A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 7:11 p.m. by Wendy Presler, Chairperson.

MEMBERS PRESENT: Chris Guinn Eric Muehling
Robert Peterson Wendy Presler
Mike Stepovich John Perreault
Charles Whitaker David Brandt
Mindy O’Neall

MEMBERS ABSENT: Patricia Thayer

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Manish Singh, Planner
Stacy Wasinger, Planner
Wendy Doxey, Assistant Borough Attorney
Nicole Nordstrand, Administrative Assistant

1. **ROLL CALL**

B. **MESSAGES**

   1. Chairperson’s Comments

      *There were no comments by Chairperson.*

   2. Commissioner’s Comments

      *There were no comments by Commissioners.*

   3. Communications to the Planning Commission

      **Ms. Nelson** drew attention to an article from the monthly American Planning Association Planning Magazine. She further announced of plans to hold a meeting with the surveying community directed towards platting changes and concerns by stakeholders (FNSBC 17).

      **Ms. Nelson** informed of Commissioner Billingsley’s recent resignation from the Commission, and of the need to fill his position with a City of Fairbanks appointee.

      **Ms. Doxey** cautioned the Commission that any articles in packet are not evidence in any quasi-judicial matter.
4. Citizen’s Comments – limited to three (3) minutes

Ms. Patrice Lee addressed the Commission with her gratitude for their work as a volunteer commission. She spoke of her concerns related to the arrival of the incoming F-35 residents to Fairbanks; specifically concerns related to economic activity, health and safety issues, air and water/sewer quality, housing density, fairness of housing, and quality of housing. Ms. Lee further spoke of Albuson Acres and asked that Commissioners keep that matter in mind.

5. Disclosure & Statement of Conflict of Interest

C. **APPROVAL OF AGENDA AND CONSENT AGENDA**

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

**MOTION:** To adopt approval of the Agenda and Consent Agenda by Ms. Presler and seconded by Mr. Peterson.

**PASSED WITHOUT OBJECTION**

D. **MINUTES**


E. **QUASI-JUDICIAL HEARING**

1. **V2017-008:** A request by Allyn L. and Ruth M. Haynes for a setback variance of 15 feet to the side-yard setback requirement of 25 feet in the Rural Residential (RR) zone on Lot 7, Block 5, Mountain View Subdivision Phase 3 (located at 505 Marshall Drive, on the south side of Marshall Drive, between Skyline Drive and Lowell Road).

Allyn Haynes, the Applicant, was present.

Manish Singh gave a presentation of his staff report and recommendations on behalf of the Borough’s Planning Department.

**Questions by Commissioners**

Mr. Muehling sought clarification on the variance granted in 1991 and asked why it was allowed.

Mr. Singh replied that according to his review of the file, there were key arguments; one being that the contractor thought the edge of the road was the edge of the right-of-way, but that was incorrect and the right-of-way was wider than relied upon, and Staff, at that time, did point out that no special condition existed, but the Planning Commission approved it anyway.
Mr. Haynes responded to the six (6) Findings of Fact and stated as follows:

1. The 103’ x 150’ available buildable area is not accurate due to spacing factors with his well and septic, and clearance distances between neighboring wells and septic. Mr. Haynes stated he believes there is less than 8,000 square feet of buildable area available.

2. Others in the neighborhood have structures of the size being requested, admittedly few, and all happen to be on the opposite side of the streets then Mr. Singh surveyed. Mr. Haynes stated his request is to make his structure as unobtrusive as possible, to blend in with the neighborhood, and not be highly visible from the roadway. Mr. Hayes further explained that the structure would have the most viability to the neighbor to the east side.

3. The other location mentioned would be less expensive, more convenient for access, but would destroy the property resale value, and a smaller sized garage does not accomplish what is trying to be accomplished.

4. The request will have no impact on public health, safety or welfare in this “rural residential” zone. Mr. Haynes stated his disbelief that the area qualifies as a rural residential since the majority of the lots in the subdivision are substantially less than 40,000 square feet, including his 31,927 square foot lot, and based on the Borough’s zoning, it should be zoned SF-20 which requires not less than 20,000 square feet, with side-yard of 5 feet, rear of 10 feet and a front of 20 feet; and if he had the additional 8,000 square feet to meet the Borough’s requirement or it was zoned SF-20, no variance would be necessary.

5. This request is not sought for pecuniary hardship or for inconvenience, and reports that he plans to spend considerable money to build an attractive building, and detailed the difference in the two proposed locations including the driveway radius, view obstruction, and topography.

6. History of the property supports the variance as the covenants, which were dated in 1968, and were valid for 30 years with two, ten year extensions, and provide setbacks of 10 or 15 feet if there is a utility easement involved. Mr. Haynes reported that 18.12.050, in the last sentence states “it is not intended by this title to interfere with or abrogate add any easements, covenants or other agreements between any persons”. Mr. Haynes further reported that new property owners in his subdivision still receive a copy of the same subdivision rules that he received.

Mr. Haynes reported that he did a rough sample of about a dozen property owners and they all thought that a 10 or 15 foot setback was the requirement.

Mr. Haynes expressed his frustration with the restrictions and stated that he is entirely unsure if he could build in another location and/or another size.

Questions by Commissioners

**Mr. Perreault** inquired why placement of the garage door not facing the road is so important. Mr. Haynes responded that it is for security reasons and the existing shed and trees help block the structure from being highly visible, and detailed placement of the door in other locations and the issues presented.

**Ms. O’Neall** sought to clarify the 15’ setback variance. Mr. Haynes responded that 15’ is what he is requesting and would work the best, but even if the 15’ setback variance was granted, he
would still require GVEA approval to build within 10’ of the utility easement. Ms. O’Neall questioned whether a 10’ variance would work and Mr. Haynes indicated he could work with a 10’ variance, but still would require GVEA to establish what his setback would need to be to their easement.

Ms. Presler inquired if he could build the structure longer, to which Mr. Haynes responded that 20’ is not deep enough and if he builds much further down the slope, he’d have to build over the septic tank and leach field. Ms. Presler and Mr. Haynes discussed other options of placement and size.

Ms. Presler directed Commissioners attention to two (2) affidavits in their packets received for this matter.

Interested-Person Testimony Opened

Mr. Barton Maize reported that he has shared the same property line with Mr. Haynes for twenty years and appeared to speak in support of Mr. Haynes’ request and believes it is a reasonable request. Mr. Maize indicated that he would be the most impacted since it is right on his property line and suggested that if Commissioners could view the layout, the same conclusion would be drawn. Ms. Presler inquired if he is the property owner to the east, and Mr. Maize replied affirmatively.

Mr. Nick Adkins reported he is the neighbor on the other side of Mr. Maize, and inquired from Commissions if they knew the name of the neighborhood to which he state “Mountain View Estates” and stated that although he is not very high up on the hill, he purchased his property so he can look past his neighbor’s satellite and see Mt. Deborah and Mt. Hayes every morning in the winter. He indicated his belief that blocking the view would impact the value of the property. He further indicated his preference that the garage doors not face the roadway. Ms. Presler sought clarification if placement at location B would affect Mr. Haynes’ or others views, and Mr. Adkins clarified it would affect others’ views.

Applicant’s Rebuttal

Mr. Haynes offered no rebuttal.

Interested Party Testimony Closed

Questions by Commissioners

Mr. Muehling asked the intended height of the structure. Mr. Haynes replied it would have 12 foot walls with a shallow pitch on the roof.

Ms. O’Neal drew attention to the A box and the dotted box [page 35 of packet] and stated that they do not appear really different. Mr. Haynes responded that there is a 10’ difference. Ms. O’Neal asked Mr. Haynes to explain problems with moving it 10’. Mr. Haynes explained the location of the driveway in relation to proposed site and alternative sites, and described sloping of property and the improbability of even being able to build in such a manner.

Ms. Presler drew attention to pictures on page 46, and Mr. Haynes interjected that the slope is between 4 and 5 feet.
Ms. O’Neall asked if he planned to build the driveway out and remove shed in order to access the proposed building. Mr. Haynes stated that the existing driveway will have to be lengthened and widened, but if he moves the building out another 10’, then he would have to look at another way to get into it, which would require moving the garage doors, making it visible to the road.

Mr. Muehling stated that the existing garage attached to the house has doors that already face north, and asked what the material difference is between the two existing garage doors and an outbuilding that would also have garage doors facing north. Mr. Haynes replied that the existing garage doors on the house is where he parks what he drives every day, and the detached garage is going to be used to house specialty items.

Ms. O’Neall asked what Mr. Haynes currently does with his specialty items. Mr. Haynes responded that sometimes they are kept on site in the temporary structures.

MOTION: To deny the requested 15 foot variance from the 25 foot side-yard setback requirement from the east property line adopting the staff report and six (6) Findings of Fact in support of the denial by Mr. Muehling and seconded by Mr. Peterson.

Discussion on the Motion

Mr. Perreault stated he does not support the plan to deny, and felt some of the Findings of Fact are not entirely defensible and that Mr. Haynes has established a steep slope from the house to the driveway, as well as, his argument for removing the white tents and providing something that looks and feels more like the houses in the area which is an effort at trying to conform to the standards of the neighborhood.

Mr. Peterson indicated he seconded the motion supporting denial. He stated he understood security concerns, but denial prevents the Commission from going against State law and the Borough’s Findings of Facts.

Mr. Muehling stated his support of the denial, and expressed his understanding of the security concerns, but there are already garage doors facing north [sic] and is hesitant to issue an exception when there is only one other exception in the neighborhood, and that it appears to be, aside from security issues, an inconvenience to have it in another location, and an inconvenience alone is not sufficient to not deny.

Ms. Presler commented that option B is not a good option even with space available; it would require driving across existing septic lines and, that apparent location would be blocking the view for neighbors which does encroach on someone else’s property rights. She indicated there might be better options than the proposed location, and that it might be more of an inconvenience to move the location, but perhaps putting a fence or other form of security could address the security concerns without relying solely on placement of the garage doors. She further stated a zoning variance is supposed to be a last resort when there is no alternative way to use your property.

Mr. Perreault outlined his proposed Findings of Fact in support of Mr. Haynes’ variance in that there are two key points that make it unusable and, moving site A closer to the house with the steep slope would require quite a bit of change of slope and would be a special conditions for the property, and two, the construction of the permanent garage in place of the temporary
structures would create a property that is more in line with the character of the neighborhood; one of established homes, built garages, outbuildings, etc., and removing temporary structures and replacing them with a nice professionally built building would be an improvement to the overall look of the property and better fit the developed and established character of the neighborhood. Mr. Perreault disagreed with Finding of Fact #5 and stated it is not to change a pecuniary hardship, it is not because it would cost more to do this versus to do that and by reducing the size or constricting the entry, the goal of the structure itself is not achieved.

Ms. Doxey reminded Commissioners that state law requires that there not just be an identified special condition, but that that special condition be a physical condition of the land; that the special condition distinguishes this particular parcel being considered from the other parcels in the area, and if the slope being discussed is a special condition, evidence needs to be made that that special condition does not apply to other land in the area. She stated it is presumed that when lots are zoned, the Assembly considered the zone appropriate for the general conditions of the area. She further indicated that the character of the neighborhood is relevant to consideration of whether denial of the variance will deprive the applicant of the use of the property in a manner equivalent to other properties in the area, and communicated that if the garage needs to be shifted to another location and the garage doors need to be put towards the front of the property versus towards the side of the property and whether that deprives this property owner of something that other property owners have, evidence must show that the other property owners have that right and are exercising that right.

Mr. Stepovich questioned whether a view would fall under the category of deprived such as blocking another’s view or one’s own view.

Ms. Doxey responded that depriving someone of property rights could mean this property owner is deprived of something that other property owners have in the area. She stated that if everybody else can have this size of a garage on their property with the same setbacks in the zone and have it in an area that does not interrupt their view, then maybe some special condition of the land could be causing a special circumstance applicable to this property owner that is depriving him of that right. She indicated that a record would need to be developed if that were the case.

Mr. Muehling requested permission to question staff.

Ms. Doxey interjected that by doing so, the Applicant would be allowed another rebuttal period.

Mr. Muehling questioned his understanding that the entire subdivision has approximately 10% slope, and stated he did not hear anything indicating this lot was any different than other lots in the area in terms of slope.

Commissioners briefly discuss previous testimony on this issue and whether 10% slope was for the subject lot or the entire subdivision.

Ms. Presler inquired if Mr. Muehling needs clarification from Mr. Singh.

Mr. Muehling indicated that in determining if there is a special case for this lot, he would need to know if the lot is unique within the subdivision in terms of slope and developability.

Ms. Presler took a moment to look at the plat, and not finding an answer, allowed the question to Staff.
Mr. Singh sought clarification that the question is that the 10% slope is specific to this property or applies generally to the Mountain View Subdivision.

Mr. Muehling confirmed that is the question.

Mr. Singh responded that the calculations that he performed are specific to Mr. Haynes property and he looked into the 10 foot or 50 foot contour lines available with the Borough GIS program and could estimate the slope on the property is approximately 10%. The subdivision itself is a larger piece of land and maybe a very complex topography and the slope may vary from one property to another property and stated he could not speak to the matter without a topographical survey.

Applicant's Rebuttal

Mr. Haynes responded that slopes vary tremendously and stated that another reason for the garage door placement would include construction of retaining wall to prevent water drainage.

Closed Additional Rebuttal Testimony

Ms. O'Neall stated her conflicting thoughts on the matter; neighborhoods have particular rules for maintaining a particular quality of life and live there knowing these rules, but is dependent on who lives in the subdivision, and then there is an instance of someone who wants to do something that is within a right to do on your own property that doesn't impact anybody and Mr. Haynes obviously cares about the community as well, so as a Planning Commissioner, and a property owner, I would not be happy if in the Applicant’s position, but if everyone came to the Commission with such a request, there would be a bunch of 12' garages within setbacks. She indicated she was unsure if the Applicant would get through the utility corridors anyway.

ROLL CALL

Four (4) in Favor: Mr. Muehling, Mr. Guinn, Mr. Peterson, Ms. Presler

Five (5) Opposed: Mr. Perreault, Mr. Stepovich, Mr. Brandt, Mr. Whitaker, Ms. O’Neall

MOTION FAILED

MOTION: To approve the 15 foot variance from the 25 foot side-yard setback requirement from the east property line adopting three (3) Findings of Fact in support of the approval. The Findings of Fact are: (1) The steep slope from the house to the driveway and the grouping of the septic near site A in the schematic show a special condition putting it there and not blocking the view which is common to the neighborhood; (2) Construction of a permanent garage is a more consistent with the character of the neighborhood than the existing temporary structures and is an improvement; and (3) The variation is to improve the property and not to relieve pecuniary hardship in a smaller size structure would not achieve the goal of the structure, made by Mr. Perreault and seconded by Mr. Whitaker.
Discussion on the Motion

Mr. Perreault reiterated that having heard sworn testimony from neighbors and from the Applicant that a detached garage, while larger than some, but not all on record with the Borough, the detached garage is not something that is out of character with the neighborhood contrary to the Staff Report. He further stated that something common to the neighborhood is the mountain view, so despite there being technically the ability to build it in site B on the schematic, that would deprive the homeowner of something common to homeowners in the neighborhood should he build on that location, so site A is the better option and in order to prevent him from having to deal with a steep slope away from his house it would cause great hardship to completely redo that and believes the variance should be granted.

Ms. Doxey addressed the Commission with concerns about approving this variance based on the evidence before the Commission. She referred back to State law requiring a special condition, and communicated that granting a variance is allowing somebody to break the law, and in so doing, it is supposed to be the absolute minimum necessary. She explained that case law indicates it should be necessary due to the special condition, and hearing evidence from the Applicant that he could move the garage, he could make it smaller, he could make it narrower to comply with the setback, the necessity element is lost, and the testimony and evidence heard is that the garage he prefers to build is exercising property rights in excess of what his neighbors are exercising, and without telling the Commission how to construe the evidence, the record needs to be developed, and to deny a variance into the setbacks which might require this property owner to develop a smaller garage is not to deny him of exercising a property right that his neighbors are exercising based on the record thus far.

Mr. Perreault stated that there are larger structures that are already approved as indicated by Mr. Singh, so the Applicant is not going outside the realm of existing ancillary structures.

Ms. Doxey requested to be pointed to the evidence in the record that is being relied upon.

Mr. Perreault replied that it was indicated by Mr. Singh in his testimony.

Ms. Doxey referred to Exhibit 3 of the Staff Report and read some of the existing structures square footage, including one 912 square foot, so denying a variance and requiring the property owner to scale back his proposed development does not deny him of a property right that other properties in the area are exercising.

Mr. Perreault stated that there is another property with a garage that size, and if someone else gets to do it, why not this Applicant. He further stated that most are smaller, but not all, and Exhibit 3 demonstrates that one is 12 square feet larger than the proposed, so Mr. Haynes' request is within the range of values.

Ms. Doxey communicated that she has not heard evidence that deprives this property owner from developing his property in keeping with the other neighbors in the area.

Mr. Perreault stated he is going to vote based upon the evidence he sees; that there is at least one that is larger, therefore, the Applicant is building something within the range of accessory buildings in the area.

Ms. Doxey stated she still does not believe the legal standard has been met to grant this variance.
Mr. Guinn communicated that he would be voting no on this motion, as the Applicant has not met the necessity requirement and it appears to be a matter of convenience and regarding the other structures that have been allowed to be built, the preponderance of them are much smaller than the 900 square foot proposed.

Mr. Brandt drew attention to the Staff Report that the structure Mr. Perreault is referring to as being 912 square feet is actually a 720 square foot detached garage and a 192 square foot detached shed, so combined they are 912 square feet combined.

Ms. O’Neall inquired if a topographic map or survey would be evidence to demonstrate a special condition setting this property apart.

Ms. Doxey replied that evidence is needed that there is a special condition which is unique to this property setting it apart from other properties in the area and, the special condition necessitates the variance; three (3) separate elements that have to be shown. She further stated that whether there is a special condition in the 10% slope in this particular area between the house and the proposed garage is one question, whether there is evidence that that slope is peculiar or unique to this property is a different question, and from a legal standard, it does not appear there is evidence to support either of those determinations at this time.

Ms. O’Neall sought clarity on how to proceed without the evidence.

Ms. Doxey responded that the burden is on the Applicant to meet all the elements and if there is not substantial evidence for the Commission to make that determination, then the variance should be denied.

Ms. O’Neall asked if the appeal process would then come in if the Applicant wanted to appeal the Commission’s decision with evidence that would prove a special condition.

Ms. Doxey responded that her belief, without looking, is that the appeal is limited to the record, so the opportunity to introduce evidence is today, so theoretically, if the Commission wants more evidence and believes more evidence can be brought in, it could postpone this matter to the next meeting and instruct the Applicant and/or Staff to bring back additional information.

Mr. Meuhling stated that there was testimony that the character of the neighborhood and that character has small garages and this would be a new largest garage in the neighborhood which would place it outside the norm for this neighborhood.

ROLL CALL

Four (4) in Favor:  Mr. Brandt, Mr. Whitaker, Mr. Stepovich, Mr. Perreault

Five (5) Opposed:  Mr. Meuhling, Mr. Guinn, Mr. Peterson, Ms. O’Neall, Ms. Presler

MOTION FAILED

MOTION:  To postpone this hearing to the next available meeting to allow the Applicant time to produce evidence that a special property condition exists by Ms. O’Neall and seconded by Ms. Presler.
Discussion on the Motion

*There was no discussion on the motion.*

ROLL CALL

Seven (7) in Favor: Mr. Guinn, Mr. Whitaker, Ms. O’Neall, Mr. Stepovich, Mr. Perreault, Mr. Brandt, Ms. Presler

Two (2) Opposed: Mr. Peterson, Mr. Muehling

MOTION PASSED

Ms. Doxey interjected that the next available meeting date is the next meeting date, and that this matter has been properly noticed.

Ms. Presler communicated that this matter will be continued to the September 6, 2017 meeting, and drew attention that that meeting will be held on a Wednesday due to the Labor Day Holiday.

Ms. Presler announced the next matter before the Commission and informed that the meeting was improperly noticed in that the address did not appear correctly in the newspaper and that there might be people who might want to testify that are not here tonight because they did not realize it was the property that it is, so the Commission will hear the Staff’s presentation, the Applicant’s presentation, and all how are here tonight will be given the opportunity to testify, however, a decision will not be made. She reported that the matter will be heard again at the September 6, 2017 meeting and those not here tonight will be given the opportunity to testify then, if someone here tonight testifies, they will not be able to testify again at the September 6th meeting.

2. CU2017-024: A request by David Worel on behalf of Worel LLC for conditional use approval of a marijuana cultivation facility, indoor unlimited in the General Use 1 (GU-1) zone on Lots 8, 9, and 10, Block 2, Piledriver Park Subdivision (located at 807 Landing Road on the west side of Landing Road, north of Badger Road.

Mr. David Worel, the Applicant, was present.

Stacy Wasinger gave a presentation on her staff report and recommendations on behalf of the Borough’s Planning Department.

Questions by Commissioners

Mr. Perreault noted there are no lighting conditions and wondered if there was a reason for not adding any.

Ms. Wasinger responded that the standard in Title 18 is that no light be directed towards residentially zoned properties, and in this case it’s surrounded by general use zoning, so that condition was not added, in addition, the Applicant has shown its lighting on the site plan, so any changes would require that information to come back to Community Planning.
Mr. Peterson inquired if condition #2 is already covered in condition #1; saying the State does not require filtration systems appropriate to the buildings.

Ms. Wasinger responded that in terms of a land use criteria, the State may require a certain odor filtration, but in this case, it gives Community Planning an enforceable condition that is specific to this use regarding odor. She further stated that it is in addition to any State requirements.

Mr. Worel addressed the concern with lighting on the building, and stated there are existing LED lights which shine over the doors on the building for security purposes. He further stated that he has been there since 1995 and has had no complaints about the lighting.

Mr. Worel addressed Mr. Peterson’s question on odor, and stated that the State requires odor filtration.

Questions by Commissioners

Mr. Muehling inquired what experience, training or basis for determination Mr. Worel possesses for determining what filtration requirements are needed.

Mr. Worel responded that he is a mechanical contractor specializing in HVAC, and once the system is sized appropriately, it will be engineered correctly for the air requirements.

Ms. O’Neall asked the Applicant to describe the plan initiated with neighbors to make them aware of his plans on the property.

Mr. Worel replied that he has not talked to any of his neighbors; on one side is a commercial outfit operating in the summertime and the other neighbor in the back is house that has been abandoned for the past five years, and most of the other neighbors are customers.

Ms. O’Neall asked the Applicant how many residential people live around the area.

Mr. Worel responded that approximately 80 to 90 percent of the area is residential.

Ms. O’Neall inquired of his length of ownership of the property and if he lives on the property.

Ms. O’Neall replied that he purchased it in 2005 and he does not live on the property.

Ms. Presler commented that the application disclosed an anticipated four part-time to four full-time employees, with hours of operation being 10:00 – 6:00 Monday through Saturday. She further asked if Mr. Worel had been operating his heating and air conditioning company from this location.

Mr. Worel responded affirmatively.

Ms. Presler inquired if the traffic anticipated with the new use will be less than existing use.

Mr. Worel stated that at one time, he had thirty (30) employees that operated out of the building, traffic it will be considerably less than it has been over the last five (5) years.
Ms. Presler questioned if people would be picking up the product generated or would he deliver it.

Mr. Worel responded that it would be delivered to retailers.

Ms. Presler queried that the only people visiting the site would be supply deliveries and employees.

Mr. Worel indicated yes, and any other government officials for inspections.

Ms. Muehling followed up on trip generation and inquired if the trip route is down Landing Road a couple hundred feet to Badger Road.

Mr. Worel answered affirmatively.

Ms. Presler directed Commissioners attention to an affidavit in their packets received for this matter, and indicated there is a telephonic testimony participant.

Interested-Person Testimony Opened

(The meeting recessed at 8:58 p.m., and reconvened at 9:08 p.m.)

(Clerk contacted Mr. Fred Hill for his telephonic testimony)

**OATH ADMINISTERED TO MR. HILL**

Mr. Hill testified that Loose Moose Loop, near proposed site, has had two meth labs busted in the past, and within 50 yards of his residence there is another place that is under investigation for the same thing. He further stated that whether it is a legitimate pot shop or not, it should not be in a neighborhood with children and a park, and should move to a City area or the town of North Pole; it does not need to be in a residential neighborhood as it draws in people not wanted into the neighborhood because of their drug activity.

Ms. O’Neall asked for the time period when there were problems with the meth labs.

Mr. Hill replied that he is not positive, but it has been since he has lived in the area, so within the last ten (10) years at the most.

Mr. Worel thanked Mr. Hill for his testimony and appreciated his concern over drug activity in the neighborhood.

(Ms. Presler advised Mr. Hill of the delay in decision until the September 6, 2017 meeting and disconnected the call.)

Mr. Rodney Rutherford indicated his support of the location and building.

Mr. Bruce Campbell requested the Chair distribute materials related to his testimony.

Ms. Presler advised she would review the materials to determine applicability to a property interest before sharing with other Commissioners.
(Five (5) minute break for Chair to review materials)

Ms. Presler accepted Mr. Campbell’s materials that supported his property interests and was the basis for her approval, and reported that the materials were distributed to other Commissioners, Staff, and the Applicant.

Mr. Campbell stated that the area is a serious nonattainment area for PM 2.5 and looking at building related construction land-based type issues, one topic is chimney height. He reported that chimney height goes to an old air pollution issue that the higher the chimney height, the greater the pollution is within the air body. He further detailed air quality and inversion observations within Fairbanks and North Pole, and experiments he has conducted.

Mr. Whitaker asked if Mr. Campbell is advocating to having the chimney on this building raised or all commercial buildings that appear before the Commission

Mr. Campbell responded that all commercial buildings and pointed out that he has not been able to judge how tall the chimney height is, but it should be somewhere between 25 and 30 feet.

Ms. Karen Tanner reported that Mr. Worel has been a good neighbor. She testified she had reviewed Mr. Worel’s plans and feels there are a couple of matters that need to be addressed. She stated those areas are the hours of operation which offered differing dates and times, lack of assurance that a retail marijuana business will not be established, and the issue of the condition of Landing Road which is prevalent with pot holes all year long.

Mr. Perreault inquired if Landing Road is part of a road service area or a State-maintained road.

Ms. Tanner replied it is part of a road service area.

Ms. O’Neall inquired if Ms. Tanner is aware that there is different criterias to be able to sell to the public.

Ms. Tanner replied that she was aware, but wanted to be on record to say such an operation would be unhealthy to her neighborhood.

Ms. O’Neall pointed out that it is important to note that retail is an entirely separate process and Ms. Tanner, as a neighbor, would be notified, and offered assurance that the business to be conducted under this permit would be wholesale only.

Ms. Tami Leroux testified that there is already drug activity in the area, and has the following additional concerns: (1) Landing Road is full of pot holes and additional traffic creates more wear and tear on the roadway and, (2) possible lack of adequate electricity to support additional usage since the neighborhood already experiences power bumps.

Ms. Presler allowed Mr. Worel to offer rebuttal to address any interested person who testified even though the matter will be postponed for additional interested person testimony.
**Applicant’s Rebuttal**

Mr. **Worel** stated his concurrence with the condition of Landing Road and his intent to become more proactive. He addressed the matter of the retail side of the marijuana business and stated he has no intention of going into the retail business at that location. He further stated to address the issue of electricity, his plans are to install a transformer on the building, so there should be no change resulting from his operation.

**MOTION:** To postpone CU2017-024 to September 6, 2017, to allow proper notice and any additional interested persons to testify by **Ms. Presler** and seconded by **Mr. Peterson**.

**PASSED WITHOUT OBJECTION**

3. **CU2017-025:** A request by Monique Daigle DBA AK Green Bee, Inc for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Lot 2, Block 1, Benshoof Subdivision Phase 1 (located at 2364 Badger Road, on the east side of Badger road, south of Benshoof Drive).

**Domique Daigle**, the Applicant, was present.

**Manish Singh** gave a presentation on his staff report and recommendations on behalf of the Borough’s Planning Department.

**Questions by Commissioners**

**Ms. O’Neall** asked for clarification of the 500 foot view map and if this particular use permit requires 100 feet.

**Mr. Singh** explained that FNSBC 18.96.240 requires an Applicant to provide a map of all properties within the 500 foot distance and show their uses and/or type of businesses, and stated that the distance that would apply to a sensitive use business may be less than or equal to 500 feet depending upon the sensitive use, and for the church, this buffer distance is only 100 feet.

**Mr. Muehling** asked if the existence of Badger Road between the sensitive use and the subject lot would change anything.

**Mr. Singh** pointed to the map indicating that the sensitive use is on the south side of the proposed conditional use property and it is an existing church.

**Mr. Muehling** asked if the 100 foot buffer distance was intersected by a major road, like Badger, does that affect the offset requirements.

**Mr. Singh** stated that the code does talk about certain barriers, but it must be a controlled access highway type road, and Badger Road, in this section, would not qualify as a controlled access road.

**Ms. Daigle** addressed the Commission and neighbors’ concerns regarding air, soil, noise pollution, and safety and security of the neighborhood, and testified as follows:

- Will not nor plan to apply for retail license.
• Will meet all regulatory requirements of Planning Department, Alaska Department of Environmental Conservation, the State of Alaska Division of Fire and Life Safety, North Star Fire Department, and the State Alaska Marijuana Control Board.
• Will have 24/7 security and structure will have only three entrances; no windows or signs displaying the business or usage.
• Structure is in a field not accessible from Badger Road.

Ms. Daigle further reported that the building is in a field not accessible from Badger Road and fully self-contained with doors remaining locked at all times with security cameras monitoring the building with outdoor motion-sensing lighting that will be mindfully placed. She stated her goal is not to upset the neighborhood as she lives there too and had planned when she purchased her property 11 months ago, to build an eight-plex, but this opportunity presented itself.

Mr. Muehling sought clarity that there would be no visual indications of the use of this business on the outside.

Ms. Daigle responded affirmatively.

Mr. Muehling asked what expertise Ms. Daigle would draw upon in terms of air filtration to have something that has the capacity to eliminate odors in the neighborhood.

Ms. Daigle replied that they would be using the in-line carbon filters in each grow room and also in the main processing area. Each carbon filter is scaled for up to 650 square feet, and if it is found that that is not adequate, they will install more or will install a larger commercial filter that is adequate.

Mr. Perreault inquired of the current state of development of the building.

Ms. Daigle answered that their engineer is working with DEC on requirements for wastewater and the septic system cannot be installed until it is approved by DEC. She further reported that an application has been submitted for fire and life safety which is halting pouring of the foundation and the shell from going up, until that permit is received. She stated that basically it is a gravel pad and are waiting for additional approvals.

Ms. O’Neill asked Ms. Daigle to describe any communications she has had with surrounding neighbors about her plans.

Ms. Daigle responded that she had a few neighbors come to her door, and stated she did go to the Total Toyo retail operation and asked them if they had any questions she could answer, and outside of that she did not feel it prudent to go door-to-door.

Mr. Whitaker queried how she intended to heat these buildings.

Ms. Daigle replied that the plan is to put a boiler in and have radiant heat.

Mr. Whitaker stated that in previous testimony, Mr. Campbell mentioned higher stacks, and asked if that is something she would consider.

Ms. Daigle stated “absolutely” and indicated she did make note of that and plans to research it.
Ms. Presler directed Commissioners attention to written testimony in their packets received for this matter.

Interested-Person Testimony Opened

Mr. William David Black, Jr. addressed the Commission and testified as follows:

- Owner of Total Toyo, LLC at 1281 Benshoof.
- Has been in business for 9 years, and started as a home-based business.
- Chose present location five years ago because of the neighborhood; clean, new construction homes, no junkyards, and built building to fit in and not to be an eyesore.
- Have maintained their business to meet neighborhood standards; free from trash, disabled vehicles.
- Operates Monday through Friday 8 – 6, and six hours on Saturday in the winter.
- Traffic contained to the beginning of Benshoof.
- School bus stop is located at the end of Benshoof.

Mr. Black spoke to negative impacts of a commercial marijuana operation next to his business and mentioned that the lots are skinny one acre lots without trees separating properties, and is worried about the negative traffic it may bring and potential criminal activity that may target his business or people trespassing on his property to get to the grow operation. He further stated his concern of the Applicant’s security force and being down range of trigger-happy rent-a-cops, along with the odor that accompanies growing marijuana and how it may affect him and his customers and is worried his customers may choose to do business elsewhere. He stated his uncertainty of the financial impacts this permit approval could have on his business; loss revenue, increased insurance costs, decreased property value, and the value of the company in the event he decides to sell.

Mr. Black corrected Mr. Singh’s statement that his business has the same hours of operation and as stated above, he is only open 50 hours a week in the summertime and 56 hours in the winter.

Christine Neff testified she is extremely concerned about the proximity to her home and the incomplete site plan turned in for this facility. She indicated that the first page of the conditional use permit application included a statement that “I have attached a detailed site plan drawn to scale and to the standards of commercial industrial plan guidelines. I certify that the information included in this application is to the best of my knowledge and true and complete”. She further indicated that the certification statement signed by the Applicant does not meet requirements clearly identified in section 2 of the application instruction checklist, and the site plan contains so little information that it cannot be effectively reviewed because compliance with the requirements cannot be confirmed, and that the incomplete nature of the site plan, combined with the false certification, is sufficient grounds for denial of the application. She explained she could provide examples of the incompleteness, but stated it would exceed the allotted 3 minutes, and pointed to a binder filled with information for the Commission.

Ms. Presler responded that if Ms. Neff wanted to submit something to the Commissioners for review, she would need to review the items first.

(Ten (10) minute break at 10:03 p.m., allowing an opportunity for the Chair to review materials under tab #1 of the binder with Counsel; resumed at 10:13 p.m.)
Ms. Presler reported that she reviewed tab #1 from the binder that was given to her and determined that that information is not going to be admitted, and informed Ms. Neff that she could use her time to discuss those things, but the things that are highlighted are not things the Commission would base its decision for purposes of the conditional use permit.

Ms. Presler further stated that in her review of tab #1 of the binder, that there are 14 more tabs, and questioned if other folks are going to be presenting; requiring her to review each tab, and if so, she would need another break to review all of the materials.

Ms. Presler, having heard from the audience that the contents of the binder would be used by others when testifying, informed she would break to determine what materials would be admitted, distribute those, and proceed with allowing everyone a chance to testify.

(The meeting recessed at 10:15 p.m., allowing an opportunity for the Chair to review the entire contents of the binder with Counsel; resumed at 10:55 p.m.)

Ms. Presler reported that after reviewing the binder, her conclusion on the disposition of the materials as follows:

- Tab #3 - two page factsheet from the Alaska Department of Natural Resources are held until someone testifies to determine applicability.
- Tab #4 – all of the pictures admitted without objection from Applicant or Staff.
- Tab #8 – all of the pictures admitted without objection from Applicant or Staff.
- Tab #9 – photo is admitted without objection from Applicant or Staff.
- Tab #12 – a two page table titled “Alaska’s Impaired Waters” is held until someone testifies to determine applicability.
- Tab #13 – a three page document of frequently asked questions from the Alaska Department of Environmental Conservation on marijuana growing or processing wastewater are held until someone testifies to determine applicability.
- At this time, all remaining materials [tabs] are denied from admission into the record.

Ms. Neff resumed her testimony with two (2) minutes and testified as follows:

- Her residence is 100 feet from the proposed building.
- Any lights on the outside will shine directly into her kitchen and dining room even if faced downward.
- Concerned where the well is going to be in consideration to her septic placement.
- Worried about the type of septic going in due to it being leached into the ground water and whether it will be enough filtration system before the holding tank or outside of a standard residential septic system.
- Not presenting arguments to stand against the legalization of marijuana nor the legitimacy of such businesses or enterprises, here to clearly explain their case of denial for the marijuana establishment’s conditional use application.
- Where is the dumpster going to go, the odor, etc., and will there be any fencing to block the lights coming in, any landscaping to create a barrier.
- If a generator is going to be used in the event of a power outage that is going to be a problem.

Mr. Perreault drew attention to the aerial layout of the corner of the neighborhood and noted it showed a lot of open space. He asked if his assessment is correct.

Ms. Neff indicated that the area Mr. Perreault drew attention to is her backyard.
Mr. Perreault inquired if there is any barrier between her and Total Toyo, and the homes to the south of hers.

Ms. Neff indicated that there is just grass.

Mr. Perreault asked if her neighbors have generators for power outages or exterior lights.

Ms. Neff replied that Total Toyo is closer to Badger Road and she cannot see any lights.

Ms. Presler sought guidance from Ms. Doxey on questioning Staff of their application checklist.

Ms. Doxey responded that there was no testimony on it in the record, and suggested that if Ms. Presler would like to ask the interested person who initially raised it what the concerns are about the checklist, then they may have questions of Staff.

Ms. Presler stated that she heard Ms. Neff express concern in her earlier testimony that they are challenging the application, not necessarily the facility or the legalization of marijuana per say, and asked her to expand on her concerns related to the application

Ms. Neff indicated that the septic is not sited or indicated on the application as far as the location.

Ms. Presler sought clarification if she was referring to the application form.

Ms. Doxey questioned if it is the site plan of the septic location that is not shown on.

Ms. Neff indicated she would need to defer to Christa [Dryer] on that issue.

Mr. Brad Erichson addressed the Commission and offered testimony as follows:
- Fourteen year resident of his home on Benshoof.
- His home is 100 feet away from the facility.
- He is a State of Alaska licensed mechanical administrator since 1988, with an area of expertise in construction in general, piping, plumbing, heating, and ventilation.

Mr. Erichson detailed the incomplete nature of the application in section number 3, other required information, and on the floor plan, and stated his belief that due to the incompleteness, the application should be denied. He further stated that the application does not include enough information to demonstrate compliance, and the application checklist omissions include; square footage calculations for each type of use, lacks clarity in how the facility will operate in the interest of employee safety and public health and welfare, and is missing the total square footage calculations of all areas to be used for the marijuana facility as required by the checklist.

Mr. Erichson stated that their concerns have been amplified as construction of this facility has proceeded over the past couple of weeks without any permits for water, sewer, life safety systems or land use, and there are now existing conditions on site that may be poorly planned and executed because they have not been coordinated with the requirements of the authorities having jurisdictions. He explained that one example is the excavation and backfill for the slab on grade which were constructed prior to this scheduled public hearing and were completed without any engineering or inspection. He questioned what type of secondary containment
membrane is going to be used below the concrete slab to prevent permeation of chemicals and pollution of soil and groundwater. He went on to explain that anything spilled or splashed on the floor can pass straight through the concrete slab and into the ground below especially in a hydroponic operation, and the same applies to any affluent piping which is placed under the slab which needs to be engineered and tested so that it is water tight and unknown chemicals cannot get into the groundwater. He ended with saying that all work needs to be done by a licensed contractor to ensure safe installation of fuel tank, lines, and heating systems, and that ventilation is a big concern.

Mr. Peterson stated that the area being discussed is outside the City limits and that in the Borough there is no requirement outside of the City for someone to have a permit to put up a building.

Mr. Erichson replied that there are permits to DEC, EPA for water and wastewater and indicated you cannot put a septic system in a commercial building without the proper DEC approved septic system.

Mr. Peterson drew Mr. Erichson back to his testimony about the concrete slab, the gravel below the slab, and other things.

Mr. Erichson responded that it’s a concern based on the fact that if it is not engineered correctly with proper reinforcements, the slab can crack and there is no barrier between these unknown chemicals and the aqua for the groundwater below.

Mr. Peterson inquired if Mr. Erichson has written documentation that they didn’t have it engineered.

Mr. Erichson stated he would expect to see engineering proof that they performed due diligence.

Mr. Peterson asked where Mr. Erichson expected to see that information.

Mr. Erichson responded in a site plan in their application. He further stated that the application is totally incomplete and does not show any clear evidence that anything will be done correctly.

Ms. Presler questioned Mr. Erichson on the checklist he testified about, and asked him to explain the document.

Mr. Erichson drew attention to paragraph 3 “other required information” that the applicant is required to provide prior to the hearing.

Ms. Presler inquired if the checklist came from the Community Planning Department.

Mr. Erichson stated it is “your” application checklist.

Ms. Presler questioned if Mr. Singh is familiar with the checklist Mr. Erichson referred to.

Mr. Singh stated he is familiar with the checklist.

Ms. Presler asked Mr. Singh how Planning uses the checklist.
Mr. Singh responded with an explanation of various forms Community Planning has developed over the past couple of years, including a checklist used over the counter to make sure his office has sufficient information to write a staff report and for the Planning Commission to make a decision.

Ms. Presler asked the purpose of the checklist.

Mr. Singh replied that the items required on the checklist rely on the code and the guidance given by the zoning code and is the information that is required to write a staff report.

Mr. Erichson interjected that the word “required” would indicate that it is required.

Ms. Doxey clarified that what sounds like an internal checklist used by Community Planning is not a checklist that this Commission has developed, and directed attention to code provisions for conditional use applications, FNSBC 18.104.050(B), which sets forth requirements for an application for conditional use and outlines specially six (6) requirements. She read into the record the legal requirements for an application.

Ms. Christa Dyer addressed the Commission and stated she is a project manager for Neeser Construction and addressed the narrative provided per section 4 in the application, and indicated that the narrative is also missing information required on the checklist which is included with the application when someone downloads it from the website, and is not strictly an internal planning checklist. She further stated that due to missing information, it is difficult to verify compliance with requirements, and explained some of the missing items:

- List of chemicals proposed for use and storage at the site.
- Phases of development for the proposed property.
- Generator noise impacts.
- Trash storage/containment.
- Lighting pollution.
- Engineering per the National Electrical Code.

Mr. Perreault inquired what Ms. Dyer does when the power goes out.

Ms. Dyer stated they use a small generator only minimally and for essential use.

Mr. Robert Dyer spoke on the issue of the posting of the public notice sign and it not meeting requirements nor was a good faith effort intended. He stated it does not meet the requirements because it is not facing both directions of traffic from Badger Road, only faces north, is heavily obstructed by trees and shrubs and, is more than 70 feet from the edge of the road. He explained that since the potential ability to view is only from one direction of traffic, the effective distance is nearly twice the maximum allowed. He further stated that the affidavit was required to be submitted twenty days before the public hearing and demonstrates that the statement made under oath on the affidavit are grossly misrepresentative of the facts and are false testimony. Mr. Dyer drew attention to pictures admitted under tab #4 and explained the various locations the pictures were taken, and indicated that on August 9th someone tried to clear some of the brush, but the view was still obstructed. He reiterates that the improper and false testimony should disqualify this applicant from approval of the conditional use permit.

Mr. Muehling inquired if Mr. Dyer felt the public notification process to notify, by mail, people living within 2,000 feet, is sufficient notification process.
Mr. Dyer replied that he does not believe so, since if someone is at 2,001 feet, you could be on the road that accesses some of the properties, and stated he would have liked to be personally contacted.

Ms. Presler clarified whether Mr. Dyer received a property owner notification and if his preference to be personally contacted would be by the Applicant.

Mr. Dyer responded that he would have preferred to be personally contacted by the Applicant.

Ms. Doxey inquired if Ms. Presler wished to asked questions of Staff to determine if there is a notice concern.

Ms. Presler asked Mr. Singh to verify when the signs were placed and what the Borough’s procedure is to ensure the signs are visible.

Mr. Singh responded that generally as part the quasi-judicial matters, Staff would recommend a site visit, and often times the site visit is conducted earlier in the process. He stated what when he visited the site it was a day or two after the application was filed and the sign had not been placed, but he did receive an email on July 25th with a couple of photographs showing the posted sign and received the sworn affidavit that same day. He indicated that generally if it is visible from the street, people can understand there is a public hearing and can see the number and call to find out more about the matter.

Ms. Doxey read the General Procedures for Rezonings, Conditional Uses and Variances at 18.401.010(C)(3) entitled, Notice by Applicant into the record. She further suggested that some follow up questions be asked about the visibility of the sign and then a determination can be made if there is a notice problem, and if so, how it can be remedied.

Ms. Presler addressed Mr. Dyer and stated that his photographs are between August 5th and August 9th which is clearly within the timeframe of when the signs are supposed to be posted and are clearly visible from adjacent streets, and inquired if Badger Road is the only adjacent street.

Mr. Dyer replied that the property butts up to Badger Road.

Ms. Presler asked how many signs there are on Badger.

Mr. Dyer replied that there is only one sign and the pictures are of the same sign at different angles.

Ms. Presler inquired when Mr. Dyer first noticed the sign, and asked if it was ever really clear.

Mr. Dyer stated he noticed them when they started taking pictures, and around the 9th, someone stomped the trees and it looked a little bit clearer for a couple of days.

Ms. Doxey suggested that the Applicant be given the opportunity to address the signs and possibly Staff.

Ms. Presler asked Ms. Daigle if she put the sign up and when she put it up.
Ms. Daigle confirmed she did post the sign, and stated that she put it up at least two days prior to when she was required to put it up on July 24th.

Ms. Presler asked Ms. Daigle if it was fairly visible at the time she placed the sign.

Ms. Daigle stated that it was visible, and the question she would ask, is if the pictures were actually taken from Badger Road where someone would be driving, as the pictures appear to come from the shoulder directly in front of it and, placement was difficult because there is not a lot of trees to choose from and the only other option was the telephone pole and she didn’t believe that would be allowed. She further informed that she placed it where she felt it would best be seen from Badger Road in the best way it could be secured to the tree, and that she did notice there was growth there later and she did try to remedy it.

Ms. Presler asked if Ms. Daigle thought Mr. Dyer's pictures were representative.

Ms. Daigle indicated she does not believe they are because they are all from the shoulder where if you are actually driving on Badger Road, you would have a better view. She further agreed that in the 22 days there has been some growth in the ditch area.

Ms. Presler sought clarification from Mr. Singh that he had not been out there since the sign was placed.

Mr. Singh informed that he conducted his site visit several days before the sign was placed. He further stated that they do ask applicants to send an email with one or two photographs of the posted sign before the deadline and then they are also required to file the affidavit clearly stating the day when the sign was posted. He informed that he did receive an email from Ms. Daigle with photographs and the affidavit.

Ms. Presler inquired if the signs were clearly visible in the photographs he received.

Mr. Singh stated that the photographs he received clearly show the public hearing Borough logo and does show public hearing, the phone number and the case number clearly. He further stated that it is the same sign they give to all quasi-judicial applicants.

Ms. Stepovich asked to be able to see Mr. Singh's photographs.

(Discussion ensued amongst the Commission about the approaching midnight hour and the lingering issue of public notice posting. The meeting recessed at 11:39 p.m., allowing an opportunity for Staff to make copies of the July 25th photographs and affidavit; resumed at 11:45 p.m.)

Ms. Presler reflected that Commissioners now have copies of the admitted affidavit and photographs testified to by Mr. Singh.

Ms. Doxey clarified for the record that the items admitted are a public notice sign posting affidavit signed by Monique Daigle, an email chain between Monique Daigle and Manish Singh, and two photos of the sign posting.

Mr. Muehling asked Ms. Daigle where she was standing when she took the picture.
Ms. Daigle stated she was standing on the same shoulder and the other one was from the proposed property site to show the distance to Badger Road.

Mr. Muehling asked if Ms. Daigle was standing in the brush or on the pavement or dirt road.

Ms. Daigle responded that she was not standing on pavement; she was standing inside the shoulder in the vegetative area.

Ms. Presler asked Ms. Doxey if she thought there is a noticing issue.

Ms. Doxey responded that the Commission should look at the two conflicting sets of photos to determine which one it is going to rely on or if there is just enough of a concern that the Commission wants to have notice reposted, but the remedy for a notice violation is to postpone this matter, repost notice, and come back to see if there are any other interested persons who did not get actual notice that are not hear tonight that would come on the later meeting date.

Ms. Presler sought input from Commissioners if they believe there are issues, and requested Ms. Doxey read again the public notice requirement.

Ms. Doxey informed that the requirement is for posting 20 calendar days before and that the notice must be clearly visible from each improved street adjacent to the land, so the standard is “clearly legible”.

Ms. Presler commented that the applicant posted the sign on July 23rd and stated her belief that the photographs before her show that the sign was legible at that time, but that the photographs provided in Mr. Dyer’s testimony, show that the brush may have grown up around it and it hasn’t remained legible, so there may be the potential that all of the public may not have been properly noticed.

Ms. O’Neall commented that the sign was clearly legible when it was posted, and is still clearly legible today, since the words haven’t smeared or been erased, and there may be some obstruction of view based on some growth, but because the dear property owner letters were sent out, stated her belief that there is adequate notification to the community, in addition to being posted in the newspaper, that people who would be interested in testifying and having an interested party standing, would have been adequately notified, so would not support a motion that it was not legible.

Ms. Doxey alerted to the approach of midnight in ten minutes.

Mr. Brandt stated that he drives this property twice a day, every day, and has never seen the sign, and that tonight is the first time he has seen the sign, and cannot quite tell where Ms. Daigle was standing, but it appears she is standing within the brush that is obstructing the sign.

Mr. Guinn stated his agreeance with Ms. O’Neall in that this is one method of notification, but there are others, and based upon the crowd here tonight, it was well notified and he would vote no.

Mr. Muehling stated the Applicant had good intent and posted the sign on the nearest big tree she could, and the Applicant’s photo is more direct and at a short distance from the sign, but the other photos were taken at a long distance and at an angle that does cause some obscuring of the sign, but the intent was followed and the sign was posted.
MOTION: To continue the meeting until 12:30 p.m. by Ms. O’Neall and seconded by Mr. Muehling.

Discussion on the motion

There was not discussion on the motion.

ROLL CALL

Three (3) in Favor: Mr. Brandt, Mr. Muehling, Ms. ‘ONeall

Six (6) Opposed: Mr. Perreault, Mr. Stepovich, Mr. Guinn, Mr. Whitaker, Mr. Peterson, and Ms. Presler

MOTION FAILED

MOTION: To postpone CU2017-025 until the next meeting on September 6, 2017, by Mr. Peterson and seconded by Mr. Guinn.

PASSED WITHOUT OBJECTION

H. EXCUSE ABSENT MEMBERS

Ms. Presler communicated that Ms. Thayer’s absence is excused.

I. COMMISSIONER’S COMMENTS

There were no comments by Commissioners.

J. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:56 p.m.