parallels Talkeetna Spur Road will be maintained; and

WHEREAS, the sign for the proposed use is single plane, mounted on a wood base, and is 32 square feet in size. The sign is moveable and temporary in nature; and

WHEREAS, the base of the sign is approximately four inches high; and

WHEREAS, the sign for the proposed use is located on the north side of the driveway, between the gate keypad and the chain link fence; and

WHEREAS, according to the application material, the applicant is pursuing an encroachment permit with the Alaska Department of Transportation (ADOT) to erect an ADOT approved road sign; and

WHEREAS, according to the application material, all proposed lighting is located and shielded to direct the light towards the

ground to minimize light spillage onto adjacent properties and upward into the night sky; and

WHEREAS, the proposed lighting height is 8 feet; and

WHEREAS, there are no proposed flashing lights; and

WHEREAS, no design guidelines have been adopted by the Talkeetna Community Council for the Spur Road South District; and

WHEREAS, the proposed use will consist of five metal sided buildings; and

WHEREAS, the 25-foot vegetative buffer will keep the frontage a heavily wooded area, as required by MSB 17.25.070(F)(5); and

WHEREAS, the property abuts the east side of the Talkeetna Spur right-of-way. Parcels in the area range from two to 240 acres in size, with most being around 10 acres. Lots are typically heavily wooded with residential homes. However, there are some commercial and industrial uses, including earth materials extraction that abut Talkeetna Spur; and

WHEREAS, the Talkeetna Comprehensive Plan states: *"Mixed Residential and Commercial" use is proposed for the land along the Talkeetna Spur road and within the east and west townsites. A possible commercial cluster is identified at the intersection of Comsat Road with the Talkeetna Spur Road;* and

WHEREAS, the Talkeetna Comprehensive Plan states: *Protect and conserve the wilderness values, and natural resource of the lands surrounding Talkeetna;* and

WHEREAS, the Talkeetna Comprehensive Plan states: *Keep Talkeetna a pleasant place to live, work, and visit;* and

WHEREAS, the Talkeetna Comprehensive Plan states: *Maintain the community's small town atmosphere, sense of community, and high quality of life;* and

WHEREAS, according to the application material, the proposed use will meet all setback requirements of MSB 17.25 - Talkeetna Special Land Use District and MSB 17.55 Setbacks and Screening Easements; and

WHEREAS, the proposed use accesses Talkeetna Spur via an ADOT approved driveway; and

WHEREAS, the proposed use has been reviewed and approved by the State Fire Marshal's office for conformity with the State fire safety regulations; and

WHEREAS, the proposed use provides a service to its patrons to safely store personal items indoors, which may otherwise be stored outdoors; and

WHEREAS, the subject parcel is approximately 2.53 acres in size; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.25; and

WHEREAS, the Planning Commission conducted a public hearing on August 3, 2020 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 20-26:

1. The proposed building meets the district's maximum building height requirement (MSB 17.25.070(F)(1)).
2. The proposed building meets the district's maximum building footprint requirement (MSB 17.25.070(F)(2)).
3. The proposed building meets the front setback requirements for buildings 6,000 total square feet or less (MSB 17.25.070(F)(3)).
4. MSB 17.25.070(F)(4) is not applicable to the proposed use.
5. The proposed development meets the vegetative buffer standard of twenty-five feet (MSB 17.25.070(F)(5)).
6. The proposed development meets the sign standards (MSB 17.25.070(F)(6)).
7. The proposed use meets the exterior lighting standards (MSB 17.25.070(F)(7)).
8. MSB 17.25.070(F)(8) is not applicable to the proposed use.
9. The proposed use will preserve and not detract from the value, character and integrity of the Talkeetna community (MSB 17.25.130(B)(1)).

10. The proposed use is consistent with the Talkeetna Comprehensive Plan (1999) (MSB 17.25.130(B)(2)).
11. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.25.130(B)(3)).
12. Sufficient access, setbacks, lot area, parking space, buffers, and other safeguards have been provided (MSB 17.25.130(B)(4)).
13. MSB 17.25.130(B)(6) is not applicable to the proposed use.

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the applicable standards of MSB 17.25 and does hereby approve the conditional use permit for the operation of a commercial storage facility, with the following conditions:

1. The operation shall comply with all applicable state and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. The operation shall comply with the sign standards in MSB code 17.25.070(F)(6).

4. The vegetative buffer shall be maintained in accordance with the standards outlined in MSB code 17.25.070(F)(5).
5. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 3rd day of August, 2020.


COLLEEN VAGUE, Chair

ATTEST


KAROL RIESE, Planning Clerk

(SEAL)

YES: 6

NO: 0

Unfinished Business: July 20, 2020
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 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.

WHEREAS, the subject lot is .45 acres in size, with .28 acres that are taxable; and

WHEREAS, according to the application material, the existing 3,000 square foot single family, one-story residence and garage was built in 2019 (attachment A, 2019 Aerial Imagery); and

WHEREAS, MSB 17.55.020 Setbacks from Shorelines, established the minimum setback of 75 feet from any waterbody or watercourse, and has been in effect since 1988; and

WHEREAS, on July 6, 2020 the Planning Commission held a public hearing and reviewed an application for the setback variance request listed above with respect to MSB 17.55 Setbacks and Screening Easements, and 17.65 Variances; and

WHEREAS, MSB 17.65.030 Cases where variances are illegal contains three instances in which a variance may NOT to be granted which are:

- (1) special conditions that require the variance are caused by the person seeking the variance;
- (2) the variance will permit a land use in a district in which that use is prohibited;
- (3) the variance is sought solely to relieve pecuniary hardship or inconvenience.

WHEREAS, the application and facts in the packet state that the applicants tried to keep in standard with the surrounding homes, however, they have the smallest lot between lots one and nine on that stretch of road (attachment B Lot Comparison); and

WHEREAS, according to the application material, the applicants were aware of the 75 foot waterbody setback and 25 foot right-of-way setback.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the findings of fact in this resolution, and makes the following conclusions of law supporting denial of Planning Commission Resolution 20-18:

1. MSB 17.65.020 Requirements for granting a variance (5) the deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property.

While the lot is a nonconforming lot and the building

area sketch shows a small building envelope, it lacks major topography issues that make other lots more challenging to build upon. The applicant could have built a home with a lesser footprint that would have still allowed them a single family home and garage, and reduced the waterbody encroachment.

2. MSB 17.65.030 Cases where a Variance is illegal. (A) A variance from this title may not be granted if: (1) special conditions that require the variance are caused by the person seeking the variance;

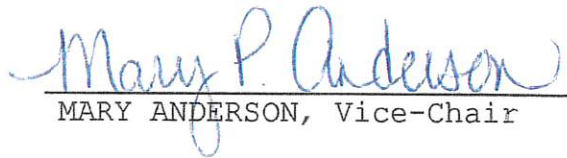
See finding #1 above. While the lot is small, it lacks significant topography issues that make other lots more challenging to build upon (see attachment C). The commission finds that the special conditions that require the variance were the fault of the applicant, due to the fact that they knew the lot had setback challenges but chose to build the house without contacting the borough.

3. MSB 17.65.030 (A) (3) the variance is sought solely to relieve pecuniary hardship or convenience

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.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 20th day of July, 2020.


MARY ANDERSON, Vice-Chair

ATTEST


KAROL RIESE, Planning Clerk

(SEAL)

Yes: 6

No: 0



Attachment A
2019 Aerial
Imagery
Reso. 20-29

Lot Comparison – Ellsworth Variance Request

Lot #	Net acres	Owner	Home originally built	Setback Encroachment	Notes	Variance needed/granted
1	.42	Macksey	1986	No	No remodel	N
2	.41	Crockett	1965	Yes	2008 Remodeled on existing fdn. No change in footprint	N
3	.39	Washington	1971	Yes	1976 New foundation and roof No change in footprint	N
4	.33	Bourdon	1975	Yes	1985 Built new 32X24 detached garage 2015 Tore down existing home and re built new 46X39 2-story home, outside of existing footprint.	Y/N
5	.29	Ellsworth	1974	Yes	1984 Remodeled home on existing 26X35 foundation. added 24X30 720 Sq. Ft. detached garage, date unknown	?/N
6	.28	Ellsworth	1965	Yes	Original home demolished sometime after 1991 2019 New 50X60 Square Foot home and garage built	Y/N
7	.28	Ellsworth	Vacant			
8	.38	Ellsworth	1960	Yes	2006 New fdn. and roof 2010 decks added No change in footprint	N/N
9	.46	Lindstrom	1980	Yes	1986 New siding, roof and decks No change in footprint	SLSE



Attachment C
Resolution 20-29

MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

CHAIRPERSON

Joshua Cross

MSB STAFF

Kim Sollien



BOARD MEMBERS

Scott Adams
Jennifer Busch
Cindy Bettine
Dan Elliott
Antonio Weese
Emily Dodge

Transportation Advisory Board Special Meeting Minutes Lower Level Conference Room

RECEIVED

AUG 04 2020

CLERKS OFFICE

REGULAR MEETING

9:00 AM

February 24th, 2020

I. CALL TO ORDER; ROLL CALL 9:07 am

Josh Cross, Antonio Weese, Jennifer Busch, Dan Elliott, Cindy Bettine, Kim Sollien MSB staff, Scott joined the meeting via conference line at 9:15 am

Guests- Jamie Taylor, Fred Wagner, Eileen Probasco - MSB staff, David Post Mat-Su ADOT

II. APPROVAL OF AGENDA

MOTION: Josh Cross moved to add minutes to the agenda; **seconded by Antonio Weese.**

VOTE: Motion passes unopposed.

Approval of Minutes:

MOTION: Jennifer Busch moved to approve the January 24, 2020 Minutes, **seconded by Antonio Weese.**

VOTE: Motion passes unopposed.

III. PLEDGE OF ALLEGIANCE

IV. AUDIENCE INTRODUCTION/PARTICIPATION

David Post presented on the STIP and gave handouts of a PowerPoint asking the TAB to send a letter providing public comments on the STIP by the deadline March 20th.

The 9 CTP MSB road projects that scored will be added to the STIP by an amendment in March.

V. ITEMS OF BUSINESS

a. Driveway Permit Ordinance Review 9:00 am-9:30 am

MOTION: Cindy Bettine moved to hold off on adoption of the DO until we are clear on how the grandfather rights are being recognized and how the MSB will handle those who have applied for a permit but never got confirmation that the permit was granted or denied; **seconded by Jennifer Busch.**

MOTION AMENDMENT: Josh Cross moved to **amend the motion** to request clarity from the MSB staff on how the Driveway Ordinance recognizes the status of driveways pre-1984, how landowners pre-2011 and post 2011 are being notified that

they need a driveway permit and clarify the process to follow up with landowners who have applied for a permit but were not notified of approval or denial.

Once we have this clarification, we can move forward and approve the resolution.

VOTE: Motion passes as amended.

b. (MSB) Subdivision Construction Manual Comments Work Session 9:30am -11:00am

MSB staff – Eileen Probasco, Fred Wagner, and Jamie Taylor gave a short presentation on the SCM actions to date.

MOTION: Cindy Bettine moved to include LRSA 20-10, as a contingency of the TAB Resolution in favor of the SCM if they add additional language about lift standards and moisture and density control; **seconded by Dan Elliott.**

VOTE: Motion passes unopposed.

Action-TAB comments will be organized and sent to the SCM committee

Discussion:

TAB Reso and comments need to be sent to all the boards

Big topic - Non-motorized / pedestrian pathways discussion we knew this would not be popular.

Action - host a work session for TAB on Title 17 trail design standards inclusion and title 43 conservation subdivisions.

Action- Bring back the TAB resolution for non-motorized pathways

MOTION: Josh Cross moved to send TAB's comments to the planning department to be considered and reviewed by the SCM Committee.

MOTION AMENDMENT: Josh Cross amended the Motion, to send the TAB comments to all appropriate boards and commission, so they see our comments. (parks and rec, planning commission, RSA etc...).

VOTE: Motion passed unopposed.

Discussion- the SCM Committee was not a officially appointed / sanctioned board by the MSB Assembly. Therefore, changes as revisions to the SCM should be approved by the indivisial boards and commissions and not by the SCM committee.

MOTION: Cindy Bettine moved, that the draft resolution in support of the SCM be drafted at our next meeting, **seconded by Antonio Weese.**

VOTE: Motion passed unopposed.

Action By Jamie Taylor- once all the comments are received and incorporated, the SCM committee can host another meeting to show RSA and TAB the changes.

VI. Capital Improvements Plan 2020 Nominations 11:00am-12:00pm

MOTION: Cindy Bettine moved to move the CIP nominations to the next meeting,

VOTE: Motion passed unopposed.

VII. MEMBER COMMENTS

Cindy Bettine: I would like a work session of title 17 & 43, to discuss her other comments related to pedestrian pathways and all the ways to include them in code. We need a sponsor to respond to our pedestrian pathways resolution. We need a presentation from David Post or Allen Kemplen on the STP stuff.

Dan Elliott: I would like to point out that the discussion at the SCM meeting to discuss the lift it happened at a meeting where not everyone was there. There were no road specialists, or road superintendents invited so the change happened without all interested parties present.

Jen Busch: no comments

Antonio Weese: no comments

MOTION: Josh Cross moved to extend the meeting to 12:15; **seconded by Cindy Bettine.**

VOTE: Motion passed unopposed.


MOTION: Josh Cross moved to hold a special meeting to discuss the STIP and CTP with ADOT, continue SCM discussion draft the resolution, and to have the CIP discussion on March 27th, 9 am.; **seconded by Dan Elliott.**

VOTE: Motion passed unopposed.

Next scheduled meeting April 24th

VIII. ADJOURNMENT

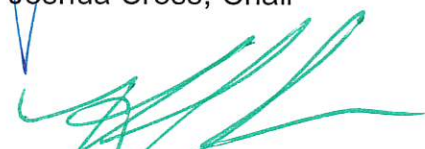
MOTION: Jen Busch moved to adjourn the meeting; **seconded by Cindy Bettine.**



Joshua Cross, Chair

4/12/2020

DATED



Kim Sollien, Clerk

4/12/2020

DATED