

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION AGENDA**

Vern Halter, Mayor

PLANNING COMMISSION  
VACANT, District 1  
Thomas Healy, District 2  
John Klapperich, Chair, District 3  
Bruce Walden, District 4  
William Kendig, District 5  
Tomas Adams, District 6  
Vern Rauchenstein, District 7



John Moosey, Borough Manager

PLANNING & LAND USE  
DEPARTMENT  
Eileen Probasco, Director of Planning &  
Land Use  
Lauren Driscoll, Planning Services Chief  
Alex Strawn, Development Services  
Manager  
VACANT, Platting Officer  
Mary Brodigan, Planning Clerk

*Assembly Chambers of the  
Dorothy Swanda Jones Building  
350 E. Dahlia Avenue, Palmer*

**January 18, 2016  
REGULAR MEETING  
6:00 p.m.**

- I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PLEDGE OF ALLEGIANCE
- IV. CONSENT AGENDA  
*Items on the consent agenda are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.*
  - A. MINUTES
    - 1. December 21, 2015, regular meeting minutes
    - 2. January 4, 2016, regular meeting minutes
  - B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
  - C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
    - 1. **Resolution 16-05**, A resolution recommending Assembly adoption of the Seldon Road Extension Corridor Access Management Plan: Public Hearing: February 1, 2016. (*Staff: Mike Campfield*)
- V. COMMITTEE REPORTS
- VI. AGENCY/STAFF REPORTS
- VII. LAND USE CLASSIFICATIONS

- VIII. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)
- IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Public Hearings shall not begin before 6:15 p.m.*)

***Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.***

*The Planning Commission members may submit questions to the Planning Commission Clerk concerning the following matters or request for more information from the applicant at the time of the introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing.*

- A. **Resolution 16-02**, A resolution approving a variance to allow an existing single-family residence, to remain set back 14.6 feet from a section line easement on the west side of the lot, on Block 2, lot 9, End of the Rainbow Subdivision; 420 S. Robin Circle, within Township 17 North, Range 2 West, Section 9, Seward Meridian. (*Staff: Susan Lee, Applicant: Neal and Brenda Bullock*)
- X. PUBLIC HEARING: LEGISLATIVE MATTERS
- A. **Resolution 16-01**, A resolution recommending the Assembly approval of Ordinance Serial Number 16-003 Amending MSB 17.60 to include Permit Requirements and Standards for Marijuana Related Facilities, and Repealing Inapplicable Definitions. Referred to the Planning Commission on December 15, 2015, for 45 days. (*Staff: Alex Strawn*)
- XI. CORRESPONDENCE & INFORMATION
- A. TAB Approved Minutes – 11/18/15
- B. TAB Draft Minutes – 12/16/15
- C. TAB Approved Resolution 15-13
- XII. UNFINISHED BUSINESS
- XIII. NEW BUSINESS
- XIV. COMMISSION BUSINESS
- A. Upcoming Planning Commission Agenda Items (*Staff: Alex Strawn*)
- XV. DIRECTOR AND COMMISSIONER COMMENTS

**XVI. ADJOURNMENT (Mandatory Midnight)**

*In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for definition of "Interested Party." The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the Borough Internet home page, <http://www.matsugov.us>, in the Borough Clerk's office, or at various libraries within the Borough.*

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**INTRODUCTION FOR PUBLIC HEARING  
LEGISLATIVE**

**Resolution No. 16-05**

Seldon Road Extension  
Corridor Access Management Plan

(Page 5 - 32)

**INTRODUCTION FOR PUBLIC HEARING**





## MATANUSKA-SUSITNA BOROUGH

### Capital Projects Department

### Pre-Design & Engineering Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7723

www.matsugov.us

## MEMORANDUM

DATE: January 6, 2016

MEETING DATE: February 1, 2016

TO: Planning Commission

THRU: Eileen Probasco, Planning Director  
Jude Bilafer, Capital Projects Director *APB 1/6/16*

FROM: Mike Campfield, P.E., Environmental Engineer *MC 1/6/16*

SUBJECT: **Planning Commission Resolution 15-42 recommending Assembly adoption of the Seldon Road Extension (Church Road to Pittman Road) Access Management Plan.**

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### EXECUTIVE SUMMARY

The Seldon Road Extension project is a 4-mile proposed roadway extension of Seldon Road from Church Road to Pittman Road. Design and construction of the extension is divided into two phases. Construction of phase I, from Church Road to Beverly Lake Road is substantially complete, while phase II is in the design and ROW acquisition process. The preferred route for phase II was approved by the Borough Assembly in March 2015.

The proposed Seldon Road Extension Access Management Plan strives to enhance public safety, allow higher speed travel for transportation efficiency, and minimize future costs of roadway upgrades along this segment of Seldon Road. In short, this plan enables the Borough to proactively plan and implement fiscally responsible access for future development along Seldon Road, as the community continues to grow and traffic volumes continue to increase.

Due to the type of future use and volumes expected along the Seldon Road Extension, the roadway has been designated as a minor arterial in the project design criteria. To preserve the mobility and safety of a minor arterial, the project team has developed an access management plan to guide future decisions for access and intersections along the proposed Seldon Road Extension from Church Road to Pittman Road.

Access management is a long established transportation engineering practice recommended by the American Association of State Highway Transportation Officials (AASHTO) and is recommended for implementation along higher classifications of roadways such as arterials and major collectors. That is, roadways that are generally utilized primarily for vehicle mobility within the Borough's transportation system. Additionally, access management is defined in the Economy & Quality of Life Goals through defined objectives identified in the 2007 MSB Long Range Transportation Plan (MSB 2007 LRTP, Chapter 2, pg. 2-2):

- Goal:** Protect the public through proper function of Borough-owned arterial roadways.
- Objective:** Ensure adequate safety for all travelers on Seldon Road Extension and maintain the traffic carrying capacity of roads.
- Criterion:** Provide adequate spacing between public access points to minimize turning movement conflicts, while at the same time allowing for access to adjacent roads via the secondary roadway network. Identify potential intersection control needs and, as needed turn lanes, and other design features relating to access.

Land use along the Seldon Road Extension (Church Rd. to Pittman Rd.) includes mostly undeveloped public land for its eastern half, belonging to various state agencies, as well as the Borough. Residential subdivisions and some small commercial business activity (gravel pits) abut the western segment of the proposed road. The eastern segment includes several large tracts of undeveloped land containing lakes, streams and wetlands that are used for recreation by the local population.

#### **STAFF RECOMMENDATION**

Staff recommends approval of Planning Commission Resolution 15-42 recommending Assembly adoption of the Seldon Road Extension (Church Road to Pittman Road) Access Management Plan.

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#### **ATTACHMENTS**

1. Seldon Road Extension (Church Road to Pittman Road) Access Management Plan
2. MSB Transportation Advisory Board Resolution 15-12
3. Planning Commission Resolution 15-42 Supporting the Seldon Road Extension (Church Road to Pittman Road) Access Management Plan

**Corridor Access Management Plan  
Seldon Road Extension  
Church Road to Pittman Road**

Project No. 35411  
Wasilla, Alaska



Prepared for:  
Matanuska-Susitna Borough  
350 E. Dahlia Ave.  
Palmer, Alaska 99645

Prepared by:  
Stantec Consulting Services Inc.  
2515 A Street  
Anchorage, Alaska 99503  
907.276.4245

**PUBLIC REVIEW DRAFT**

Stantec WO#: 204700260

November 16, 2015

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**CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD**

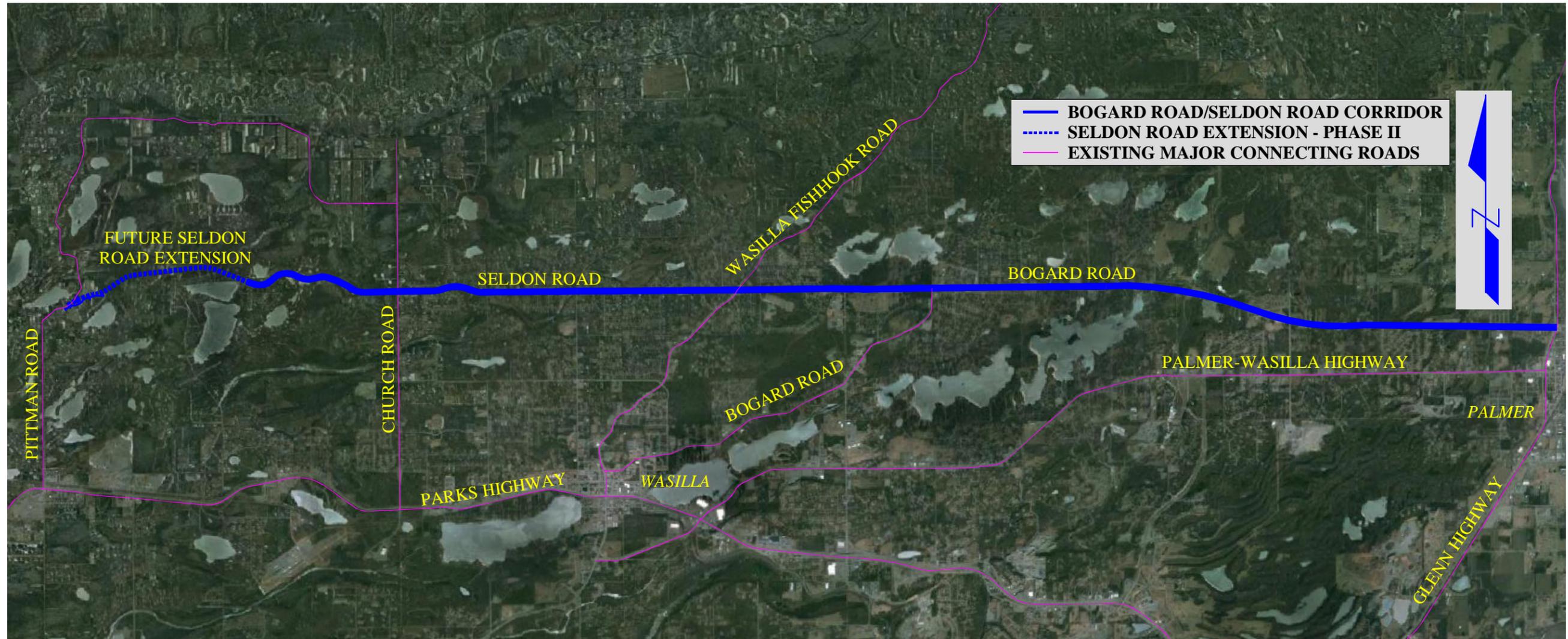
Introduction  
November 16, 2015

## 1.0 INTRODUCTION

The Matanuska-Susitna Borough (MSB) has obtained funding to extend Seldon Road westward from Church Road to Pittman Road.

In order to maintain the mobility and safety benefits of this minor arterial road, access will be limited along the new roadway to the extent possible. This *Access Management Plan* will provide the guidelines necessary to manage access along this segment of Seldon Road.

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SELDON ROAD EXTENSION  
CHURCH ROAD TO PITTMAN ROAD  
BOGARD ROAD/SELDON ROAD CORRIDOR  
FIGURE 1  
MATANUSKA-SUSITNA BOROUGH  
CAPITAL PROJECTS DEPARTMENT

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**CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD**

Purpose of Access Management  
November 16, 2015

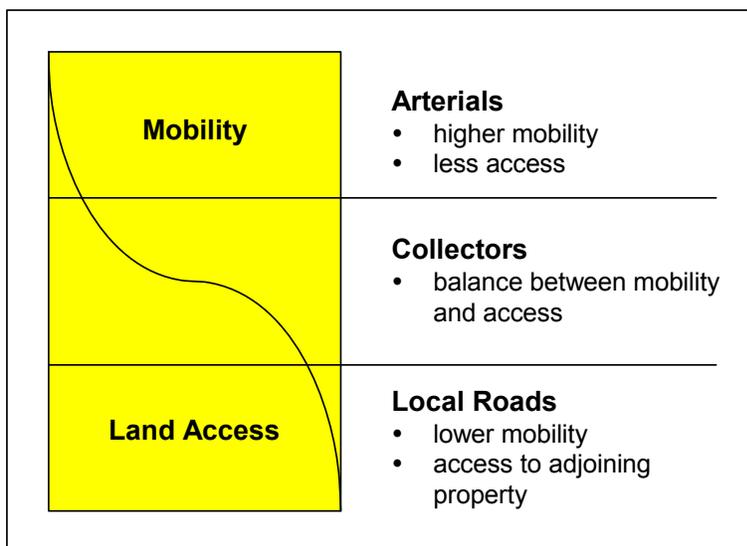
## 2.0 PURPOSE OF ACCESS MANAGEMENT

*The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system.*

*Access Management Manual (TRB, 2003)*

The road network is created to serve a single purpose – the movement of people and goods. From an operational perspective, this can be seen as a two-step process: entering or leaving the road network, and traveling through the road network. Unfortunately, these two steps conflict with each other, especially as volumes increase. That is to say, it is very difficult to enter a road that has a high volume of fast moving traffic. Similarly, a road cannot accommodate a high volume of fast moving traffic, if there are numerous driveways, where motorists are turning on and off of the road. As a result, a hierarchy of road classifications has been developed by the American Association of State Highway and Transportation Officials (AASHTO) that outlines the role each road type should be designed to fill in the road network. Higher classification roads (interstates, arterials) are intended to provide service to higher speed through-traffic, while lower classification roads are designed to provide access to individual parcels and destinations. This is shown graphically in Figure 1. Benefits and techniques for access management are also discussed in National Cooperative Highway Research Program (NCHRP) Report 420, *Impacts of Access Management Techniques* (Transportation Research Board (TRB), 1999)

**Figure 2 Roadway Functional Roles**



Source: Safety Effectiveness of Highway Design Features, Vol. 1 FHWA, 1992

**CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD**

Purpose of Access Management  
November 16, 2015

In order to maintain the mobility function of the higher class roadways, access must be limited. The most extreme example of this is how access to freeways is limited to interchanges. Arterials do not require such a high level of access control, but some control is prudent. This *Access Management Plan* provides the framework for managing that access.

The Seldon Road Extension is designed as a rural minor arterial, which means it will need a higher level of access control than collector or local roads, but lower level of access control than major arterials or freeways.

Access management must be thoughtfully planned and managed to be successful. Otherwise, driveways and access points end up being located and constructed without regard to how they fit into the entire system, which often leads to inconsistent spacing, multiple conflict points, and poor sight distance, as seen on the Palmer-Wasilla Highway. In the MSB, access management will be implemented by both the Platting Board and through the driveway permit process. The entities that oversee both of these processes must be informed of and supportive of the *Access Management Plan* in order for it to be successful. It is equally important for the agencies to work with the public to ensure understanding and buy-in of the safety, mobility, and public investment benefits of access management while being sensitive to individual landowners needs for access and mobility.

**CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD**

Benefits of Access management  
November 16, 2015

### 3.0 BENEFITS OF ACCESS MANAGEMENT

Controlling access on roadways provides the following key benefits:

- Helps maintain efficient traffic flow
- Increases public safety
- Protects the public's financial investment in roadway infrastructure

The *Access Management Manual* states that decreasing signal spacing from four per mile to two per mile decreases total delay by 60 percent and vehicle hours of travel by 50 percent. At unsignalized access points, close spacing decreases egress capacity when spacing is less than 1.5 times the acceleration distance. Entering traffic causes slowdowns in through traffic as far as 620 feet upstream of access points.

Similarly, crash rates along corridors with two signals per mile is about half of the rate on corridors with four or more signals per mile. For unsignalized access points, crash rates increase by about 40 percent for each doubling of access density. Crash rates increase as access density increases because intersections have so many conflict points. Additionally, intersections have areas of influence upstream and downstream of the intersection due to speed differentials and decision sight distances. When intersection areas of influence overlap, driver attention is spread over a greater number of potential conflicts, which compounds the conflicts experienced at an isolated intersection. Eliminating overlapping areas of influence at intersections is, therefore, an important element in enhancing roadway safety.

The benefits of access management are experienced by society as a whole. Adjacent land owners may object to having their access limited to provide benefits to society. It is important to recognize that these are not abstract benefits, but are quantifiable benefits that correlate to the investment the public is making in constructing this new facility. Additionally, lack of access management increases congestion, which is a deterrent to potential customers and homebuyers.

It cannot be overstated how important internal neighborhood connectivity is to the efficient operation of arterial roadways. Efficient internal connectivity allows neighbors to travel within their neighborhood as long as possible. In some instances this will keep local traffic off of arterial roads. In other instances, it may mean that instead of a resident making a turn on to Seldon Road only to make another turn on to Church Road, they can access Church Road directly from their neighborhood. This reduces congestion on the road network, reduces left turns at intersections, reduces out of direction travel, and keeps travelers on safer, low-volume streets for more of their trips. To this end, as the adjacent parcels are platted and developed, the road networks need to connect to Pittman Road to the north and west, Church Road to the east, and Spruce Road (extended) to the south. A good example of this is how Little Rain Road and Gentle

**CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD**

Benefits of Access management  
November 16, 2015

Breeze Drive in the Bruce Lake Subdivision are platted all the way to the adjacent parcel boundaries.

In summary, implementing an *Access Management Plan* that manages the location and density of public and private accesses to the roadway helps to promote the safe and efficient travel of the public and maintains the significant investment the public is making in the road network.

**CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD**

Project Overview for Seldon Road Extension  
November 16, 2015

**4.0 PROJECT OVERVIEW FOR SELDON ROAD EXTENSION**

The extension of Seldon Road from Church Road to Pittman Road is a step toward constructing an east-west corridor connecting Palmer with Houston. The project was divided into two phases for design and construction due to funding constraints. Phase I extends between Church Road and Beverly Lake Road at Windy Bottom Road. Phase II will extend between Phase I and Pittman Road, north of Beverly Lake Road.

Initial studies and planning for the Phase I route were undertaken by the MSB in the 1980s. Based on this work, a 200-foot wide right-of-way (ROW) easement was secured from Church Road to Beverly Lake Road. The Seldon Road extension begins at the intersection of Seldon Road and Church Road, then follows high ground to avoid wetlands until it ties into Beverly Lake Road at Merri Belle Lake Subdivision.

With the exception of three parcels in the Merri Belle Subdivision, construction was through undeveloped lands owned by the State and the MSB.

The alignment for Phase II, between Phase I and Pittman Road, was chosen to minimize right-of-way, utility and construction costs, private property impacts, and environmental impacts. Roadway geometry and access control characteristics were considered for their relative safety benefits. The approved route begins by connection to the end of the Phase 1 alignment near Windy Bottom Road, and extends in a north westerly direction to stay north of Beverly Lake Road, and then sweeps southwest to merge into Pittman Road near Meadow Lakes Elementary School.

The following table outlines traffic projections developed in support of Seldon Road Extension.

**Table 1 Traffic Projections for Seldon Road Extension**

	<b>Phase I</b>	<b>Phase II</b>
AADT - 2018	3,500	4,400
AADT - 2038	10,752	9,125
Design Hour Volume	9.0%	9.0%
Truck Percentage	4%	4%
Design Speed	55 M.P.H.	55 M.P.H.
AADT = Average Annual Daily Traffic		

**CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD**

Property Ownership and Parcel Data  
November 16, 2015

## 5.0 PROPERTY OWNERSHIP AND PARCEL DATA

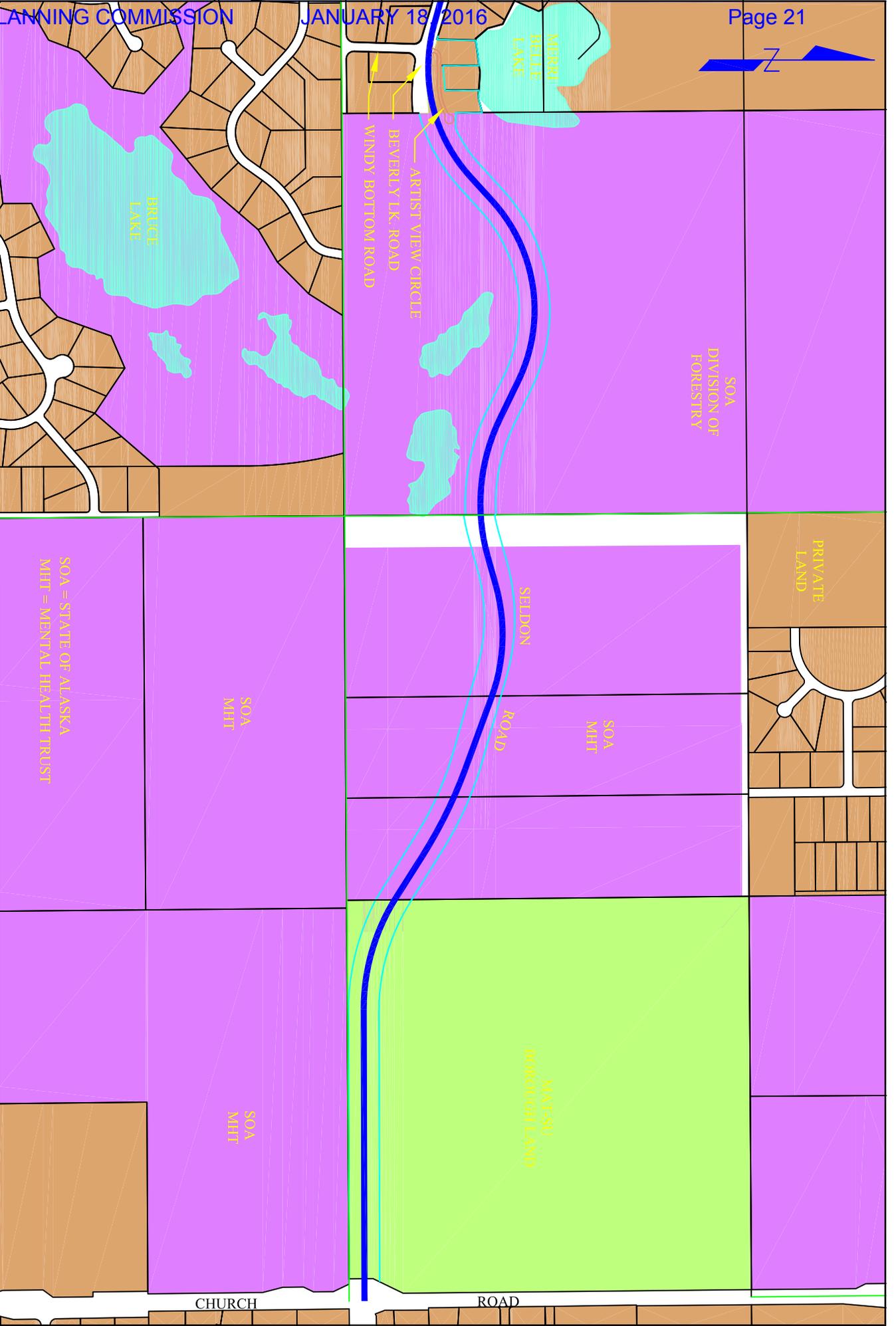
Property ownership and parcel data shown in Figure 2 and Figure 3 were developed using data from the MSB GIS Division. Adjacent property is owned by private entities, the MSB and the State of Alaska. New ROW will be acquired from numerous private parcels on the west end of the project and from the MSB Tract at the Church Road intersection.



**LEGEND**

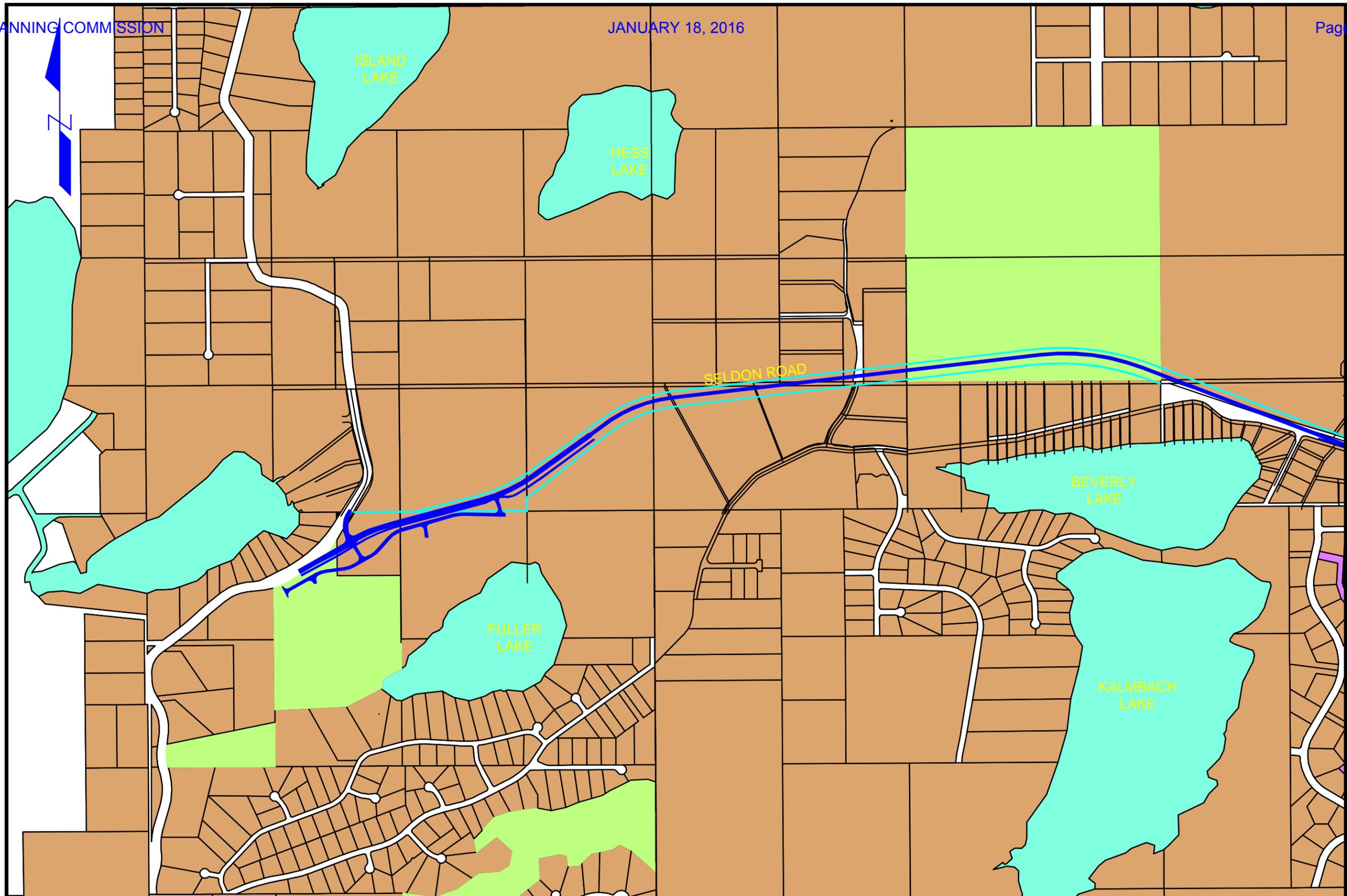
- BOROUGH
- STATE
- PRIVATE
- PROPOSED ALIGNMENT
- RIGHT OF WAY

0 0.1 0.2 Miles

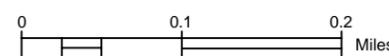


SELDON ROAD EXTENSION  
 CHURCH ROAD TO PITTMAN ROAD  
 PROPERTY OWNERSHIP MAP  
 FIGURE 3  
 MATANUSKA-SUSITNA BOROUGH  
 CAPITAL PROJECTS DEPARTMENT

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- BOROUGH
- STATE
- PRIVATE
- PROPOSED ALIGNMENT
- RIGHT OF WAY



SELDON ROAD EXTENSION  
 CHURCH ROAD TO PITTMAN ROAD  
 PHASE II PROPERTY OWNERSHIP MAP  
 FIGURE 4

MATANUSKA-SUSITNA BOROUGH  
 CAPITAL PROJECTS DEPARTMENT

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**CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD**

Access Management Recommendations  
November 16, 2015

## 6.0 ACCESS MANAGEMENT RECOMMENDATIONS

The *Access Management Manual* recommends the following access spacing for rural minor arterials:

**Table 2 Minimum Intersection Spacing Guidelines**

	Minimum Access Spacing	
	Feet	Miles
Signalized Intersection		2
Standard Roundabout Access - No Median	2,640	Min. 1/3, 1/2 preferred
Right-In/Right-Out (w/Median)	1,320	1/4
Directional Median Opening	1,320	1/4

It should be noted that signalized intersections, if provided, need to be spaced at regular intervals. This is necessary to provide efficient progression through the series of signals. The ideal spacing for signals depends on the signal timing plans and desired corridor speed.

Ideally, access to the arterial network would coincide with section or partial section lines (1/4, 1/16, etc.) These lines often already have ROW easements and serve as boundaries between neighboring developments. However, topographic constraints can thwart the use of legal parcel boundaries for roads. That is the case for Seldon Road extension, as wetlands exist on one or both sides of Seldon Road at the 1/4 section lines within the Phase I project area. In addition, the existing accesses at Windy Bottom Road and Wyoming Drive do not occur on any regular section line.

Combining the spacing guidelines listed above and the topographic constraints of the Seldon Road Corridor, the access management recommendations for the corridor are as follows:

1. To maintain uninterrupted traffic flow and minimize safety conflicts, Seldon Road shall have a minimum access spacing of 1/3-mile, and preferably 1/2-mile in areas where specific access points have not been identified in this document
2. Restricted (left-in/right-in/right-out) access may be considered 1/6-mile east of Pittman Road and 1/6-mile west of Church Road if commercial development requires such access.
3. Roads intersecting Seldon Road shall serve more than one development and connect to other access points on the road network. New cul-de-sacs directly off Seldon Road shall be prohibited unless serving an area constrained by topography.
4. Access to Seldon Road shall be limited to public roads, and no new driveways shall be permitted.



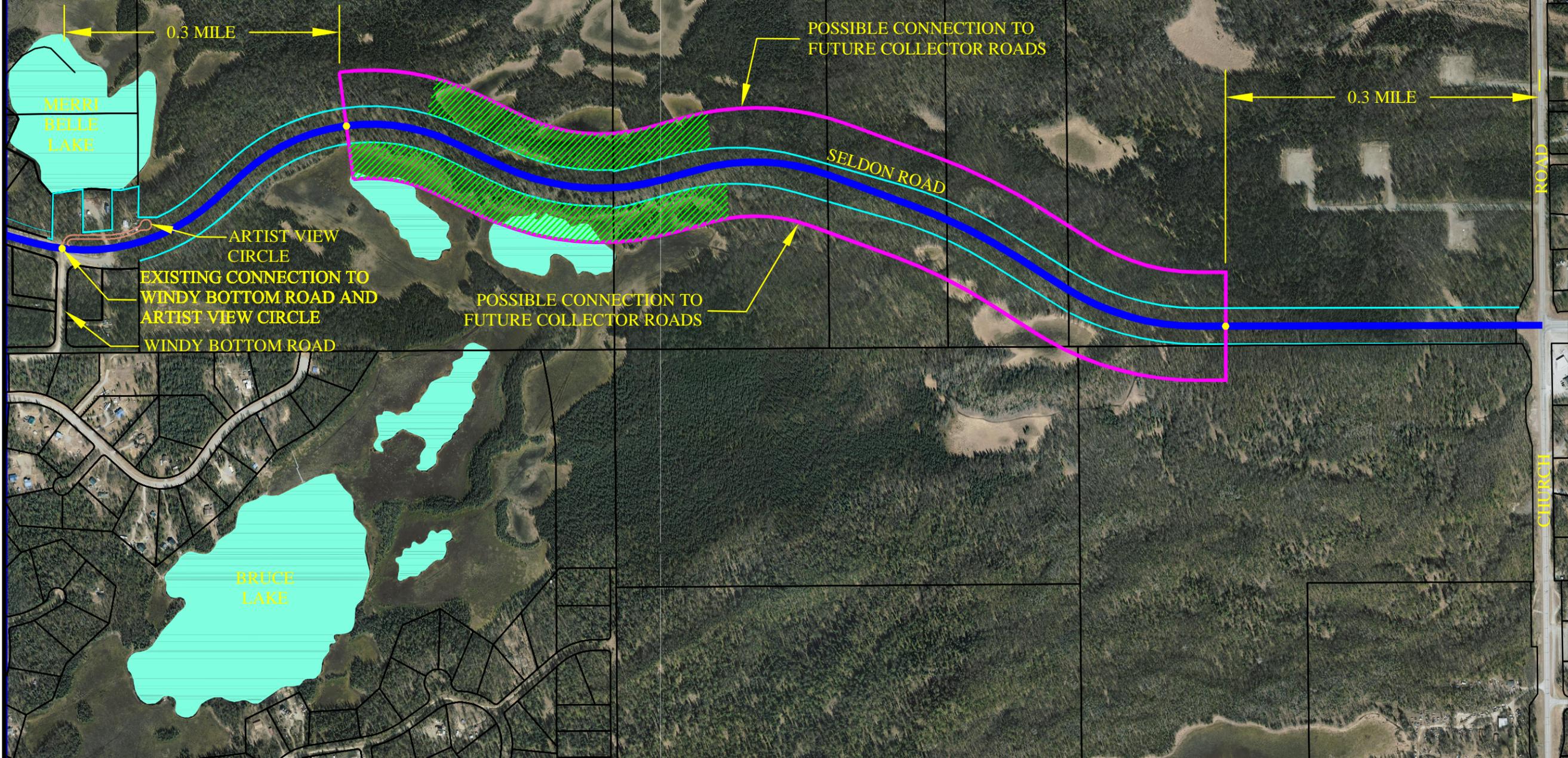
**CORRIDOR ACCESS MANAGEMENT PLAN SELDON ROAD EXTENSION CHURCH ROAD TO PITTMAN ROAD**

Access Management Recommendations  
November 16, 2015

5. The undeveloped area beginning 1/3-mile west of Church Road and ending 1/3-mile east of the Windy Bottom Road/Artist View Circle intersection is open to development of collector roads on both the north and south sides of Seldon Road. Development of a Collector Road on either side of Seldon Road should take into consideration the probable development of a collector road on the opposite side of Seldon Road to maintain the minimum 1/3-mile access spacing, although 1/2-mile spacing is preferable.
6. The connection at Windy Bottom Road/Artist View Circle that was constructed under the Seldon Road Phase 1 project shall be maintained. Access to the State of Alaska Department of Natural Resources (DNR) lands may be accessed from the cul-de-sac at the end of Artist View Circle (north of Seldon Road), or from Windy Bottom Road (south of Seldon Road).
7. The driveways from lots 1 through 4 of Merri Belle Subdivision shall connect to the new access road, Artist View Circle. Direct access from these parcels to Seldon Road shall be prohibited.
8. A full access connection to Beverly Lake Road is planned at the section line, approximately 1/2-mile west of the Windy Bottom Road/Artist View Circle intersection. Any future connection to the undeveloped lands to the north shall be made at this intersection. Beverly Drive will not be connected to Seldon Road in order to maintain the minimum spacing.
9. Wyoming Drive will be connected to Seldon Road under the Seldon Extension Phase II project.
10. A future collector road connection may be developed approximately 0.4 miles west of Wyoming Drive if Fishback Road is to be extended along a section line easement. A connection to the north side of the road is possible as well, provided it is directly opposite the Fishback Circle connection.
11. A connection to Zehnder Road and Fuller Lake Subdivision will be made at Monroe Circle. An access to the land north of Zehnder Road is allowable directly opposite the Monroe Circle intersection.
12. The Zehnder Road approach at Pittman Road will be removed.
13. Full access to north Pittman Road will be made from a new 4-way intersection with the south leg and a new frontage road connecting to Zehnder Road and Meadow Lakes Elementary School. Adequate ROW will be reserved for future intersection control, either by traffic signal or roundabout.
14. A frontage road will connect Meadow Lakes Elementary School to Zehnder Road. The existing public access to the school will remain.

Access recommendations for the Seldon Road corridor are depicted in figures 5 and 6.

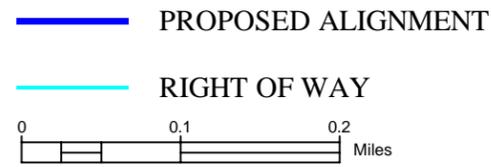
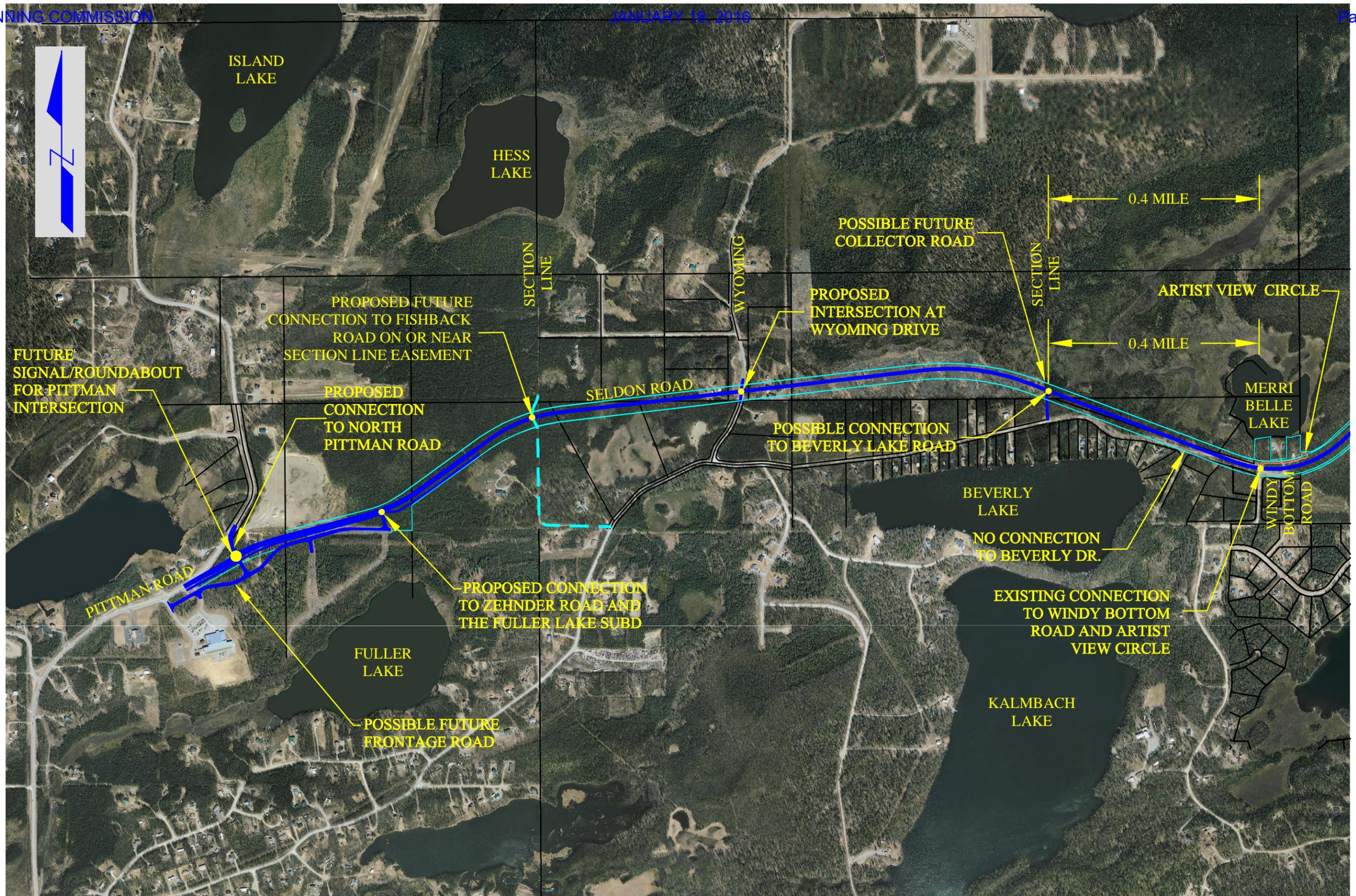
The existing Church / Seldon intersection is expected to operate with acceptable levels of service through 2025, but will likely need a roundabout or traffic signal after that time. The addition of turn lanes will also reduce delay and enhance traffic safety at the intersection.



- PROPOSED ALIGNMENT
- RIGHT OF WAY
- ▨ CONNECTIONS UNLIKELY IN HIGH VALUE WETLANDS



SELDON ROAD EXTENSION  
 CHURCH ROAD TO PITTMAN ROAD  
 ACCESS RECOMMENDATIONS  
 FIGURE 5  
 MATANUSKA-SUSITNA BOROUGH  
 CAPITAL PROJECTS DEPARTMENT



SELDON ROAD EXTENSION  
 CHURCH ROAD TO PITTMAN ROAD  
 PHASE II ACCESS RECOMMENDATIONS  
 FIGURE 6  
 MATANUSKA-SUSITNA BOROUGH  
 CAPITAL PROJECTS DEPARTMENT

**MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY BOARD  
RESOLUTION SERIAL NO. 15-12**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD IN SUPPORT OF THE SELDON ROAD EXTENSION CORRIDOR ACCESS MANAGEMENT PLAN.

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WHEREAS, the amount of corridor access is a key factor in highway congestion and accident rates; and

WHEREAS, access management is a long established transportation engineering practice recommended by the American Association of State Highway Transportation Officials (AASHTO),

WHEREAS, AASHTO recommends that access to high classification roads such as arterials and major collector be limited to preserve the safety and mobility of these facilities; and

WHEREAS, a lack of corridor access management and control along many of our main highways such as the Parks Highway north of Wasilla, the Palmer-Wasilla Highway and Knik-Goose Bay Road have led to high levels of congestion, high accident rates and increased costs for construction improvements; and

WHEREAS, Seldon Road Extension is designated as a minor arterial in the project design criteria; and

WHEREAS, access management plans must be adopted into code in order to effectively guide intersection locations during the platting process.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Transportation Advisory Board supports the adoption of the Seldon Road Extension Corridor Access Management Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Matanuska-Susitna Borough Transportation Advisory Board recommends that this Corridor Access Management Plan be adopted into Borough code.

ADOPTED by the Matanuska-Susitna Borough Transportation  
Advisory Board this 30<sup>th</sup> day of November, 2015.

  
\_\_\_\_\_  
Don Carney, Chair

ATTEST:

  
\_\_\_\_\_  
Debbie Passmore, Board Admin. Support

By: Michael Campfield  
Introduced: January 18, 2016  
Public Hearing: February 1, 2015  
Action:

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 16-05**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING IN SUPPORT OF THE SELDON ROAD EXTENSION CORRIDOR ACCESS MANAGEMENT PLAN.

WHEREAS, the amount of corridor access is a key factor in highway congestion and accident rates; and

WHEREAS, access management is a long established transportation engineering practice recommended by the American Association of State Highway Transportation Officials (AASHTO); and

WHEREAS, AASHTO recommends that access to high classification roads such as arterials and major collector be limited to preserve the safety and mobility of these facilities; and

WHEREAS, a lack of corridor access management and control along many of our main highways such as the Parks Highway north of Wasilla, the Palmer-Wasilla Highway and Knik-Goose Bay Road have led to high levels of congestion, high accident rates, and increased costs for construction improvements; and

WHEREAS, the Seldon Road Extension is designated as a minor arterial in the project design criteria; and

WHEREAS, access management plans must be adopted into code in order to effectively guide intersection locations during the platting process; and

WHEREAS, the Planning Commission conducted a public hearing regarding Resolution 16-05 on February 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby supports the adoption of the Seldon Road Extension Corridor Access Management Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends that this Corridor Access Management Plan be adopted into Borough code.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this \_\_\_ day of \_\_\_, 2016.

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JOHN KLAPPERICH, Chair

ATTEST

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MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

**PUBLIC HEARING**  
**QUASI-JUDICIAL**

**Resolution No. 16-02**

End of the Rainbow  
Section Line Setback Variance Request  
420 S. Robin Circle, Wasilla

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**PUBLIC HEARING**



# **STAFF REPORT**





**MATANUSKA-SUSITNA BOROUGH**

**Planning and Land Use Department**

**Development Services Division**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-7876

E-mail: [permitcenter@matsugov.us](mailto:permitcenter@matsugov.us)

**DEVELOPMENT SERVICES DIVISION STAFF REPORT**

**File Number:** 176520150004

**Applicant & Property Owner** Neal & Brenda Bullock

**Request:** Planning Commission Resolution No. 16-02  
 Planning Commission Resolution No. 16-06

Request for a setback variance for a structure constructed in 2015 in accordance with MSB 17.65 – Variances

**Location:** End-of-the-Rainbow Subdivision, Block 2, Lot 9; 420 S. Robin Circle; within Township 17 North, Range 2 West, Section 9, Seward Meridian

**Size of Property:** 1.68 acres

**Public Hearing:** January 18, 2016

**Planning Commission Action:** The planning commission shall conduct a public hearing and render a decision on the application for a setback variance

**Reviewed By:** Eileen Probasco, Planning & Land Use Director *E. Probasco*  
 Lauren Driscoll, Chief of Planning *EP for L. Driscoll*

**Staff:** Susan Lee, Planner II

**Recommendation:** Denial

**EXECUTIVE SUMMARY**

A setback variance request has been submitted to allow a single-family residence to remain set back less than 25 feet from a section line easement. In order to grant a variance, the planning commission must find that each of the requirements of MSB 17.65.020(A) has been met.

## LAND USE

### Existing Land Use:

The lot is currently developed with a single-family residence with an attached garage and two storage sheds. There is also a telecommunications tower located in the northeast corner of the lot.

### Surrounding Land Use:

The subject lot is located in End-of-the-Rainbow Subdivision. The subdivision is developed with residential properties. Rainbow Lake is east of the property and Blodgett Lake is southwest of the property. End-of-the-Rainbow Subdivision is situated between the Parks Highway and the Alaska Railroad.

## HISTORY

In 2005 a conditional use permit was approved for the existing telecommunications tower located in the northeast corner of the lot. In 2005 a setback variance was also approved for the tower facility being set back less than 25 feet from the Robin Circle right-of-way.

The existing house was also constructed in 2005, which was prior to the adoption of the Mandatory Land Use Permit requirements.

In 2015 the property owners wanted to create a utility lot for the tower and combine Lots 8 and 9. The preliminary plat was approved in June of 2015. During the course of this platting action research revealed that a 33 foot section line easement existed along the west side of the lot. At that time it was also determined that the residence on the lot was in violation of the 25 foot setback requirement from the section line easement. (Refer to the comments from Paul Hulbert, MSB Platting Officer). In order for the plat to receive final approval the setback issue has to be resolved.

## COMPREHENSIVE PLAN

The property is located within the boundary of the Meadow Lakes Comprehensive Plan (2005) planning area. The plan identifies six separate land use districts. Each district contains overall objectives, identifies encouraged and discouraged land uses, and recommends development standards specific to the district. The subject property is in the land use district designated as *Rural Residential*. The objective of this district is to *“Keep this area an attractive, safe, family-oriented community. Maintain the existing low density residential pattern and rural atmosphere, with a predominance of open space and natural landscape. Protect environmental quality, particularly the quality of surface and subsurface water used for domestic purposes”*. This district encourages residential uses.

Development standards specific to this district state that in order to retain open space and the community’s rural character, and to promote privacy, maintenance of current relatively low densities is strongly encouraged.

In order to implement the plan’s policies a special land use district ordinance has to be adopted establishing standards for development. To date, a special land use district for Meadow Lakes has not been adopted. The comprehensive plan does not specifically address setbacks and variances.

The variance request for this structure is not consistent with the Meadow Lakes Comprehensive Plan as the structure was constructed in violation of the borough setback requirement from public rights-of-way/section line easements.

The Matanuska-Susitna Borough Comprehensive Plan (2005 Update) also pertains to this property. Two of the land use goals state:

**Goal (LU-1):** *Protect and enhance the public safety, health, and welfare of Borough residents.*

**Policy LU-1:** *Provide for consistent, compatible, effective and efficient development within the borough.*

**Goal (LU-2):** *Protect residential neighborhoods and associated property values.*

**Policy LU2-1:** *Develop and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use developments that are shown to have positive cumulative impacts to the neighborhood.*

The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005 Update). The variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community, which setbacks are designed to further. The structure is set back less than 25 feet from the section line easement on the west side of the lot. This request does not meet Alaska Statute 29.40.040(B) or MSB 17.65. for approval of a variance.

## REVIEW OF APPLICABLE CRITERIA AND FINDINGS

### MSB 17.03 – Public Notification

**Finding:** Notices were mailed to all property owners within 600 feet of the subject property. A total of 68 notices were mailed. The public hearing notice was published in the December 15, 2015 Frontiersman. The application material was posted on the borough's web site. The application material was also mailed to the Meadow Lakes Community Council. The community council did not submit comments.

**In addition to the applicant's responses to code sections 17.65.020 and 17.65.030, the applicant provided the following description:**

- 1. A variance from MSB 17.55.010 is being applied for and is specifically described. This variance is being applied for under title 17.55.010 SETBACKS to resolve the 25 foot building setback to a public right-of-way. The 25' setback is to an unconstructed and un-platted section line easement and where there are extreme topographic conditions.**
- 2. Provide a detailed written description as to why the variance is required.**  
*The parcel known as Lot 9, Block 2, of the End of the Rainbow Subdivision, was created by the 1970's subdivision plat which was deficient in depicting the section line easement along the west boundary of the parcel. This 1970's subdivision created parcels which had little to no buildable area. Consequently in 2005 a residential building was constructed on this parcel in the only buildable area suitable for construction. This buildable area put the building within 25 feet of an un-platted section line easement.*

*Please see the attached as-built survey that shows the building in relationship to the west boundary and the topographic conditions of this parcel.*

*Research performed by Alaska Rim Engineering revealed there is a 33 foot section line easement running along the west boundary of the W1/2NW1/4 and the NW1/4SW1/4 which is inclusive of the End of the Rainbow Subdivision. The End of the Rainbow Subdivision did not show this section line easement along the west boundary and was therefore deficient. Instead, the 1970's plat created a 10 foot utility easement along the west boundary of Lot 9. The knowledge of the section line easement was not known at the time the lot was being developed and just became known during the process of combining Lots 8 and 9, and to create a utility parcel on this property. Please see the attached End of the Rainbow Subdivision Plan.*

**Section 17.65.020 Requirements for Granting a Variance**

*(A) In order to grant a variance to the regulations of MSB title 17, the planning commission must find that each of the following requirements has been met:*

*(1) There are unusual conditions or circumstances that apply to the property for which the variance is sought.*

**Applicant Response:** *There are two unusual conditions that apply to this property for which the variance is sought. The first is the extreme topographic conditions on this parcel. This property consists of a narrow ridge which runs from the Robin Circle cul-de-sac, located at the northeast corner of Lot 9. From this cul-de-sac there is a narrow ridge that runs west along the north boundary of Lot 9 and then southwest toward the southwesterly corner of the lot. The narrow ridge is barely 40 feet in width, with the widest portion being located in the southwest portion of Lot 9. The top of the ridge had to be widened and cut down in order to get the driveway and a constructible building site. Other than the top of the ridge, there is no other flat ground that could be accessed and constructed. The average grade from the top of the ridge to the lower portion of the lot is 60%. The unusual circumstances that applies to this property is the fact that this property was created by the 1970's End of the Rainbow Subdivision plat which was created before there were regulations for lots to have usable building and septic areas on them. Secondly, the unusual circumstances, as noted above, is the fact that the 1970's End of the Rainbow Subdivision plat was deficient in showing the 33 foot section line easement along the west boundary of this parcel but instead created a 10 foot wide utility easement.*

**Staff Findings:**

**Finding:** The subject lot is 1.68 acres in size

**Finding:** End-of-the-Rainbow Subdivision was platted in 1970, which was prior to the adoption of borough setback requirements in 1973.

**Finding:** When the subdivision was platted in 1970 section line easements were not required to be depicted on plats.

**Finding:** There is a 33 foot wide section line easement running along the west boundary of the lot.

**Finding:** A ten foot wide utility easement was created along the west boundary of the lot when the subdivision was platted.

**Finding:** When the applicants/owners constructed the house in 2005 they were unaware of the section line easement.

**Finding:** At its closest point, the house is set back 14.6 feet from the section line easement.

**Finding:** Structures are not allowed to be set back less than 25 feet from a public right-of-way/section line easement.

**Finding:** There are topographic issues with the lot as a narrow ridge runs through the property.

**Finding:** The application material states that the top of the ridge had to be widened and cut down in order to construct the driveway and a building site.

**Finding:** The average grade from the top of the ridge to the lower portion of the lot is 60 percent.

**Finding:** Staff reviewed the location of the structure in relation to the property lines and topographic data. As a result, staff determined that this structure or a similar one could have been built in compliance with setback requirements. (See figure in staff report attachments)

**Conclusions of Law:** Based on the above findings, there are unusual conditions or circumstances applicable to this property as the lot was platted prior to section line easements being shown on plats and prior to the adoption of setback requirements and the lot has topographic issues. However, the top of the ridge was cut down and widened in order to construct the driveway and a building site. This structure or a similar one could have been built in compliance with the setback requirements (MSB 17.65.020(A)(1)).

*(2) The strict application of the provisions of this title could deprive the applicant of rights commonly enjoyed by other properties under the terms of this title.*

**Applicant Response:** *The strict application of the 25 foot building setback to a section line easement that had not been delineated on the subdivision plat and where there is little to no building area on said lot will virtually deprive this existing parcel the right to ever be developed properly.*

*The strict application of the 25 foot building line setback to an easement that was created by regulations and not by design or constructability will greatly diminish the limited useable area on this parcel.*

*The section line easement in this location has not been constructed and is not constructible for road construction due to the extremely steep grades. Therefore there is an undue burden placed upon this lot by the strict application of the 25 foot building setback to this un-constructible section line easement.*

**Staff Findings:**

**Finding:** The subject lot was platted prior to the adoption of borough setback requirements.

**Finding:** At the time the subdivision was platted, section line easements were not required to be depicted on plats.

**Finding:** The application material states that the top of the ridge was cut down and widened in order to construct the driveway and a building site.

**Finding:** The lot is wide enough for this structure or a similar structure to have been built in compliance with the 25 foot setback from the section line easement.

**Conclusions of Law:** The strict application of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties, as the lot can support location of this structure or a similar one in compliance with code (MSB 17.65.020(A)(2)).

*(3) The granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.*

**Applicant Response:** *The 25 foot building setback ensures that the public rights-of-way have adequate room for snow storage and maintenance. The granting of the variance to allow this building to be closer than 25 feet to a section line easement, where the section line easement is not constructed and cannot be developed for road construction due to the steepness of the grades, would in no way be injurious to nearby property, nor harmful to the public welfare.*

**Staff Findings:**

**Finding:** Based on the evidence submitted, the existing residence would not be harmful to the public, nor would it be injurious to nearby property.

**Conclusions of Law:** Based on the above finding, granting the variance will not be injurious to nearby properties, or harmful to the public welfare (MSB 17.65.020(A)(3)).

*(4) The granting of the variance will be in harmony with the objectives of this title and any applicable comprehensive plans.*

**Applicant Response:** *The granting of the variance would allow for a residential use of this lot that was created before the current regulations applied.*

*The section line easement in this location is not suitable for road construction and therefore the objectives of this title would not be in jeopardy with the reduction of the building setback.*

*Furthermore, section line easements can be used for utility purposes and the section line easement on the west side of the section line does have an overhead power line constructed within it. An easement for the sole purpose of utility installation would not have a building setback to it.*

*There is a platted 10 foot wide utility easement on the west side of Lot 9 and the utility pole is located within this easement.*

**Staff Findings:**

**Finding:** MSB Chapter 17.65 – Variances, was written to grant relief to property owners whose lots are impacted by topographic constraints and/or existing land use regulations thereby making the lot undevelopable.

**Finding:** There is adequate buildable area on the lot to construct a residence in compliance with the setback requirements.

**Finding:** The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005 Update) and the Meadow Lakes Comprehensive Plan (2005) as the variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community which setbacks are designed to further.

**Finding:** The structure was constructed prior to the adoption of the Mandatory Land Use Permit requirement.

**Conclusions of Law:** Based on the above findings, the proposed variance does not meet the intent of MSB 17.65 and is inconsistent with the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) and the Meadow Lakes Comprehensive Plan (2005) (MSB 17.65.020(A) (4)).

*(5) The deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property.*

**Applicant Response:** *The variance will reduce the building setback for the residential dwelling with attached decks as show on the attached non-conforming as-built. There is also an existing 8' x 10' shed in this area and it will be removed from the 25' building setback to another location on the property.*

*The septic system extends into the section line easement. This improvement is below ground and we will submit for an encroachment permit under a separate title to address this septic system. There is not a setback requirement for the septic systems to the section line easement.*

**Staff Findings:**

**Finding:** There is reasonable use of this lot without a variance.

**Finding:** This structure or a similar structure could have been constructed on this lot in compliance with the setback requirements.

**Conclusions of Law:** Based on the above findings, deviation from this title is not necessary to permit reasonable use of the property, as this structure or a similar structure could have been constructed on this lot without a variance (MSB 17.65.020(A)(5)).

**Section 17.65.030 Cases Where Variance is Illegal**

(A) A variance from this title may not be granted if:

(1) Special conditions that require the variance are caused by the person seeking the variance.

**Applicant Response:** The special condition for this property which requires the variance is the deficiencies of the old 1970's subdivision plat that did not create lots that had enough developable area and which did not depict the section line easement along the western boundary of the parcel.

**Staff Findings:**

**Finding:** The person seeking the variance constructed the structure.

**Finding:** The applicant chose this particular structure design at this specific location.

**Finding:** The person seeking the variance did not cause the topography of the lot.

**Finding:** The person seeking the variance did not plat this subdivision which did not depict the section line easement on the plat.

**Finding:** The person seeking this variance is doing so in order to resolve the setback violation so that Lots 8 and 9 can be combined and create a utility lot for the telecommunications tower on the property.

**Finding:** The lot can accommodate development without requiring a variance.

**Conclusions of Law:** Based on the above findings, the person seeking the variance caused the need for the variance as the applicant is requesting the variance in order to resolve a setback violation in order to replat the property (MSB 17.65.030(A)(1)).

(2) The variance will permit a land use in a district in which that use is prohibited.

**Applicant Response:** The variance will not be permitting a land use in a district in which that use is prohibited.

**Staff Findings:**

**Finding:** The subject lot is not in a special land use district.

**Finding:** Residential structures are permitted on this property.

**Conclusions of Law:** Based on the above findings, the variance, if granted, will not permit a land use in a district in which that use is prohibited, as residential structures are permitted on this site. The variance, if granted, will allow an illegally constructed structure to remain in its current location (MSB 17.65.030(A)(2)).

(3) *The variance is sought solely to relieve pecuniary hardship or inconvenience.*

**Applicant Response:** *The variance is sought to reduce the building setback to a residential building on a subdivided parcel where the section line easement was not depicted and where there is very limited area to construct.*

**Staff Findings:**

**Finding:** The variance is being sought solely to relieve pecuniary hardship or inconvenience so that the applicant can resolve the setback violation in order to replat the property.

**Finding:** The variance is being sought solely to relieve pecuniary hardship and inconvenience due to the expense of bringing the structure into compliance with setback requirements.

**Finding:** The request to allow the house to remain in this location is a matter of the applicant's preference and inconvenience and is not required by any topographic, physical, or legal constraints on the lot.

**Finding:** This structure or a similar one could have been built in compliance with setbacks on this lot.

**Conclusions of Law:** Based on the above findings the variance is being sought solely to relieve pecuniary hardship or inconvenience as the applicant chose to build this particular structure at this specific location in violation of the setback requirements. The request to allow this structure to remain in this location is a matter of the applicant's preference and convenience (MSB 17.65.030(A)(3)).

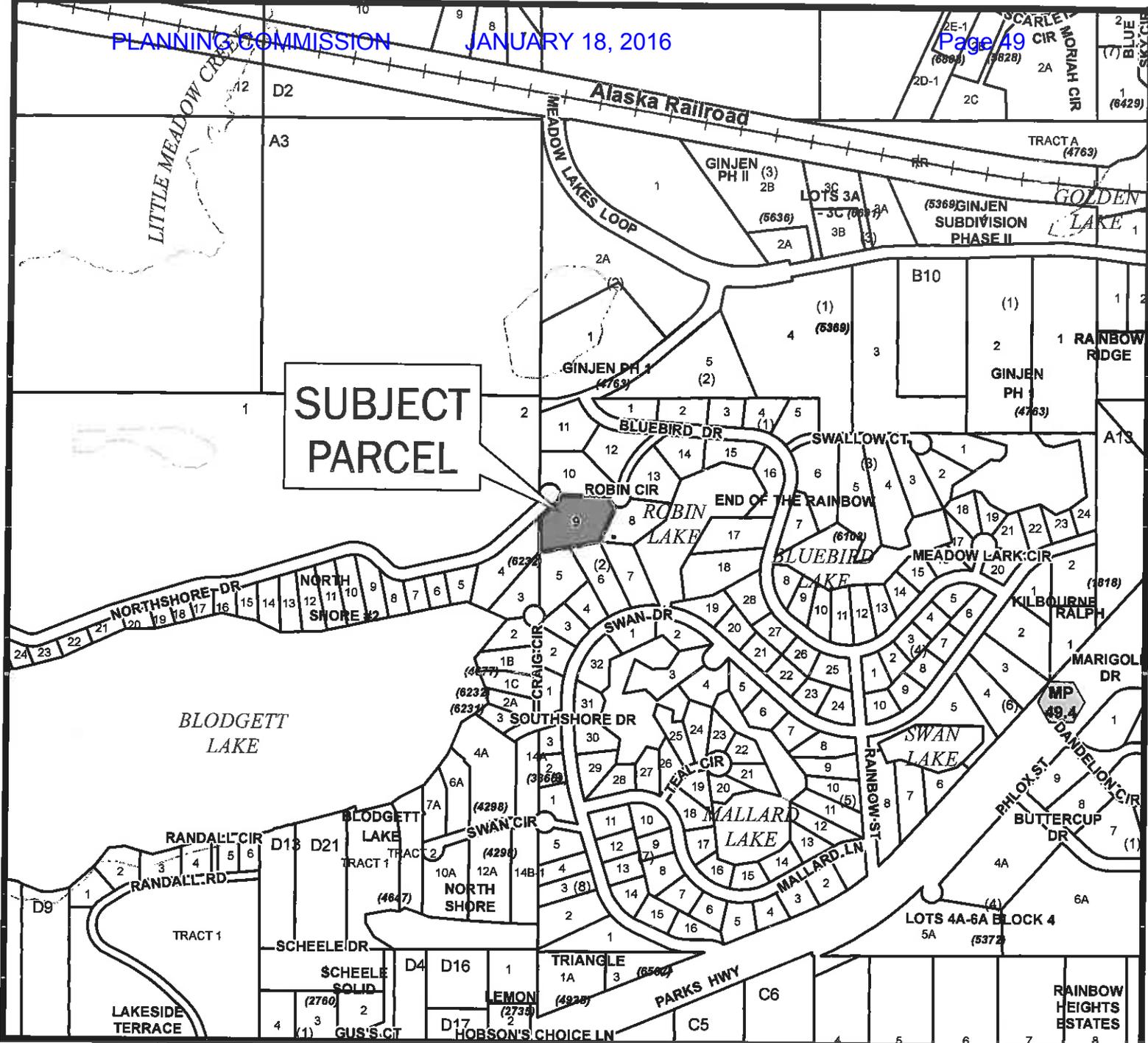
## **STAFF RECOMMENDATIONS**

Staff is recommending denial of this variance request as it does not meet all of the requirements in MSB 17.65.020(A) for approval and violates two of the prohibitions contained in MSB 17.65.030(A). See also Alaska Statute 29.40.040(b)(1-3). Should the Planning Commission choose to approve the variance they must make findings for approval and amend the resolution.

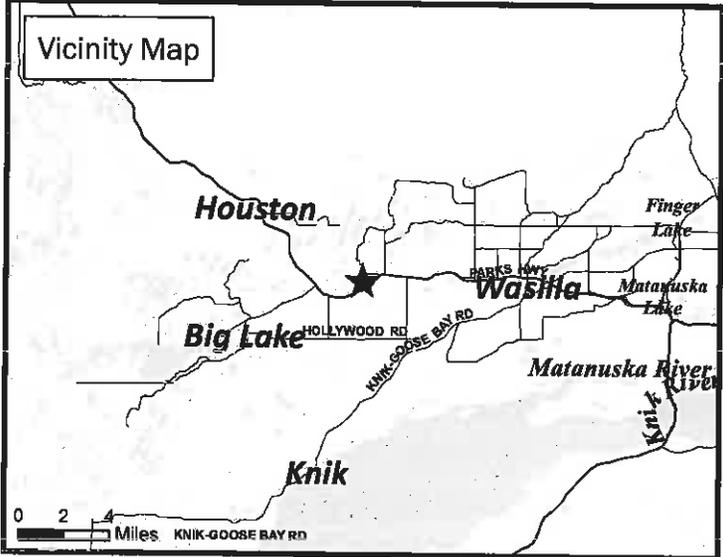
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# **VICINITY MAP**





6103B02L009



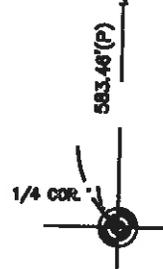
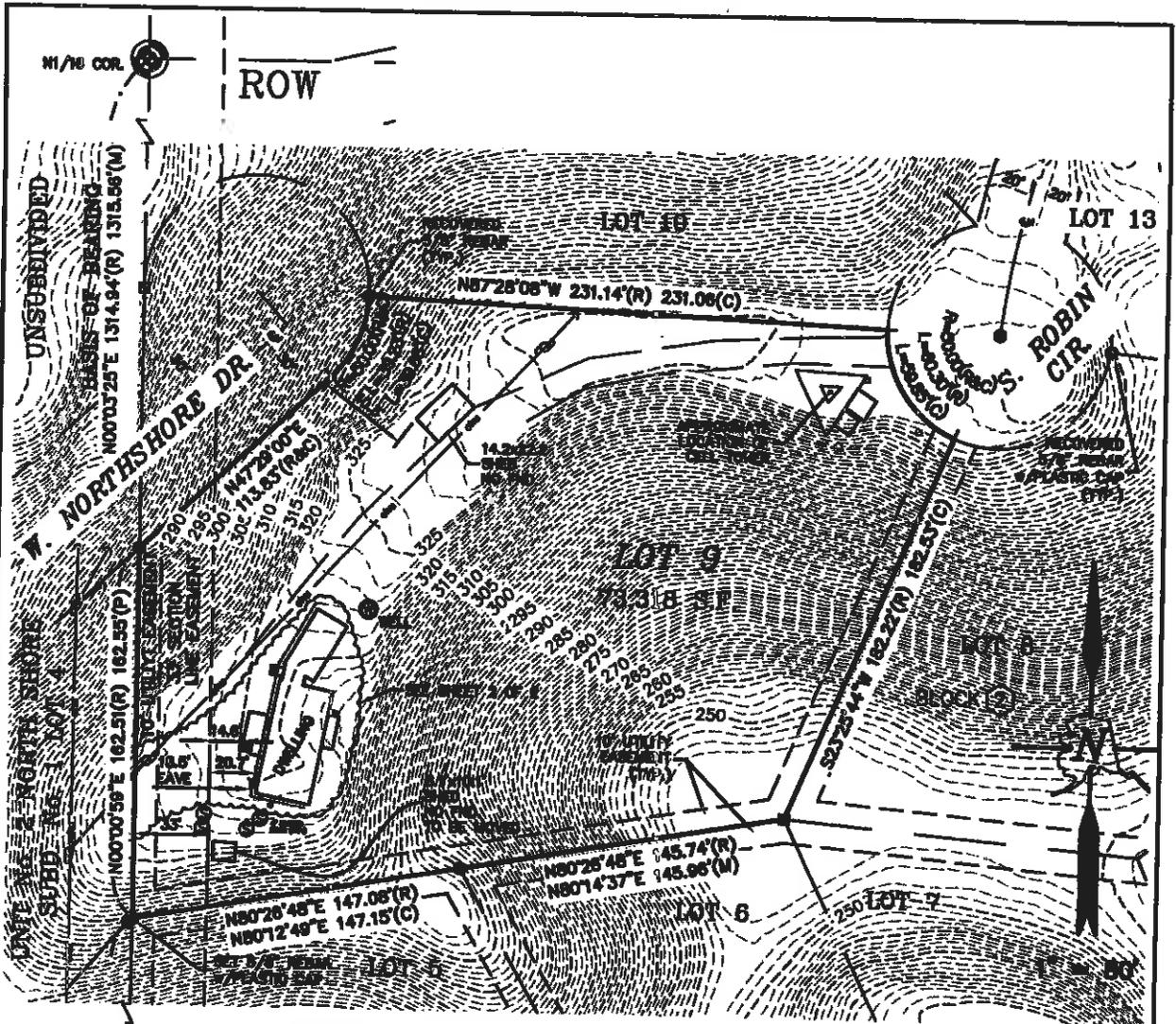
This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7801.



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# **SITE PLAN**





**LEGEND:**

- (C)=CALCULATED DATA
- (M)=MEASURED DATA
- (R)=RECORD DATA PER PLAT
- (P)=PERPROTIONED DATA
- FND.=FOUNDATION
- (TYP.)=TYPICAL

- RECOVERED 3-1/2" BRASS CAP MONUMENT
- RECOVERED WOOD HUB
- RECOVERED 5/8" REBAR
- SET 5/8"x30' REBAR w/ PLASTIC CAP MARKED 10615-S
- 4" PLASTIC SEPTIC RISERS



**NOTES:**

1. THIS AS-BUILT IS TO BE USED FOR A VARIANCE PER MSB 17.65 FOR A STRUCTURE (DWELLING, DECK, & EAVES) ONLY.
2. EXCEPTING FOR GROSS NEGLIGENCE, THE LIABILITY FOR THIS SURVEY SHALL NOT EXCEED THE COST OF PREPARING THIS SURVEY.
3. THIS SURVEY REPRESENTS VISIBLE IMPROVEMENTS & CONDITIONS ON THE DATE OF SURVEY.
4. TOPOGRAPHY DERIVED FROM MAT-SU BOROUGH LIDAR TOPOGRAPHY MAP CA\_019\_NE DATED 2011. HORIZONTAL DATUM IS BASED ON NAD83. VERTICAL DATUM IS BASED ON NAVD 88 GEOID 09.

EXCLUSION NOTE: IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR FENCE LINES.

AS-BUILT FOR VARIANCE PER MSB 17.65



**ALASKA RIM ENGINEERING, INC.**

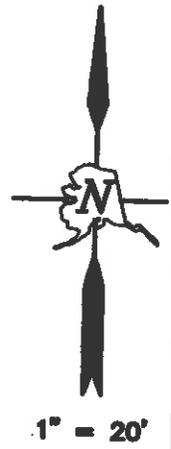
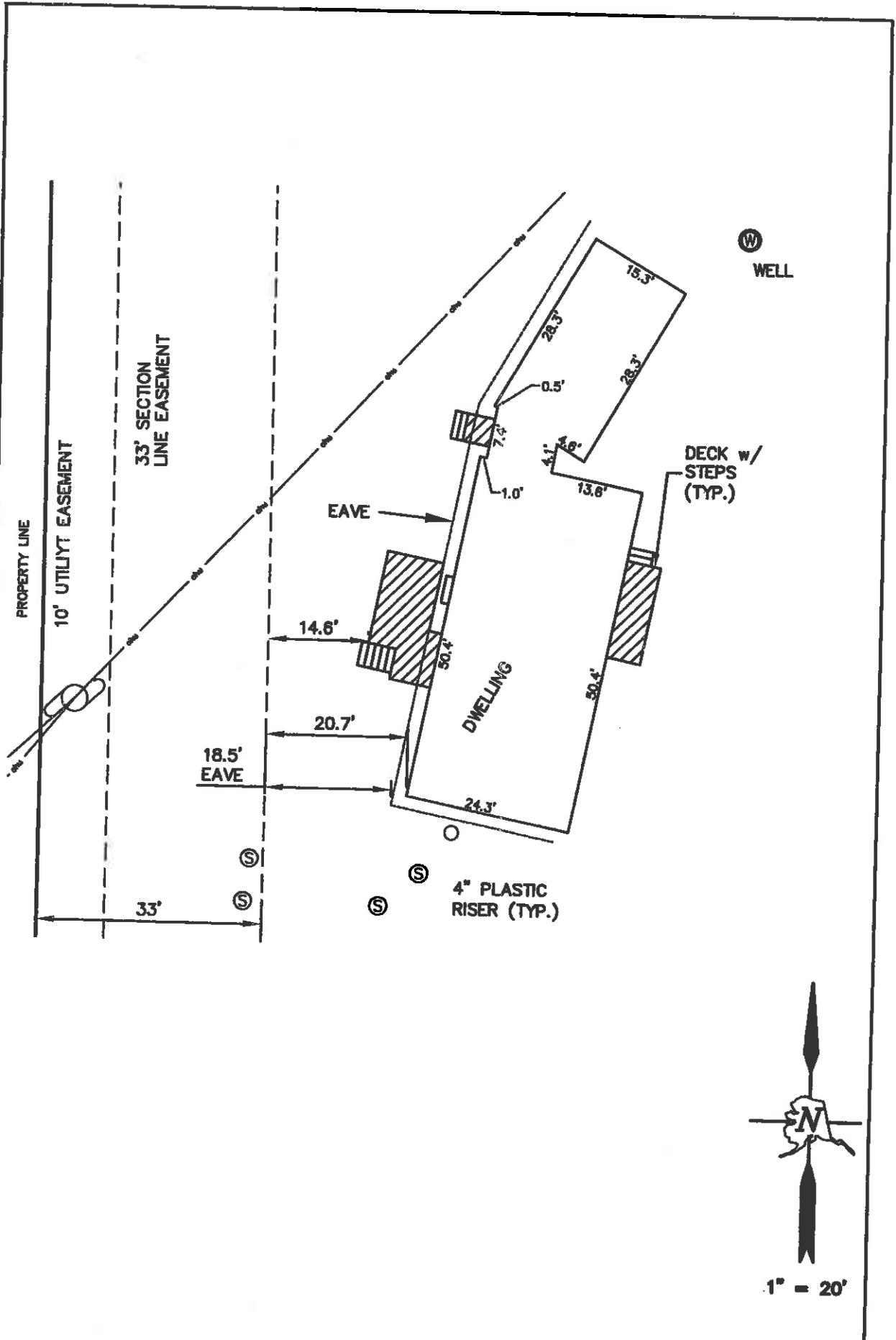
9131 E. FRONTAGE RD.  
PALMER, ALASKA 99645  
PH: (907)745-0222 : FAX: (907)746-0222  
EMAIL: akrim@alaskarim.com : WEB: www.alaskarim.com

WO: 1500349  
PAGE: 1 of 2

FB: 15-11  
TM: HO10

SCALE: 1" = 80' FILE: 1500349NC

I HEREBY CERTIFY THAT AN AS-BUILT INSPECTION WAS PERFORMED UNDER MY DIRECTION ON THE FOLLOWING DESCRIBED PROPERTY:  
**END OF THE RAINBOW SUBDIVISION, BLOCK 2, LOT 9, PLAT No. 70-23, PALMER RECORDING DISTRICT, PALMER, ALASKA.**  
SURVEYED ON THE 21st OF OCT., 2015.



<p>AS-BUILT FOR VARIANCE PER MSB 17.65</p>		<p><b>ALASKA RIM ENGINEERING, INC.</b>          9131 E. FRONTAGE RD.          PALMER, ALASKA 99645          PH: (907)745-0222 : FAX: (907)746-0222          EMAIL: akrim@alaskarim.com : WEB: www.alaskarim.com</p>	
		<p>WO: 1500349          PAGE: 2 of 2</p>	<p>FB: 15-11          TM: HO10</p>
		<p>SCALE: 1" = 20'</p>	<p>FILE: 1500349NC</p>
<p>I HEREBY CERTIFY THAT AN AS-BUILT INSPECTION WAS PERFORMED UNDER MY DIRECTION ON THE FOLLOWING DESCRIBED PROPERTY:  <b>END OF THE RAINBOW SUBDIVISION, BLOCK 2, LOT 9, PLAT No. 70-23, PALMER RECORDING DISTRICT, PALMER, ALASKA.</b>          SURVEYED ON THE 21st OF OCT., 2015.</p>			

# **SITE PHOTOGRAPHS**









1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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# **APPLICATION MATERIAL**





# MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department  
Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645  
Phone (907) 861-7822 • Fax (907) 861-7876  
Email: [PermitCenter@matsugov.us](mailto:PermitCenter@matsugov.us)

OCT 21 2015

Received

## APPLICATION FOR A VARIANCE – MSB 17.65

Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.

Application fee must be attached:

\$1,000 for Variance

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Applicants will be provided with a statement of advertising and mailing charges. Payment must be made prior to the application presentation before the Borough Planning Commission.

**Subject Property** Township: 17N, Range: 2W, Section: 9, Meridian S  
MSB Tax Acct # 56103B02L009

SUBDIVISION: End of the Rainbow BLOCK(S): 2, LOT(S): 9

STREET ADDRESS: 420 S. Robin Circle Wasilla, AK 99629  
(US Survey, Aliquot Part, Lat. /Long. etc) SW1/4NW1/4 Section 9

**Ownership** A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached?  Yes  No  N/A

**Name of Property Owner**  
Neal and Brenda Bullock  
Address: P.O. 298367  
Wasilla, AK 99629-8367  
Phne: Hm 232-9723 Fax \_\_\_\_\_  
Wk \_\_\_\_\_ Cell \_\_\_\_\_  
E-mail brendab1975@gmail.com

**Name of Agent/ Contact for application**  
Alaska Rim Eng., Inc.  
Address: 9131 E. Frontage Road  
Palmer AK 99645  
Phne: Hm 745-0222 Fax \_\_\_\_\_  
Wk \_\_\_\_\_ Cell \_\_\_\_\_  
E-mail Joy@alaskarim.com

Description	Attached
A variance from MSB 17.55.010s being applied for and is specifically described.	X
Provide a detailed written description as to why the variance is required.	X

Drawings	Attached
A boundary survey and site plan of the proposed and/or existing development, of the particular parcel or parcels affected. (See attached survey standards checklist). The survey must be submitted under the seal of an Alaska registered professional land surveyor.	X
Structural elevation drawing(s) for the purpose of indicating the proposed height and bulk, view and other dimensions of the subject structure.	X

<b>In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020). Explain how the request meets each requirement. Include information such as physical surroundings, shape or topographical conditions of the property which would support the granting of a variance.</b>	<b>Attached</b>
1. What unusual conditions or circumstances apply to the property for which the variance is sought?	X
2. How the strict application of the provisions of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.	X
3. Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.	X
4. How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plans?	X
5. How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.	X

<b>A variance may <u>not</u> be granted if any of the conditions listed below are true. Explain why each condition is <u>not</u> applicable to this application.</b>	<b>Attached</b>
1. The special conditions that require the variance are caused by the person seeking the variance.	X
2. The variance will permit a land use in a district in which that use is prohibited.	X
3. The variance is sought solely to relieve pecuniary hardship or inconvenience.	X

**OWNER'S STATEMENT:** I am owner of the following property:

MSB Tax parcel ID #(s) 6103B02L009

I hereby apply for approval a setback variance on that property as described in this application. \_\_\_\_\_ and,

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.55 and MSB 17.65 and with all other applicable borough, state or federal laws.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I understand that this permit and zoning status may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to the buyer when I sell the land.

I understand that changes from the approved variance may require further authorization by the Borough Planning Commission. I understand that failure to provide applicable documentation of compliance with approved requirements, or violation of such requirements will nullify legal status, and may result in penalties.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

<i>Neal W. Bullock</i> <i>Brenda J. Bullock</i>	<i>NEAL W. BULLOCK</i> <i>Brenda J. Bullock</i>	<i>9-14-2015</i> <i>9-14-2015</i>
Signature: Property Owner	Printed Name	Date
	<i>Jay Cypra, Planning Manager</i>	<i>10-19-15</i>
Signature: Agent	Printed Name	Date

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**Property:** MSB TAX ACCT. # 56103B02L009  
 SUBDIVISION: End Of The Rainbow Plat No. 70-23, Block 2, Lot 9  
 STREET ADDRESS: 420 S. Robin Circle, Wasilla AK 99629

**Description:**

1. *A variance from MSB 17.55.010 is being applied for and is specifically described.*  
 This variance is being applied for under Title 17.55.010 SETBACKS to resolve the 25 foot building setback to a public right-of-way. The 25' setback is to an unconstructed and un-platted section line easement and where there are extreme topographic conditions.

2. *Provide a detailed written description as to why the variance is required.*  
 The parcel known as Lot 9, Block 2, of the End of the Rainbow Subdivision was created by the 1970's subdivision plat which was deficient in depicting the section line easement along the west boundary of the parcel. This 1970's subdivision created parcels which had little to no buildable area. Consequently in 2005 a residential building was constructed on this parcel in the only buildable area suitable for construction. This buildable area put the building within 25 feet of an un-platted section line easement. Please see the attached as-built survey that shows the building in relationship to the west boundary and the topographic conditions of this parcel.

Research performed by Alaska Rim Engineering revealed that there is a 33 foot section line easement running along the west boundary of the W1/2NW1/4 and the NW1/4SW1/4 which is inclusive of the End of The Rainbow Subdivision. The End of the Rainbow Subdivision did not show this section line easement along the west boundary and was therefore deficient. Instead, the 1970's plat created a 10 foot utility easement along the west boundary of Lot 9. The knowledge of the section line easement was not known at the time this lot was being developed and just became known during the process of combining Lots 8 and 9, and to create a utility parcel on this property. Please see the attached End of the Rainbow Subdivision Plat.

**In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020).**

**Explain how the request meets each requirement. Include information such as physical surroundings, shape or topographical conditions of the property which would support the granting of a variance.**

1. *What unusual conditions or circumstances apply to the property for which the variance is sought?*

There are two unusual conditions that apply to this property for which the variance is sought. The first is the extreme topographic conditions on this parcel. This property consists of a narrow ridge which runs from the Robin Circle cul-de-sac, located at the northeast corner of Lot 9. From this cul-de-sac there is a narrow ridge that runs west along the north boundary of Lot 9 and then southwest toward the southwesterly corner of



the lot. This narrow ridge is barely 40 feet in width, with the widest portion being located in the southwest portion of Lot 9. The top of the ridge had to be widened and cut down in order to get the driveway and a constructible building site. Other than the top of the ridge, there is no other flat ground that could be accessed and constructed. The average grade from the top of the ridge to the lower portion of the lot is 60%. The unusual circumstances that applies to this property is the fact that this property was created by the 1970's End of the Rainbow Subdivision plat which was created before there were regulations for lots to have usable building and septic areas on them. Secondly, the unusual circumstances, as noted above, is the fact that the 1970's End of the Rainbow Subdivision plat was deficient in showing the 33 foot section line easement along the west boundary of this parcel but instead created a 10 foot wide utility easement.

2. *How the strict application of the provision of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.*

The strict application of the 25 foot building setback to a section line easement that had not been delineated on the subdivision plat and where there is little to no buildable area on said lot will virtually deprive this existing parcel the right to ever be developed properly.

The strict application of the 25 foot building line setback to an easement that was created by regulations and not by design or constructability will greatly diminish the limited useable area on this parcel.

The section line easement in this location has not been constructed and is not constructible for road construction due to the extremely steep grades. Therefore there is an undue burden placed upon this lot by the strict application of the 25 foot building setback to this un-constructible section line easement.

3. *Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.*

The 25 foot building setback ensures that the public rights-of-way have adequate room for snow storage and maintenance. The granting of the variance to allow this building to be closer than 25 feet to a section line easement, where the section line easement is not constructed and cannot be developed for road construction due to the steepness of the grades, would in no way be injurious to nearby property, nor harmful to the public welfare.

4. *How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plan?*

The granting of the variance would allow for a residential use of this lot that was created before the current regulations applied.

The section line easement in this located is not suitable for road construction and therefore the objectives of this title would not be in jeopardy with the reduction of the building setback.



Furthermore, section line easements can be used for utility purposes and the section line easement on the west side of the section line does have an overhead power line constructed within it. An easement for the sole purpose of utility installation would not have a building setback to it.

There is a platted 10 foot wide utility easement on the west side of Lot 9 and the utility pole is located within this easement.

5. *How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.*

The variance will reduce the building setback for the residential dwelling with attached decks as show on the attached non-conforming as-built. There is also an existing 8'x10' shed in this area and it will be removed from the 25' building setback to another location on the property.

The septic system extends into the section line easement. This improvement is below ground and we will submit for an encroachment permit under a separate title to address this septic system. There is not a setback requirement for the septic systems to the section line easement.

**A variance may not be granted if any of the conditions listed below are true. Explain why each condition is not applicable to this application.**

1. *The special conditions that require the variance are caused by person seeking the variance.*

The special condition for this property which requires the variance is the deficiencies of the old 1970's subdivision plat that did not create lots that had enough developable area and which did not depict the section line easement along the western boundary of the parcel.

2. *The variance will permit a land use in a district in which that use is prohibited.*

The Variance will not be permitting a land use in a district in which that use is prohibited.

3. *The variance is sought solely to relieve pecuniary hardship or inconvenience.*

The variance is sought to reduce the building setback to a residential building on a subdivided parcel where the section line easement was not depicted and where there is very limited area to construct.

Respectfully Submitted,  
ALASKA RIM ENGINEERING, INC.

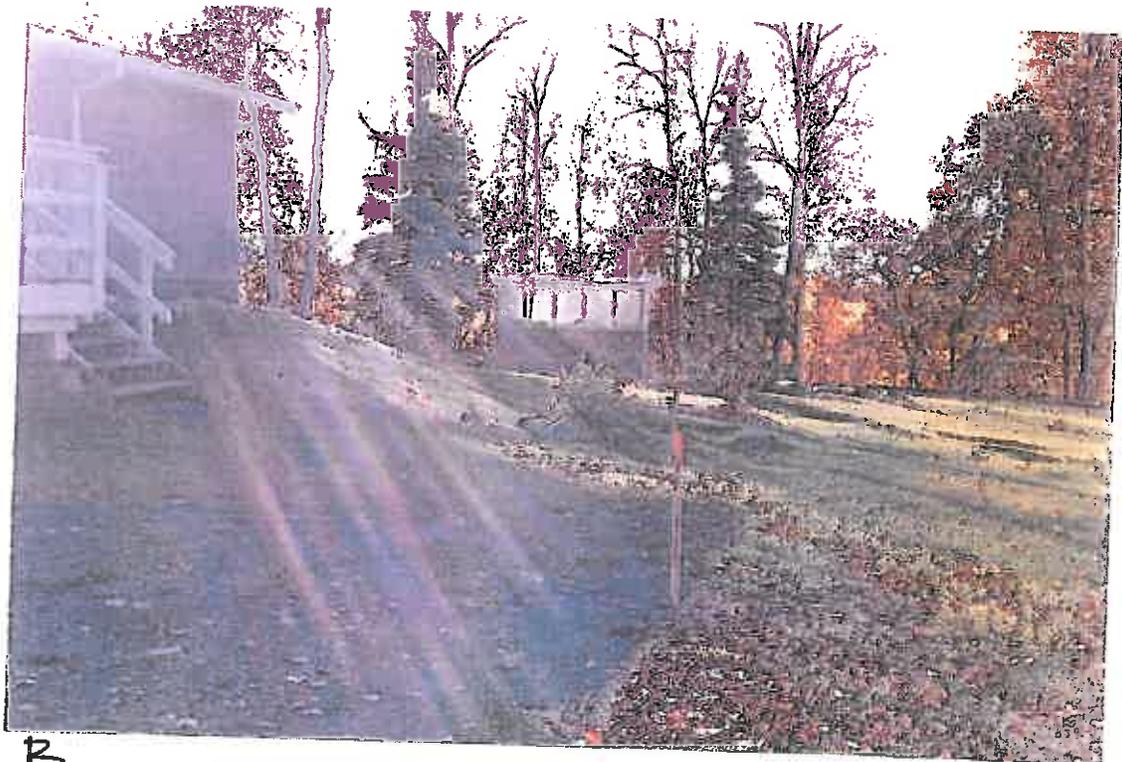
Joy Cypra,  
Platting Manager  
AK. Rim W.O. 15-0000349

**Alaska Rim Engineering, Inc.**  
*Engineers...Planners...Surveyors*

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A



B



C

Section Line Easement  
W1/2NW1/4, NW1/4SW1/4 Section 9, T17N, R2W, S.M., Alaska

Also inclusive of the End of the Rainbow Subdivision Plat No. 70-23

Case Facts:

1. Rectangular survey approved January 15, 1915 in Juneau, Alaska by the Surveyor General.
2. Application for 256301 Headquarters Site filed at Bureau of Land Management on April 1, 1955.
3. Patent No. 1195075 issued to Lemuel Jerome Smith, Jr. on April 21, 1959.

Discussion:

An offer of easement was enacted by the Federal Mining Law of 1866 on unreserved unappropriated public lands.

The offer was deemed accepted on April 6, 1923 and provided for a tract 66 feet wide between each section of land in the Territory of Alaska for use as public highways.

The above reflects the position of the State of Alaska through the 1969 opinion of the Attorney General, Opinion No. 7, dated December 19, 1969.

Conclusion:

There is an easement 33 foot wide lying coincident with the west boundary of the W1/2NW1/4, NW1/4SW1/4 Section 9, T17N, R2W, Seward Meridian, Alaska.

Caveat:

The above information was completed to verify the existence, or nonexistence, of section line easements affecting this property.

The conclusion is based upon the facts as related to the Attorney General's Opinion No. 7 only. This report was performed without the benefit of a title report and does not purport to verify the existence of additional easements which may exist on said parcels.





Form 1-1212  
(Feb. 1957)

Anchorage 029380

# The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, a certificate of the Land Office at **Anchorage**, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to the act of Congress of **May 20, 1862 (12 Stat. 392)**,

and the acts supplemental thereto, the claim of **Lamuel Jerome Smith, Junior**, has been established and that the requirements of law pertaining to the claim have been met, for the following-described land:

**Seward Meridian, Alaska.**

**T. 17 N., R. 2 W.,**

**Sec. 9, Lot 2, ~~W1/2, N1/2.~~**

The area described contains **160.22** acres, according to the official plat of the survey of the said land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, DOES HEREBY GRANT unto the said claimant and to the heirs of the said claimant the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, therunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to (1) any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; (2) the reservation of a right-of-way for ditches or canals constructed by the authority of the United States, in accordance with the act of August 30, 1890 (26 Stat., 391, 43 U. S. C. sec. 945), and (3) the reservation of a right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under authority of the United States or by any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat., 418, 48 U. S. C. sec. 321d). There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with section 1 of the act of March 12, 1914 (38 Stat., 305, 48 U. S. C. sec. 305)

Excepting and reserving, also, to the United States all the oil and gas in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of March 8, 1922 (42 Stat. 415).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in the District of Columbia, the **TWENTY-FIRST** day of **APRIL** in the year of our Lord one thousand nine hundred and **FIFTY-NINE** and of the Independence of the United States the one hundred and **EIGHTY-THIRD**.

For the Director, Bureau of Land Management.

By Rose M. Beall

Chief, Patents Section.

Patent Number 1195075

[Home](#)

U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT  
 Alaska State Office

**Alaska Case Retrieval Enterprise System (ACRES)**

Note: Reports are generated from a replicated database. Information can be one week old.

**Case Abstract for: AKA 029580**

CASE DATA			
Case Serial Num:	AKA 029580	FRC Site Code:	SEA
Case Type:	256301 Headquarters Site	Accession Num:	--
Case Status:	Closed	Box Num:	-- (of) --
Case Status Actn:	Case Closed	Disp Date:	--
Case Status Date:	30-MAR-1977	Location Code:	--
SM Acres:	0.0000	Abnd Yr:	--
Claim Name:	--		

CUSTOMER DATA			
Cust ID:	000015767	Interest Relationship:	Applicant
Customer Name:	SMITH LEMUEL JEROME JR	Percent Interest:	0.0000
Customer Address:	Withheld		

ADMINISTRATIVE/STATUS ACTION DATA						
Date	Code Description:	Remarks	Doc ID	Ofc	Emp	Doc Img *
01-APR-1955	001 Application Filed	APPLICATION RECEIVED	--	PSA	CMC	--
21-APR-1959	879 Patent Issued	--	PA0001195075	PSA	CMC	--
30-MAR-1977	970 Case Closed	TITLE TRSF	--	PSA	CMC	--
27-AUG-1992	996 Converted To Prime	--	--	940	BKM	--

FINANCIAL ACTION DATA						
Date	Code/Description	Ofc	Emp	Money Amt	Acct Adv	Asmt Yr
NO FINANCIAL ACTIONS FOUND						

GENERAL REMARKS
No Case Remarks found

GEOGRAPHIC NAMES
No Geonames found

LAND DESCRIPTION														
Mr	Twp	Rng	Sec	Aliquot	Survey ID	Tr	Blk	Lot	DI	Bor	NR	LS	Acres	View MTP
28	017 N	002 W	009	--	--	--	--	2	04	170	07	PA	40.2200	Divu PDF
Doc ID: PA0001195075 21-Apr-1959 USR: 570 754														
28	017 N	002 W	009	NWSW	--	--	--	04	170	07	PA	40.0000	Divu PDF	
Doc ID: PA0001195075 21-Apr-1959 USR: 570 754														
28	017 N	002 W	009	W2NW	--	--	--	04	170	07	PA	80.0000	Divu PDF	
Doc ID: PA0001195075 21-Apr-1959 USR: 570 754														
Total Case Acres:													160.2200	

CASE ACRES ANALYSIS	
Conveyed:	160.2200
Total:	160.2200
Patented:	160.2200
Total:	160.2200

[Report Information/Help](#)

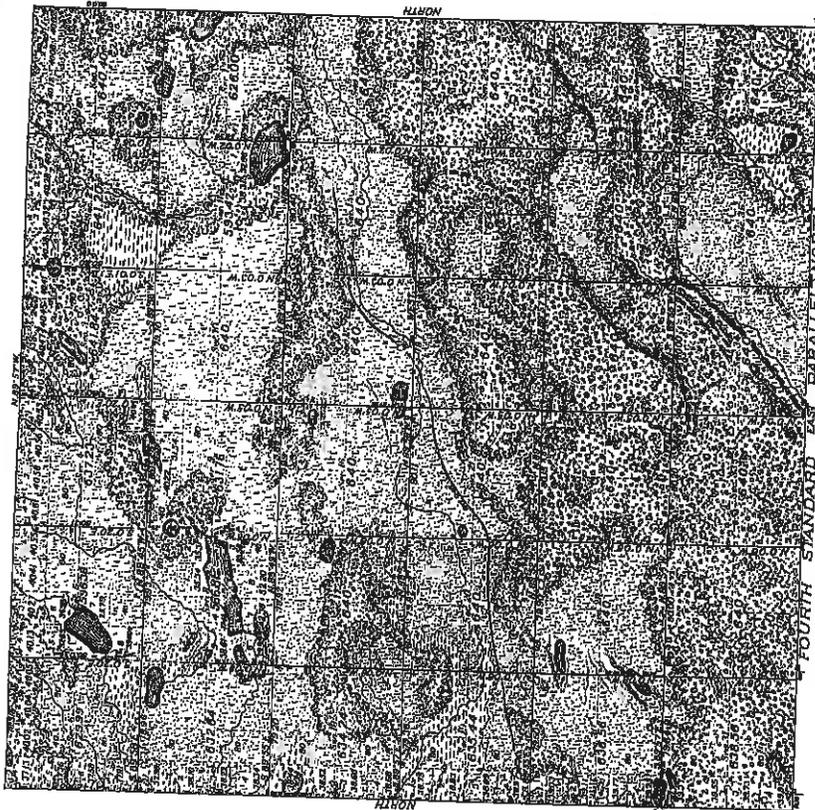
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data. Refer to specific BLM case files for official land status information.  
For case data information/help, contact the BLM Alaska Public Information Center at (907) 271-5960.

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[Thursday, June 25, 2015 at 13:38:43 (AKDT)]

Township No 17 North, Range No 2 West of the Seward Meridian, Alaska.



Area in Acres	
Public Land	22,822.47
Native Allotments	
Native Allotments	
Mineral Claims	
Water Rights	182.04
Total Area	23,004.51

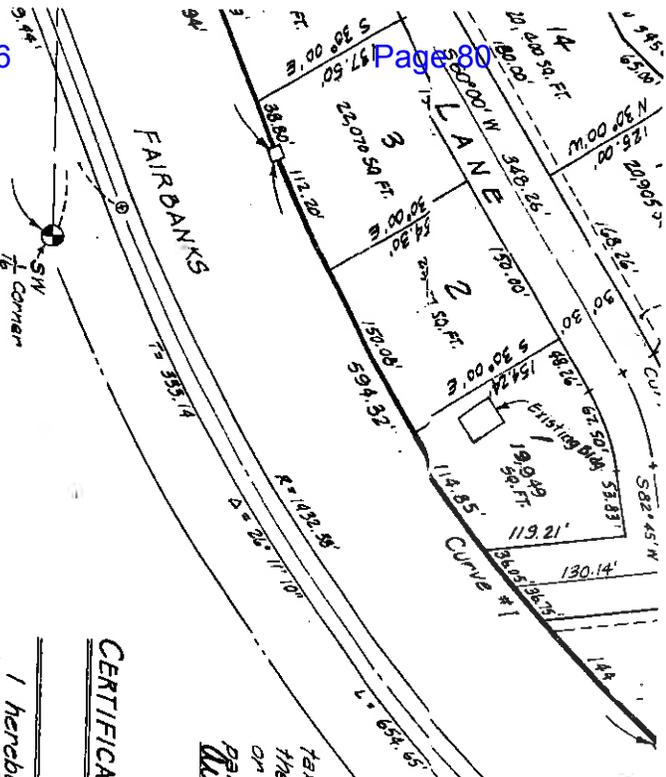
Ready 60 Claims in one work  
Min. Magnetic Inclination

The above map of Township No. 17 North, Range No. 2 West of the Seward Meridian, ALASKA is strictly conformable to the field notes of the survey thereof on file in this office, which have been examined and approved  
C. S. SURVEYOR GENERAL OFFICE  
LARAMIE, ALASKA, Jan. 15, 1915

*Charles E. J. [Signature]*  
Surveyor General

Group Designated	By What Authority	Date	Area in Acres		Date	Remarks
			Original	Adjusted		
Public Land	U.S. Dept. of the Interior	1867	22,822.47	22,822.47	1867	Original
Native Allotments	Act of Congress	1891			1891	Original
Mineral Claims	Act of Congress	1891			1891	Original
Water Rights	Act of Congress	1891	182.04	182.04	1891	Original
Total			23,004.51	23,004.51		

LATITUDE  
LONGITUDE



**CERTIFICATION OF PAYMENT OF TAXES**

I hereby certify that all current taxes, through December, 1970 against the property included in the subdivision or subdivision shown hereon have been paid.  
 Date: Aug. 18 1970.

*July A. Oshkoff*  
 Tax Collector/Clerk

**CERTIFICATION OF APPROVAL**

**BY THE COMMISSION**

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision regulations of the Matanuska-Susitna Borough Planning Commission, and that said Plat has been approved by the Commission by Plat Resolution No. 70-22 dated July 14 1970, and that that the Plat shown hereon has been approved for recording in the office of the Recorder, Palmer, Alaska.  
 Date: August 19 70

*Jack E. Meyer*  
 Chairman,  
 Matanuska-Susitna Borough  
 Planning Commission

**ATTEST:**

*Paul J. [Signature]*  
 Clerk



**REGISTERED - FILED**  
 REC. DIST. *Palmer*  
 DATE: 8-21 1970  
 TIME: 4:35  
 Registered by: *David D. [Signature]*  
 Address: 5817 Haverly Dr  
Palmer, Alaska 99587

38-40  
 Re 34466

**END OF THE RAINBOW**  
 PLAT OF  
**SUBDIVISION**  
 LOCATED IN  
 W 1/2 Sec. 9, T 7 N, R 2 W,  
 S. M., ALASKA

Prepared for A.I.M., Incorporated

**TRYCK, NYMAN & HAYES**  
 CONSULTING ENGINEERS AND LAND SURVEYORS  
 ANCHORAGE, ALASKA

Designed: Mike Gallagher	Date: June 29, 1970
Drawn: Gary Spreng	T.N.H. File: 2860
Checked:	Scale: 1" = 100'
	Sheet 1 of 1

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this  
15<sup>th</sup> day of July 1970.

*E. R. Olson*  
 Notary Public for Alaska

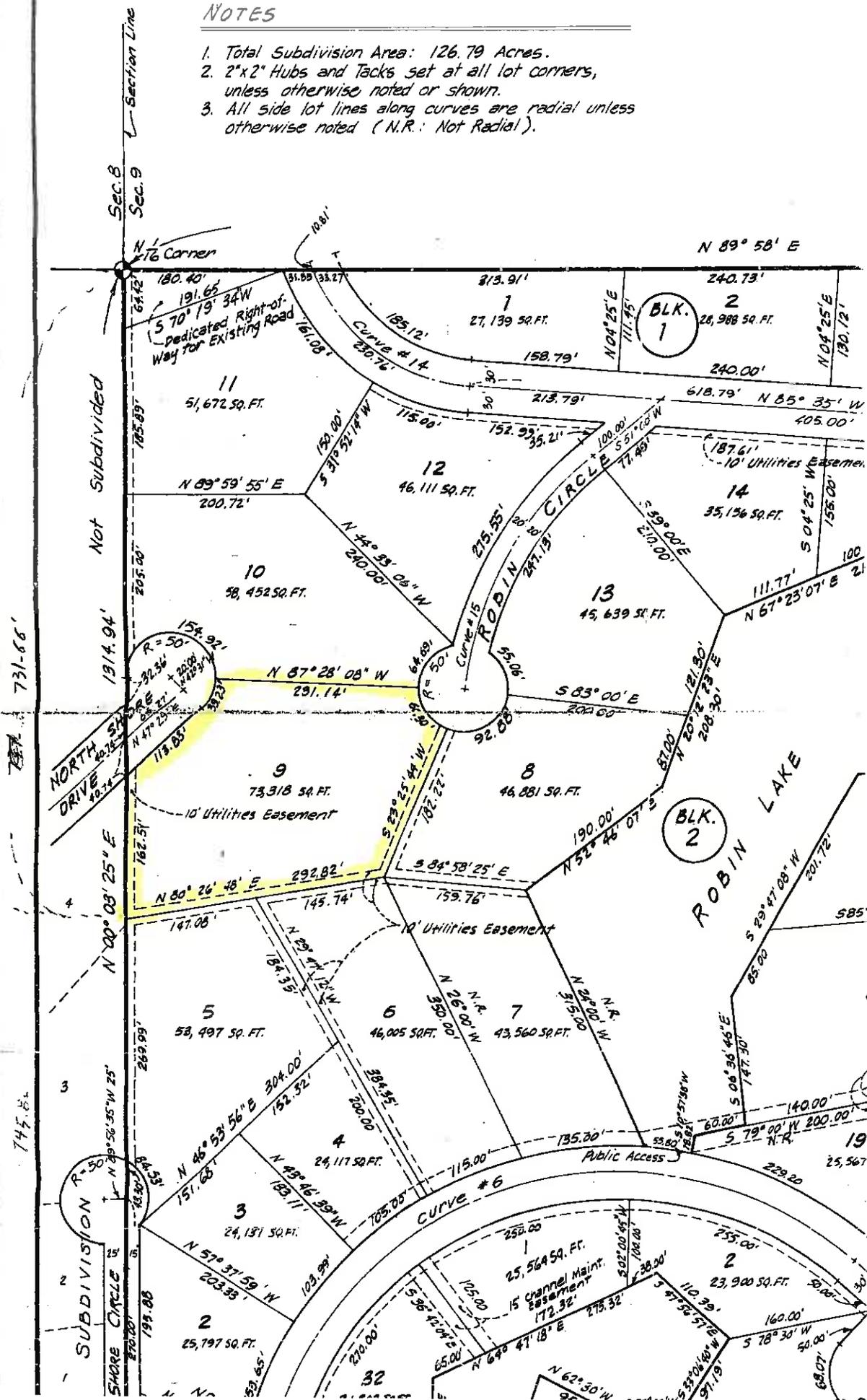
My Commission Expires  
11 8 72

*Walter [Signature]*  
 Witness

*Robert O. Purnell*  
 Robert O. Purnell, Secretary-Treasurer,  
 A.I.M., Inc., 5417 Hamdening Drive,  
 Anchorage, Alaska  
*Carl A. Denard*  
 Carl A. Denard  
*James M. Swartz*  
 James M. Swartz  
 Wasilla, Alaska

NOTES

1. Total Subdivision Area: 126.79 Acres.
2. 2"x2" Hubs and Tacks set at all lot corners, unless otherwise noted or shown.
3. All side lot lines along curves are radial unless otherwise noted (N.R.: Not Radial).



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# COMMENTS



Susan Lee

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**From:** Nancy Cameron  
**Sent:** Tuesday, November 17, 2015 12:12 PM  
**To:** Susan Lee  
**Subject:** FW: Setback Variance Request  
**Attachments:** Application Material End of the Rainbow B2 L9.pdf

No borough land is affected by variance request. No objection.

Nancy Cameron  
Land Mangement Agent  
*Matanuska-Susitna Borough*  
350 E. Dahlia Ave.  
Palmer, AK 99645  
Direct 907-861-7848  
[Nancy.cameron@matsugov.us](mailto:Nancy.cameron@matsugov.us)

**From:** Elizabeth Weiant  
**Sent:** Tuesday, November 17, 2015 11:34 AM  
**To:** Nancy Cameron  
**Subject:** FW: Setback Variance Request

**From:** Susan Lee  
**Sent:** Tuesday, November 17, 2015 11:28 AM  
**To:** Lloyd Smith; Paul Hulbert; Capital Projects; Debbie Passmore; Debby McKimmey; Elizabeth Weiant; Andy Dean; Theresa Taranto  
**Subject:** Setback Variance Request

Hi all,

Attached is a request for a setback variance to allow an existing single-family residence to remain set back 14.6 feet from the section line easement on the west side of the lot. Please review and submit any comments you may have by **December 28, 2015**.

Thanks much, Susan

Susan Lee  
Planner II  
Matanuska-Susitna Borough  
907-861-7862 (Direct Line)  
907-861-7876 (FAX)

Susan Lee

---

**From:** Theresa Taranto  
**Sent:** Tuesday, December 01, 2015 2:15 PM  
**To:** Susan Lee  
**Subject:** RE: Setback Variance Request

FIRM 8045, X Zone.  
No other comments.

Thanks,

*Theresa Taranto  
Development Services Division  
Administrative Specialist*

*Mat-Su Borough  
350 E Dahlia Ave.  
Palmer, Alaska 99645  
907-861-8574*

**From:** Susan Lee  
**Sent:** Tuesday, November 17, 2015 11:28 AM  
**To:** Lloyd Smith; Paul Hulbert; Capital Projects; Debbie Passmore; Debby McKimney; Elizabeth Weiant; Andy Dean; Theresa Taranto  
**Subject:** Setback Variance Request

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Thanks much, Susan

Susan Lee  
Planner II  
Matanuska-Susitna Borough  
907-861-7862 (Direct Line)  
907-861-7876 (FAX)

Susan Lee

---

**From:** Paul Hulbert  
**Sent:** Tuesday, November 17, 2015 2:32 PM  
**To:** Susan Lee  
**Cc:** Peggy Horton  
**Subject:** RE: Setback Variance Request  
**Attachments:** S011000628\_1511170653000.pdf

The Bullocks wanted to create a utility lot for the cell tower and combine two lots. Existing legal and physical access is substandard, so they requested a variance to both. The preliminary plat submitted by Alaska Rim dated June 2015, showed two lots, the utility lot with the approximate location of the cell tower as Lot 9B Block 2, the remainder as Lot 9A Block 2 and the full length of S. Robin Cr. Row. The plat was overlaid with 2' contours to show the topographic conditions of the area and give reason for the variances criteria. The platting board approved the variance with several findings one of which stated "if the variance is approved, the petitioner intends to bring a plat forward to be approved combining Lots 8 & 9 and creating a utility lot for the existing cellular tower." The submitted topo map did not show the 33' section line easement nor all the structures on the property, both of which will be shown on the preliminary plat submitted for the creation of the two new lots and as a condition of plat approval the setback issue will need to be ameliorated.

- AK DNR does not approved a keyhole vacations of section line easements to get a structure out of setback violation
- Plats of that era normally did not show section line easements
- Mandatory land use permits were not required at time of building construction
- The End Of The Rainbow Subdivision is a substandard plat in regards to subdivision regulations as of July 1973

The above bullets are factual matters but doesn't relieve property owners from adherence to code regulations.

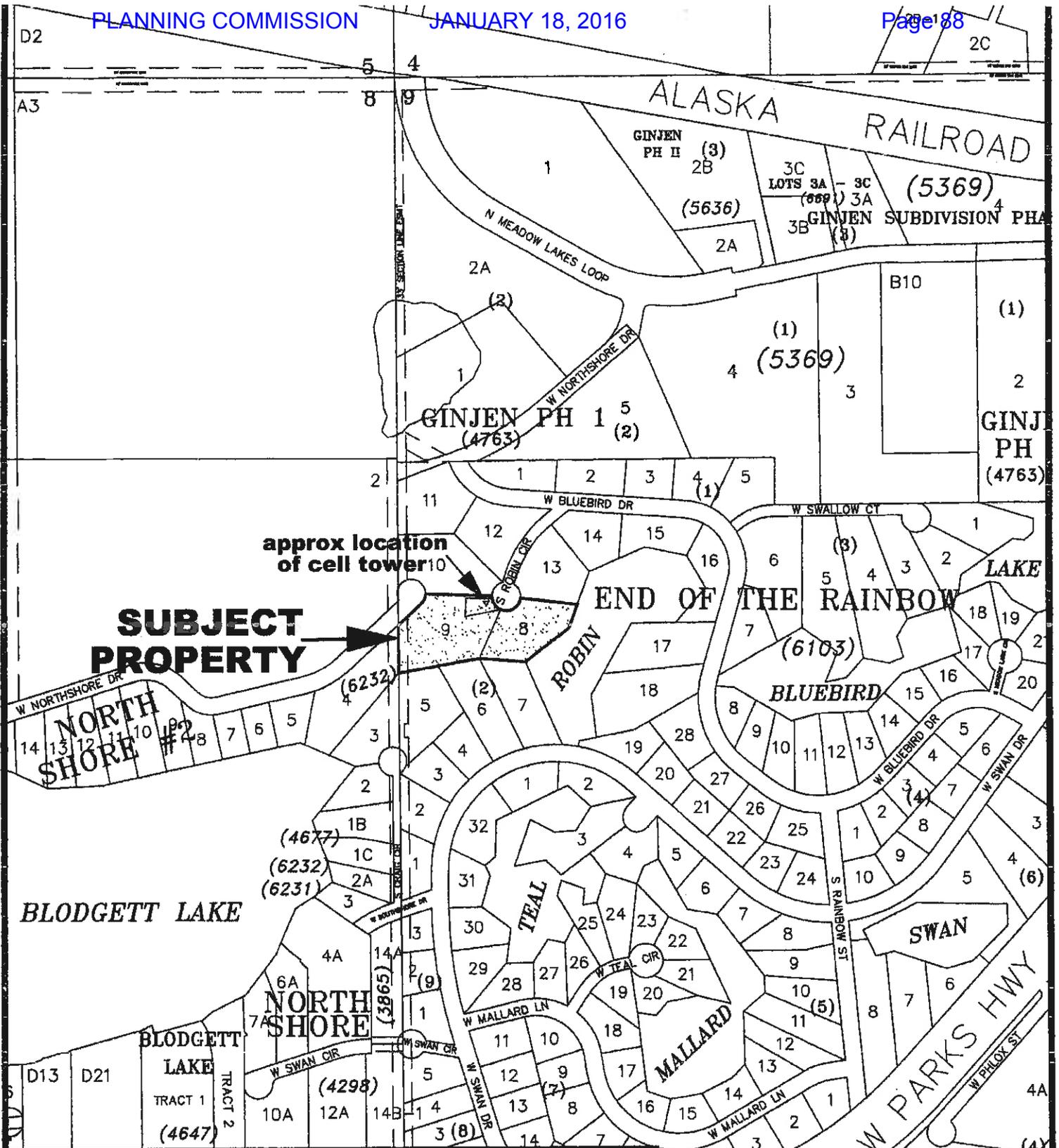
**From:** Susan Lee  
**Sent:** Tuesday, November 17, 2015 11:28 AM  
**To:** Lloyd Smith; Paul Hulbert; Capital Projects; Debbie Passmore; Debby McKimmey; Elizabeth Weiant; Andy Dean; Theresa Taranto  
**Subject:** Setback Variance Request

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Thanks much, Susan

Susan Lee  
Planner II  
Matanuska-Susitna Borough  
907-861-7862 (Direct Line)  
907-861-7876 (FAX)



**SUBJECT PROPERTY**

approx location of cell tower

**VICINITY MAP**

FOR PROPOSED BULLDOCK VARIANCE  
LOCATED WITHIN  
SECTION 9, T17N, R2W  
SEWARD MERIDIAN, ALASKA

HOUSTON 10 MAP

RAINBOW HEIGHTS

4 5 6

**MATANUSKA-SUSITNA BOROUGH**

Planning and Land Use Department

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 861-7874 • Fax (907) 861-8407

August 25, 2015

**NOTIFICATION OF ACTION**

Neal & Brenda Bullock  
PO Box 298367  
Wasilla, AK 99654

**RE: BULLOCK VARIANCE****CASE: 2015-121**

Action taken by the Platting Board on August 20, 2015 is as follows:

THE VARIANCE TO MSB 43.20.120, LEGAL ACCESS AND 43.20.140, PHYSICAL ACCESS, TO ALLOW FOR THE COMBINING OF LOTS 8 & 9, BLOCK 2, END OF THE RAINBOW SUBDIVISION, PLAT #70-23 AND THE CREATION OF A UTILITY LOT FOR THE EXISTING CELL TOWER WHERE THE EXISTING LEGAL AND PHYSICAL ACCESS TO THE PROPERTY DOES NOT MEET THE CURRENT REQUIREMENTS WAS APPROVED AND WILL EXPIRE ON AUGUST 25, 2021 CONTINGENT UPON THE FOLLOWING CONDITIONS / REASONS (see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

If this is in reference to a plat application, recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

Kindest regards,

Ms. Diana Sorensen  
Platting Board Chairman

cc:  
DCP/ENG

Alaska Rim Engineering, Inc.  
9131 E. Frontage Rd, Ste. 1  
Palmer, AK 99645

Doug Swanson  
PMB 251  
7362 W. Parks Hwy  
Wasilla, AK 99654

**CONDITIONS of APPROVAL:**

The Platting Board approved the Variance to MSB 43.20.120, Legal Access and 43.20.140, Physical Access, to allow for the combining of Lots 8 & 9, Block 2, End of the Rainbow Subdivision, Plat #70-23 and the creation of a utility lot for the existing cell tower where the existing legal and physical access to the property does not meet the current requirements, contingent upon the following:

**FINDINGS**

1. A variance to MSB 43.20.120 & 43.20.140 was requested and presented to the Platting Board to allow the combining of Lots 8 & 9, Block 2, End of the Rainbow Subdivision, Plat 70-23, and to create a utility lot for the existing cell tower where the existing legal and physical access to the property does not meet MSB current requirements under Title 43.20.120 & 43.20.140.

- A. The granting of the variance shall not be detrimental to the public health, safety or welfare, or injurious to adjacent property.

*This platting action will be to combine two substandard lots which were created by the 1970's End of the Rainbow Subdivision, and will also be creating a utility lot for the existing cellular tower which is located on this property. With the combining of substandard lots, this platting action will be removing one of the residential lots that access the existing substandard road system and will be creating a utility lot. The cellular tower is an existing structure and the creation of the utility lot for the tower will not be adding additional traffic to the existing substandard road system that isn't already using said road system, nor will the utility lot be generating the type of traffic that would be generated by a residential lot.*

- B. The conditions upon which the variance application is based do not generally apply to properties for which the variance is sought.

*The variance is being requested in order to combine two substandard lots that were created at a time when legal and physical requirements were not to the standards that they are today, and will allow for the creation of a utility lot for the existing cellular tower using the existing legal and physical access within this old 1970's subdivision.*

*It is because of the fact that this property is located within an old 1970's subdivision where the requirements to create rights-of-way (ROW) that are a minimum of 50 feet in width was not required in 1970 and where the construction of the physical roads to the lots were not performed to the standards that they are today.*

*Lots 8 & 9, Block 2, of the End of the Rainbow Subdivision are two existing lots today. This platting action is not adding to the use of the existing substandard road system, but will actually be reducing the usage by combining Lots 8 & 9 into one new lot.*

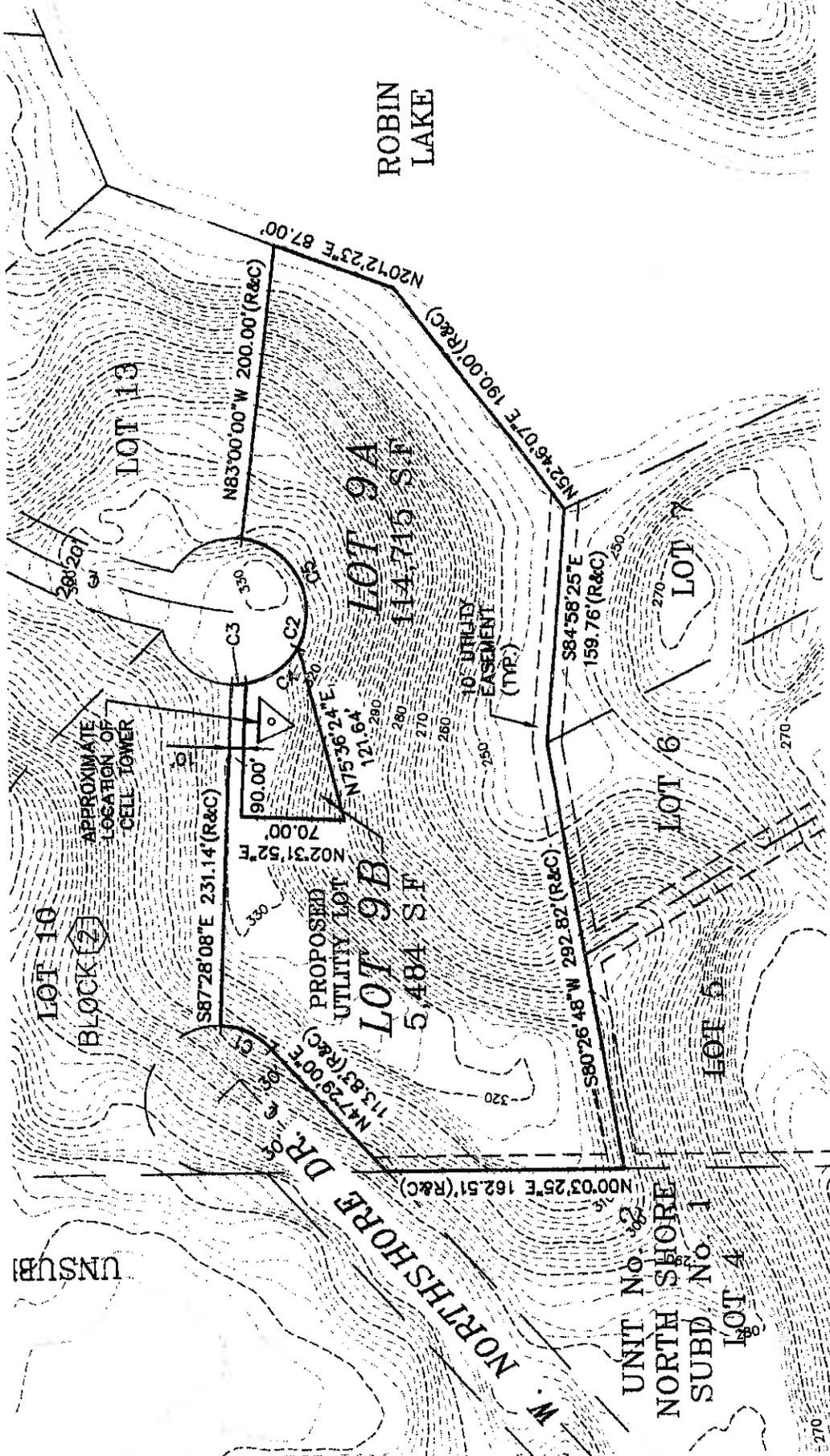
- C. Because of unusual physical surroundings, shape, or topographic conditions of the property for which the variance is sought, or because of the taking of a part of the property through condemnation or because of surrounding development conditions, the

strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.

*Title 43.20.120 Legal Access requires that there is unrestricted public ROW connecting the parcels to a state or municipal highway system. The End of the Rainbow plat did create legal access to the parcels, however this existing legal access does not meet the minimum requirements of the subdivision construction manual which requires the ROW width to be a minimum of 50 feet in width. South Robin Circle is only a 40 foot wide ROW and the adjoining parcels are owned by others. To request additional ROW from the adjoining lots where the lots are already substandard would be beyond the ability of this platting action.*

*Title 43.20.140 Physical Access requires that the access road be located entirely within the dedicated ROW and that it conform to existing requirements of the subdivision construction manual. It is evident by the existing topography that shows the physical access road for W. Bluebird Drive was never constructed within the ROW. Subsequently due to the existing residential construction on Lot 1, Block 1, of this subdivision, physical access would require removing other existing development from the ROW and going through a major reconstruction project to relocate the existing access road within the existing ROW. This would be beyond the ability of this platting action.*

2. There were no objections from borough departments, outside agencies, or the public.
3. End of the Rainbow Subdivision was platted in August, 1970. Road construction was not a requirement at that time.
4. W. Bluebird Dr and S. Robin Circle have been constructed, but are not fully within the platted rights-of-way and do not meet the Subdivision Construction Manual standards for road construction.
5. Both Lots 8 & 9, Block 2 have road frontage on S. Robin Circle. Lot 9 also has frontage on an unconstructed portion of W. Northshore Drive.
6. If the variance is approved, the petitioner intends to bring a plat forward to be approved combining Lots 8 & 9 and creating a utility lot for the existing cellular tower.



**TOPOGRAPHY NOTE**

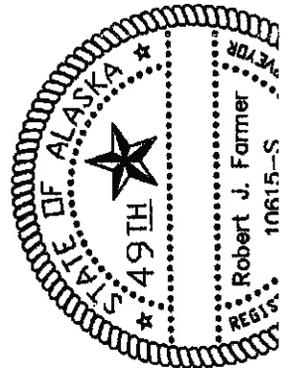
1. TOPOGRAPHY DERIVED FROM MAT-SU BOROUGH LIDAR TOPOGRAPHY MAP CA\_019\_NE DATED 2011. HORIZONTAL DATUM IS BASED ON NAD83.

2. CONTOURS ARE IN 2 FOOT INTERVALS AND ARE BASED ON NAVD 88 GEOID 09 VERTICAL DATUM.

**CERTIFICATE OF PAYMENT OF TAX**

I HEREBY CERTIFY THAT ALL CURRENT TAXES AND ASSESSMENTS THROUGH 2015, AT PROPERTY, INCLUDED IN THIS SUBDIVISION OR HEREON HAVE BEEN PAID.

TAX COLLECTION OFFICIAL, MAT-SU BOROUGH



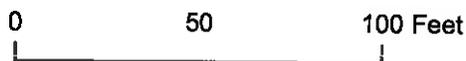
# MAPS



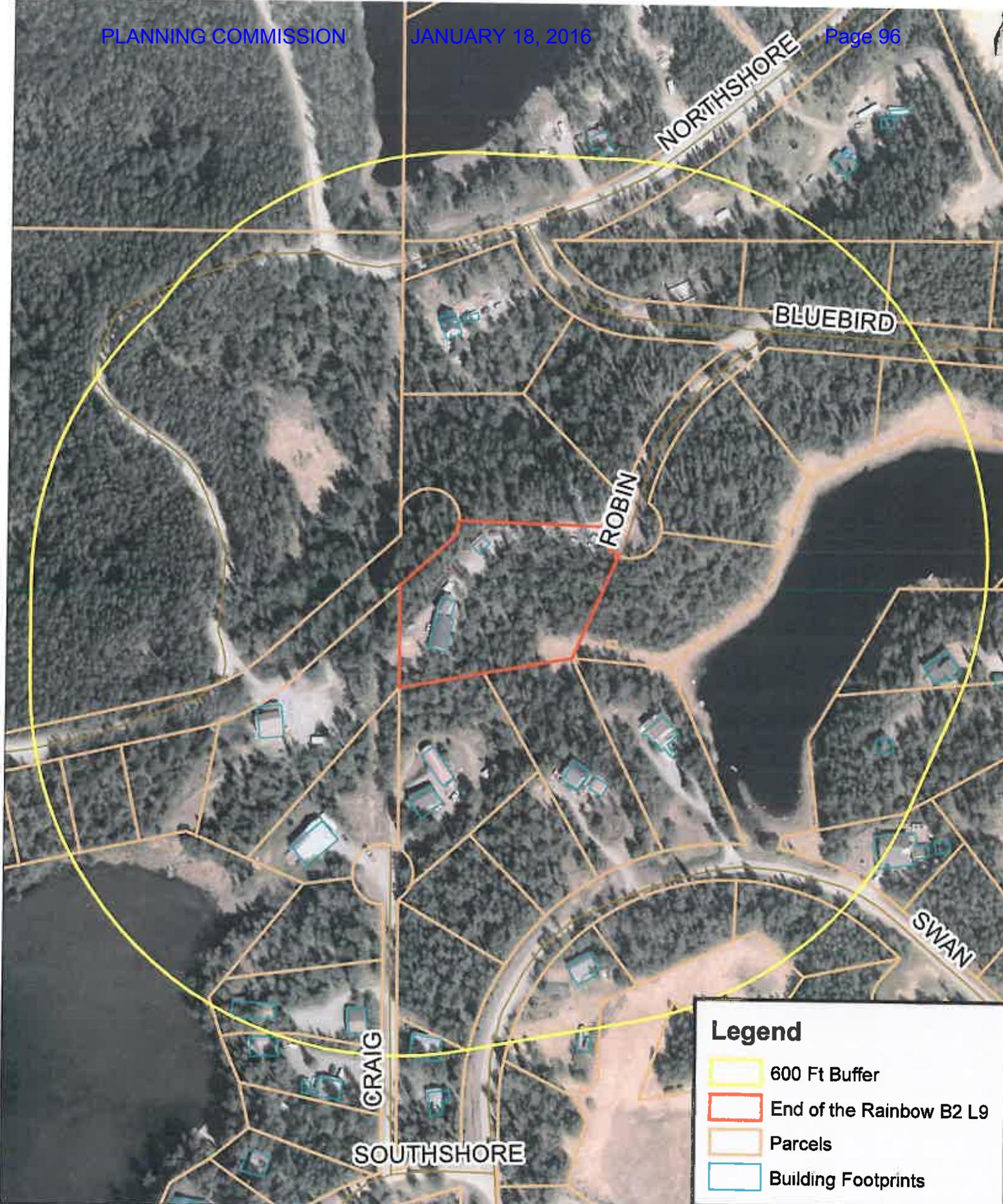


**Matanuska Susitna Borough  
Permit Center**

Date: 12/2/2015



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**Legend**

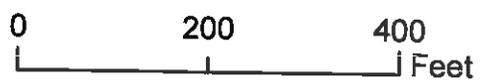
- 600 Ft Buffer
- End of the Rainbow B2 L9
- Parcels
- Building Footprints

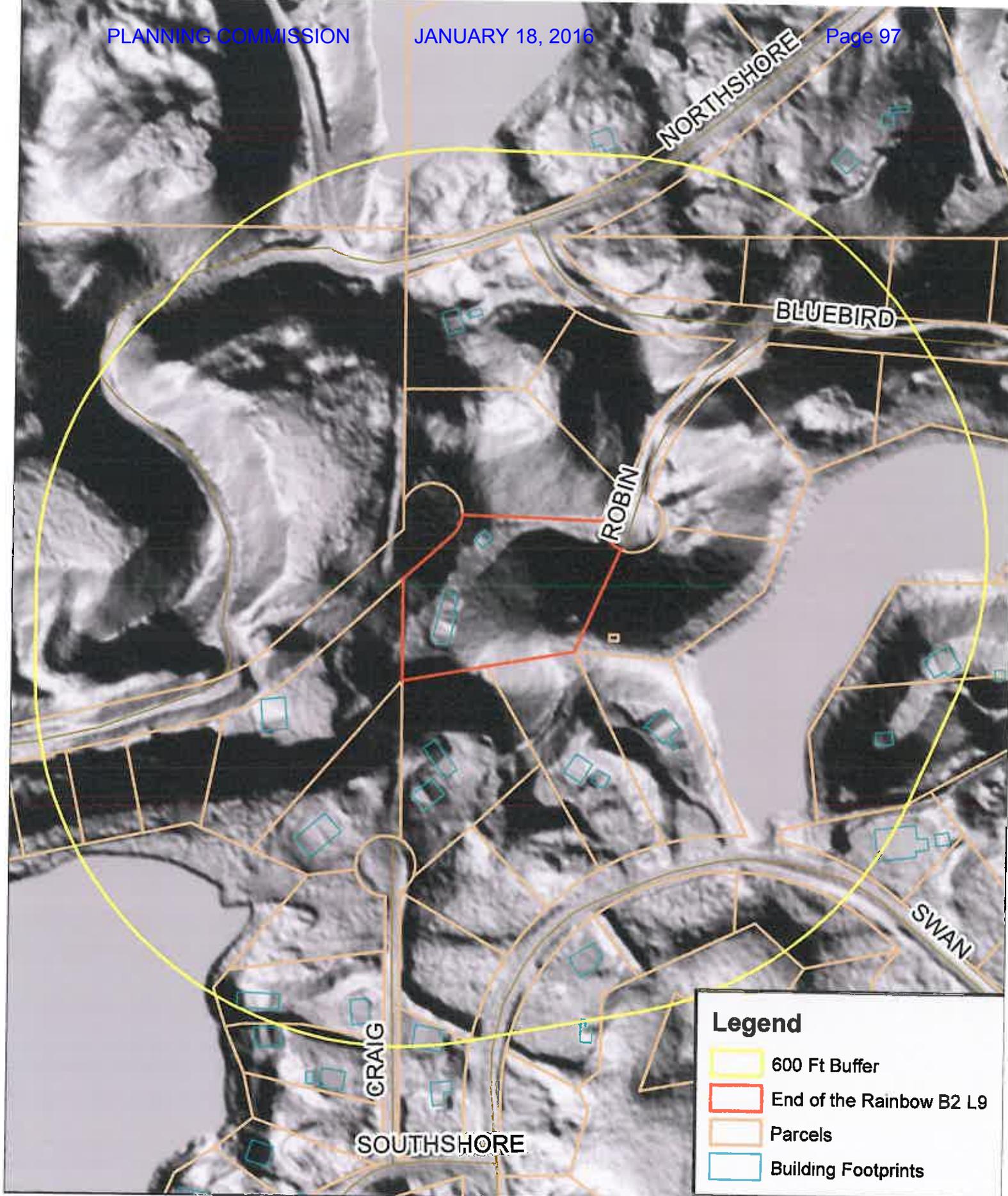
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6103B02L009

1 inch = 200 feet





**Legend**

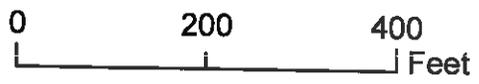
-  600 Ft Buffer
-  End of the Rainbow B2 L9
-  Parcels
-  Building Footprints

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1 inch = 200 feet



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# **PLANNING COMMISSION RESOLUTION**



By: Susan Lee  
Introduced: January 4, 2016  
Public Hearing: January 18, 2016  
Action:

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 16-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO THE RIGHT-OF-WAY/SECTION LINE EASEMENT SETBACK FOR AN EXISTING SINGLE-FAMILY RESIDENCE ON BLOCK 2, LOT 9, END OF THE RAINBOW SUBDIVISION; PALMER RECORDING DISTRICT

---

WHEREAS, an application for a variance from the setback requirements of MSB 17.55.010(A) has been received to allow an existing single-family residence to remain set back less than 25 feet from the section line easement on the west side of Block 2, Lot 9, End of the Rainbow Subdivision; 420 S. Robin Circle; within Township 17 North, Range 2 West, Section 9, Seward Meridian; and

WHEREAS, at its closest point the structure is set back 14.6 feet from the edge of the section line easement on the west side of the lot; and

WHEREAS, the Planning Commission conducted a public hearing on January 18, 2016 on this matter; and

WHEREAS, the Planning Commission reviewed the application, associated materials, and the staff report containing findings of fact and conclusions of law; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission hereby finds this application does meet the standards of MSB 17.65.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission approves the setback variance for the single-family residence on Block 2, Lot 9, End of the Rainbow Subdivision.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this \_\_ day of \_\_, 2016.

---

JOHN KLAPPERICH, Chair

ATTEST

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MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

By: Susan Lee  
Introduced: January 4, 2016  
Public Hearing: January 18, 2016  
Action:

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 16-06**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW TO SUPPORT DENIAL OF RESOLUTION 16-02.

---

WHEREAS, Resolution No. 16.02 was for approval of a setback variance to allow an existing single-family residence to remain set back 14.6 from the section line easement on Block 2, Lot 9, End of the Rainbow Subdivision; 320 S. Robin Circle; within Township 17 North, Range 2 West, Section 9, Seward Meridian; and

WHEREAS, the Planning Commission conducted a public hearing regarding Resolution 16-02 on January 18, 2016; and

WHEREAS, the Planning Commission's vote failed to garner a majority vote on January 18, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission denied the setback variance based on the following findings of fact and conclusions of law:

1. The subject lot is 1.68 acres in size.
2. End of the Rainbow Subdivision was platted in 1970, which was prior to the adoption of borough setback requirements in 1973.
3. When the subdivision was platted in 1970 section line easements were not required to be depicted on plats.

4. There is a 33 foot wide section line easement running along the west boundary of the lot.
5. A ten foot wide utility easement was created along the west boundary of the lot when the subdivision was platted.
6. When the applicants/owners constructed the house in 2005 they were unaware of the section line easement.
7. At its closest point, the house is set back 14.6 feet from the section line easement.
8. Structures are not allowed to be set back less than 25 feet from a public right-of-way/section line easement.
9. There are topographic issues with the lot as a narrow ridge runs through the property.
10. The top of the ridge had to be cut down and widened in order to construct the driveway and a building site.
11. The average grade from the top of the ridge to the lower portion of the lot is 60 percent.
12. Staff reviewed the location of the structure in relation to the property lines and topographic data. As a result, staff determined that this structure or a similar one could have been built in compliance with setback requirements.
13. There are unusual conditions or circumstances applicable to this property as the lot was platted

prior to section line easements being shown on plats and prior to the adoption of setback requirements and the lot has topographic issues. However, the top of the ridge was cut down and widened in order to construct the driveway and a building site. This structure or a similar one could have been built in compliance with the setback requirements (MSB 17.65.020(A)(1)).

14. The lot is wide enough for this structure or a similar structure to have been built in compliance with the 25 foot setback from the section line easement.
15. The strict application of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties, as the lot can support location of this structure or a similar one in compliance with code (MSB 17.65.020(A)(2)).
16. Based on the evidence submitted, granting the variance will not be injurious to nearby properties, or harmful to the public welfare (MSB 17.65.020(A)(3)).
17. MSB Chapter 17.65 - Variances, was written to grant relief to property owners whose lots are impacted by topographic constraints and/or existing land use regulations thereby making the lot undevelopable.

18. There is adequate building area on the lot to construct a residence in compliance with the setback requirements.
19. The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005 Update) and the Meadow Lakes Comprehensive Plan (2005) as the variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community which setbacks are designed to further.
20. The structure was constructed prior to the adoption of the Mandatory Land Use Permit requirements.
21. The proposed variance does not meet the intent of MSB 17.65 and is inconsistent with the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) and the Meadow Lakes Comprehensive Plan (2005) (MSB 17.65.020(A)(4)).
22. There is reasonable use of this lot without a variance.
23. Deviation from this title is not necessary to permit reasonable use of the property, as this structure or a similar structure could have been constructed on this lot without a variance (MSB 17.65.020(A)(5)).

24. The person seeking the variance constructed the structure.
25. The applicant chose this particular structure design at this specific location.
26. The person seeking the variance did not cause the topography of the lot.
27. The person seeking the variance did not plat this subdivision which did not depict the section line easement on the plat.
28. The person seeking this variance is doing so in order to resolve the setback violation so that Lots 8 and 9 can be combined and create a utility lot for the telecommunication tower on the property.
29. The lot can accommodate development without requiring a variance.
30. The person seeking the variance caused the need for the variance as the applicant is requesting the variance in order to resolve a setback violation in order to replat the property (MSB 17.65.030(A)(1)).
31. The subject lot is not in a special land use district.
32. Residential structures are permitted on this property.
33. The variance, if granted, will not permit a land use in a district in which that use is prohibited, as residential structures on this site. The variance, if

granted, will allow an illegally constructed structure to remain in its current location (MSB 17.65.030(A)(2)).

34. The variance is being sought solely to relieve pecuniary hardship or inconvenience so that the applicant can resolve the setback violation in order to replat the property.
35. The variance is being sought solely to relieve pecuniary hardship and inconvenience due to the expense of bringing the structure into compliance with setback requirements.
36. The request to allow the house to remain in this location is a matter of the applicant's preference and inconvenience and is not required by any topographic, physical, or legal constraints on the lot.
37. The variance is being sought solely to relieve pecuniary hardship or inconvenience as the applicant chose to build this particular structure at this specific location in violation of the setback requirements. The request to allow this structure to remain in this location is a matter of the applicant's preference and inconvenience (MSB 17.65.030(A)(3)).

ADOPTED by the Matanuska-Susitna Borough Planning  
Commission this \_\_ day of \_\_, 2016.

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JOHN KLAPPERICH, Chair

ATTEST

---

MARY BRODIGAN, Planning Clerk

(SEAL)

DRAFT

YES:

NO:

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**PUBLIC HEARING**  
**LEGISLATIVE**

**Resolution No. 16-01**

MSB 17.60  
Permit Standards and Requirements  
For  
Marijuana Related Facilities  
And Repealing Inapplicable Definitions

(Page 111 - 156)

**PUBLIC HEARING**



**MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 16-001**

**SUBJECT:** AN ORDINANCE AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES.

**AGENDA OF:** December 15, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originators	AS/BJH	For the Marijuana Advisory Committee
	Planning Director		
	Borough Attorney		
	Borough Clerk		

**ATTACHMENT (S) :** Fiscal Note: YES \_\_\_ NO X  
 Ordinance Serial No. 15-\_\_\_ (7 pp)  
 Current MSB 17.60 (13 pp)

**SUMMARY STATEMENT:** This legislation is coming forward at the request of the Marijuana Advisory Committee (MAC) to provide for a conditional use permit process for marijuana related facilities.

The references to "race tracks" and "motorized" that are being proposed for deletion is merely a cleanup of MSB 17.60, as race tracks are now regulated by MSB 17.63.

The agenda for MAC meetings placed audience participation prior to items of business in order to invite the widest public participation possible. A public hearing was conducted prior to taking any action on the legislation.

At the September 17, 2015, meeting, the MAC made amendments as follows:

- by striking the proposed definition: "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with the marijuana to prepare topical or oral administrations, food, drink, or other products."
- and inserting it its place: "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate. Marijuana does not include fiber produced from the stalks, cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other products" in order to be consistent with the State's language.
- by striking the proposed definition: "Marijuana dispensary" means any store, office, business, building, property, or other facility from which marijuana or marijuana products are sold, supplied, stored, or possessed for commercial purposes."
- and inserting in its place: "Marijuana facility" means an entity licensed to purchase marijuana or a marijuana product from a marijuana cultivation facility or marijuana product manufacturing facility and to sell marijuana and any approved marijuana product to a consumer" in order to be consistent with the State's language.
- by striking the title of MSB 17.60.160: "Standards for marijuana dispensaries."
- and inserting in its place: "Standards for marijuana retail facilities" in order to be consistent with the State's language.
- by striking MSB 17.60.030(4): "Marijuana dispensary or retail marijuana store licensed under A.S. 17.38."
- and inserting in its place: "Marijuana retail facility as licensed under A.S. 17.38" in order to be consistent with the State's language.

**At the November 5, 2015 meeting, the MAC made amendments as follows:**

In the original draft ordinance, it was proposed to insert MSB 17.60.160(A) that read: "(A) *Marijuana Management plan*. The applicant shall provide a marijuana management plan detailing the training program for employees and staff that shall contain, at a minimum, educational and operational standards on the prevention of sale or distribution of marijuana products to anyone under the age of 21 years old. Such plan should detail any efforts made or proposed to be made by the applicant to educate the community or otherwise participate in community outreach regarding the topic of underage marijuana use."

The MAC unanimously moved to remove that from the draft ordinance as this is covered in the State regulations by requiring a marijuana handlers permit for all licensee, agents, and employees; that training program will cover all of the requirements that were expressed in that section.

In the original draft ordinance, it was proposed to limit cultivation facilities to 5,000 square feet. The public testimony that was provided expressed concerns that cultivation space would also include administration space, bathrooms, and storage areas, which could cause a serious shortage of supply once marijuana licenses are issued. An amendment was crafted and unanimously adopted that read: "the 5,000 square foot limit only applies to areas of plant cultivation and does not include administration space, processing space, bathrooms, or storage space."

The MAC concluded their review of the draft land use regulations on November 5, 2015, and vote 10 to 3 to forward the legislation to the Assembly for consideration.

**RECOMMENDATION OF ADMINISTRATION:** Present to the Assembly for consideration.

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**CHAPTER 17.60: CONDITIONAL USES**

## Section

- 17.60.010 Definitions
- 17.60.020 Applicability
- 17.60.030 Permit required
- 17.60.040 Application procedures
- 17.60.100 General standards
- 17.60.110 Junkyards and refuse area standards
- 17.60.120 Standards for correctional community residential centers
- 17.60.130 Standards for race tracks [Repealed]
- 17.60.135 Standards for race tracks [Repealed]
- 17.60.140 Tall structures, including but not limited to, towers, tower farms, tower routes, and tower service area grids [Repealed]
- 17.60.145 Tall structures, including but not limited to towers, tower farms, tower routes, and tower service area grids [Repealed]
- 17.60.180 Transfer of a conditional use permit
- 17.60.190 Termination of conditional use permits
- 17.60.200 Nonconforming uses
- 17.60.210 Violations and enforcement [Repealed]
- 17.60.215 Violations, enforcement, and penalties
- 17.60.220 Appeal procedure

**17.60.010 DEFINITIONS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(0.5) *[Repealed by Ord. 11-074, § 4, 2011]*

(0.7) *[Repealed by Ord. 11-074, § 4, 2011]*

- “Automobile wrecking” means the dismantling or wrecking of automobiles or other motor vehicles and the storage or keeping for commercial sale of dismantled or wrecked automobiles or the parts resulting from such activity.
- “Automobile wrecking yard” means the location within which the activity of automobile wrecking for commercial or public use is present.
- “Commercial” means any activity where goods or services are offered or provided for sale

or profit.

- “Commission” means the planning commission of the Matanuska-Susitna Borough.
- “Correctional community residential center (CCRC)” means a community residential center, other than a correctional institution, for the short-term or temporary detention of prisoners in transition from a correctional institution, performing restitution, or undergoing rehabilitation or recovery from a legal infirmity. CCRCs may not be used for detention of prisoners who pose a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision. The determination of whether a prisoner poses a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision shall be made by the commissioner of corrections for state prisoners and the United States Attorney General, or the U.S. Director of Bureau of Prisons for federal prisoners.
- “Correctional institution” means a facility other than a correctional community residential center providing for the imprisonment or physical confinement or detention of prisoners under guard or 24-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.
- “Federal prisoners” means offenders in the custody or control or under the care or supervision of the United States Attorney General or the Bureau of Prisons.
- “Junk” means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals; it also includes wrecked automobiles, tools, implements, rags, used building materials, rubber, and paper. The above listed materials are not intended to be exclusive; “junk” may include any other materials that cannot, without further alteration and reconditioning, be used for their original purposes.
- “Junkyard/refuse area” means a location which is commercially used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of used, discarded, wrecked or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or parts thereof, including but not limited to, scrap metals, wood, lumber, plastic, fiber, or other tangible materials.
- “Motorized” means powered or propelled by a force other than human or animal muscular power, gravity, or wind.
- “Neighborhood” means an area of a community with characteristics which distinguish it from other community areas and which may include distinct economic characteristics, use

patterns, schools, or boundaries defined by physical barriers such as major highways, railroads, or natural features such as rivers.

- “Prisoner” means:

- (a) a person held under authority of state law in official detention as defined in AS 11.81.900;

- (b) includes a juvenile committed to the custody of the Alaska Department of Corrections Commissioner when the juvenile has been charged, prosecuted, or convicted as an adult.

- “Race track” means a prepared route traveled by contestants to achieve goals of skill, duration, or speed, including practice for such events, also known as: raceway, or race course.

(Ord. 15-016, § 4, 2015; Ord. 12-157(SUB), § 3, 2013; Ord. 11-074, § 4, 2011; Ord. 99-093(AM), § 1, 1999; Ord. 97-084(AM), § 2, 1997; Ord. 96-003(SUB)(AM), § 2, 1996; Ord. 84-27, § 2 (part), 1984)

#### **17.60.020 APPLICABILITY.**

(A) This chapter applies in all areas of the borough outside special land use districts, unless otherwise provided for in this chapter.

(B) The requirements of this chapter apply to CCRCs within special land use districts, residential land use districts, and other areas outside the cities, which allow correctional group homes as a permitted or conditional use.

(C) This chapter does not apply to correctional residential supervision where only one person is required to remain during specified periods of every day for a specified term at his or her regular private residence or the private residence of another person into whose custody the supervised person has been placed by a judge or magistrate as in “house arrest” or as a condition of release while awaiting trial.

(D) This chapter does not apply within the cities of Houston, Palmer, or Wasilla.

(E) This chapter does not apply to state approved noncorrectional facilities such as substance abuse treatment programs, hospitals, or job training centers which are incidentally providing residential treatment, rehabilitative care, or training to persons in the custody of local, state, or federal corrections authorities. For purposes of this chapter “incidental” means 10 percent or less of the facility’s authorized population, but allows one corrections custody resident if the facility is designed to provide residence for less than ten persons.

(Ord. 96-003(SUB)(AM), § 3, 1996; Ord. 84-27, § 2 (part), 1984)

#### **17.60.030 PERMIT REQUIRED.**

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(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

- (1) junkyards and refuse areas;
- (2) correctional community residential centers;
- (3) race tracks used by motorized vehicles carrying people on land.

(B) Such uses are permitted only upon the issuance of a conditional use permit, as provided in this chapter. Unless such uses are maintained under and in accordance with a lawfully issued permit, such uses are declared to be public nuisances. Maintenance of such a land use without a permit is prohibited.

(Ord. 15-016, § 5, 2015; Ord. 12-157(SUB), § 4, 2013; Ord. 11-074, § 6, 2011; Ord. 06-215, § 2, 2006; Ord. 99-093(AM), § 3, 1999; Ord. 97-084 (AM), § 3, 1997; Ord. 96-003(SUB)(AM), § 4, 1996; Ord. 84-27, § 2 (part), 1984)

#### **17.60.040 APPLICATION PROCEDURES.**

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(A) *General.* An application to the planning commission for a conditional use or modification of an existing conditional use may be initiated by a property owner or the owners' authorized agent. An application for a conditional use shall be filed with the planning director on a form provided by the planning department.

- (1) The application for a conditional use permit shall be accompanied by an appropriate filing fee as established by the assembly, payable to the borough.

(B) *Site plan.* A detailed site plan showing the proposed location of all buildings and structures on the site, access points, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas, and the specific location of the use or uses to be made of the development shall be submitted with the application.

(C) *Action by planning commission.*

- (1) The planning commission shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the

date of public hearing. In recommending the granting of a conditional use, the planning commission shall state in writing the conditions of approval of the permit which it finds necessary to carry out the intent of this chapter. These conditions may increase the required lot size, control the location and number of vehicular access points to the property, require screening and land filling where necessary to reduce noise and glare, and may require the reclamation of property to a character in keeping with surrounding lands. The commission may impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses.

(2) The planning director shall incorporate any conditions or requirements stipulated by the commission in the conditional use permit.

(Ord. 99-093(AM), § 4, 1999; Ord. 93-045, § 2, 1993; Ord. 91-106, 1991)

#### **17.60.100 GENERAL STANDARDS.**

---

(A) A conditional use may be approved only if it meets with the requirements of this section in addition to any other standards required by this chapter.

(B) In granting a conditional use permit, the planning commission must make the following findings:

- (1) the conditional use will preserve or not detract from the value, character, and integrity of the surrounding area;
- (2) that granting the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;
- (3) that sufficient setback, lot area, buffers, or other safeguards are being provided to meet the conditions listed in subsections (B)(1) through (3) of this section; and
- (4) the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in this section.

(Ord. 84-27, § 2 (part), 1984)

#### **17.60.110 JUNKYARDS AND REFUSE AREA STANDARDS.**

---

(A) No junkyard or auto wrecking yard shall be established or operated unless the wrecking yard is completely obscured from the view of any traveled or public right-of-way. The permit may require the junkyard or auto wrecking yard not within a building to be contained within a continuous solid fence no less than eight feet in height, if such requirement is necessary to

prevent the unsightly display of the yard or for public safety purposes. Fencing may be of one or a combination of the following:

- (1) conventional solid wood or metal fencing;
- (2) evergreen or other natural planting sufficient to provide year-round screening; and
- (3) earthen berm or topography.

(B) In all cases, fencing provided shall be continuous and of sufficient density to provide visual screening required by this chapter on a year-round basis.

(Ord. 84-27, § 2 (part), 1984)

#### **17.60.120 STANDARDS FOR CORRECTIONAL COMMUNITY RESIDENTIAL CENTERS.**

(A) These standards may not be implemented in a way that compromises the required security of a facility. CCRCs established after the effective date of the ordinance codified in this section must be in accordance with the standards of this chapter.

(B) In addition to all other applicable laws, rules, and standards, CCRCs are subject to the following standards:

- (1) A CCRC may not be located within one-half mile of a pre-existing public or licensed private school, a pre-existing licensed day care facility, or 750 feet from a pre-existing alcohol beverage dispensary or package store.
- (2) CCRCs may not generate traffic, light, glare, noise, odor, smoke, electrical interference, vibration, or dust and may not have an appearance, scale of operation, size, residential density, or use that is not allowed in the district within which it is located, that is out of character with the surrounding neighborhood, or that causes a nuisance off the permitted site.
- (3) CCRC dwelling units may be attached or detached in keeping with the character of the surrounding area and requirements of the district within which the facility is located.
- (4) CCRCs providing single-family style, dormitory, or hotel-style living arrangements, in keeping with the character of the surrounding neighborhood, may be approved subject to the provision of equivalent facilities and living space per resident.
- (5) A CCRC must be the principal use on the parcel of land upon which it is located.
- (6) All other types of facilities and categories of land use on the site of a CCRC are

subject to the approval of the borough in accordance with this chapter for the purpose of regulating land use impacts. Such uses and facilities include, but are not limited to, organizational administration, vocational training, staff training, and activities which generate revenue to the facility or its sponsor organization such as manufacturing, remanufacturing, repair, sales, process, service, agriculture, or animal husbandry.

- (7) The minimum lot size for CCRCs shall be:
  - (a) one to 24 beds, 40,000 square feet;
  - (b) for each additional 12 beds or fraction thereof 20,000 additional square feet; and
  - (c) the planning commission may increase the allowed density if community water and sewage is available to the facility.
- (8) New construction shall be in character with the neighborhood and reflect sensitivity and respect for the surrounding environment.
- (9) The maximum lot coverage by buildings must be in accordance with the district in which the facility is located to a maximum of 25 percent.
- (10) The maximum height of structures shall be that which is permitted in the district, and in character with the surrounding neighborhood in which the facility is located to a maximum of three stories not to exceed 40 feet.
- (11) The minimum separation between buildings, walled structures, or fences shall be ten feet.
- (12) All CCRCs will provide appropriate on-site residential facilities, common areas, recreational areas, educational areas, laundry areas, emergency medical service, and food service areas to provide for the needs of the residents who are restricted to the premises.
- (13) The land use standard to establish maximum resident occupancy at a CCRC is a minimum of 150 square feet of building area per resident, calculated by including all bedroom, kitchen, bathroom, living, recreation, and other areas within the facility intended for common use by the residents.
- (14) Landscaping must meet the following criteria:

- (a) All areas not occupied by authorized buildings, structures, storage, driveways, parking, walkways, or other approved development must have maintained visual enhancement buffer landscaping. Where approved by the planning commission, maintaining existing natural vegetation shall be acceptable as a buffer.
  - (b) Buffer landscaping must be maintained along the length of each lot line of the permitted site which abuts a lot within a residential district or a lot containing a residential use.
  - (c) Buffer landscaping must be maintained along the length of all streets and roads upon which the permitted site has frontage.
  - (d) Surface water, storm water, and other runoff must be managed to avoid pollution and damage in accordance with an approved plan.
- (15) Lighting must be provided at all developed pedestrian and vehicular access points for the permitted site. Additional lighting sufficient to enhance public safety may be provided as required by the planning commission.
- (16) All parking and loading areas required for the permitted use must be provided on site and shall be paved with gravel, chip seal, asphalt, or concrete. Adequate parking and on-site vehicular maneuvering room, as determined by the planning commission, must be provided to accommodate staff, residents, visitors, and services associated with the permitted use. Parking spaces meeting national handicapped parking space requirements shall be provided.
- (17) Signs, excluding warning and official notification of rules signs, which are intended to be visible from off site, must be limited to that allowed within the district within which the facility is located except as follows:
- (a) Unless otherwise regulated the maximum combined area shall be 32 square feet for all regulated signs.
  - (b) Signs must be below the roof line of the lowest residential structure on site or the structure upon which it is mounted, whichever is lower.
  - (c) Signs must be unlighted or be lit so as to avoid glare off site.
- (18) Loading facilities, refuse containers, and outdoor storage of equipment and material shall be visually screened from adjacent developed public access rights-of-way, residential lots, and residential uses.

(19) All CCRCs must be maintained in a safe, clean condition. Except as specifically authorized under this section, the storage, keeping, or disposal of junk and trash at a CCRC site is prohibited except for incidental amounts kept for no more than 30 consecutive days to facilitate recycling and proper disposal at an approved disposal site. As approved by the planning commission, the temporary storage of junk that is not visible from off site may be allowed. Storage of junk must be determined to be necessary to the operation of an approved use, such as a repair shop, within a CCRC and must be subject to a removal schedule.

(C) As part of the application, the applicant shall provide the following supporting information:

(1) as-built or proposed site plan of the application site, drawn to scale and certified by a registered land surveyor, depicting all boundaries, topography, structures, landscaping, drainage management, and other development;

(2) design drawings, drawn to scale, for all buildings, and structures, and elevations. Design drawings for new construction must be certified by a registered engineer or architect; and

(3) a plan of operations describing the proposed use in detail sufficient to demonstrate compliance with all applicable borough ordinances, standards, and conditions. This submittal shall also include:

(a) evidence of compliance with all other applicable local, state, and federal laws by the applicant(s) and their authorized agent(s) regarding the proposed use;

(b) a proposed organization chart of the operation identifying the lines of responsibility and general function of the owners and staff of the organizations that will own and operate the facility including job descriptions;

(c) a description of the number and types of residents proposed;

(d) descriptions of all major activity types proposed to occur on site; and

(e) general description of the security measures proposed to protect the public safety.

(D) The property owner and the permittee shall be responsible for maintaining all aspects of the operation, improvements, development, and site in compliance with the terms and conditions of the permit and all applicable local, state, and federal requirements. Failure to

correct any violation of any permit condition is a violation of borough code.

- (1) A pattern of crimes committed by residents of a permitted facility, which are determined by the planning commission to be creating an unreasonable degree of risk to public safety, may be grounds for revocation of the permit.
- (2) In addition to other applicable penalties, failure to correct a violation of code after reasonable notice may result in revocation of the permit.
- (3) Upon issuance of a permit under this chapter the permittee shall provide all necessary documentation to maintain current information sufficient to demonstrate continued compliance with permit conditions. The permittee shall also provide the borough the following information:
  - (a) name, title, and 24-hour contact telephone numbers for the person(s) in charge of the operation and security of the institution or facility;
  - (b) immediate notification of escapes; and
  - (c) immediate notification of any formal notice of violation issued by a government agency indicating an unacceptable level of security exists or has been allowed to exist at the facility.
- (4) Authorized representatives of the borough will be allowed to inspect the permitted site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions. Upon reasonable notice from the borough, the permittee shall provide necessary assistance and security to facilitate authorized inspections by borough representatives.
- (5) A permit may be transferred to another individual subcontractor with planning commission notification and approval.

(Ord. 96-003(SUB)(AM), § 5, 1996)

**17.60.130 Standards for race tracks. [Repealed by Ord. 99-154(AM), § 2, 1999 and recodified at MSB 17.60.135]**

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**17.60.135 Standards for race tracks. [Repealed by Ord. 01-118 (AM by SUB 2), § 1, 2001]**

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**17.60.140 Tall structures, including but not limited to, towers, tower farms, tower**

**routes, and tower service area grids. [Repealed by Ord. 11-074, § 2, 2011]**

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**17.60.145 Tall structures, including but not limited to towers, tower farms, tower routes, and tower service area grids. [Repealed by Ord. 15-016, § 6, 2015]**

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**17.60.180 TRANSFER OF A CONDITIONAL USE PERMIT.**

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(A) Except as otherwise specified by code, the privileges and requirements of a conditional use permit shall run with the land, subject to the following requirements:

- (1) Within 90 days of recording the transfer of ownership of the subject land, the new owner must provide written notification and a signed acknowledgment that the new owner assumes responsibility for compliance with the requirements of the permit.
- (2) The commission may limit the term of a permit or place conditions upon the transfer of ownership of a permit.

(Ord. 99-093(AM), § 6, 1999; Ord. 97-084(AM), § 5, 1997)

**17.60.190 TERMINATION OF CONDITIONAL USE PERMITS.**

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(A) Except as otherwise specified by code, a conditional use permit issued under this chapter will become null and void under the following conditions:

- (1) notification of termination of the permit for failure to comply with an order to correct violations of a conditional use permit;
- (2) failure to initiate the use for which the conditional use permit was issued within five years of the date of the permit issuance;
- (3) cessation of the use for which the conditional use was issued for a period exceeding five consecutive years.

(B) For good cause the planning commission may grant a one-time one-year extension of a conditional use permit. The planning commission must find that the request is reasonable and the proposed use is still appropriate under the standards for consideration under the subject use. An application for extension shall be subject to the same application fee as a conditional use permit and shall require public notice and public hearing in accordance with the requirements of MSB 17.03.

(Ord. 97-084(AM), § 6, 1997)

**17.60.200 NONCONFORMING USES.**

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(A) Within the borough there may exist non-conforming uses as of the date of adoption of the ordinance codified in this chapter, or amendments thereto which were lawful before the effective date of applicable regulations, but which would otherwise be prohibited, regulated, or restricted under this chapter. Such existing nonconforming uses are permitted to continue subject to the provisions of this section, but shall not be expanded except as specifically provided in this chapter.

(B) Except as specifically provided for by code, this chapter does not require the relocation or removal of a nonconforming use existing or under construction at the time of adoption of the ordinance codified in this chapter if such use was lawful at the time of its construction. No nonconforming use shall be constructed or operated except in accordance with these regulations, except to the extent it was in existence or under actual construction as of the effective date of the ordinance codified herein or amendment thereto. "Actual construction" is defined as the substantial placement of construction materials and performance of labor for construction of facilities which cannot reasonably be used except in a manner which does not conform with these regulations.

(C) Nonconforming uses under construction or in existence as of the date of the ordinance codified in this chapter shall apply for approval of their use within 90 days of the effective date of such ordinance or of a later amendment which makes the use nonconforming. The planning director shall grant approval of the nonconforming use if it complies with the requirements of this chapter excepting only those facilities and improvements which were under construction or in existence prior to the effective date of the respective regulation. The nonconforming use shall meet all other requirements of this chapter within 12 months which are not in conflict with the pre-existing use or construction.

(D) No existing nonconforming use shall be expanded to include an adjacent parcel or parcels unless the area of expansion meets the requirements of this chapter, except that contiguous, unplatted tracts constituting a block of land in the same ownership held for the same purpose on April 17, 1984, and containing a nonconforming use permitted under subsection (C) of this section shall be considered one parcel. No nonconforming use which is abandoned shall be used until it meets the requirements of this chapter. "Abandonment" is defined as a discontinuation of use of a nonconforming use, or a discrete portion or parcel thereof, or the failure to complete construction and begin use, for a continuous period of more than one year. If abandoned, the land shall not thereafter be used except in conformity with the requirements of this chapter.

(Ord. 97-084(AM), § 7, 1997; Ord. 84-27, § 2 (part), 1984)

**17.60.210 Violations and enforcement. [Repealed by Ord. 95-088(SUB)(am), § 13 (part), 1995. For current provisions, see MSB 17.60.215]**

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**17.60.215 VIOLATIONS, ENFORCEMENT, AND PENALTIES.**

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- (A) Except as otherwise specified in this chapter violations of this chapter are infractions.
- (B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.
- (C) Failure to correct a violation of any permit condition is a violation of borough code.
- (D) In addition to other applicable penalties, failure to correct the violation of code, after reasonable notice, may result in revocation of the permit.

(Ord. 99-093(AM), § 7, 1999; Ord. 95-088(SUB)(am), § 29 (part), 1995)

**17.60.220 APPEAL PROCEDURE.**

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Appeals from a decision of the manager or the manager's authorized representative of an enforcement action or a decision of the commission granting or denying a permit under this chapter shall be filed and conducted in accordance with MSB 15.39.

(IM 96-013, page 1 (part), presented 3-19-96; Ord. 84-27, § 2 (part), 1984)

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CODE ORDINANCE

Sponsored by: Marijuana Advisory Committee

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 16-\_\_\_**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES.

---

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 17.125.010 is hereby amended as follows:

- "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalks, cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other products."

- "Marijuana Cultivation Facility" means an entity licensed to cultivate, prepare, package and sell marijuana to Marijuana dispensaries, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- "Marijuana retail facility means an entity licensed to purchase marijuana or a marijuana product from a marijuana cultivation facility or marijuana product manufacturing facility and to sell marijuana and any approved marijuana product to a consumer."
- ["MOTORIZED" MEANS POWERED OR PROPELLED BY A FORCE OTHER THAN HUMAN OR ANIMAL MUSCULAR POWER, GRAVITY, OR WIND.]
- ["RACE TRACK" MEANS A PREPARED ROUTE TRAVELED BY CONTESTANTS TO ACHIEVE GOALS OF SKILL, DURATION, OR SPEED, INCLUDING PRACTICE FOR SUCH EVENTS, ALSO KNOWN AS: RACEWAY, OR RACE COURSE.]

Section 3. Amendment of Paragraph. MSB 17.60.030(A) is hereby amended as follows:

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

(1) junkyards and refuse areas;

(2) correctional community residential centers;

[(3) RACE TRACKS USED BY MOTORIZED VEHICLES  
CARRYING PEOPLE ON LAND.]

**(4) Marijuana retail facility as licensed under  
A.S. 17.38; and**

**(5) marijuana cultivation facility licensed under  
A.S. 17.38.**

Section 4. Adoption of sections. MSB 17.60.150 and  
17.60.160 are hereby adopted as follows:

17.60.150 GENERAL STANDARDS FOR MARIJUANA RELATED  
FACILITIES

(A) In addition to the standards set forth by  
17.60.100, the Planning Commission shall weigh factors  
which contribute or detract from the development of a  
safe, convenient and attractive community, including,  
but not limited to:

(1) any potential negative effect upon other  
properties in the area due to such factors as noise,  
odor, or obtrusive advertising;

(2) any potential negative effect on the  
safe, efficient flow of traffic on any highway,  
arterial, collector, or street from which access to  
and from the establishment is obtained;

(3) the effectiveness of measures to reduce negative effects upon adjacent properties by:

(a) increased property line and right-of-way buffers;

(b) planted berms and landscaping;

(c) reduction or elimination of obtrusive or garish signage;

(d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors; and

(e) site and building design features which contribute to the character of the surrounding area.

(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;

(5) whether access to the premises will create an unreasonable traffic hazard;

(6) whether a reasonably expected increase in traffic will overtax existing road systems;

(7) whether the use is incompatible with the character of the surrounding area.

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located:

(1) within 50-feet of any residence located on an adjacent property, but excluding residential units that are located within the subject property;

(2) 500-feet of any drug or alcohol rehabilitation facilities;

(3) 500-feet of any half way house or correctional facility;

(4) 1,000-feet of any elementary school, middle school, high school, college, or university, whether public or private;

(5) 1,000-feet of any licensed child care facility; or

(6) 500-feet of any public park, playground, boat ramp, or other similar recreational amenity open to the public.

(D) Separation distances referenced in (C) and (D) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest

point on the lot or parcel of land upon which any of the above itemized uses are located.

17.60.160 STANDARDS FOR MARIJUANA CULTIVATION FACILITIES

(A) *Wastewater and waste material disposal plan.*

A wastewater and waste material disposal plan shall be submitted which demonstrates that wastewater and waste material associated with the cultivation facility is disposed of in compliance with the Alaska State Department of Environmental Conservation.

(B) *Odor Mitigation and Ventilation Plan.* The applicant shall provide an odor mitigation plan detailing the effective mitigation of any odors of the proposed uses. Such plan shall demonstrate that the design for the purification of air prevents odors from materially impacting adjoining properties.

(C) *Hazardous Chemicals.* Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws.

(D) *Security.* The applicant shall provide a security plan. The plan shall include education for employees on security measures.

(E) Marijuana cultivation facilities may not exceed 5,000 square feet on any given parcel. The 5,000 square foot limit only applies to areas of plant cultivation and does not include administrative space, process space, bathrooms, or storage space.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2016.

\_\_\_\_\_  
VERN HALTER, Borough Mayor

ATTEST:

\_\_\_\_\_  
LONNIE R. McKECHNIE, CMC, Borough Clerk

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RECEIVED  
DEC 28 2015  
PERMIT CENTER

December 28, 2015

Matanuska-Susitna Borough  
Development Services  
350 E. Dahlia Avenue  
Palmer, Alaska 99645

Attn: Alex Strawn, Development Services Manager

Subject: MSB 17.60, Serial No. 16-003

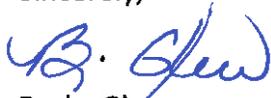
Dear Mr. Strawn,

In response to the Matanuska-Susitna Borough's request for comments to amend MSB 17.60, an ordinance of the MSB Assembly to include permit requirements and standards for marijuana related facilities, and repealing un-applicable definitions, I respectfully submit the following comment:

Change Section 4 (B) (6) to read **1,000 feet of any public park, playground** .....  
(Page 5 of 7).

Thank you for the opportunity to review and comment.

Sincerely,



Becky Glenn  
P.O. Box 877527  
Wasilla, Alaska 99687

**Mark Whisenhunt**

---

**From:** Vickie Lee Fenster on behalf of Permit Center  
**Sent:** Monday, December 28, 2015 3:24 PM  
**To:** Mark Whisenhunt  
**Subject:** FW: MSB 17.60, Serial No. 16-003

**Vickielee Fenster, CFM**

Permit Center  
Mat-Su Borough  
907-861-8507  
[vfenster@matsugov.us](mailto:vfenster@matsugov.us)

**"Go for it now. The future is promised to no one."**

---

**From:** McGuffey, Elizabeth [<mailto:e.mcguffey@msrmc.com>]  
**Sent:** Monday, December 28, 2015 1:37 PM  
**To:** Permit Center  
**Subject:** MSB 17.60, Serial No. 16-003

Dear Mr. Strawn and Board Members,  
in response to the Matanuska-Susitna Borough's request for comments to amend MSB 17.60, the ordinance of the MSB Assembly to include permit requirements and standards for marijuana related facilities, and repealing un-applicable definitions, I respectfully submit the following comment:

Change Section 4 (B) (6) to read 1,000 feet of any public park, playground..... (Page 5 of 7)

Thank you for the opportunity to review and comment.

Sincerely,

Elizabeth McGuffey  
PO Box 877527  
Wasilla, AK 99687

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**Mark Whisenhunt**

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**From:** James Steele  
**Sent:** Wednesday, December 30, 2015 12:16 PM  
**To:** Mark Whisenhunt; Alex Strawn  
**Cc:** Richard Boothby  
**Subject:** Marijuana Regs DRAFT MSB Ord 16-003 IM 16-01 Recommendations  
**Attachments:** Marijuana Regs DRAFT MSB Ord 16-003 IM 16-01 Recommendations.docx

CODE ORDINANCE

Sponsored by: Assemblymember Sykes

Introduced :

Public Hearing :

Action :

MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO . 16- '3

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES; AND REPEALING UNAPPLICABLE DEFINITIONS .

---

BE IT ENACTED :

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code .

Section 2. Amendment of section. MSB 17.125.010 is hereby amended as follows:

- "Marijuana" means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate.

"Marijuana" does not include fiber produced from the stalks, cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other products."

- "Marijuana Cultivation Facility" means an entity licensed to cultivate, prepare, package and sell marijuana to Marijuana dispensaries, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Comment [j1]: Add "or permitted"

Comment [j2]: What is the definition of a "marijuana product manufacturing facility"

- "Marijuana retail :facility means an entity licensed to purchase marijuana or a marijuana product from a marijuana cultivation facility or marijuana product manufacturing facility and to sell marijuana and any approved marijuana product to a consumer."

Comment [j3]: Add "or permitted"

Comment [j4]: Definition ???

Comment [j5]: Definition ???

- [MOTORIZED" MEANS POWERED OR PROPELLED BY A FORCE OTHER THAN HUMAN OR ANIMAL MUSCULAR POWER, GRAVITY, OR WIND.]

- [RACE TRACK" MEANS A PREPARED ROUTE TRAVELED BY CONTESTANTS TO ACHIEVE GOALS OF SKILL, DURATON, OR SPEED, INCLUDING PRACTICE FOR SUCH EVENTS, ALSO KNOWN AS: RACEWAY, OR RACE COURSE.]

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(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

(1) junkyards and refuse areas ;

(2) correctional community residential centers ;

(3) RACE TRACKS USED BY MOTORIZED VEHICLES  
CARRYING PEOPLE ON LAND .]

(4) Marijuana retail facility as licensed under  
3 AA.C 306.005; and

(5) marijuana cultivation facility licensed under  
3 AA.C 306.005.

(6)

Section 4. Adoption of sections. MSB 17.60.150 and  
17.60.160 are hereby adopted as follows:

17.60.150 GENERAL STANDARDS FOR MARIJUANA RELATED  
FACILITIES

(A) In addition to the standards set forth by  
17.60.100, the Planning Commission shall weigh factors  
which contribute or detract from the development of a  
safe, convenient and attractive community, including,  
but not limited to:

(1) any potential negative effect upon other  
properties in the area due to such factors as noise,  
odor, or obtrusive advertising;

(2) any potential negative effect on the  
safe, efficient flow of traffic on any highway,  
arterial, collector, or street from which access to  
and from the establishment is obtained;

**Comment [j6]:** Add a section for a marijuana  
product manufacturing facility

**Comment [j7]:** Add- " , AS 18 70 FIRE  
PROTECTIONM, and 13 AAC 50.025FIRE CODE

**Comment [j8]:** Why does this not apply to all  
new subdivisions ???

**Comment [j9]:**

**Comment [j10]:** Why does this not apply to all  
new subdivisions ???

Page 3 of 7

(3)

Ordinance Serial NO. 16-\_(X), 3

**Comment [j11]:** State Regs require notification to all residents within a 500 feet radius of the proposed business site, as well as the community council in the area.

(4) the effectiveness of measures to reduce negative effects upon adjacent properties by:

(a) increased property line and right-of-way buffers;

(b) planted berms and landscaping;

(c) reduction or elimination of obtrusive or garish signage;

(d) clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors; and

(e) site and building design features which contribute to the character of the surrounding area.

(4) whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit;

{5} whether access to the premise will create an unreasonable traffic hazard;

(6) whether a reasonably expected increase in traffic will overtax existing road systems;

(7) whether the use is incompatible with the character of the surrounding area.

Comment [j12]: Why does this not apply to all new subdivisions ???

Comment [j13]: Why does this not apply to all new subdivisions ???

(B) At the time of their establishment, marijuana related conditional uses shall meet the following requirements and not be located:

(1) within 50-feet of any residence located on an adjacent property, but excluding residential units that are located within the subject property;

( 2 ) 500-feet of any drug or alcohol rehabilitation facilities;

(3) 500-feet of any half way house or correctional facility;

(4) 1,000-feet of any elementary school, middle school, high school, college, or university, whether public or private;

(5) 1,000-feet of any licensed child care facility; or

( 6 ) 500-feet of any public park, playground, boat ramp, or other similar recreational amenity open to the public .

(C) Separation distances referenced in (B) of this section are measured in a direct line between the closest point of the facility within which the marijuana facility is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

**Comment [j14]:** Add "Assisted Living homes/facilities, Mental Health Treatment Facilities, all licensed Residential Care or Congregate Care Facilities ."

(D) Prior to final approval of the permit the applicant shall provide written documentation that all applicable licenses have been obtained as required by 3 AAC 306.005.

**Comment [j15]:** Type of permit?? The building must have gone through all the Fire & Life Safety review process, including approved occupancy, with the issuance of a 'Certificate of Occupancy' before it can be occupied

17.60.160 STANDARDS FOR MARIJUANA CULTIVATION FACILITIES

**(A) Wastewater and waste material disposal plan.**

A wastewater and waste material disposal plan shall be submitted which demonstrates that wastewater and waste material associated with the cultivation facility is disposed of in compliance with the Alaska State Department of Environmental Conservation.

**(B) Odor Mitigation and Ventilation Plan.** The applicant shall provide an odor mitigation plan detailing the effective mitigation of any odors of the proposed uses. Such plan shall demonstrate that the design for the purification of air prevents odors from materially impacting adjoining properties.

**(C) Hazardous Chemicals.** Storage and disposal of fertilizers, pesticides, herbicide, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws.

(D) *Security*. The applicant shall provide a security plan. The plan shall include education for employees on security measures.

(E) Marijuana cultivation facilities may not exceed 5,000 square feet on any given parcel. The 5,000 square foot limit only applies to areas of plant cultivation and does not include administrative space, processing space, bathrooms, or storage space.

(F)

ADOPTED by the Matanuska-Susitna Borough Assembly this  
day of -, 2016.

Comment [j16]: Add "Fire & Life Safety Plan Review" requirement

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

**MAT. ANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM** IM No. 16-001

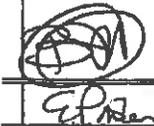
**SUBJECT:** AN ORDINANCE AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES; AND REPEALING UNAPPLICABLE DEFINITIONS.

**AGENDA OF:** December 15, 2015

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:**

Route To:	Department/Individual	Initials	Remarks
	Originators	AS/BJH	For the Marijuana Advisory Committee
	Planning Director		
	Borough Attorney		
	Borough Clerk		

**ATTACHMENT (S):** Fiscal Note: YES NO X  
 Ordinance Serial No. **16-03(7 PP)**  
 Current MSB 17.60 (13 pp)

**SUMMARY STATEMENT:** This legislation is coming forward on the advice of the Marijuana Advisory Committee (MAC) to provide for a conditional use permit process for marijuana related facilities.

The references to "race tracks" and "motorized" that are being proposed for deletion is merely a cleanup of MSB 17.60, as race tracks are now regulated by MSB 17.63.

The agenda for MAC meetings placed audience participation prior to items of business in order to invite the widest public participation possible. A public hearing was conducted prior to taking any action on the legislation.

At the September 17, 2015, meeting, the MAC made amendments as follows:

- by inserting a definition for marijuana: "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate. Marijuana does not include fiber produced from the stalks, cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other products" in order to be consistent with the State's language.
- by inserting a definition for marijuana facility: "Marijuana facility" means an entity licensed to purchase marijuana or a marijuana product from a marijuana cultivation facility or marijuana product manufacturing facility and to sell marijuana and any approved marijuana product to a consumer" in order to be consistent with the State's language.
- by inserting a title for MSB 17.60.160: "Standards for marijuana retail facilities" in order to be consistent with the State's language.
- by inserting MSB 17.60.030 (4): "Marijuana retail facility as licensed under A.S. 17.38" in order to be consistent with the State's language.

At the November 5, 2015 meeting, the MAC made amendments as follows:

In the original draft ordinance, it was proposed to insert MSB 17.60.160 (A) that read: "(A) *Marijuana Management plan*. The applicant shall provide a marijuana management plan detailing the training program for employees and staff that shall contain, at a minimum, educational and operational standards on the prevention of sale or distribution of marijuana products to anyone under the age of 21 years old. Such plan should detail any efforts made or proposed to be made by the applicant to educate the community or otherwise participate in community outreach regarding the topic of underage marijuana use."

The MAC unanimously moved to remove that from the draft ordinance as this is covered in the State regulations by requiring a marijuana handlers permit for all licensee, agents, and employees; that training program will cover all of the requirements that were expressed in that section.

In the original draft ordinance, it was proposed to limit cultivation facilities to 5,000 square feet. The public testimony that was provided expressed concerns that cultivation space would also include administration space, bathrooms, and storage areas, which could cause a serious shortage of supply once marijuana licenses are issued. An amendment was crafted and unanimously adopted that read: "the 5,000 square foot limit only applies to areas of plant cultivation and does not include administration space, processing space, bathrooms, or storage space."

The MAC concluded their review of the draft land use regulations on November 5, 2015, and voted 10 to 3 to forward the legislation to the Assembly for consideration.

**RECOMMENDATION OF ADMINISTRATION :** Present to the Assembly for consideration.

By: Alex Strawn  
Introduced: January 4, 2016  
Public Hearing: January 18, 2016  
Action:

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 16-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.60 TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR MARIJUANA RELATED FACILITIES; AND REPEALING INAPPLICABLE DEFINITIONS.

WHEREAS, on November 4, 2014, Ballot Measure 2 was approved statewide by the voters; and

WHEREAS, Ballot Measure 2 allows for the Borough to prohibit and/or implement regulations governing the number, time, place and manner of marijuana cultivation facilities, manufacturing facilities, retail stores, and testing facilities; and

WHEREAS, Assembly resolution 15-007 established a Marijuana Advisory Committee in part to advise the Assembly and Administration on how the Assembly and/or Administration should implement Alaska Statute 17.38 at the local level; and

WHEREAS, this legislation is coming forward at the request of the Marijuana Advisory Committee; and

WHEREAS, unregulated marijuana related facilities are potentially damaging to the property values and usefulness of adjacent properties, and have the potential to cause harm to the public health, safety, and welfare; and

WHEREAS, in the absence of Borough-wide zoning, such uses are best handled through a conditional use permit process; and

WHEREAS, on December 15, 2015, the Assembly referred proposed Ordinance Serial Number 16-003 to the Planning Commission for 45 days; and

WHEREAS, the Planning Commission held a public hearing for the proposed ordinance on January 18, 2016; and

WHEREAS, after considering all available information, the Planning Commission recommends some changes to Ordinance Serial Number 16-003; and

WHEREAS, the Planning Commission finds that the draft ordinance meets the intent of Ballot Measure 2 by allowing for the production and distribution of marijuana while ensuring it is done in a manner that will preserve and will not detract from the neighboring land uses; and

WHEREAS, the Planning Commission held a public hearing regarding Resolution 16-01 on January 18, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Ordinance Serial Number 16-003 amending MSB 17.60 to include permit requirements and standards for marijuana related facilities; and repealing inapplicable definitions.

/

/

ADOPTED by the Matanuska-Susitna Borough Planning Commission this \_\_\_ day of \_\_\_, 2016.

\_\_\_\_\_  
JOHN KLAPPERICH, Chair

ATTEST

\_\_\_\_\_  
MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

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## **CORRESPONDENCE & INFORMATION**

**TAB Approved Minutes – 11/18/15**

**TAB Draft Minutes – 12/16/15**

**TAB Approved Resolution 15-13**

(Page 157 - 176)

**CORRESPONDENCE & INFORMATION**



**MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY BOARD****REGULAR MEETING MINUTES  
Wednesday, November 18, 2015****I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Transportation Advisory Board was held on Wednesday, November 18, 2015, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 2:03 pm by Mr. Don Carney.

**II. ROLL CALL AND DETERMINATION OF A QUOROM**

Transportation Advisory Board members present and establishing a quorum were:

Mr. LaMarr Anderson  
Vice Chair Rick Besse  
Chair Don Carney  
Mr. David Lundin  
Mr. Kenneth Walch  
Ms. Sonya Larkey-Walden – joined us at 2:09

Transportation Advisory Board members absent and excused were:

Mr. Dan Elliott  
Ms. Beth Fread

Staff and Agency Representatives in attendance were:

Ms. Debbie Passmore, Administrative Assistant  
Mr. Brad Sworts, MSB Transportation Manager  
Mr. Mike Weller, MSB Traffic Data Technician  
Mr. Mike Campfield, MSB Environmental Engineer  
Ms. Jessica Smith, MSB Planner II  
Mr. Terry Dolan, MSB Public Works Director

**III. AUDIENCE INTRODUCTION**

Ms. Melanie Nichols, ADOT&PF Planner III  
Mr. Bill Klebesadel, City of Wasilla Deputy Public Works Director  
Mr. Ken Morton, ADOT&PF Engineer/Architect V  
Ms. Edith Mckee, ADOT&PF Engineer/Architect I  
Ms. Carla Smith, ADOT&PF Engineer/Architect II  
Mr. Sean Baski, ADOT&PF Engineer/Architect III  
\_\_\_\_\_, HDL  
Mr. Eugene Carl Haberman – by telephone  
Mr. Jim Amundsen, ADOT&PF Engineer/Architect IV – by telephone

**IV. APPROVAL OF TODAY'S AGENDA**

MOTION: Mr. Ken Walch moved that today's agenda be approved; Mr. LaMarr Anderson seconded.  
GENERAL CONSENT: The agenda was approved without objection.

**V. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Don Carney.

**VI. APPROVAL OF MINUTES OF PRECEDING MEETING****A. October 28, 2015 (Regular Meeting)**

**MOTION:** Mr. David Lundin moved that the minutes of the October 28, 2015 meeting be approved Mr. Ken Walch seconded.

**GENERAL CONSENT:** The minutes were approved without objection.

**VII. INFORMATION FROM THE CHAIR**

Discussed the growth of the student population in the MSB this year

Transportation systems are very important to the Valley

Spoke on the concerns of the seniors who live in the outlying areas of the Valley

Believes mass transit will be more and more important

**VIII. REPORTS FROM OTHER BOARDS AND COMMITTEES****A. AAB – Beth Fread****B. Parks, Rec. & Trails – Sonya Larkey-Walden. Update on the joint meeting with TAB.****C. RSA's – Dan Elliott (*not here today*)****XI. AGENCY AND STAFF REPORTS****A. Cities****1. Palmer – *no one here today*****2. Wasilla – Mr. Bill Klebesadel, Deputy Public Works Director**

- Main Street Couplet
- Lucas Road
- Clapp/Mack
- Spoke on Trunk Road Extension to the north

**3. Houston – *no one here today*****B. State Agencies**

*None today*

**C. MSB Staff****1. Brad Sworts, MSB Transportation Manager**

a. Clapp/Mack update on the signal lights; should be done by 12/1

b. Trunk Road Extension East is shut down for winter; there will be some finishing up in the spring

c. Bogard Road Extension East is substantially done now; the construction contractor will have to do some landscaping next spring

d. PMRE – 5 of the 6 segments are done; still need to get Segment 2 done (right of way should be done the spring of 2016, then we will be waiting on funding)

**2. Jessica Smith, MSB Transportation Planner**

a. Got the final draft of the MPO report earlier this week; she will get it to us by the end of the month

b. Met with Chickaloon Transit and Sunshine Transit re the LRTP

c. RFP for the Transit Feasibility Study is out now

d. RASP Phase II survey responses will be taken through the end of the month

e. Met with the Assembly, the Planning Commission, the Tri-Cities and the Platting Board - gave them the same MPO presentation that she gave to us at our last meeting

## D. Tribal Organizations

*None today*

## E. Transit

1. Mr. Casey Anderson, Alaska Mobility Coalition update (*not here today*)

## X. PRESENTATIONS

## A. Sean Baski, ADOT&amp;PF

1. Glenn Highway into Palmer (“Glenn Hwy MP 34-42”) project status
2. Fairview Loop Safety and Pathway Improvements project status

## B. Carla Smith, ADOT&amp;PF

1. Moose Creek Canyon (“Glenn Hwy MP 53-56”) project status  
Website: [www.glennhighwayatmoosecreek.com](http://www.glennhighwayatmoosecreek.com)

## C. Edith Mckee, ADOT&amp;PF

1. Schedule of the section of Glenn Highway being moved towards the Musk Ox Farm (“Glenn Hwy MP 49”) project status

XI. AUDIENCE PARTICIPATION (*limited to three minutes*)

Kenna Hueling

- Spoke on public transportation for youth and seniors. Is concerned that we need to have a bus route so the busses are coordinated both within the Borough and from the Borough to Eagle River and Anchorage. Spoke on the benefits that public transportation could provide. Is frustrated that the transit providers don’t seem to be interested in helping the college kids. Spoke on housing struggles, too, as well as transportation issues that impact the students.

Mr. Eugene Carl Haberman

- Complemented the TAB on how their meetings are run
- Spoke on troubles at a KABATA’s recent meeting
- Mentioned that the MEA application was recently approved but it was not done well
- Was a bit frustrated when he couldn’t hear the audience introductions

## XII. UNFINISHED BUSINESS

## A. High Tower Lighting (light pollution). ADOT&amp;PF’s future plans

1. Let’s discuss with ADOT&PF what it is that we want to know about. Then they will give a presentation to us in December. Discussion.

MOTION: Ms. Sonya Walden moved that we to move this to December’s meeting and ask ADOT&PF to come and talk with us in January; seconded by Mr. LaMarr Anderson.

AMENDMENT: Mr. David Lundin asked that we amend the motion so that we only meet during the December meeting and have the discussion and presentation in the same meeting; seconded by Mr. LaMarr Anderson

VOTE ON THE AMENDMENT: no objection

VOTE ON THE AMENDED MOTION: no objection

## XIII. NEW BUSINESS

A. TAB Resolution 15-12, IN SUPPORT OF THE SELDON ROAD EXTENSION CORRIDOR ACCESS MANAGEMENT PLAN

MOTION FOR APPROVAL: Mr. David Lundin, seconded by Mr. Ken Walch. Discussion with Mr. Mike Campfield, MSB Environmental Engineer.

AMEENDMENT: Mr. LaMarr Anderson moved that the resolution be amended to read “a” in both THEREFORE paragraphs from “the” and “this”; seconded by Mr. Rick Besse. Discussion.

AMENDMENT: Mr. David Lundin moved that we leave the words alone and ask that Mr. Mike Campfield submit updated graphics for figures 4 and 6 to reflect Option 2; seconded by Ms. Sonya Walden.

VOTEE ON THE FIRST AMENDMENET: Mr. LaMarr Anderson withdrew his amendment

VOTE ON THEE SECOND AMENDMEENT: no objections

VOTE ON APPROVING THE RESOLUTION: no objection and this resolution passes as amended with the updated graphics

B. Positions Expiring 12-31-2015

1. At-Large 2: LaMarr Anderson (has served two terms; is not eligible to reapply)
2. Environmental: Rick Besse (has served two terms; is not eligible to reapply)
3. Transportation Industry: Ken Walch (has served two terms; is not eligible to reapply)

XIV. UPCOMING MEETING REMINDER(S)

- A. Our next regular TAB meeting will be on Wednesday, December 16, 2015, 2:00 - 4:30 pm in the MSB Assembly Chambers.
- B. Our joint meeting with the Parks, Rec. & Trails Advisory Board will be on Wednesday, December 16, 2015, 4:30 – 6:00 pm in the MSB Assembly Chambers.
- C. 2016 Meeting Schedule – the Board members requested that we move the November meeting to the 30<sup>th</sup> and move the December meeting to the 21<sup>st</sup>.
- D. Meeting Deadlines for Next TAB Meeting

XVI. COMMENTS FROM THE BOARD

Ms. Sonya Walden

She's going to miss the Board members who are leaving  
Enjoys working with the staff  
Hopes we all have a great thanksgiving

Mr. Ken Walch

Thinks ADOT&PF did a great job on their presentations and wants to be sure they know he appreciates their information  
Agrees that public transit is becoming increasingly important in the MSB; likes the view that Kenna brought to the Board.  
Feels that the Borough hasn't taken a very financially aggressive position with public transit  
Believes that we badly need a strengthened public transit system  
Hopes that positive action can be taken on this topic

Mr. David Lundin

No comment

Mr. LaMarr Anderson

No comment

Mr. Rick Besse

He will be around one more meeting  
Thinks that the TAB has been a good experience  
Wonders when the "powers that be" will understand that they will have to pay for community improvements. Is frustrated that the Assembly didn't do anything with the bond project resolution that the TAB passed earlier this year.

Thinks the Board has been positive. Feels we need to keep working with the "powers that be" to help them understand that we should keep trying for bond projects and put a package of some sort to the voters because it's still growing out here.

The TAB is an advisory board to the Assembly regarding transportation. He thinks the roads will end up in a big mess if we don't do something.

Mr. Don Carney

In the public transportation arena, there are profitable routes and not-so-profitable routes. When we're dealing with nonsubsidized or poorly subsidized transportation organizations, they have no choice but to operate in the profitable areas. The only way to fix this is servicing the not-so-profitable areas becomes part of the requirements to get additional support for funding from other agencies. We each must continue to campaign for a public transit system that addresses our issues and also for maintaining our infrastructure. None of this comes cheaply.

The TAB is an advisory board; it reminds him of the daughter of one of the Greek gods who was cursed with seeing the future but no one would believe her. Because of that, he appreciates everyone's help even more.

Good that we have so many people in the Valley who care and support our projects. Look at the road and school bond projects that were recently passed. We've established some credibility because people can see that their tax money is well spent. Believes we need to keep moving forward.

Enjoys being on this advisory board and working with the Board members.

#### XVII. ADJOURNMENT

With no further business at hand, the meeting was adjourned at 4:04 p.m.



Mr. Don Carney, Chair

ATTEST:



Ms. Debbie Passmore, Board Admin. Support

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**MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY BOARD****REGULAR MEETING MINUTES  
Wednesday, December 16, 2015****I. CALL TO ORDER**

The regular meeting of the Matanuska-Susitna Borough Transportation Advisory Board was held on Wednesday, December 16, 2015, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 2:02 pm by Mr. Don Carney.

**II. ROLL CALL AND DETERMINATION OF A QUORUM**

Transportation Advisory Board members present and establishing a quorum were:

Mr. LaMarr Anderson  
Vice Chair Rick Besse  
Chair Don Carney  
Mr. Dan Elliott  
Ms. Beth Fread  
Mr. David Lundin  
Mr. Kenneth Walch  
Ms. Sonya Larkey-Walden

Transportation Advisory Board members absent and excused were:

*None*

Staff and Agency Representatives in attendance were:

Ms. Debbie Passmore, Administrative Assistant  
Mr. Brad Sworts, MSB Transportation Manager  
Mr. Mike Weller, MSB Traffic Data Technician  
Ms. Jessica Smith, MSB Planner II  
Mr. Nicholas Spiropoulos, MSB Attorney  
Mr. John Moosey, MSB Borough Manager – joined us at 2:10 pm  
Ms. Eileen Probasco, MSB Planning Director – joined us at 3:05 pm

**III. AUDIENCE INTRODUCTION**

Mr. Jim Amundsen, ADOT&PF Engineer/Architect IV – by telephone  
Ms. Melanie Nichols, ADOT&PF Planner III  
Mr. Bill Klebesadel, City of Wasilla Deputy Public Works Director  
Mr. Eugene Carl Haberman  
Mr. Scott Adams, DOWL

**IV. APPROVAL OF TODAY'S AGENDA**

MOTION: Ms. Sonya Larkey-Walden moved that today's agenda be approved; Mr. Ken Walch seconded.

GENERAL CONSENT: The agenda was approved without objection.

**V. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Bill Klebesadel

**VI. APPROVAL OF MINUTES OF PRECEDING MEETING**

A. November 18, 2015 (Regular Meeting)

MOTION: Ms. Sonya Walden moved that the minutes of the November 18, 2015 meeting be approved; Mr. Ken Walch seconded.

GENERAL CONSENT: The minutes were approved without objection.

## VII. INFORMATION FROM THE CHAIR

- Spoke about project priorities and the limited funding available to take care of our transportation infrastructure around the State
- Encouraged all of us to discuss our priorities with our legislators
- Last night the Assembly passed a resolution that urged the ADOT&PF to fulfill their responsibilities with winter maintenance on Borough roads
- 

## VIII. REPORTS FROM OTHER BOARDS AND COMMITTEES

### A. AAB – Beth Fread

- Encouraged Mr. David Lundin to enjoy serving on the AAB
- Answered a question about the AAB and its involvement with drones, then
  - Reviewed the MSB website and its drone spotlight
  - Discussed the new ruling that drones must be registered with the FAA
  - Shared the current and upcoming examples of drones and technology

### B. Parks, Rec. & Trails – Sonya Larkey-Walden

- Went over skiers and snowmachiners at Hatcher Pass and right of way access
- Reminded the Board of this afternoon's joint meeting
- They discussed the Brett Memorial Skating Rink and Pool budget with Jason Collins of Wolfe Architecture and the repairs that are needed
- They discussed selling Matanuska-Susitna Borough-owned property for less than market value for recreation purposes

### C. RSA's – Dan Elliott

- Elected their officers for next year

## XI. AGENCY AND STAFF REPORTS

### A. Cities

1. Palmer – *no one today*
  2. Wasilla – Mr. Bill Klebesadel, Deputy Public Works Director
- There will be a ceremonial ribbon cutting on the Clapp/Mack Road project soon
  - Maintaining roads this winter; no new connections planned this winter
  - Brought a drone that is encoded with the no-fly zone programmed into it

3. Houston – *no one today*

### B. State Agencies

1. Ms. Melanie Nichols, ADOT&PF Planner II
- 2017-2022 STIP has been approved (brought copies)

### C. MSB Staff

1. Mr. John Moosey, MSB Manager, and Mr. Nicholas Spiropoulos, MSB Attorney
    - a. Winter maintenance of State roads in the Matanuska-Susitna Borough
- Discussed last night's resolution which asked ADOT&PF to revise their priorities
  - Explained the laws and policies regarding not using the MSB's RSA funds for projects outside their RSA boundaries.

- Spoke about the negatives of “helping” with road maintenance that aren’t ours (expected future care, assuming legal liability, littering/contamination, etc.)
- Can we create a “mutual aid agreement” like the Fire Service Areas do? Or some kind of cooperative agreement that will help and still protect the MSB?
- Manager mentioned an editorial piece that one of the legislators did recently
- Manager has been asked by the State if we would be willing to take over the responsibilities of some of the State’s obligations in the Borough
- We have taken on some construction projects such as Big Lake Bypass, and we did it very well
- In light of the State’s tight budget, the Manager wants to make sure that we get remunerated for the work we do; we need consistent agreements with the State so that the funding doesn’t fall off because we need to take care of our citizens
- With the future State shortfall, we will probably get some natural cost shifting to us.
- Question: Is it possible to establish a separate fund to pay for the road maintenance outside the RSA’s?
  - Mr. Nicholas Spiropoulos said no, we can only maintain the roads inside the RSA with their respective RSA funds. As a Borough, we cannot maintain a road outside of an RSA.
  - We would need “Areawide Road Powers”
  - We cannot spend taxpayer dollars on State roads outside an RSA
  - Not fair to the RSA’s when we trade one road to the State but four (or more) other RSA’s get multiple new roads to maintain
  - Technically, there are two issues: 1) financing the maintenance of roads outside of our RSA’s and 2) exercising the power to maintain roads that we don’t own
  - How do we change the law to be able to exercise those powers?
    - Would need to petition the State of Alaska to clarify in Title 29 that Second Class Boroughs have Areawide Road Powers
    - Or we could go to the voters and ask them to approve the power for us to have Areawide Road Powers
    - Then we’d have the general powers to maintain roads anywhere in the Matanuska-Susitna Borough. The RSA’s would spend money inside their areas and the Borough could spend money however it wanted everywhere (2:44)
- Frustrating when the roads crisscross but the trucks can’t do the work that they’re driving over. Are these Borough or State policies?
- State: the road service areas cannot be altered/amended, cannot be abolished and cannot be combined unless all groups of the voters that are involved approve it by a vote of at least 50%.
- The Borough Assembly would be in charge of administering the vote.
- All properties within an RSA have an RSA tax.
- How does our liability exposure compare with our refusal to help take care of a road so the safety of the public is ensured? Maybe this is the time for the Borough to tackle these issues.
- How can we make the road maintenance more efficient? Currently, if we do work on a State road, we are trespassing.
- The problem is serious enough that we better start looking at solutions to these difficult problems.

- We need to start educating the community about the lack of powers of the Matanuska-Susitna Borough because we are a Second Class Borough. It is in the Borough Manager's Draft Strategic Initiative Plan.
  2. Brad Sworts, MSB Transportation Manager
    - a. Spoke on the status of Capital Projects road projects: most are in winter shutdown.
    - b. PMRE: Five of the six embankment segments built. Need \$60M to put ballast and rail on Segments 3, 4 and 5 which will provide rail access as far south as Ayrshire Road; Segment 2 is still in the process of condemning the covenants in the Ag District for the corridor.
    - c. BREE: mostly just punch list items to clean up in the spring
  3. Jessica Smith, MSB Transportation Planner
    - a. New State STIP and the funding codes
    - b. Discussion of the list of road priorities brought forward by the Assembly last night; frustrating that they don't seem to pay attention to the resolutions we send to them, nor do they contact Board members with questions about the resolutions or the projects and priorities on them.
    - c. The FAST ("Fixing Americans Surface Transportation") Act bill was passed this week.
    - d. Where is the 2017-2023 CIP list for this next year? The Board would like to see it ASAP. Eileen Probasco will address this question.
    - e. Asked that the STIP be posted online with the definitions from the State's website.
  4. Eileen Probasco, MSB Planning Director
    - a. The CIP that we saw several months ago is what will go forward this spring.
    - b. HDR has the contract for the LRTP. A portion of the funding was used for an addition to their contract. The draft will be available to us this summer.
    - c. Planning Commission/Assembly Title 43 related to transportation items. The Platting Board was anxious to review all of the changes that were recommended. The inconsistencies were reviewed and the Platting Commission has come up with a draft document. It will be introduced on December 21 at the Planning Commission meeting (starting at 6:00).

D. Tribal Organizations

*No one today*

E. Transit

*No one today*

X. PRESENTATIONS

XI. AUDIENCE PARTICIPATION (*limited to three minutes*)

Mr. Eugene Carl Haberman

- Told us that the Assembly Reso 15-115 didn't contain our Resolution of support in the packet, nor were the TAB priorities on their resolution.
- Is frustrated that the TAB put in a lot of time on these issues, but the Assembly didn't take our work into consideration.

## XII. UNFINISHED BUSINESS

## XIII. NEW BUSINESS

A. TAB Resolution 15-13, IN APPRECIATION OF THE SERVICES OF MR. LaMARR ANDERSON.

MOTION TO APPROVE: Ms. Beth Fread moved that we combine through unanimous consent for all three Resolutions 15-13, 15-14 and 15-15 as these resolutions express our deep appreciation and respect for the hard work and diligence to all three gentlemen; seconded by Ms. Sonya Walden.

VOTE: no objection and the passage of all three resolutions is approved.

B. TAB Resolution 15-14, IN APPRECIATION OF THE SERVICES OF MR. RICK BESSE

C. TAB Resolution 15-15, IN APPRECIATION OF THE SERVICES OF MR. KEN WALCH

Chair Don Carney personally expressed his appreciation for all three Board members.

## XIV. UPCOMING MEETING REMINDER(S)

- A. Our joint meeting with the Parks, Rec. & Trails Advisory Board will be today after the TAB's regular meeting (Dec. 16, 2015, 4:30 – 6:00 pm).
- B. Our next regular TAB meeting will be on Wednesday, January 27, 2016, 1:00 - 3:30 pm in the MSB Assembly Chambers.

## XV. MISC. INFORMATIONAL HANDOUTS AND COMMUNICATIONS

- A. Agenda for the Planning Commission Meeting (both Dec. 7 and Dec. 21)
- B. Meeting Deadlines for Next TAB Meeting

## XVI. COMMENTS FROM THE BOARD

Ms. Beth Fread

Thanks Ken for his leadership when she first came on the Board, Rick for his technical expertise, and LaMarr for his guidance in transit.

It will be nice to see you in the future.

We do have a new TAB member, Mr. Scott Adams of DOWL.

Mr. David Lundin

Echoes Beth's thoughts

Asked that the Board staff send notices to the Board of when the Assembly agendas and packets are posted.

Ms. Sonya Walden

Really is going to miss the outgoing members

Hopes we have a great holiday season

Hopes the outgoing members stay in touch

Thanked the Board members for their help and information

Feels it was an honor and privilege to serve with them

Mr. Dan Elliott

More of the same of what everybody said  
Merry Christmas!

Asked Brad about the Assembly not having the TAB reso with Assembly reso. The staff assured the Board that the TAB resolutions are all sent to the Clerk. Has no explanation of why it wasn't attached to the Assembly's resolution.

Wondered about the needed roads and how the Borough "steers" their development, for instance, the subdivisions in Settlers Bay are getting very close to Hay Flats Road. Is concerned about the lack of evacuation access like during the Sockeye Fire.

Brad responded that the LRTP update with our Official Streets and Highway Plan in it will be the correct place to put this suggestion. Asked that Jessica Smith let us know before it is finalized.

Mr. Ken Walch

Expresses his appreciation to all of the Board members.

Has been a pleasure working with and getting to know all of us.

Really appreciates the support from the staff: Mary Brodigan, Debbie Passmore, Brad Sworts  
Believes we have grown closer and developed a better relationship with the Borough Planning staff. This is very important as we should be working closely together.

Discussed the challenges that this Borough faces in the future including funding cuts and a growing population.

We need to update the engineering standards.

We need to update the contract documents.

We need to find more cost effective solutions to our problems. There are lots of areas here we can improve. Would like to see the TAB be more proactive.

Feels his biggest disappointment is failing to gain the TAB's and the RSA Board's endorsement of evaluating methods for improving low volume gravel roads. In terms of local service roads, believes that this is our biggest responsibility. More than any other segment of the road system, this is what's used by our residents every day. Would like to see the Board reconsider the lack of endorsement and hopes it becomes one of our priorities again.

Thanked us for giving him an opportunity to serve.

Mr. LaMarr Anderson

Enjoyed very much serving on the TAB.

Appreciates the Staff and the Borough.

Has been a great opportunity to stay involved in the issues of the Borough.

Will stay involved in transit issues.

Thinks Ken is right that we need to find a collaborative way to address the issues with work that needs to be done on State roads within the Borough. Thinks we should continue the conversation to identify the hurdles, then find a way to defeat them together.

Mr. Rick Besse

Echoes what Ken and LaMarr have said about serving on the Board.

Has been a real learning experience.

Really appreciates Brad Sworts and Debbie Passmore.

Thinks we've really done well on the CIP process with the Planning Department, and developing our relationships with the Planning Department and with ADOT&PF, and looking at the interconnectivity of the roads within the business areas of Wasilla; good to see the projects that have been done.

We need to identify projects and define how to fund them. Was disappointed when the Assembly just dropped our resolution regarding road bond projects this fall.

Thanked everybody.

Mr. Don Carney

Thanked LaMarr for his constant desire to serve and work toward a solution.

Thanked Ken for stepping up with a solution to the low volume road standards.

Thanked Rick for all the times he helped as Vice Chair of the Board.

Has enjoyed immensely working with all of them and with how the Board has worked hard together these last few years.

Thanked the staff for all their help and for the Borough Planning Department for creating the new position for Ms. Jessica Smith.

Reminded the Board members to be back here at 4:30.

#### XVII. ADJOURNMENT

With no further business at hand, the meeting was adjourned at 4:02 p.m.

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Mr. Don Carney, Chair

ATTEST:

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Ms. Debbie Passmore, Board Admin. Support

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**MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY BOARD  
RESOLUTION SERIAL NO. 15-13**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD IN APPRECIATION OF THE SERVICES OF MR. LaMARR ANDERSON

---

WHEREAS, Mr. Anderson served on the Matanuska-Susitna Borough Transportation Advisory Board from February 2010 to December 2015; and

WHEREAS, Mr. Anderson was a reliable and committed member of the Board; and

WHEREAS, Mr. Anderson's knowledge of transportation issues contributed in many ways to discussions before the Transportation Advisory Board; and

WHEREAS, the Board members enjoyed serving with Mr. Anderson as a fellow board member and wish him well.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Transportation Advisory Board expresses its gratitude to Mr. LaMarr Anderson for having served as a member of the Transportation Advisory Board.

ADOPTED by the Matanuska-Susitna Borough Transportation Advisory Board this 16<sup>TH</sup> day of December, 2015.



Don Carney, Chair

ATTEST:



Debbie Passmore, Admin. Board Support

**MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY BOARD  
RESOLUTION SERIAL NO. 15-14**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD IN APPRECIATION OF THE SERVICES OF MR. RICHARD BESSE

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WHEREAS, Mr. Besse served on the Matanuska-Susitna Borough Transportation Advisory Board from January 2010 to December 2015; and

WHEREAS, Mr. Besse was a reliable and committed member of the Board; and

WHEREAS, Mr. Besse's knowledge of transportation issues contributed in many ways to discussions before the Transportation Advisory Board; and

WHEREAS, the Board members enjoyed serving with Mr. Besse as a fellow board member and wish him well.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Transportation Advisory Board expresses its gratitude to Mr. Richard Besse for having served as a member of the Transportation Advisory Board.

ADOPTED by the Matanuska-Susitna Borough Transportation Advisory Board this 16<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
Don Carney, Chair

ATTEST:

  
\_\_\_\_\_  
Debbie Passmore, Admin. Board Support

**MATANUSKA-SUSITNA BOROUGH  
TRANSPORTATION ADVISORY BOARD  
RESOLUTION SERIAL NO. 15-15**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD IN APPRECIATION OF THE SERVICES OF MR. KENNETH WALCH

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WHEREAS, Mr. Walch served on the Matanuska-Susitna Borough Transportation Advisory Board from February 2010 to December 2015; and

WHEREAS, Mr. Walch was a reliable and committed member of the Board; and

WHEREAS, Mr. Walch's knowledge of transportation issues contributed in many ways to discussions before the Transportation Advisory Board; and

WHEREAS, the Board members enjoyed serving with Mr. Walch as a fellow board member and wish him well.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Transportation Advisory Board expresses its gratitude to Mr. Kenneth Walch for having served as a member of the Transportation Advisory Board.

ADOPTED by the Matanuska-Susitna Borough Transportation Advisory Board this 16<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
Don Carney, Chair

ATTEST:

  
\_\_\_\_\_  
Debbie Passmore, Admin. Board Support

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**COMMISSION BUSINESS**  
**Upcoming PC Agenda Items**

(Page 177 - 184)

**COMMISSION BUSINESS**



**MATANUSKA-SUSITNA BOROUGH****Planning and Land Use Department**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7833 • Fax (907) 861-7876

Email: [planning@matsugov.us](mailto:planning@matsugov.us)**MEMORANDUM**

DATE: January 8, 2016

TO: Planning Commissioners

FROM: Eileen Probasco, Director of Planning and Land Use

SUBJECT: Items tentatively scheduled for future PC Meetings or Administrative Actions and Updates on PC items sent to the Assembly

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**February 1, 2016** (*MSB Assembly Chambers*)**Introduction for Public Hearing Quasi-Judicial***(None)***Introduction for Public Hearing Legislative**

- **Resolution 16-07**, A resolution recommending Assembly approval of an Interim Materials District, known as Alsop East located on Track A, Point MacKenzie Phase I Subdivision, within Township 15 North, Range 4 West, Section 27, Seward Meridian. Public Hearing: March 7, 2016. (*Staff: Susan Lee, Applicant: MSB Land Management Division*)

**Agency/Staff Reports***(None)***Land Use Classifications***(None)***Public Hearing Quasi-Judicial***(None)***Public Hearing Legislative**

- **Resolution 16-05**, A resolution recommending Assembly adoption of the Seldon Road Extension Corridor Access Management Plan. (*Staff: Mike Campfield*)
- **Resolution 15-30**, A resolution adopting an update to the Planning Commission Policies and Procedures Manual. Postponed from December 21, 2015. (*Staff: Lauren Driscoll*)

**Unfinished Business***(None)***New Business***(None)***Commission Business***(None)*

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**March 7, 2016 (MSB Assembly Chambers)****Introduction for Public Hearing Quasi-Judicial***(None)***Introduction for Public Hearing Legislative***(None)***Agency/Staff Reports***(None)***Land Use Classifications***(None)***Public Hearing Quasi-Judicial***(None)***Public Hearing Legislative**

- **Resolution 16-07**, A resolution recommending Assembly approval of an Interim Materials District, known as Alsop East located on Track A, Point MacKenzie Phase I Subdivision, within Township 15 North, Range 4 West, Section 27, Seward Meridian. Public Hearing: March 7, 2016. (*Staff: Susan Lee, Applicant: MSB Land Management Division*)

**Unfinished Business***(None)***New Business***(None)***Commission Business***(None)*

**Upcoming PC Actions**Quasi-Judicial

- Victor Damyan junkyard CUP, 17N02W27B006. (Staff: Susan Lee)
- Rocky Lake Setback Variance. (Applicant: Michael Solmonson, Staff: Mark Whisenhunt)
- Earth Materials Extraction CUP, 18N02W27D009. (Applicant: T&J Gravel, Staff: Susan Lee)
- Trapper Creek Inn Variance, 26N05W29D007. (Staff: Susan Lee)
- Robbs Earth Materials Extraction CUP, 18N02E03B002. (Staff: Mark Whisenhunt)
- Tews Junkyard CUP, 17N03W09A019. (Staff: TBD)
- Burnett Variance. (Applicant: Stephen Spence, Staff: Susan Lee)
- Three Bears Liquor Package Store CUP, Big Lake. (Staff: Mark Whisenhunt)

Legislative

- Sign Ordinance: adopting 17.53 Sign Standards (Staff: Alex Strawn)
- Denali State Park SpUD. (Staff: Eileen Probasco)
- Noise and Sound Code Update (Throughout MSB Code): Amendments will make noise and sound requirements more consistent, enforceable, and reasonable. (Staff: Mark Whisenhunt)
- Denali Hwy, MP 99, IMD, T19N, R2W. Section 10 & 15, FM. (Applicant: AKDOT, Staff: Susan Lee)
- Happy Heairet IMD, 17N04W25B019. (Staff: Mark Whisenhunt)
- Central Landfill Earth Materials Extraction IMD. (Staff: Mark Whisenhunt)

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**Other Upcoming Administrative Actions (Not going to the PC)**

- Nash/Chijuk Creek NRMU Timber Transportation Permit. (Staff: Susan Lee)
- MEA Lazelle Substation into Herning Substation Public Participation Plan. (Staff: Susan Lee)
- Winding Brook Multi-family Permit. (Staff: Susan Lee)
- Davis Legal Nonconforming Status Determination for a structure. (Staff: Susan Lee)
- Williwaw # 2, Legal Nonconforming Status Determination for a Structure. (Staff: Susan Lee)
- Heritage Park, Legal Nonconforming Status Determination for a structure. (Staff: Susan Lee)
- Trapper Creek Inn, Legal Nonconforming Status Determination for a structure, 26N05W29D007. (Staff: Susan Lee)
- Big Lake Heights, Pre-existing Legal Nonconforming Status Determination. (Staff: Mark Whisenhunt)
- KGG, LCC, Pre-existing Legal Nonconforming Status Determination, 17N01E09B003. (Staff: Mark Whisenhunt)

**PC Decisions Currently Under Appeal**

- **Resolution 15-01**, a resolution adopting findings of fact and conclusions of law to support the Planning Commissions failure to approve Resolution 14-33. (*CMS appeal of BOAA decision to Superior Court on March 31, 2015*)
- **Resolution 15-43**, a resolution adopting findings of fact and conclusions of law to support the Planning Commissions failure to approve Resolution 15-36. Appealed to BOAA. (*Staff: Susan Lee, Applicant: Ivan and Lynne Schuening*)

**Updates/Presentations/Work Sessions**

- Planning Commission Powers (*Staff: Lauren Driscoll, Alex Strawn, and Assistant Borough Attorney*)

**Updates on PC items going to the Assembly (Pending)**

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<b>Resolution 15-20</b> , A resolution recommending Assembly approval of an Interim Materials District (IMD) in accordance with MSB 17.28 – Interim Materials District, for the extraction of 1,000,000 cubic yards of earth material from a 22-acre site within a 60-acre parcel, located at 22347 S. Watkins Road, Trapper Creek, within Township 26 North, Range 5 West, Section 20, Tax Parcel B008 (26N05WB008), Seward Meridian. ( <i>Applicant: Trapper Creek Gravel, Staff Mark Whisenhunt</i> )		ORD # 15-150	IM # 15-236
Actions:	06/01/15 - PC Introduction 06/15/15 – PC Public Hearing – Amended/Approved 12/01/15 – Assembly Introduction 12/15/15 – Assembly Public Hearing – Postponed until 02/02/16 02/02/16 - Pending		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<b>Resolution 15-29</b> , a resolution recommending Assembly adoption of the FY2017-2022 Capital Improvement Program. ( <i>Staff: Sara Jansen</i> )		ORD # 15-115	IM # 15-240
Actions:	08/03/15 - PC Introduction 08/18/15 – PC Public Hearing – Approved 12/01/15 – Assembly Introduction 12/15/15 – Assembly Public Hearing – Postponed until 1/12/16 01/12/16 - Pending		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<b>Resolution 15-35</b> , A resolution recommending Assembly approval of an Interim Materials District (IMD) in accordance with MSB 17.28 – Interim Materials District, for the extraction of 540,000 cubic yards of earth material from 38.9-acre site within a 120-acre parcel, located within Township 18 North, Range 2 West, Section 24, Tax Parcel D1 (Tax ID 18N02W24D0001), Seward Meridian. (Staff: Mark Whisenhunt, Applicant: B&E Construction)		ORD # 16-__	IM # 16-__
Actions:	09/21/15 - PC Introduction 10/19/15 – PC Public Hearing – Amended/Failed 11/02/15 – Unfinished Business – Reso 15-40 Supporting Denial 02/02/16 – Assembly Introduction 02/16/16 – Assembly Public Hearing		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<b>Resolution 15-39</b> , A resolution recommending the Assembly place a moratorium on the acceptance and processing of applications to dispose of fee simple interests of previously disposed borough agricultural property. (Staff: Glenda Smith)		ORD # 15-039	IM # 15-073
Actions:	03/17/15 – Assembly Introduction 04/07/15 – Assembly Public Hearing – Postponed until 05/05/15 05/05/15 – Assembly Public Hearing – Postponed until 05/27/15 05/27/15 – Assembly Public Hearing – Referred to Ag Board and Planning Commission for 180 days 11/02/15 – PC Introduction 12/07/15 – PC Public Hearing – Amended/Approved 12/15/15 – Assembly Unfinished Business 01/12/16 – Assembly Unfinished Business		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<b>Resolution 16-03</b> , A resolution recommending Assembly approval of proposed amendments to Title 43, Subdivisions, to address inconsistencies outlined in the Planning Department staff memorandum dated March 1, 2013. (Staff: Eileen Probasco)		ORD # 16-__	IM # 16-__
Actions:	12/21/15 – PC Introduction 01/04/16 – PC Public Hearing - Approved		

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
<b>Resolution 16-04</b> , A resolution recommending the Assembly classify a Borough-owned Parcel, Tax ID 16N04W36D005, located in the Point MacKenzie community, containing 17.7 acres, as Reserved Use Lands for a future park, library, and community center. (MSB007127) ( <i>Staff: Emerson Krueger</i> )		ORD # 16-____	IM # 16-____
Actions:	01/04/16 – PC Land Use Classification - Approved		

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**Updates on PC items going to the Assembly (Complete)**

*None*