

**PLANNING & ZONING COMMISSION  
CITY OF PALMER, ALASKA  
REGULAR MEETING  
THURSDAY, June 17, 2010  
7:00 P.M. - COUNCIL CHAMBERS**

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A. CALL TO ORDER:

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

B. ROLL CALL, DETERMINATION OF QUORUM:

Present and constituting a quorum were Chairman Kerslake, Commissioners Madar, Bower, Silva, and Kircher. Commissioner Preslar was not in attendance. Also present were Sandra Garley, Community Development Director, and Kimberly McClure, Recording Secretary.

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

D. APPROVAL OF AGENDA: The agenda was approved as amended.

E. MINUTES OF PREVIOUS MEETING(S):

Ms. Garley stated on page two of the May 20, 2010 minutes the proper terminology regarding electrical power is "MW", not "KV". The minutes of the Regular Meeting of May 20, 2010 were approved as amended.

The minutes of the Regular Meeting of April 15, 2010 were approved as submitted.

F. PERSONS TO BE HEARD: None.

G. PUBLIC HEARING: None.

H. UNFINISHED BUSINESS:

COMMISSIONER MADAR moved, seconded by COMMISSIONER BOWER, to enter into the committee of the whole at 7:04 p.m.

1. Continuation of discussion regarding the Natural Resource Extraction ordinance.

Ms. Garley asked for the consensus of the commission to allow Tom Healy to be included in the discussion regarding the ordinance. All commissioners were in favor of allowing this person to speak.

Ms. Garley provided the staff report:

- the task was to draft an ordinance to move through the Planning Commission to the City Council that would set the criteria for any natural resource extraction operation that might be in Palmer in the future or that may be annexed into Palmer in the future

- the Borough Assembly is currently working on their draft ordinance that would include the cities of Houston, Palmer and Wasilla
- at the September meeting, the City Council may be able to persuade the Borough Assembly to exempt the City of Palmer from the ordinance
- the City Council would like Palmer to be prepared in case Palmer is exempted from the ordinance
- currently the industrial district is the only district that would allow a gravel operation with a conditional use permit
- the conditional use permit process does not include any specific criteria to review for processing that type of application, so the proposed draft standards for natural resource extraction have been added to the conditional use standards as opposed to drafting a new ordinance

Ms. Garley stated there are three main points to be discussed:

- What would be the size of the operation that would require a conditional use permit
- What size operations would need a conditional use permit
- There should be a dividing line that determines which operations require a Traffic Impact Analysis (TIA) and which ones would not

Ms. Garley handed out copies of the appendix to a report called, "User's Manual Best Management Practices for Gravel Pits and Protection of Surface Water Quality for Alaska" by the Department of Environmental Conservation.

Commissioner Preslar joined the Commission at 7:10 p.m.

Chairman Kerslake announced to the Commission that he is employed by Granite Construction, a sand and gravel operation and asked if any Commissioner felt this was a conflict. No concerns were voiced.

Commissioner Madar commented he would like to see the conditional use for natural resource extraction in all zoning districts not just the industrial district. As an example, there could be a large parcel of land in the agricultural district where the owner wants to create a field and be able to mine the gravel from clearing the field.

Chairman Kerslake added he would be in favor of having the conditional use for natural resource extraction in the agricultural district.

Commissioner Kircher disagreed to having the conditional use in all districts, only industrial and agricultural districts.

Commissioner Bower questioned what the purpose would be in having the conditional use in all districts.

Commissioner Madar replied to properties annexed into the city are R-1; since the owner would have to go through the conditional use process, they should be able request a permit for natural resource extraction without having to rezone their property industrial.

Chairman Kerslake stated there could potentially be a need to have the conditional use for natural resource extraction for commercial property, but does not see where this would apply to residential districts.

Commissioner Silva disagreed with having the conditional use for natural resource extraction in the R-1 district.

Commissioner Kircher was in favor of keeping this conditional use solely in the industrial district. If the property was not industrial, it would need to be rezoned which would give the commission the opportunity to determine if the rezone is suitable to the surrounding districts and have more control over how things are extracted.

Commissioner Madar questioned staff as to whether a property owner excavating for agricultural purposes would be able to sell the excavated gravel. Ms. Garley replied the owner would be able to sell the gravel as long as it was in preparation of creating a field for agricultural purposes.

Chairman Kerslake stated the language in the draft regarding that section would need to be clarified; and asked staff if item three on page two of the draft, "excavation or removal of less than four hundred (400) cubic yards" refers to removal from the property. Ms. Garley replied there should be a minimal amount of cubic yards that an owner can excavate on their property either for personal use or to sell without having to apply for a conditional use permit. He recommended a minimal amount of 2,000.

Commissioner Madar suggested having the minimal amount based on the size of the property lot.

Commissioner Bower stated the intent should be for personal use; Commissioner Silva agreed.

Commissioner Madar inquired if the conditional use permit would mainly apply to commercial gravel operations while property owners trying to develop their land, would not be required to obtain a conditional use permit; which led to discussion regarding the abbreviated process.

Ms. Garley spoke of the development of approved subdivisions as being an exception to the conditional use permit in contrast to a commercial gravel operation.

Chairman Kerslake commented about the Carrs/Safeway project as an example of a project where a natural resource is being removed from the property in preparation of construction and how this type of project should not be limited by having to obtain a conditional use permit for this use.

Ms. Garley stated that those projects that would be a one-time project that has an end should not have to obtain a conditional use permit.

Commissioner Madar agreed saying the rights of the landowner who is trying to develop their property should be protected, and minimal regulation for the commercial operations while still protecting the city.

Chairman Kerslake requested clarification under section General Requirements part "b" item four stating how items can be removed from property either sold or kept on-site; and item three stating there was a contradiction between excavation or removal and the phrase "for use on the owner's property".

Chairman Kerslake asked for Tom Healy, director of Alaska Rock Product Association, to comment and offer advice concerning the conditional use permit for natural resource extraction. Tom Healy made the following points that should be addressed in creating this conditional use permit:

- needs to be clarity in the permitting process
- the requirements need to be clear
- the zoning question is important in regards to a zoning district to protect this industrial use while protecting the adjacent property owners who are not zoned industrial
- need to know which zoning districts this use applies to

Mr. Healy stated in terms of applicability of these rules, there is a big distinction between a commercial gravel resource extraction and the other uses, such as for development and highways. The focus of these rules should be about specifically permitted gravel operations in designated zones and should also mention uses which would not have to apply for this permit. Mr. Healy agreed with the idea of having an abbreviated process for a state or federal project that would open a pit for a short period of time.

Commissioner Silva questioned Mr. Healy about the industry's view of having the City of Palmer having the ability to regulate versus the borough. Commissioner Silva asked if the city's proposed conditional use permit for natural resource extraction is stricter or more lenient than the ordinance from the borough. Mr. Healy responded the idea is to have the city and the borough to work it out, but generally it favors the city in having the ability to provide their own regulation. In regards to the proposed regulations, Mr. Healy stated the borough's ordinance contains a lot of specifics, but the City of Palmer's proposed regulations do not. Mr. Healy prefers the city's approach.

Ms. Garley spoke to the borough's ordinance of having a single standard without regard to the diverse geography of the Matanuska-Susitna Borough. The city's process of having to come before the commission for review, allows the commission to be able to make a determination taking into consideration the geographical area of where the property is located. Ms. Garley stated even though the "Standards" section is not so specific, it does contain the necessary criteria in order for the commission to make a determination based on the facts for each individual case.

Commissioner Madar spoke of seeing validity to both listed alternatives under the abbreviated process shown under subheading "b. Application"; but questioned the time frame of four months shown as item "b" under the second alternative, and stated the phrase "located more than 500 feet from nearest residential property line" shown as item "e" seemed too excessive.

Chairman Kerslake spoke of DNR regulations which limit the operation to a minimum distance of three or four hundred feet between a residential area and a screening or crushing operation. Commissioner Madar suggested comparing the final version of these regulations with DEC and DNR regulations to ensure we will not be creating two different standards.

Chairman Kerslake questioned staff about how the determination of ten acres was calculated shown as alternative one under subheading "b. Application". Ms. Garley replied the number was a beginning point for discussion.

Commissioner Madar suggested deleting the phrase "ten acres or less" and replacing it with a minimum amount of acreage, since the abbreviated process would pertain to a specific construction project that has an end.

Ms. Garley stated part of the benefit of the abbreviated process is that it would not require detailed analysis for the commission to consider, as it would with the large commercial operations. Commissioner Madar suggested for the large commercial operations to have more findings and facts to be considered than the currently required findings and facts.

Ms. Garley stated her preference for an abbreviated process is the alternative shown on page eight, with the following changes:

- item b, changing time frame from four months to twenty-four months
- adding the requirement of a reclamation plan under number three, "standards, requirements and conditions"

A benefit of the abbreviated process would be not requiring the impact analysis, such as the Traffic Impact Analysis and geological reports.

Commissioner Madar questioned why "crushing and processing of the mineral product on site", shown as item "c" under the alternative, would not be allowed. Ms. Garley suggested having a minimum distance which would allow for the crushing and processing of the mineral product.

Commissioner Madar asked of staff if a project was not completed within the twenty-four month period, under the listed alternative, if the applicant could apply for another permit.

Chairman Kerslake suggested being able to have the permit renewed, but typically, most projects should be able to be completed within twenty-four months.

Commissioner Silva commented the abbreviated process should not be made to be too easy to complete. She voiced concern regarding the amount of traffic in regards to using the abbreviated process, since a Traffic Impact Analysis would not be required. There was some confusion as to whether the abbreviated process would include commercial use projects or not.

Ms. Garley clarified saying the abbreviated process would be for site development specific projects, not on-going projects. Ms. Garley stated the request for a reclamation plan should be included with the requirements and suggested requiring an estimation of the daily number of trucks for the abbreviated process.

Commissioner Silva added if the applicant is denied through the abbreviated process, then they could go through the conditional use process that contains the more detailed criteria.

Mr. Healy added due to variable demand and markets, the structure of this regulation may want to include a maximum amount of trucks allowed at one time so the applicant would not be in violation of their permit.

Commissioner Kircher agreed with twenty-four months being sufficient time to complete the excavation portion of a construction project. Commissioner Kircher suggested the extent of detail contained within the Traffic Impact Analysis or computation of how many trucks would be needed on a daily basis, should depend upon the size of the operation.

Chairman Kerslake asked the commission if they favored the first option under the abbreviated process or the alternative option. Commissioner Madar commented he was in favor of the alternative with the months being changed from four to twenty-four months. Chairman Kerslake agreed.

Ms. Garley stated with the information the commission provided she will be able to draft the next version for the commission's review before the next meeting. Commissioner Silva questioned staff regarding the deadline date for these regulations. Ms. Garley stated at the last city council meeting an extension to August was requested and approve.

Mr. Healy questioned staff why natural resource extraction is not a listed conditional use. Ms. Garley responded it will be added to the list as a conditional use so the applicant does not have to go before the commission to first determine that it is a "potentially noxious" use as stated in item nine, and then go before the commission a second time for the conditional use permit.

The Commission exited the Committee of the Whole at 8:35 p.m.

I. NEW BUSINESS:

1. Discussion regarding revision of definition of "Fence", PMC 17.08.175 to resolve conflict with Title 15

Ms. Garley provided the staff report. There is a conflict between Title 17, Zoning and Title 15, Buildings and Construction. Currently Chapter 17.08.175 Fence states, "Fence means a barrier, not to exceed eight feet in height, which is constructed of one or more of the following materials". In the Building code, if the fence is outside of the front yard setback and the clear sight triangle, and has an engineer's stamp, a fence can extend to eight feet in the commercial and industrial zones. However, a fence can not extend

beyond six feet in the residential zones. Staff recommends removing the phrase "not to exceed eight feet in height" from the definition of Fence in Chapter 17.08.175.

The Commission voted to take a break at 8:37 p.m. and returned to session at 8:42 p.m.

COMMISSIONER MADAR moved, seconded by COMMISSIONER SILVA to amend PMC 17.08.175 the definition of fence to strike through "not to exceed eight feet in height".

**VOTE ON MOTION: Motion Carried Unanimously**

J. PLAT REVIEWS:

1. Cope Subdivision, Divide Lot 3A into two equal lots. Ms. Garley stated the lots would be L3A-1 and L3A-2, containing .48 acres. The proposed access for the lots would be East Kinnikinnik Avenue. Both lots are served by City of Palmer water and sewer. Commissioner Madar responded to Sara Jansen's written statement, "access to lot 3A-2 should be limited to S. Denali Street" commenting there is no South Denali Street at that location, the only egress would be East Kinnikinnik Avenue. Ms. Garley stated the houses were approved on the existing lots because it is a multi-family zone and the developer signed a statement acknowledging that if the re-plat was not approved, the lot would need to be sold containing both homes as if it were a duplex. However, if the re-plat is approved, the developer would have a single family residence on an individual lot.

K. PUBLIC COMMENTS: None.

L. BOARD OF ECONOMIC DEVELOPMENT

Ms. Garley provided the staff report. Ms. Garley stated a draft copy of the Economic Strategy had been included for the Commission's review. The draft contained the following:

- goals from the Comprehensive Plan
- over the next year, building action steps for each goal
- economic vitality measures

Part of the requirement for the Board of Economic Development is to gather economic development information for use in their work. Commissioner Madar stated he thought the Board of Economic Development should look at the Business Park and other surrounding areas to find ways to help encourage growth and help encourage other businesses to come out to Palmer; our economic development strategy should be to approach Anchorage businesses to come out to Palmer.

Commissioner Madar revisited the suggestion of having a commissioner rotate turns attending a Board of Economic Development meeting.

Commissioner Silva spoke of the Board of Economic Development's plan that they can hopefully accomplish their first goal within the next year.

Ms. Garley stated she would email a schedule of the Board's meetings to all Commissioners. Discussion followed regarding who would attend a meeting. Chairman Kerslake volunteered to attend the first meeting. Commissioner Madar volunteered to attend the second meeting.

M. STAFF REPORT:

Ms. Garley announced the Borough had received funds from the Federal Government to help encourage ridership on buses by providing bus shelters and fixing bus stops. The proposal addresses:

- providing five bus shelters in Palmer as shown on provided map
- not all bus stops will have a bus shelter
- a picture of what the shelter will look like, which shows the design that the Borough has selected
- each bus shelter includes a 6' x 7' area for a bike rack
- bus shelters are lighted
- trash barrels will be provided, City of Palmer will have to maintain the area

Ms. Garley stated the borough has chosen the same design for all bus shelters which will allow them to purchase four extra shelters to use for replacement parts in the future. She requested any comments on the placement of the bus stops or the design of the bus shelters, to be sent to her by the end of next week so she can relay the information to Brad Sworts.

Commissioner Kircher asked if the walls of the bus shelters were screen or glass. Ms. Garley responded due to the high winds, the walls will be screen, not a solid wall.

Commissioner Bower and Commissioner Kircher suggested that the walls be semi-solid to protect people from the weather. Discussion followed concerning the loop that Mascot would like to make through the city, which would serve the highest density areas of the city and also connect with the pink buses that commute to Anchorage. Commissioner Preslar mentioned she would bring in a bus schedule to show the frequency of the routes.

N. COMMISSIONER COMMENTS:

Commissioner Kircher commented there is an 800 acre APU Spring Creek Farm Environmental Learning Center which as it progresses, will become more prominent in Palmer. Commissioner Kircher invited the Commission to Dr. Bantz's reception on Monday, June 21 from 5:00 p.m. - 7:00 p.m. at the Colony Inn.

Commissioner Silva mentioned speaking with someone who has a business and was interested in a house on Cobb Street by the Post Office. Even though the house is in a residential area, there is the possibility of it being commercial. She asked about the possibility of a person to make an offer on a piece of property that might be currently zoned residential, but with the hopes of re-zoning and being able to push it through the Commission so that person could make an offer on the property. Chairman Kerslake mentioned making the offer contingent upon the approval of the re-zone. Commissioner Silva replied the seller may reject the offer because they would not want to tie up their

house for a few months waiting on the re-zone. The suggestion was made that the seller could re-zone the property.

Commissioner Silva announced she is moving her business to the ABC travel building on June 28.

Commissioner Bower had no comments.

Commissioner Preslar had no comments.

Commissioner Madar commented regarding Commissioner Silva's comment, that the Central Business District discussion should have been completed. Commissioner Madar spoke of his excitement in visiting the waste water treatment plant which has most of the cover on pond one and being able to stand in the middle of the pond. Commissioner Madar stated nature is taking care of what used to be a mechanical process and he hopes this will progress to become the regional waste water treatment plant. Ms. Garley stated she would pass along Commissioner Madar's comments to the Public Works Director.

Chairman Kerlake thanked Ms. Garley about the work she has completed on the draft of the conditional use standards for natural resource extraction.

O. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:14 p.m.

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William B. Kerlake, Sr., Chairman

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Kimberly McClure, Recording Secretary