

**PLANNING & ZONING COMMISSION  
CITY OF PALMER, ALASKA**

**REGULAR MEETING  
THURSDAY, FEBRUARY 21, 2007  
7:00 P.M. - COUNCIL CHAMBERS**

A. CALL TO ORDER:

The regular meeting of the Planning and Zoning Commission was called to order by Chairman Brown at 7:00 p.m.

B. ROLL CALL, DETERMINATION OF QUORUM:

Present and constituting a quorum were Chairman Brown, Commissioners Madar, Hamming, AlLee, Silva, and Kircher. Commissioner Kerslake was excused. Also present were Sandra Garley, Community Development Director, and Dawn Webster, Recording Secretary.

C. PLEDGE OF ALLEGIANCE: The Pledge was led by Commissioner Madar.

D. APPROVAL OF AGENDA: The agenda was approved as amended. Item H. Unfinished Business will be moved ahead of the Public Hearings to allow introduction of the Community Development Director.

E. MINUTES OF PREVIOUS MEETING:

The minutes of the Regular Meeting of January 17, 2008 were approved as submitted.

F. PERSONS TO BE HEARD: None.

H. UNFINISHED BUSINESS:

Sandra Garley, Community Development Director, introduced herself and gave a brief description of her work history in planning and city administration.

G. PUBLIC HEARINGS:

1. A one-year extension of the Motorized Sporting Contest portion of the overall Conditional Use Permit issued for the Alaska State Fair in June of 2007. Annual renewal of this portion of the permit is a condition of the original permit.

The public hearing was opened at 7:05 p.m.

Ray Ritari, General Manager of the Alaska State Fair, spoke to the request. The Fair is trying to be a good neighbor;

- have had racing in this location in the past;
- brings about 300,000 people to the community each year;
- 2005 study indicated the financial impact to the city is approximately 12.7 million dollars for the 12 days of the fair;

- about 17,000 people come to the motorsports events;
- \$800,000 spent by the public to come to the fair and to attend the motorsport events; and
- 14% of the public come to the fair to attend the motorsport events and the concerts.

Mr. Ritari addressed working with Mr. Earl Mullins for noise monitoring and also hired Dan Hemme to take some noise measurements. Mr. Hemme does all of the fair's sound and light production. He pointed out the locations where the sound measurements were taken by Mr. Hemme along the fair's property boundary; three sites were established. The record shows the last two days sprint cars exceeded the allowable dB levels by 5 dB; the fair continues to work with the city to maintain compliance with the city's requirements.

The public hearing was closed at 7:10 p.m.

Ms. Garley provided the staff report which addressed the public notification process; the comments received from the public; read into the record the three options identified by staff for the Commission's consideration;

Option 1. Approve the request for a one year renewal of the Motorized Sporting Contests portion of the Conditional Use Permit with the following conditions:

1. The Alaska State Fair shall prepare a written procedure and schedule for obtaining accurate noise monitoring during the motorized sporting contest events and submit it to the Planning and Zoning Commission for review and acceptance no later than 60 days prior to the first motorized sporting contest event. The written procedure shall indicate the locations (shown on a map) where sound measurement readings will be taken; times the event readings will be taken; what events will be monitored; and how often the readings will be made.
2. Provide information regarding the firm/individual retained to obtain the noise monitoring information; copies of the business licenses and evidence of experience and qualifications to take accurate sound data information. Provide information on the type of monitoring equipment to be used and the date of the latest equipment calibration.
3. All other conditions noted on the Conditional Use Permit issued June 12, 2007 shall remain in affect for the duration of the permit.

Option 2. Approve the request for a one-year renewal of the Motorized Sporting Contests portion of the Conditional Use Permit with no additional conditions and provide findings to support the decision.

Option 3. Deny the request for renewal of the Motorized Sporting Contests portion of the Conditional Use Permit and provide findings to support the decision.

Commissioner Madar inquired as to the shared cost for monitoring the sound. Mr. Ritari addressed the issue and advised that in addition to Mr. Mullin's testing, the Fair also hired Mr. Hemme for additional sound monitoring information.

Commissioner Kircher inquired of the 60-day requirement for submittal of the sound monitoring plan and how it would impact the RallyCross events. Ms. Garley advised the RallyCross events are a different type of motorsport and sound monitoring would not be required.

Commissioner Hamming inquired of the impact the Borough's noise ordinance would have on the conditional use permit. Ms. Garley responded that she would be contacting Borough staff to determine what, if any, impact their ordinance would have on the fair.

Commissioner Madar inquired of the locations used by Mr. Mullins; found that other locations produced higher readings; inquired of boundary location readings. Mr. Ritari confirmed the permit was written to reflect sound data was to be taken at the property line.

Commissioner Silva addressed Option 1 and motorized sporting contests.

COMMISSIONER MADAR moved to consider the request for the extension of the motorized sporting contest portion of the conditional use permit issued for the Alaska State Fair, Option 2. Motion failed for lack of a second.

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING to approve the request for the extension of the motorized sporting contest portion of the conditional use permit issued for the Alaska State Fair.

Commissioner Madar spoke to his motion and stated that the Fair is an important part of Palmer; the noise monitoring is a moot point on the renewal of the permit; auto racing has been part of the fair for years and years. The most inconvenient part of the fair is the traffic. Motor racing is an acceptable event during fair time. He urged the commission to approve Option #2.

Commissioner Brown requested confirmation that the original conditions issued with the conditional use permit would remain in effect if the commission approved Option 2; staff confirmed the existing conditions would remain in effect.

COMMISSIONER MADAR moved to amend the main motion to change Option 2 to approve the request for a one-year renewal of the motorized sporting contest portion of the conditional use permit without the noise monitoring measures. Motion failed for lack of a second.

Commissioner Hamming agreed with Commissioner Madar's opinion of the fair however, he would like to address the dB levels discussed provided in the packet on page 49. The commission did not and still does not know what the levels sound like. He stated the sound level experienced last year would not be acceptable except at fair time. He is concerned about the Borough's sound ordinance and pointed out Palmer's numbers are higher than the Borough's numbers; asked whether the city would be facing problems by granting the permit allowing more noise than the Borough allows. Ms. Garley advised that if the Commission approves the time extension requested, the time frame listed in the permit is the only time when races may occur.

COMMISSIONER HAMMING moved, seconded by COMMISSIONER KIRCHER, to amend the main motion to add "5A. Any future noise and/or nuisance ordinances adopted by the City of Palmer that address noise levels city-wide shall be made a part of this conditional use permit."

Commissioner Hamming explained his reasoning for adding condition 5A and explained that his concerns are based on the Borough's new noise ordinance and how it may impact the city. He stated that the fair is a special use and probably breaks all noise levels in the Borough but, it is the fair and we accept it. We should be able to work with ordinance.

Commissioner Kircher concurred and stated condition #5A adds a housekeeping measure to the permit.

Commissioner Hamming stated the enforcement of the ordinance would be complaint driven and the city will have something to enforce.

**VOTE ON MOTION AMENDING MAIN MOTION:** Passed 5-1

Madar	Hamming	AlLee	Silva	Kircher	Brown
N	Y	Y	Y	Y	Y

COMMISSIONER KIRCHER moved, seconded by COMMISSIONER AILEE, to amend the main motion to request the sound monitoring include frequency monitoring as well as decibel monitoring.

Commissioner Kircher spoke to the frequency monitoring and that frequency changes the speed and the distance that sound travels. He further stated that any engineer qualified to take decibel readings would be qualified to take frequency readings. He further stated the process would help gain more data and enable the commission to make a responsible decision.

Commissioner AlLee agreed with Commissioner Kircher's statement.

Commissioner Madar spoke against the amendment due to costs associated with adding frequency monitoring.

Commissioner Silva stated that she agreed with Commissioner Madar and pointed out there is nothing in the existing conditional use permit that addresses frequency monitoring.

Commission Brown supported the amendment because it will provide more information to allow the commission to make a more informed decision and possibly allow renewals of the permit without the requirement for sound monitoring.

**VOTE ON MOTION AMENDING MAIN MOTION:** Passed 4-2

<b>Madar</b>	Hamming	AlLee	Silva	Kircher	Brown
N	Y	Y	N	Y	Y

Commissioner Silva requested the main motion be read again into the minutes. Motion to approve the request for a one-year time extension for the motorized sporting contest portion of the conditional use permit issued to the Alaska State Fair with an amendment to the conditions to add Condition 5A, Any future noise and or nuisance ordinances adopted by the City of Palmer that address noise levels city-wide shall be made a part of this conditional use permit, and further amended to add frequency monitoring to the requirement for noise monitoring.

COMMISSIONER HAMMING moved, seconded by COMMISSIONER KIRCHER to amend the main motion to approve the conditional use permit based on the language in Option 1 which reads:

Option 1. Approve the request for a one year renewal of the Motorized Sporting Contests portion of the Conditional Use Permit with the following conditions:

1. The Alaska State Fair shall prepare a written procedure and schedule for obtaining accurate noise monitoring during the motorized sporting contest events and submit it to the Planning and Zoning Commission for review and acceptance no later than 60 days prior to the first motorized sporting contest event. The written procedure shall indicate the locations (shown on a map) where sound measurement readings will be taken; times the event readings will be taken; what events will be monitored; and how often the readings will be made.

2. Provide information regarding the firm/individual retained to obtain the noise monitoring information; copies of the business licenses and evidence of experience and qualifications to take accurate sound data information. Provide information on the type of monitoring equipment to be used and the date of the latest equipment calibration.

3. All other conditions noted on the Conditional Use Permit issued June 12, 2007 shall remain in affect for the duration of the permit.

**VOTE ON MOTION AMENDING MAIN MOTION: MCU**

Madar	Hamming	ALee	Silva	Kircher	Brown
Y	Y	Y	Y	Y	Y

Discussion on Findings of Fact:

Madar	Hamming	ALee	Silva	Kircher	Brown
1. The conditional use will preserve the value, spirit, character and integrity of the surrounding area.					
The fair has been around for over 70 years; both the Comprehensive Plan and the University of Washington studies recognize the positive impact the fair has on the community.					
Y	Y	Y	Y	Y	Y
2. The conditional use fulfills all other requirements of this title pertaining to the conditional use in question.					
The fair has continued to remain in compliance with intent of the original conditional use permit.					
Y	Y	Y	Y	Y	Y
3. That the conditional use will not be harmful to public health, safety, convenience and comfort.					
The public has said that during the fair they do not object to the fair's racing noise or any of the other events and concerts.					
Y	Y	Y	Y	Y	Y
4. That sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions.					
The fair has taken measures to limit the sound; they're building berms, planting trees, requiring mufflers and providing sound monitoring. The original conditional use permit covered the findings for finding #4.					
Y	Y	Y	Y	Y	Y
5. The proposed use or structure is located in a manner which will maximize public benefits.					
The fairgrounds are located in a perfect spot; people enjoy coming to Palmer and benefiting from the views and events they get from the state fair; the people of Palmer love to have the fair in the city of Palmer.					
Y	Y	Y	Y	Y	Y

**VOTE ON MAIN MOTION: MCU**

Madar	Hamming	ALee	Silva	Kircher	Brown
Y	Y	Y	Y	Y	Y

2. A request from the Alaska State Fair for a Conditional Use Permit to allow two SCCA-sanctioned RallyCross events to be held outside fair time, on the Alaska State Fairgrounds. One event would occur on March 22, 2008; the other date is yet to be determined.

The public hearing was opened at 8:00 p.m.

Ms. Jerry Baker, facility rental manager for the State Fairgrounds, spoke to:

- The sports car club has been holding RallyCross events for two or three years on the fairgrounds and they have never had any complaints;
- her job involves renting out the facilities and to try and get them used all year round;
- many different groups come to rent the buildings and facilities;
- this group is a good addition to the fairground's complement of users because the group is small and there is one part of the fairgrounds that has unique characteristics which lends itself to this type of use;
- the proposed use is a continuing addition to the economic impact for the city through gas sales, food sales, etc.;
- the event will start at 11:00 a.m.;
- this is not going to be a loud race; it is a totally different type of activity;
- the request is for the two RallyCross events only; it's not for any other type of loud race car; and
- the request is for an SCCA RallyCross event only.

Jeff Lynn, regional executive for the SCCA, Arctic Alaska Region, spoke to:

- a RallyCross is a competition event held on a non-paved surface;
- cars are run one at a time;
- completion is not based solely on speed but also on technical driving skills, and car control;
- the course is defined by pylons;
- is not a wheel-to-wheel event;
- the event is non-spectator and is held for SCCA members; a guest membership may be purchased for an event;
- competitor cars are typically street legal;
- safety inspections are required prior to participation in an event;
- unsafe, loud or unmuffled cars will not be allowed;
- helmets are required;
- there is a Safety Steward program where trained individuals observe the entire event; and
- the area to be used is near the grandstand near the purple lot; spectator area is monitored.

Ray Ritari spoke again to confirm the event is noncompetitive and the fair will not have any other car racing at the fairgrounds in 2008 and probably beyond that.

The public hearing closed at 8:09 p.m.

Ms. Garley provided the staff report:

- addressed the public notification requirements; received nine responses, one of which was negative and dealt with the question of excessive noise; no other objections were noted
- staff has provided information in a memorandum dated 2/19/08 addressing Commissioner Madar's questions; and
- three options were provided by staff;

Option 1. Approve the request for two RallyCross events scheduled to occur outside the regular fair time season with the following conditions:

A. Provide dust control when dry conditions exist.

B. If no substantiated complaints are filed as a result of the RallyCross event(s), the duration of the Conditional Use Permit for RallyCross events, if requested, may be extended for five years. If complaints are received, and corrective action is not immediately taken, the permit may be revoked.

Option 2. Approve the request for two RallyCross events scheduled to occur outside the regular fair time season without conditions.

Option 3. Deny the request for two RallyCross events

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING to approve the request to amend the existing Conditional Use Permit to add two non-fairtime RallyCross events to the motorized sporting contests portion of the Alaska State Fair conditional use permit.

Commissioner Madar spoke to the fact that the SCCA has provided all the information required to make a decision and that it should not be a problem for the community; he believes the fair and the SCCA will do the right thing for the city and the city has protection if we go with Option 1.

Commissioner Hamming requested clarification on the term substantiated complaints; Ms. Garley provided the clarification that the complaint must be valid.

COMMISSIONER MADAR moved, seconded by COMMISSIONER HAMMING, to amend the main motion to approve Option 1.

**VOTE ON MOTION AMENDING MAIN MOTION: MCU**

Madar	Hamming	AlLee	Silva	Kircher	Brown
Y	Y	Y	Y	Y	Y

COMMISSIONER HAMMING moved, seconded by COMMISSIONER MADAR to amend the main motion to add the "words SCCA-sanctioned" before RallyCross thereby revising the main motion to read "to approve the request to amend the existing Conditional Use Permit to add two SCCA-sanctioned non-fairtime RallyCross events to the motorized sporting contests portion of the Alaska State Fair Conditional Use Permit with conditions as stated in Option 1 which reads:

Option 1. Approve the request for two RallyCross events scheduled to occur outside the regular fair time season with the following conditions:

A. Provide dust control when dry conditions exist.

B. If no substantiated complaints are filed as a result of the RallyCross event(s), the duration of the Conditional Use Permit for RallyCross events, if requested, may be extended for five years. If complaints are received, and corrective action is not immediately taken, the permit may be revoked.

**VOTE ON MOTION AMENDING MAIN MOTION: MCU**

Madar	Hamming	ALee	Silva	Kircher	Brown
Y	Y	Y	Y	Y	Y

Discussion on Findings of Fact:

Madar	Hamming	ALee	Silva	Kircher	Brown
1. The conditional use will preserve the value, spirit, character and integrity of the surrounding area.  The fair is an integral part of the City of Palmer; the added use will support the fair and make it more profitable and will help keep the fair in the City of Palmer for a long time to come.					
Y	Y	Y	Y	N	Y
2. The conditional use fulfills all other requirements of this title pertaining to the conditional use in question.  The lot already exists, it does not require enlargement to accommodate the requested use; the access point to the property will be the existing Yellow gate and landscaping or screening is not required to reduce noise and glare and maintain the property in keeping with the surrounding area.					
Y	Y	Y	Y	Y	Y
3. That the conditional use will not be harmful to public health, safety, convenience and comfort.  The SCCA does safety checks to make sure everything is safe for both the vehicle and the driver. The SCCA has the safety of the public in mind.					
Y	Y	Y	Y	Y	Y
4. That sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions.					
N/A	N/A	N/A	N/A	N/A	N/A
5. The proposed use or structure is located in a manner which will maximize public benefits.					
N/A	N/A	N/A	N/A	N/A	N/A

**VOTE ON MAIN MOTION AS AMENDED: MCU**

Madar	Hamming	ALee	Silva	Kircher	Brown
Y	Y	Y	Y	Y	Y

Staff advised that the permit should be ready for signatures on February 25, 2008 or February 26, 2008.

I. NEW BUSINESS: None.

J. PLAT REVIEWS: Plat review of A.R.R.C. 2008 for the dedication of Lot 1-G, as a right-of-way serving the lots in the senior housing project, Chugach Colony Estates.

Ms. Garley provided the staff report advising of the dedication of the right-of-way to serve Chugach Colony Estates. There were no comments or concerns.

K. PUBLIC COMMENTS: None.

L. STAFF REPORT:

Ms. Garley would like to work with the commission and find out what the commission expects of her; what the commission expects in staff reports in the future; would like to work with the commission on the process of the findings of fact. She would like to have a work session with the commission to find out what would make it better and easier for the commission to do their job.

M. COMMISSIONER COMMENTS:

Commissioner Madar requested the finding of fact form be included in future packets.

Commissioner Kircher advised he will not be at the March 20, 2008 meeting due to a Spring Equinox celebration.

Commissioner Silva: No comment.

Commissioner ALee: Has taken on a new responsibility with the VFW.

Commissioner Hamming: Provided a hand-out from the Seattle Times addressing the University of Washington study regarding the cost of land use regulations.

Commissioner Madar: Welcomed Sandy Garley and thanked Janette Bower for being present and acting as Parliamentarian.

Chairman Brown: Welcomed Sandy Garley; reported on the fund raising effort for Valley Community for Recycling Solutions that raised \$40,000; requested everyone remember to send in their MEA ballots and attend the meeting on March 1, 2008.

N. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:36 p.m.

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Kevin Brown, Chairman

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Sandra Garley, Community Development Director