February 3, 2020
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. January 6, 2020, regular meeting minutes

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
   1. Resolution PC 20-06, an application under MSB 17.65 Variances, for an exception to the minimum 25-foot right-of-way setback requirement under MSB 17.55. The variance would allow the existing single-family home to remain 21.3 feet from the E. Rough Cut Circle (Tax ID# 6333B02L008) right-of-way, and the existing garage to remain 1.9 feet from the E. Rough Cut Circle right-of-way. Public Hearing: March 2, 2020. (Applicant: Adam Copson and Janet Flaherty, Staff: Joe Metzger)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
   1. Resolution PC 20-05, supporting an ordinance amending MSB 43.05.015(B)(3) to adopt the 2020 Subdivision Construction Manual. Public Hearing: March 2, 2020. (Staff: Eileen Probasco)

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 PC 20-03**, a conditional use permit in accordance with MSB 17.60 – Conditional Uses; for the operation of a marijuana retail facility, located at 173 N. Rosie Circle (Tax ID# 17N01W11A011/919110000U001); within Township 17 North, Range 1 West, Section 11, Seward Meridian. *(Applicant: Kyle Lutz, on behalf of Laughing Salmon, Staff: Joe Metzger)*

B. **Resolution PC 20-04**, a conditional use permit in accordance with MSB 17.30 – Conditional Use Permit for Earth Material Extraction, located at 3429 N. Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian. The proposed mining area is approximately 41 acres of the 71-acre parcel. A CUP would allow for the removal of approximately 400,000 cubic yards of earth materials through 2059. *(Applicant: Dan Steiner, on behalf of Foremost Construction, Staff: Joe Metzger)*

X. PUBLIC HEARING: LEGISLATIVE MATTERS

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS
XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS
   A. Adjudicatory *(if needed)*
   B. 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.*

Disabled persons needing reasonable accommodation in order to participate at a Planning Commission Meeting should contact the borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.
MINUTES
January 6, 2020

(Page 5-12)
The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on January 6, 2020, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Chair Colleen Vague.

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

Planning Commission members present and establishing a quorum:

- Ms. Mary Anderson, Assembly District #1, Vice-Chair
- Mr. Jason Ortiz, Assembly District #2
- Ms. Patricia Chesbro, Assembly District #3
- Ms. Colleen Vague, Assembly District #4, Chair
- Mr. Chris Elder, Assembly District #5
- Mr. Stafford Glashan, Assembly District #6
- Mr. Sassan Mossanen, Assembly District #7

Staff in attendance:

- Mr. Alex Strawn, Development Services Manager
- Ms. Trina Sears, Assistant Borough Attorney
- Mr. Joseph Metzger, Planner II
- Ms. Mary Brodigan, Planning Commission Clerk

II. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Ortiz.

IV. CONSENT AGENDA

A. Minutes

1. December 16, 2019, regular meeting minutes

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

1. **Resolution PC 20-03**, a conditional use permit in accordance with MSB 17.60 – Conditional Uses; for the operation of a marijuana retail facility, located at 173 N. Rosie Circle (Tax ID# 17N01W11A011/91911000U001); within Township 17 North, Range 1 West, Section 11, Seward Meridian. Public Hearing: February 3, 2020. *(Applicant: Kyle Lutz, on behalf of Laughing Salmon; Staff: Mark Whisenhunt)*

2. **Resolution PC 20-04**, a conditional use permit in accordance with MSB 17.30 – Conditional Use Permit for Earth Material Extraction, located at 3429 N. Pittman Road (Tax ID# 18N02WB002 and 18B02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian. A CUP would allow for the removal of approximately
(Applicant: Dan Steiner, on behalf of Foremost Construction, Staff: Joe Metzger)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

(There were no introductions for legislative matters.)

Chair Vague read the consent agenda into the record.

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

Mr. Metzger:
• identified a typo in the first Tax ID# for Resolution 20-04; and
• the correct Tax ID# is 18N02W23B002.

Mr. Strawn:
• identified a typo in the second Tax ID# for Resolution 20-04; and
• the correct Tax ID# is 18N02W23A002.

Mr. Metzger stated that the Tax ID numbers will be corrected on the February 3, 2020, PC Agenda.

GENERAL CONSENT: The consent agenda was approved as amended without objection.

V. COMMITTEE REPORTS

(There were no committee reports.)

VI. AGENCY/STAFF REPORTS

(There were no agency/staff reports.)

VII. LAND USE CLASSIFICATIONS

(There were no land use classifications.)

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

(There were no persons to be heard.)

(The meeting recessed at 6:06 p.m., and reconvened at 6:15 p.m.)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (Public Hearings not to begin before 6:15 P.M.)
Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

A. Resolution PC 20-01, a Conditional Use Permit in Accordance with MSB 17.60 – Conditional Uses; for the operation of a marijuana retail facility, located at 5320 W. Parks Highway (Tax ID# 17N02W11A013); within Township 17 North, Range 2 West, Section 11, Seward Meridian. (Applicant: Charles Pasco, on behalf of Green Raven, LLC; Staff: Joe Metzger)

Chair Vague read the resolution title into the record.

Chair Vague:
- read the memorandum regarding quasi-judicial actions into the record;
- queried commissioners to determine if any of them have a financial interest in the proposed Conditional Use Permit (CUP);
- have had any ex part contact with the applicant, members of the public, or interested parties in the proposed CUP; and
- if all commissioners are able to be impartial in a decision.

Mr. Metzger provided a staff report:
- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:
- whether the charter school and the learning centers that are in the area are located within the minimum setback distance; and
- were there any additional attempts to contact the Meadow Lakes Community Council.

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

Ms. Amy Pasco, on behalf of Mr. Charles Pasco, provided an overview of their application.

Commissioners questioned the applicant regarding:
- clarification of how 24-hour access to the RV storage will affect security for the retail store; and
- how will the applicant manage potential loitering knowing that the RV storage is accessible 24 hours a day.

Chair Vague opened the public hearing.

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

MOTION: Commissioner Anderson moved to approve Resolution PC 20-01. The motion was seconded.
VOTE: The main motion passed without objection.

A. Resolution PC 20-02, A Conditional Use Permit in accordance with MSB 17.70 – Regulation of Alcoholic Beverage Uses, for the operation of a beverage dispensary; located at Mile 68 of the Denali Highway (Tax ID# U05278000L00); within Township 22 South, Range 3 East, Section 6, Fairbanks Meridian. (Applicant: Claude and Jennifer Bondy, on behalf of Alpine Creek Lodge; Staff: Joe Metzger)

Chair Vague read the resolution title into the record.

Chair Vague:
- read the memorandum regarding quasi-judicial actions into the record;
- queried commissioners to determine if any of them have a financial interest in the proposed Conditional Use Permit (CUP);
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed CUP; and
- if all commissioners are able to be impartial in a decision.

Mr. Metzger provided a staff report:
- staff recommended deleting the eighth whereas statement on page 318 of the packet as it is a duplicate; and
- staff recommended approval of the resolution with conditions.

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

Mr. and Mrs. Claude and Jennifer Bondy, Applicants, stated that they had nothing further to add and would answer questions.

Chair Vague opened the public hearing.

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

MOTION: Commissioner Mossanen moved to approve Resolution PC 20-02. The motion was seconded.

Commissioners Glashan and Elder spoke in favor of the resolution.

MOTION: Commissioner Mossanen moved a primary amendment to strike the eighth WHEREAS statement on page two of eight of the resolution. The motion was seconded.

VOTE: The primary amendment passed without objection.

VOTE: The main motion passed as amended without objection.
X. PUBLIC HEARING LEGISLATIVE MATTERS

(There were no legislative public hearings.)

XI. CORRESPONDENCE AND INFORMATION

(There was no correspondence and information.)

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

(There was no new business.)

XIV. COMMISSION BUSINESS

A. Adjudicatory (if needed)

B. Election of Planning Commission Chair and Vice-Chair

MOTION: Commissioner Anderson moved to nominate Commissioner Vague for Chair. The motion was seconded.

VOTE: The motion passed without objection.

MOTION: Commissioner Vague moved to nominate Commissioner Anderson for Vice-Chair. The motion was seconded.

VOTE: The motion passed without objection.

C. Upcoming Planning Commission Agenda Items (Staff: Alex Strawn)

(Commission Business was presented and no comments were noted.)

XV. DIRECTOR AND COMMISSIONER COMMENTS

Chair Vague stated that there are no agenda items on the January 20, 2020, PC Agenda, and asked for a motion to cancel the meeting.

MOTION: Commissioner Mossanen moved to cancel the January 20, 2020, meeting. The motion was seconded.

VOTE: The motion passed without objection.

Commissioner Glashan opined that Planning Commission meetings are easy when staff does such a thorough job.
Commissioner Chesbro stated her agreement with Commissioner Glashan and thanked staff for their hard work.

Commissioner Elder welcomed Commissioner Ortiz and wished him a long and successful career as a Planning Commissioner.

Commissioner Mossanen:
- wished everyone a happy and healthy new year;
- thanked staff for their thorough packets; and
- stated his appreciation that the commission got through everything so quickly tonight.

Commissioner Ortiz stated his appreciation for the findings of fact and conclusions of law provided by staff, and how well they were organized.

Chair Vague:
- stated that staff always does a great job preparing the packets; and
- meetings aren’t always this short, but they are always this much fun.

Commissioner Anderson:
- thanked staff for a great job;
- stated her appreciation for commissioners submitting their questions ahead of time which provided clarification to everyone;
- noted that she will not be at the February 3rd meeting unless there isn’t a quorum without her.

XVI. ADJOURNMENT

The regular meeting adjourned at 6:47 p.m.

COLLEEN VAGUE, Planning Commission Chair

ATTEST:

MARY BRODIGAN, Planning Commission Clerk

Minutes approved: ____
INTRODUCTION FOR PUBLIC HEARING

QUASI-JUDICIAL

Resolution No. PC 20-06

Setback Variance
Adam Capson & Janet Flaherty
610 E. Rough Cut Circle

(Page 13 - 38)
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: __________, Range: __________, Section: __________, Meridian _______

MSB Tax Acct #: 6333021008

SUBDIVISION: Wilderness Acres

BLOCK(S): __________, LOT(S): __________

STREET ADDRESS: 6910 E Rough Cut Circle, Palmer, AK 99644

(US Survey, Aliquot Part, Lat./Long. etc) __________________________

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?  o Yes  o No  o N/A

Name of Property Owner

Adam Copdon / Janet Flaherty

Address: 1041 N. Tina Ln.

Palmer, AK 99645

Phne: Hm 745-0622  Fax __________________________

Wk 745-8122  Cell 907-354-7130

E-mail: taben@mattsonline.net

Name of Agent/ Contact for application

Address: __________________________

Phne: Hm ________ Fax __________________________

Wk ________ Cell __________________________

E-mail: __________________________

Description

A variance from MSB 17.65 is being applied for and is specifically described.  X

Provide a detailed written description as to why the variance is required.  X

Drawings

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
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?

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.

3. Why the granting of the variance will not 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 plans?

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.

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 the person seeking the variance.

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

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

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

MSB Tax parcel ID #s: 56333B02L008

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

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.

Revised 7/1/2015 Permit# __________________________
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.

Signature: Property Owner

Printed Name: Janet Flaherty

Date: 9/19/19

Signature: Agent

Printed Name

Date
Variance Application
MSB 17.65

Matanuska-Susitna Borough
Minimum Survey Drawing Standards

For Matanuska-Susitna Borough (MSB) 17.60 Conditional Uses, 17.65 Variances, MSB 17.80 Legal Nonconforming Structures, and any site plan or survey required to be provided under the seal of a registered surveyor. Additional data may be required. For more information contact the MSB Code Compliance Division at (907) 745-9853, E-mail: ccb@matsugov.us

CHECK LIST

1) Critical Lot Line(s)
   a. corners in
   b. record & measured distances shown
   c. new corners set

2) Setback Shown:
   a. furthermost protruding part of structure(s) including attached eaves, decks, cantilevers, etc. (at closest points of separation)
   b. dimensioned to 0.1 foot, with no +/-
   c. other dimensions required by applicable code.

3) Easements/Rights of Way
   a. all dedicated public easements on lot (identify by type); adjacent public rights of way (with name)
   b. verify section line easement (SLE)

4) Survey for MSB used is not a mortgage survey:
   a. no exclusion of use note
   b. no copyright
   c. north arrow
   d. scale
   e. show control used
   f. Basis of Bearing
   g. type and size of all monuments found or set
   h. legal description
   i. date of field survey
   j. seal, sign
   k. surveyor’s printed name and address

5) Other specific information relevant to the application
   a. specific dimensions of structures, development
   b. dates of construction, additions
   c. identification of relevant decks, eaves, additions, “phases” of construction, use areas, areas where heights are different, etc.
   d. water bodies onsite, adjacent to lot, or within 75 feet of a structure on the lot
   e. other information required by the applicable MSB ordinance or required to administer the applicable code. Check relevant codes and instruction sheets for additional information.
   f. topography

MSB TAX ID#__________________________. T____, R____, S____, M__ MSB #__________
MSB Tax Map ____________
#1 - The topography of the land restricts where we can build. There is only 6 feet of land behind the garage before it drops off to a steep hill, the same is true for the south end of the garage. The space that is possible to build on is very limited, due to the topography of this property.

#2 - We would not be able to build a structure for living or storage on this property. There is not enough flat useable land on this property. What we have built is similar to what others have built in the area.

#3 - The variance would not have any negative effect on neighboring properties. The existing structures have been there since 1975 (the house), and 1998 (the garage).

#4 - We are using this property to its highest and best use. Also, the approval of this variance will allow us to continue to do so.

#5 - The structures that are on this property now, make the property comfortable, and enjoyable. We are asking for no more than what is already there.

#1 - The topography of this property has not been changed by myself or any previous owners of the property.

#2 - The only use for this property will be for a single family home, which is allowed on this property.

#3 - There is no pecuniary interest in applying for this variance. The topography and building area, are the reason for this need for variance.
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 Mckeesock-Sheehan Borough GIS Division at 907-861-7801.

Date: 9/6/2019

2019 Aerial Imagery

- Subject Parcel
- Parcels
- Building Footprint 2011
- 2' Contours

1 inch = 50 feet
I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: LOT 8 BLOCK 2 WILDERNESS ACRES PLAT NO. 71-61 PALMER RECORDING DISTRICT, AND THERE ARE NO ENCROACHMENTS VISIBLE AT THE TIME OF THIS SURVEY, EXCEPT AS INDICATED.

DATED THIS 20TH DAY OF OCT., 2019, AT PALMER, ALASKA, IT IS THE RESPONSIBILITY OF THE OWNERS OR BUILDERS 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 ESTABLISHING FENCE LINES.

WAYNE N. WHALEY LS-6925

230 E. PAULSON AVE. SUITE 67
WASILLA, AK 99654
Phone (907) 376-9535

PLANNING COMMISSION
FEBRUARY 3, 2020
PAGE 23
I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: LOT 8, BLOCK 2, WILDERNESS ACRES PLAT NO. 71-61.

ADEI CUT CIR.

50' PRIVATE ROADWAY & UTILITY EASEMENT FOR USE OF LOTS 10A & 10B

GARAGE

50' PRIVATE ROADWAY & UTILITY EASEMENT FOR USE OF LOTS 10A & 10B

DECK W/STEPS & CONCRETE WALK

N

1" = 30'
Good Afternoon Adam and Janet,

It was good speak with you on the phone earlier about your Variance request at 6010 E. Rough Cut Circle. As we discussed, please provide pictures of the house and garage that show all sides of each building. Please also submit photos that capture the general layout of the property and the topographical challenges if possible. Once we receive these photos and deem the application complete, we can begin the public notice process and get you scheduled for a Public Hearing.

If you have any questions or need clarification of anything, don’t hesitate to contact me.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862
Hi Joe,

It turns out it's easier for me to print and deliver than to email. Sad but true!

Thanks,

Janet Flaherty
907-354-7140

Re: 6010 E. Rough Cutter
- Variance
## Site Information
- **Account Number**: 6333B02L008
- **Parcel ID**: 64792
- **TRS**: S17N01E09
- **Abbreviated Description (Not for Conveyance)**: WILDERNESS ACRES BLOCK 2 LOT 8

## Site Address
- **Ownership**: COPSON ADAM DALE FLAHERTY JANET MARIE
- **Primary Owner's Address**: 1041 N TINA LN PALMER AK 99645

## Appraisal Information

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<th>Year</th>
<th>Land Appraised</th>
<th>Bldg. Appraised</th>
<th>Total Appraised</th>
<th>Year</th>
<th>Land Assessed</th>
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<td>$119,300.00</td>
<td>$167,000.00</td>
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</tbody>
</table>

## Building Information
- **Structure 2 of 2**
  - **Business**: None
  - **Use**: Residential Garage
  - **Design**: Other
  - **Construction Type**: Frame
  - **Grade**: None
  - **Building Appraisal**: $20900
  - **Septic**

- **Structure 1 of 2**
  - **Business**: None
  - **Use**: Residential Building
  - **Design**: One Story
  - **Construction Type**: Frame
  - **Grade**: 04.3
  - **Building Appraisal**: $101000
  - **Septic**: Septic - 1 - Septic Tank

## Building Item Details
- **Building Number**: 1
  - **Description**: Wood Stove - 8Y
  - **Area**: 1 Sq. Ft.
  - **Percent Complete**: 100%

- **Building Number**: 1
  - **Description**: First Story
  - **Area**: 1056 Sq. Ft.
  - **Percent Complete**: 100%

- **Building Number**: 1
  - **Description**: Gas Heat
  - **Area**: 864 Sq. Ft.
  - **Percent Complete**: 100%

- **Building Number**: 2
  - **Description**: Garage (10.3) Area - 11M
  - **Area**: 100%

## Tax/Billing Information
- **Year Certified**: 2019
- **Zone Mill**: 0006 15.889 $2694.78
- **Year Certified**: 2016
- **Zone Mill**: 0006 15.609 $2830.62
- **Year Certified**: 2017
- **Zone Mill**: 0006 15.61 $2640.27

## Tax Account Status
- **Status**: Tax Balance
- **Current**: $1,347.39
- **Disabled Veteran**: $0.00
- **Senior**: $0.00
- **Total**: $0.00

## Land and Miscellaneous
- **Gross Acreage**: 2.65
- **Taxable Acreage**: 2.65
- **Assembly District**: 002
- **Assembly District**: 11-685 130 Central Mat-Su

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*Total Assessed is net of exemptions and deferments, rest, penalties, and other charges posted after Last Update Date are not reflected in balances.*

*If account is in foreclosure, payment must be in certified funds.*
This map was automatically generated using Geocortex Essentials.
<table>
<thead>
<tr>
<th>USE PERMITS (100.000.000.341.300)</th>
<th>Fee</th>
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<tbody>
<tr>
<td>8.35 Public Display of Fireworks</td>
<td>$25.00</td>
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<tr>
<td>8.40.010 Liquor License - Alcohol &amp; Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)</td>
<td>$100.00</td>
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<tr>
<td>8.41.010 Marijuana License - Alcohol &amp; Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)</td>
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| 8.55 Special Events Permit  
500 - 1000 Attendees | $500.00 |
| 1000+ Attendees | $1,000.00 |
| 8.55 Special Events Permit Site Monitor Fee / Per Day | $300.00 |
| 17.02 Mandatory Land Use Permits - Residential Non-habitable | $25.00 |
| Commercial/Industrial | $150.00 |
| 17.04 Nancy Lake Special Land Use District CUP | $1,000.00 |
| 17.06 Electrical Generating & Delivery Facility Application | $500.00 |
| 17.08 Hay Flats Special Land Use District Exception Application | $1,000.00 |
| 17.17 Denali State Park Conditional Use Permit | $1,000.00 |
| 17.18 Chickaloon Special Land Use District CUP | $1,000.00 |
| 17.19 Glacier View Special Land Use District; CUP | $1,000.00 |
| 17.23 Port MacKenzie Development Permit | $1,000.00 |
| 17.25 Talkeetna Conditional Use Permit | $1,000.00 |
| 17.25 Talkeetna Conditional Use Permit - Variance | $1,000.00 |
| 17.27 Sutton Special Land Use District CUP | $1,000.00 |
| 17.28.030 Interim Materials District | $2,000.00 |
| 17.29 Flood Damage Prevention Development Permit | $100.00 |
| 17.29 Flood Damage Prevention Development Permit - Variance | $500.00 |
| 17.30.040 Earth Materials Extraction Admin. Permit | $500.00 |
| 17.30.050 Earth Materials Extraction CUP | $1,000.00 |
| 17.35 Residential Planned Unit Development Application - Concept Plan - up to 50 Lots  
Additional Lots or tracts being created - Per Lot | $500.00  
$100.00 |
| 17.48 Mobile Home Park Permit Application | $500.00 |
| 17.52 Residential Land Use District App (Rezone) | $1,000.00 |
| 17.52 Conditional Use Permit Application | $1,000.00 |
| 17.55 Shoreline Setback Exception Application | $300.00 |
| 17.60 Conditional Use Permit Application | $1,000.00 |
17.61 Commercial/Industrial Core Area Conditional Use Permit $1000.00
17.62 Coal Bed Methane $1000.00
17.63 Conditional Use Permit for Racetracks $1000.00
17.65 Variance $1000.00
17.67 Tall Structures - Network Improvement Permit $100.00
17.70 Regulation of Alcoholic Beverage Use Permit Application $1000.00
17.73 Multi-Family Land Use Permit – add $25.00 for each additional unit beyond 5 units $500.00
17.75 Single-Family Residential Land Use District CUP $1000.00
17.76 Large Lot Single-Family Residential Land Use District Conditional Use Permit Application $1000.00
17.79 Regulation of Adult Businesses – Conditional Use Permit $1000.00

RIGHT-OF-WAY FEES:
- Driveway
- Driveway Deposit {100.226.100}
- Construction
- Utility (Application Fee = $100 ~ Distance Fee $0.25/per linear)
- Encroachment
- Construction Bond {100.227.000}

PLATTING PRE-APPLICATION CONFERENCE:
- Pre-Application Fee

FEES:
- Flood Plain Development Survey CD
- CD/DVD/DVD-R
- Construction Manual/Title 43
- Plat Map/Tax Map Copies/Mylar
- Color Maps
- Xerox Copies (B/W = $0.25 ~ Color $1.00/page 11X17 Color:
- Advertising Fees
- Cultural Resources Books or Maps
- Citation Payment (If sent to collections – use total due from Courtview)
- Thumb Drive 2GB = $5, 4GB = $8, 8GB = $10; 16GB = $15; 32GB = $20

Amount Paid: $1000.00 Date: ___________ Receipt #: __________ By: __________
INTRODUCTION FOR PUBLIC HEARING

LEGISLATIVE

Resolution No. PC 20-05

Adopting the 2020
Subdivision Construction Manual

(Page 39 - 122)
MEMORANDUM

DATE: January 21, 2020

TO: Planning Commission

FROM: Eileen Probasco, Planning Director

RE: Planning Commission Resolution 20-05

Recommend Assembly approval of the 2020 Subdivision Construction Manual

In April of 2016 the Mat-Su Borough Assembly signed Resolution 17-003 supporting the rewrite of the 1991 Subdivision Construction Manual (SCM). Department of Public Works and Planning staff then began work on a draft update. Once created, a group of subject matter experts was formed to review the document, consisting of local Land Surveyors, Civil Engineers, Developers, Homebuilders, Board Members and borough staff. Their review meetings began in June of 2018. They met 27 times over the next 18 months, with all but three meetings being full day meetings. The 2020 Subdivision Construction Manual is the results of that effort.

Major changes to the document are:

- Removed Sections on Subdivision Agreements and Inspection Fees (these are addressed elsewhere in code).
- Removed Driveways from the SCM and created a new MSB Chapter 11.12 Driveways
- Changed the title of the Nonresidential Road Section to Major Road Corridors and added Frontage/Backage and Connector Street Standards.
- Combined all of the Residential Street Design Criteria into one table for ease of use.
- Increased Roadway width for Residential, Residential Subcollector and Residential Collector Roads for added safety.
- Increased ADT from 6 daily trips to 10.
- Major rewrite of the Drainage Section.
- Added a Section on Easements.
- All drawings updated and placed within the body of the manual rather than in an appendix. (finalization of drawings is underway and will be included in the document upon their completion.)

Upon completion of the final draft, the SCM Working group adopted their Resolution 20-01 with the following recommendations:

Providing Outstanding Borough Services to the Matanuska-Susitna Community
• Assembly approval of the 2020 Subdivision Construction Manual
• Assembly approval of an ordinance creating MSB 11.12 Driveways
• Assembly consideration of a variety of other actions to address transportation issues in the valley.

A tentative schedule for completion of the project is included with the packet.

Staff recommends approval of Planning Commission Resolution 20-05.
Matanuska-Susitna Borough
Public Works Department

Subdivision Construction Manual
(Roads, Drainage, and Utilities)

January 23, 2020
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### Acronyms

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<tr>
<td>AASHTO</td>
<td>American Association of State Highway and Transportation Officials</td>
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<td>ADFG</td>
<td>Alaska Department of Fish and Game</td>
</tr>
<tr>
<td>ADT</td>
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</tr>
<tr>
<td>ADOT&amp;PF</td>
<td>Alaska Department of Transportation and Public Facilities</td>
</tr>
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<td>ATM</td>
<td>Alaska Test Method</td>
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<td>DPW</td>
<td>Department of Public Works of the Matanuska-Susitna Borough</td>
</tr>
<tr>
<td>IFC</td>
<td>International Fire Code</td>
</tr>
<tr>
<td>ITE</td>
<td>Institute of Transportation Engineers</td>
</tr>
<tr>
<td>LRTP</td>
<td>Long Range Transportation Plan</td>
</tr>
<tr>
<td>MSB</td>
<td>Matanuska-Susitna Borough</td>
</tr>
<tr>
<td>N/A</td>
<td>Not applicable</td>
</tr>
<tr>
<td>NTP</td>
<td>Notice to proceed</td>
</tr>
<tr>
<td>OHWM</td>
<td>Ordinary high water mark</td>
</tr>
<tr>
<td>OSHP</td>
<td>Official Streets and Highways Plan</td>
</tr>
<tr>
<td>PUE</td>
<td>Public use easement</td>
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<td>ROW</td>
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<tr>
<td>VPD</td>
<td>Vehicles per day</td>
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Definitions

Access Point  The location along a road at which a driveway or road intersects.

Arterial  A road that provides a high level of mobility within the transportation network. Arterials are access controlled with a minimal number of intersections or interchanges.

Average Daily Traffic  The total number of vehicle trips during a given time period (in whole days greater than one day and less than one year) divided by the number of days in that time period.

Backslope  On a roadway section in a cut, the portion of the roadside that slopes up from the roadside ditch and away from the roadway to the top of the cut, see Figure A-3.

Catchment Area  The total area contributing stormwater runoff to a particular point, site, or structure.

Collector  A road that links local roads with arterials and performs some duties of each. Collectors are access controlled with a moderate number of intersections and driveways.

Curve Return  The curve located at the corner of an intersection, connecting the roadway edge of one road to the roadway edge of an intersecting road or driveway.

Detention  The temporary storage of runoff, for later controlled release.

Drainage Pattern  The configuration of a drainage system including manmade and natural features within a catchment area.

Driveway  A vehicular access way between a road and a parking area within a lot or property.

Embankment  Earthen material that is placed and compacted for the purpose of raising the grade of a roadway.

Engineer  An individual who is registered as a Professional Civil Engineer in the State of Alaska.
Feasible  Reasonable and capable of being done or carried out.

Foreslope  On a roadway section, the portion of the roadside that slopes down and away from the roadway, see Figure A-3.

Functional Area  The physical area of an intersection and the area extending both upstream and downstream which includes perception reaction distance, maneuver distance, and storage length.

Intersection  The general area where two or more roads join or cross.

Local Road  A road that provides access to abutting property, rather than to serve through traffic. Local roads are not access controlled and can have frequent intersections and driveways.

Lot Frontage  A property line that abuts the right-of-way that provides access to the lot.

Ordinary High Water Mark  The elevation marking the highest water level which has been maintained for a sufficient time to leave evidence upon the landscape. Generally, it is the point where the natural vegetation changes from predominately aquatic to upland species.

Positive Drainage  Clear, unobstructed flow of water away from structures and roadways without localized ponding.

Public Use Easement  Provides the rights for ingress, egress, roadways, right-of-way, public utilities, and slopes for cuts and fills. The rights are to the public in general, and public utilities governed by permits required under federal, state, and local laws and regulations. May also be known as a public access easement or right-of-way.

Regulated Stream  Any watercourse along which the flood hazard areas have been mapped and approved by the Federal Emergency Management Agency; any stream which harbors fish, as determined by the Alaska Department of Fish and Game; or any stream designated as regulated by MSB.

Retention  The prevention of runoff. Stormwater, which is retained, remains indefinitely, with the exception of the volume lost to evaporation, plant uptake, or infiltration.
Right-of-way  A strip of land reserved, used, or to be used for a street, alley, walkway, airport, railroad, or other public or private purpose.

Road  A general term denoting a public thoroughfare used, or intended to be used, for passage or travel.

Road Prism  The foundation that supports the roadway; see Figure A-3.

Roadway  The portion of a road that includes driving lanes and shoulders, see Figure A-3.

Segment  A portion of road between two significant intersections or an intersection and its terminus.

Shoulder  The portion of a roadway contiguous to any traveled way for lateral support of surface courses, see Figure A-3.

Street  A general term usually denoting an urban or suburban road.

Stub Road  A road segment, typically short in length, which terminates at the boundary of a subdivision or site plan, the purpose of which is to ultimately connect to abutting property when it is developed.

T-intersection  A three leg intersection in the form of a “T”.

Through Street  A road given preferential right of way; roads which intersect a through street are controlled, such as with a stop sign or yield sign.

Water Body  A permanent or temporary area of standing or flowing water. Water depth is such that water, and not air, is the principal medium in which organisms live. Water bodies include, but are not limited to: lakes, ponds, streams, rivers, sloughs, and all salt water bodies.
Introduction

This manual is intended to accomplish the following goals:

1. To establish standards for the design and construction of transportation networks throughout the Matanuska-Susitna Borough.
2. To provide information and guidelines for the design, construction, and upgrade of roads, drainage facilities, and utilities within rights-of-way.
3. To develop and maintain a safer and more efficient transportation system.
4. To minimize operation & maintenance efforts.
Section A. Street Design

A01 General

These provisions establish appropriate standards for the design of roads. The purpose of these provisions is to:

1. promote the safety and convenience of motorized and non-motorized traffic;
2. promote the safety of neighborhood residents;
3. minimize the long term costs for maintenance and repair;
4. protect the residential qualities of neighborhoods by limiting traffic volume, speed, noise, and air pollution;
5. encourage the efficient use of land; and
6. minimize the cost of road construction and thereby restrain the rise in housing costs.

A02 Applicability

These standards apply to the design and construction of all subdivision improvements within the Matanuska-Susitna Borough (MSB), with the exception of those streets within cities that exercise road powers by ordinance.

A03 Street Classifications

Roads within the MSB fall within one of the following functional classifications, in accordance with the Long Range Transportation Plan (LRTP): Interstate, Principal Arterial, Minor Arterial, Major Collector, Minor Collector, and Local Road. Functional classification of a road is based on its function, design, and current potential use. The applicant may request review of the functional classification of existing roads abutting or affecting the design of a subdivision or land development during the preapplication process.

This section provides design guidance for roads falling under local road and minor collector functional classifications.

A03.1 Residential Street

Residential streets are local roads intended to carry the least amount of traffic at the lowest speed. The Residential street will provide the safest and most desirable environment for a residential neighborhood. Developments should be designed so that all, or the maximum number possible, of the homes will front on this class of street.

A03.2 Residential Subcollector Street

Residential Subcollector streets are local roads that carry more traffic than Residential streets.
A03.3 Residential Collector Street

Residential Collector streets are the highest order of residential streets and are a type of minor collector. In large residential developments, this class of street may be necessary to carry traffic from one neighborhood to another or from the neighborhood to other areas in the community. Residential Collector streets should provide the fewest direct accesses as possible.

A03.4 Mountain Access Road

Mountain Access Roads may be used in areas where the average cross slope exceeds 15 percent or to traverse terrain features in excess of 25 percent. Maintenance of Mountain Access Roads will be at the discretion of DPW. School bus access should be considered as school bus routes require all grades less than 10 percent. Mountain Access Road standards allow for steeper grades and switchbacks, but should otherwise be designed to Residential, Residential Subcollector, or Residential Collector standard as required by this section.

A03.5 Pioneer Road

Pioneer Roads may only be used where allowed by MSB or other applicable code. This classification establishes minimum requirements for roads providing physical access, but should otherwise be designed to Residential, Residential Subcollector, or Residential Collector standard as required by this section. No MSB maintenance will be provided for Pioneer Roads. Pioneer roads may be constructed offset from the centerline of the ROW to facilitate future expansion of the road.

A03.6 Alleys

Alleys are permitted provided legal and physical access conforms to MSB or other applicable code. No MSB maintenance will be provided for Alleys.

A03.7 Other Street Types

The above classifications may be further typed as one of the following streets. These other street types should be designed to Residential, Residential Subcollector, or Residential Collector standard as required by this section.

(a) Frontage Street – streets parallel and adjacent to a major road corridor which provides access to abutting properties and separation from through traffic. See Section B for additional design standards.

(b) Backage Street – streets that provide access to lots located between the Backage Street and a major road corridor. See Section B for additional design standards.

(c) Connector Street – the portion of a street that connects a frontage or backage street to a major road corridor. See Section B for additional design standards.

(d) Divided Street – streets may be divided for the purpose of accommodating environmental features or avoiding excessive grading. In such a case, the design standards shall be applied to the appropriate street classification and a single lane width with a shoulder on each side.
A04 Access Criteria

A04.1 Residential Street

(a) A Residential street provides access to abutting properties.
(b) The anticipated average daily traffic (ADT) volume on Residential streets shall not exceed 400. A loop street shall be designed such that the anticipated ADT at each terminus of the loop street does not exceed 400, see Figure A-1.
(c) Residential streets may intersect or take access from an equal or higher order street. Both ends of a loop Residential street are encouraged to intersect the same collecting street and be designed to discourage through traffic.
(d) Residential streets with only one inlet/outlet shall provide access to no more than 20 lots and not exceed 1000 feet in length (measured from the intersection point to the center point of the turnaround).

Figure A-1: Loop Residential Streets

A04.2 Residential Subcollector Street

(a) A Residential Subcollector street provides access to abutting properties and may also move traffic from Residential streets that intersect it. Residential Subcollector streets are required when the ADT anticipated on the street will exceed the limits for Residential or when a street with only one inlet/outlet provides access to more than 20 lots or exceeds 1000 feet in length.
(b) The anticipated ADT on Residential Subcollector streets shall not exceed 1000. A loop street shall be designed such that the anticipated ADT at each terminus of the loop street does not exceed 1000, see Figure A-2.
(c) Residential Subcollector streets shall be designed to exclude all external through traffic that has neither origin nor destination on the Residential Subcollector or its tributary Residential streets. Adjacent parcels may acquire access if proven landlocked by legal or terrain features or if such Residential Subcollector access can be demonstrated to be beneficial to the public.
(d) Residential Subcollector streets shall take access from a street of equal or higher classification.
(e) Traffic calming elements should be considered for the design of Residential Subcollectors, such as avoiding long, straight segments and reducing the length of roadway from farthest lot to a collector.

(f) Residential Subcollector streets shall be provided with two continuous moving lanes within which no parking is permitted.

Figure A-2: Loop Residential Subcollector Streets

A04.3 Residential Collector Street

(a) A Residential Collector street carries residential neighborhood traffic, but restricts or limits direct residential access. Residential Collector streets are required when the ADT anticipated on the street will exceed the limits for Residential Subcollectors.

(b) Residential Collector streets should be designed to have as few residential lots directly fronting them as possible. When efficient subdivision design or physical constraints make this not possible, the average access point spacing shall be a minimum of 250 feet. Average access point spacing is calculated per segment and is equal to the segment length divided by the number of potential access points on both sides of the street. Undeveloped lots with only access to Residential Collector streets are counted as having at least one access point. When the average access point spacing on a segment of an existing Residential Collector street is less than 250 feet, the average access point spacing shall not decrease due to the subdivision.

(c) Space shall be provided on these lots for turnaround so that vehicles will not have to back out onto Residential Collector streets.

(d) Proposed access points on Residential Collector streets shall be shown on the preliminary plat.

(e) Residential Collector streets shall be laid out to encourage connectivity within the transportation network.

(f) If the anticipated ADT will exceed 3000, the street shall be classified at a higher level than Residential Collector by DPW.

(g) Every Residential Collector shall be provided with no fewer than two access intersections to streets of equal or higher classification. If it is shown by the applicant that two accesses are not feasible, Residential Collector streets shall be provided with access to one street of equal or higher
classification and be designed to accommodate a future second connection to a street of equal or higher classification, or otherwise be approved by DPW.

(h) All Residential Collector streets shall be provided with two continuous moving lanes within which no parking shall be permitted.

A04.4 Access through Existing Streets

The anticipated ADT on existing Residential streets used to access a proposed subdivision may exceed 400, but shall not exceed 800, if:

(a) alternate road corridors are not available or feasible;
(b) horizontal geometry or access density prohibits upgrade to a higher standard road; and
(c) the traffic impacts are mitigated.

A04.5 Traffic Impact Mitigation for Access through Existing Streets

Traffic impact mitigation on existing residential streets can include but is not limited to:

(a) Traffic control devices (signage, striping) on segments where potential ADT exceeds 440
(b) LED street lighting, speed feedback signs, widened shoulders, inside corner widening for offtracking, or all-way stop intersections on segments where potential ADT exceeds 600.

A05 Design Criteria

The design criteria for Residential, Residential Subcollector, and Residential Collector streets, and Mountain Access and Pioneer roads are set forth in. Any unspecified design criteria shall meet or exceed the design criteria for the roadway design speed in the latest edition of A Policy on Geometric Design of Highways and Streets (AASHTO).
### Table A-1: Residential Street Design Criteria

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<td>2:1</td>
<td>2:1</td>
<td>2:1(^6)</td>
<td>2:1</td>
</tr>
<tr>
<td>Crown, gravel</td>
<td>%</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Crown, pavement</td>
<td>%</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>–</td>
</tr>
<tr>
<td>Engineering Criteria</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Design Speed</td>
<td>mph</td>
<td>25</td>
<td>30</td>
<td>35</td>
<td>–</td>
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<td>20</td>
<td>25</td>
<td>30</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Stopping Sight Distance</td>
<td>ft</td>
<td>155</td>
<td>200</td>
<td>250</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Horizontal Alignment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Centerline Radius</td>
<td>ft</td>
<td>225</td>
<td>350</td>
<td>550</td>
<td>–(^7)</td>
<td>–</td>
</tr>
<tr>
<td>with DPW Approval</td>
<td>ft</td>
<td>190</td>
<td>275</td>
<td>400</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Minimum Tangent</td>
<td>ft</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Between Curves</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum superelevation</td>
<td>%</td>
<td>N/A</td>
<td>N/A</td>
<td>4</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1 Where a value is not given, Mountain Access and Pioneer Roads shall meet the criteria of the anticipated street classification.
2 ROW required for new dedications; width of existing ROW may vary.
3 Where grades exceed 7 percent, the shoulder width shall be 2 feet for a total roadway width of 24 feet.
4 Slope for the first 7.5 feet from the shoulder; may be steepened to 2:1 thereafter. Install guardrail when required by the latest edition of the *Roadside Design Guide* (AASHTO).
5 2:1 Back slopes may be steepened to 1.5:1 if cuts exceed 5 feet and appropriate slope stabilization, as determined by the design engineer, is used. Retaining walls may be used to replace or augment backslopes.
6 Or backslope recommended by the design engineer based on actual conditions.
7 Switch backs are allowed provided cul-de-sac criteria is met or turning radius is 40 feet with a 2% grade.
<table>
<thead>
<tr>
<th>Vertical Alignment</th>
<th>Unit</th>
<th>Residential Subcollector</th>
<th>Residential Collector</th>
<th>Mountain Access¹</th>
<th>Pioneer¹</th>
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</thead>
<tbody>
<tr>
<td>Maximum Centerline Grade</td>
<td>%</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>15⁸</td>
</tr>
<tr>
<td>Minimum Rate of Vertical Curvature⁹; Crest</td>
<td></td>
<td>12</td>
<td>19</td>
<td>29</td>
<td>-</td>
</tr>
<tr>
<td>Minimum Rate of Vertical Curvature⁹; Sag</td>
<td></td>
<td>26</td>
<td>37</td>
<td>49</td>
<td>-</td>
</tr>
<tr>
<td>Minimum Flow Line Grades</td>
<td>%</td>
<td>0.5</td>
<td>0.5</td>
<td>0.5</td>
<td>1.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Intersections</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<tr>
<td>Minimum ROW Corner Radius</td>
<td>ft</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Minimum Curve Return Radius¹⁰</td>
<td>ft</td>
<td>20</td>
<td>25</td>
<td>30</td>
<td>-</td>
</tr>
<tr>
<td>Maximum Grade on through street within 50 feet of intersection</td>
<td>%</td>
<td>7</td>
<td>7</td>
<td>4</td>
<td>9</td>
</tr>
</tbody>
</table>

---

⁸ Up to 15% grade with no more than 200 linear feet of over 10% grade with a minimum of 100 linear feet of less than 10% grade for runout between steeper sections. Maximum grade in a horizontal curve is 10%.

⁹ Rate of vertical curvature (K) is the length of curve (L) in feet per percent algebraic difference in intersecting grades (A); K = L / A

¹⁰ 40-foot minimum curve return radius at intersections with higher order streets.
**A06 Typical Section**

![Typical Section Diagram](image)

**Figure A-3: Typical Section**

**A07 Turnarounds**

Streets that exceed 200 feet in length (measured from the intersection point to the end of required construction) shall terminate with a constructed turnaround.

**A07.1 Cul-de-sac Turnarounds**

(a) A cul-de-sac turnaround with a drivable surface diameter (shoulder to shoulder) of 85 feet centered in a ROW diameter of 120 feet shall be provided at the terminus of Residential and Residential Subcollector streets.

(b) Cul-de-sac turnarounds shall meet the configuration and dimensions shown in Figure A-4.

(c) The grade throughout the surface of a cul-de-sac shall not exceed 4 percent.
A07.2 Alternate Turnarounds

(a) DPW may permit a street to terminate with an alternative turnaround that meets fire code when such a design is required by extreme environmental or topographical conditions, unusual or irregularly shaped tract boundaries, or when the location of the turnaround is intended to become an intersection.

(b) Alternate turnarounds shall meet the configuration and dimensions shown in Figure A-5.

(c) The grade throughout the turnaround surface shall not exceed 4 percent.
A08 Stub Streets

A08.1 Stub Street Construction

No construction is required if physical access is provided to all lots by adjoining streets as required by MSB or other applicable code.

A08.2 Temporary Turnarounds

All stub streets requiring construction will meet the requirements of A07. A temporary easement will be provided for the turnaround which will automatically terminate upon extension of the street and physical removal of the turnaround.

A09 Intersections

A09.1 Intersection Sight Distance

(a) Whenever a proposed street intersects an existing or proposed street of higher order, the street of lower order shall be made a stop controlled street, unless alternate intersection control is used as allowed by this subsection.

(b) Stop controlled streets shall be designed to provide intersection sight distance as specified in this subsection, Table A-2, and Figure A-6.

(c) The entire area of the intersection sight triangles shown in Figure A-6 shall be designed to provide an unobstructed view from point A at 3.5 feet above the roadway to all points 3.5 feet above the roadway along the lane centerlines from point B to point C and point D to point E.

(d) Sight distances less than the recommended shall only be used when there are topographical or other physical constraints outside of the applicant’s control.

(e) The minimum sight distances listed in Table A-2 are for a passenger car to turn onto a two-lane undivided street and minor road approach grades of 3 percent or less. For other conditions, the minimum sight distance should be calculated by the applicant’s engineer according to A Policy on Geometric Design of Highways and Streets (AASHTO).

(f) Sight distances less than the minimum, where no other options exist, will require alternate intersection control or warning signs as determined by the applicant’s engineer and approved by DPW.

(g) Intersection sight triangles shall be located in their entirety within ROW or a sight distance maintenance easement.

(h) Yield controlled intersections shall conform to sight distance requirements according to A Policy on Geometric Design of Highways and Streets (AASHTO).

(i) Intersections with state or other municipal ROW are subject to their respective requirements and review.
Table A-2: Recommended and Minimum Intersection Sight Distance

<table>
<thead>
<tr>
<th>Design Speed or Posted Speed Limit (whichever is greater)</th>
<th>$S_d$ Recommended</th>
<th>$S_d$ Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPH</td>
<td>ft</td>
<td>ft</td>
</tr>
<tr>
<td>25</td>
<td>370</td>
<td>280</td>
</tr>
<tr>
<td>30</td>
<td>450</td>
<td>335</td>
</tr>
<tr>
<td>35</td>
<td>580</td>
<td>390</td>
</tr>
<tr>
<td>40</td>
<td>750</td>
<td>445</td>
</tr>
<tr>
<td>45</td>
<td>950</td>
<td>500</td>
</tr>
<tr>
<td>50</td>
<td>1180</td>
<td>555</td>
</tr>
<tr>
<td>55</td>
<td>1450</td>
<td>610</td>
</tr>
<tr>
<td>60</td>
<td>1750</td>
<td>665</td>
</tr>
<tr>
<td>65</td>
<td>2100</td>
<td>720</td>
</tr>
</tbody>
</table>

Figure A-6: Intersection Sight Distance

A09.2 Intersection Spacing

(a) Minimum centerline to centerline distance between intersections on the same side or opposing sides of the through street shall be:

1. 155 feet on Residential streets;
2. 200 feet on Residential Subcollector streets;
3. 300 feet on Residential Collectors and Minor Collectors; or
4. 650 feet on higher order streets where other access standards do not exist.

(b) If the above spacing along the through street cannot be met, intersections shall be aligned directly across from each other. Intersections on opposing sides of the through street may be offset up to 30 feet, with a preference for a left-right offset, as shown in Figure A-7.
(c) Where pre-existing conditions do not allow for the above spacing and no other legal access exists, alternate spacing or offset most closely meeting (a) or (b) above may be allowed.

(d) Additional intersections should be avoided within the functional area of major intersections with turning bays and approach tapers. Exceptions require DPW approval based upon constraints and no other feasible alternatives.

Figure A-7: Intersection Offset

A09.3 Minimum Intersection Angle

Streets should intersect with a straight segment at an angle as close to 90° as possible, but no less than 70°, for a minimum of 75 feet from the intersection point, as shown in Figure A-8.

Figure A-8: Intersection Angle
A09.4 Landing

Controlled streets shall be provided with a 30-foot landing, conforming to Figure A-9, at its approach to a through street. The landing shall be sloped to match the crown of the through street. Vertical curves shall not be located in the landing to the extent feasible.

Figure A-9: Controlled Street Landing Profile

A09.5 Paved Apron

A proposed street which intersects an existing paved street shall be provided with a paved apron from the edge of the existing pavement to the end of the curve return plus 10 feet.

A10 Driveways

Driveways are not usually required to be constructed within the ROW at time of road construction. However, if an applicant chooses to construct driveways, driveway permits are required. The applicant may permit all driveways with one application. A driveway permit application can be obtained from the MSB Permit Center. Driveways onto state or other municipal ROW are subject to their respective requirements and review.

A11 Trailhead

Trailhead parking lot layout shall conform to applicable local, state, and federal requirements.

A12 Bicycle and Pedestrian Paths

Bicycle and pedestrian paths constructed within public ROW shall conform to the current edition of Guide for the Development of Bicycle Facilities (AASHTO), and any other applicable local, state, and federal requirements.

A13 Signage

Signs shall be provided and installed by the applicant in conformance with the latest edition of the Alaska Traffic Manual (ADOT&PF) and the Alaska Sign Design Specifications (ADOT&PF) prior to plat recordation.
(a) Each street within a subdivision shall be identified and signed at its point of egress and ingress. Cul-de-sac streets will be signed and identified at their point of ingress.

(b) Intersection control signs shall be provided at designated intersections within the confines of the subdivision and at the intersection with the access road, if applicable.

(c) Speed limit signs shall be provided where practical.

(d) If a constructed stub street provides access to two or fewer lots and has no turnarounds a sign indicating a dead-end street shall be posted.

(e) If a dedicated stub street is not constructed, no signs are required.

(f) Install signs according to the criteria in Figure A-10, Figure A-11, and Figure A-12.

(g) Signs within state or other municipal ROW are subject to their respective requirements and review.

Figure A-10: Sign Placement
A14  Railroad Crossings

All access requiring a crossing of the Alaska Railroad shall be subject to the Alaska Policy on Railroad/Highway Crossings (Alaska Railroad).
A15 Average Daily Traffic

(a) The following formula shall be used to determine the required classification of streets:
   \[ ADT = \text{Number of lots} \times 10 \] for single-family residential use.
(b) See Section G for other land uses.
(c) For subdivisions of five or more lots, submit potential ADT calculations for the following locations with the preliminary plat:
   (1) at each intersection within the subdivision,
   (2) at each intersection en route to an existing Residential Collector street or higher classification, and
   (3) at an existing Residential Collector street or higher classification.

A16 Design Deviations

Every effort will be made to comply with the standards of this section. Design deviations will be considered to address extenuating circumstances including but not limited to: existing substandard ROW, environmental conditions, or existing utilities or other structures. Design deviation requests shall be in writing and should contain supporting information, justification, and suggested solutions. Design deviations may be allowed by DPW only for matters that do not fall under the jurisdiction of a Board or Commission. In no circumstances will a roadway width less than 20 feet or foreslopes steeper than 2:1 be allowed. Residential Collector streets shall be no less than 24 feet wide.
Section B.  Major Road Corridors

B01  General

Major road corridors include major collectors, arterials, and interstates. This section provides references to and guidelines for the design and construction of major road corridors within the MSB.

B02  Right-of-way and Surface Widths

<table>
<thead>
<tr>
<th>Classification</th>
<th>Minimum ROW Width (ft)</th>
<th>Standard Lane Width (ft)</th>
<th>Number of Lanes</th>
<th>Shoulder Width (ft)</th>
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<tbody>
<tr>
<td>Major Collector</td>
<td>80</td>
<td>12</td>
<td>2-3</td>
<td>4</td>
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<tr>
<td>Arterial</td>
<td>100</td>
<td>12</td>
<td>3-4</td>
<td>4-8</td>
</tr>
<tr>
<td>Interstate</td>
<td>200</td>
<td>12</td>
<td>4-6</td>
<td>12</td>
</tr>
</tbody>
</table>

B03  Frontage, Backage, and Connector Street Standards

Subdivisions adjacent to planned or existing major road corridors shall plan for future frontage or backage streets when any of the following conditions apply, unless it is shown by the applicant to be not necessary or feasible for future development and public safety with non-objection from the road authority.

(a)  Subdivisions accessing roads that are classified by ADOT&PF as Interstates.
(b)  Subdivisions accessing roads that are or are projected to grow above 20,000 vehicles per day (VPD).
(c)  Subdivisions accessing roads that are or are projected to have four or more lanes or median control per the LRTP or OSHP.
(d)  Subdivisions that require a second access route.
(e)  To gain access to an existing or planned signal.
(f)  Where access to a minor arterial or collector as a connector road is feasible.

B03.1 Separation Distances

Minimum ROW to ROW separation distance between major corridors and frontage or backage streets shall be:

(a)  0 feet for locations with no connector street to the major road corridor;
(b)  100 feet for locations with a connector street to the major road corridor that lie between section lines and planned or existing intersections with other major road corridors;
(c)  300 feet for locations where the connector street to the major road corridor is on a section line or planned or existing major road corridor.
Figure B-1: Frontage Street Configurations

B03.2 Design Standards

(a) Frontage streets
   (1) Minimum centerline radii may be reduced near intersections with through connector streets.

(b) Connector streets
   (1) 100-foot ROW width desirable.
   (2) Minimum 40-foot radius curve returns at the major road corridor.
   (3) Minimum 4-foot wide shoulders for 100 feet from the edge of roadway of the major road corridor.
   (4) Minimal direct access.

B03.3 Dedication and Setbacks

Dedicate ROW or additional building setbacks to allow for the frontage, backage, and connector street standards in this manual. The applicant shall prove that frontage, backage, and connector street dedications or building setbacks are in a practical location where road construction is feasible in accordance with this manual. The applicant shall be required to submit plan, profile, and cross-sections if existing grades along the proposed route exceed 10 percent, existing cross slopes exceed 15 percent, or if existing utilities or other physical features appear to create impediments to a road design meeting standards of this manual.

B04 Access Standards

(a) The average access point spacing on major road corridors, where other access standards do not exist, shall not exceed the minimums listed in Table B-1, based on the posted speed limit. Average access point spacing is calculated per segment and is equal to the segment length divided by the number of access points on both sides of the street. Undeveloped lots with only access to the major road corridor are counted as having at least one access point.

(b) When the average access point spacing on a segment of an existing major road corridor is less than the minimum listed in Table B-1, the average access point spacing shall not decrease due to the subdivision.
Table B-1: Average Access Point Spacing

<table>
<thead>
<tr>
<th>Posted Speed Limit (mph)</th>
<th>Minimum Average Access Point Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>250</td>
</tr>
<tr>
<td>35</td>
<td>300</td>
</tr>
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<td>40</td>
<td>360</td>
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<tr>
<td>45</td>
<td>425</td>
</tr>
<tr>
<td>50</td>
<td>495</td>
</tr>
<tr>
<td>55</td>
<td>570</td>
</tr>
</tbody>
</table>

**B05 Future Corridors**

Routes proposed for future upgrade or construction as designated in the LRTP or OSHP shall have building setbacks established which will prohibit the location of any permanent structure within the future corridor, unless it is shown to be unnecessary. Label the proposed road corridor and the building setback line on the Final Plat. The area within the proposed road corridor shall be excluded from useable septic area calculations. The area within the proposed road corridor and building setbacks shall be excluded from useable building area calculations.

**B06 References**

The following publications shall be used for design and construction standards of these classes of streets that are not otherwise established herein:

(b) *Standard Specifications for Highway Construction*, ADOT&PF (current edition);
(c) *Standard Modifications to the ADOT&PF Standard Specifications for Highway Construction*, MSB (latest revision)
(d) *Alaska Highway Preconstruction Manual*, ADOT&PF (latest revision)
Section C. Construction Requirements

C01 General

This section establishes minimum construction requirements. Prior to any ground disturbing activities, call the Alaska Dig Line for utility locates in accordance with AS 42.30.400.

C02 Road Construction

C02.1 Clearing

Cut and dispose of all trees, down timber, stumps, brush, bushes, and debris. Cut trees and brush to a height of not more than 6 inches above the surrounding ground. Clear the ROW, slope easements, and sight distance triangles. Where ROW exceeds 60 feet, clear a minimum of 60 feet. Clear utility easements, if used, for utilities constructed with the development.

C02.2 Grubbing

Remove and dispose of all stumps, roots, moss, grass, turf, debris, or other deleterious material within the fill and cut catch limits of the road plus 5 feet on each side, within the ROW, and cleared utility easements for underground utilities.

C02.3 Disposal

Dispose of clearing and grubbing debris in an area designated by the applicant outside of all ROW, platted utility easements, and platted private road corridors. Organic debris 3 inches in diameter by 8 inches long, or smaller, may be left in place, outside of the road prism.

C02.4 Slit Trenches

Slit trenches are not allowed in the ROW. Utility easements may be used as a borrow source above a 2:1 extension of the road prism, as shown in Figure A-3. Topsoil or other organic non-deleterious material may be disposed within the utility easement. Compact the disposal area with heavy equipment and grade the surface with positive drainage no steeper than 4:1 and no lower than the ditch line. Submit an as-built drawing showing the horizontal locations of borrow extraction along the road corridor with the Final Report.

C02.5 Embankment Construction

(a) Construct the road with the required structural section, see Figure C-1, and dimensions, see Table A-1 and Figure A-3, as determined by its classification.

(b) Prepare the subgrade. Remove all organics from the area below the road prism and dispose in locations where embankment is not proposed. Bench existing slopes that are steeper than 4:1, measured at a right angle to the roadway, where roadway embankment is to be placed.

(c) Place material meeting, or verify in-situ material meets, the requirements for Subbase specified in subsection C07 to a minimum depth of 20 inches with the upper 6 inches having no material with...
a diameter larger than 6 inches. Place embankment in horizontal layers not to exceed 24 inches (uncompacted) for the full width of the embankment and compact as specified before the next lift is placed.

(d) Place 4 inches of Surface Course meeting the requirements specified in subsection C07. Finish with a 3 percent crown, and compact as specified.

(e) Compact the entire road prism to not less than 90 percent of the maximum dry density. Compact the top 24 inches to not less than 95 percent of the maximum dry density. Determine compaction in accordance with the Standard Specifications for Highway Construction (ADOT&PF) and any MSB Standard Modifications. Compaction tests on the subbase layer shall be taken at representative locations along the roadways as follows:
   (1) a minimum of three;
   (2) at least one per segment;
   (3) one additional test per 1000 linear feet, or portion thereof, when the combined length of roadway exceeds 1000 linear feet;
   (4) at least one out of every three within three feet of the shoulder, and the remainder in the center of a driving lane.

(f) For paved roadways, substitute Surface Course with a minimum of 2 inches of Base Course and 2 inches of HMA Type II, Class B in accordance with Appendix A. The width of the pavement shall be equal to two lane widths and finished with a 2 percent crown. Pavement edges shall be backed with additional Base Course graded and compacted flush with the pavement surface and tapered to the edge of the roadway. The pavement shall be washed or swept immediately following shouldering work.

(g) Remove all loose material exceeding 6 inches in diameter from the ditches and foreslopes. Where slopes are 3:1 or steeper and longer than 10 feet measured along the slope face, trackwalk perpendicular to the slope, or the equivalent, to form 1-inch wide grooves parallel to the road no more than 12 inches apart.

(h) Permanently stabilize backslopes 3:1 or steeper. Stabilization can be part of a subdivision agreement. Stabilization may be allowed to establish during the warranty period.

C02.6 Unsuitable Subgrades

When structurally unsuitable material such as peat, saturated material, or permafrost are present within the ROW, provide an appropriate structural design for approval by DPW, according to Section F, prior to construction. Place embankment to a depth that will produce a stable road surface with a final grade 18 inches above the surrounding ground.

C03 Roads Outside of a Road Service Area

Roads outside of a Road Service Area are not subject to the requirement for Surface Course.

C04 Pioneer Road Construction Requirements

Pioneer roads, whether proposed or existing, shall meet the requirements of Figure C-1,
Table A-1, and Figure A-3. Place material meeting, or verify in-situ material meets, the requirements for Subbase specified in subsection C07 to a minimum depth of 12 inches. Additional road embankment may be required to provide a stable road surface. Surface Course is not required. Pioneer roads may be constructed offset from the centerline of the ROW to facilitate future expansion of the road. Cross drainage culverts, minimum 18 inch diameter, will be installed where determined necessary and 24 inch ditches will be provided for drainage.

C05  Winter Construction

Winter construction may be allowed. DPW will not accept any roads until all ground has thawed and any settlement areas corrected.

C06  Alternate Methods and Materials

Use of alternate materials and road construction methods that will more appropriately fit the conditions of the specific road locations, following general engineering practices, may be proposed by the applicant or their engineer in writing. Final acceptance of such plans must be approved by DPW.

C07  Materials

C07.1  Subbase

(a) is aggregate containing no muck, frozen material, roots, sod, or other deleterious matter;
(b) has a plasticity index not greater than 6 as tested by Alaska Test Method (ATM) 204 and ATM 205; and
(c) meets the requirements of Table C-2, as determined by ATM 304.

C07.2  Base Course

(a) Crushed stone or crushed gravel, consisting of sound, rough, durable pebbles or rock fragments of uniform quality;
(b) free from clay balls, vegetable matter, or other deleterious matters;
(c) meets the requirements of Table C-1; and
(d) meets the requirements of Table C-2, as determined by ATM 304.

C07.3  Surface Course

(a) is a screened or crushed gravel, consisting of sound, rough, durable pebbles or rock fragments of uniform quality;
(b) free from clay balls, vegetable matter, or other deleterious matters; and
(c) meets the requirements of Table C-2, as determined by ATM 304.
### Table C-1: Aggregate Quality Properties for Base Course

<table>
<thead>
<tr>
<th>Property</th>
<th>Test Method</th>
<th>Base Course</th>
</tr>
</thead>
<tbody>
<tr>
<td>L.A. Wear, %</td>
<td>AASHTO T 96</td>
<td>50, max</td>
</tr>
<tr>
<td>Degradation Value</td>
<td>ATM 313</td>
<td>45, min</td>
</tr>
<tr>
<td>Fracture, %</td>
<td>ATM 305</td>
<td>70, min</td>
</tr>
<tr>
<td>Plastic Index</td>
<td>ATM 205</td>
<td>6, max</td>
</tr>
<tr>
<td>Sodium Sulfate Loss, %</td>
<td>AASHTO T 104</td>
<td>9, max (5 cycles)</td>
</tr>
</tbody>
</table>

### Table C-2: Aggregate Gradations

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Subbase</th>
<th>Base Course</th>
<th>Surface Course</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1/2 inch</td>
<td></td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>1 inch</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3/4 inch</td>
<td>70 to 100</td>
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<td>7 to 13</td>
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</tbody>
</table>

(Percent Passing By Weight)

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**Figure C-1: Structural Sections**

- **4" Surface Course**
- **20" Subbase**
- **GRAVEL ROAD**
- **2" HMA Type II, Class B**
- **2" Base Course, Min.**
- **20" Subbase**
- **12" Subbase**

---

**Figure C-1: Structural Sections**
Section D. Drainage

D01 General

The purpose of this section is to ensure that stormwater management is provided with land development activities. Responsible stormwater management is the treatment, retention, detention, infiltration, and conveyance of stormwater and other surface waters without adversely impacting adjoining, nearby, or downstream properties and receiving waters.

D02 Requirements

A preliminary drainage plan is required when road construction or disturbing land to create useable area for a subdivision is proposed. A drainage report is required for projects that include road construction, disturb 10,000 square feet of land or more, fill in wetlands, disturb land within 100 feet of the ordinary high water mark (OHWM) of a water body, disturb land within a mapped flood hazard area, or change the location, direction, quantity, or type of runoff leaving a site. See subsection D06 for specific requirements regarding fish passage culverts. It is the applicant's responsibility to comply with all other applicable federal, state, and local codes and regulations.

D02.1 Preliminary Drainage Plan

Submit a preliminary drainage plan, prepared by an engineer or other qualified professional registered in the State of Alaska, with the preliminary plat or ROW construction permit application. The preliminary drainage plan shall show the project site at a legible scale plottable on 11” by 17” paper or larger and depict the following:

(a) Existing and proposed property lines, plottable easements disclosed in the title report, the OHWM of water bodies with 100-foot upland offset, and existing mapped flood hazard areas.
(b) Existing topography with horizontal and vertical accuracy meeting US National Map Accuracy standards, with 5-foot contour intervals if the ground slope is less than 10 percent and 10-foot contour intervals if the ground slope is greater than 10 percent.
(c) Existing features that convey or retain drainage, including but not limited to: water bodies, wetlands, natural valleys, swales, ditches, check dams, culverts, and pipe systems.
(d) Proposed drainage pattern and features, both constructed and natural, on site. Identify conveyance types, flow directions, and any drainage changes that may affect adjacent property.
(e) Proposed stream crossings and anticipated culvert sizes. Identify fish-bearing streams.

D02.2 Drainage Report

(a) Submit a drainage report, prepared by an engineer or other qualified professional registered in the State of Alaska, as part of the construction plan submittal in subsection F01.2. The drainage report shall include the following:
(b) The drainage plan as specified in D02.1 (may be shown on two plans for clarity), updated to include:
   (1) Pre-development and post-development catchment area boundaries; and
(2) Locations of peak flow, peak velocity, and where runoff leaves the project site.

(c) Description of methods, assumptions, and data sources used or made, including but not limited to:

(1) Rainfall data used (from NOAA’s Precipitation Frequency Data Server or the Palmer Airport IDF curves in Figure D-1, whichever is more appropriate for the local conditions).

(2) Assumed post-development land cover conditions.

(3) Method used to determine runoff quantities, time of concentration, peak flows, etc.

(d) Catchment area maps used or created to evaluate down-gradient conditions.

(e) Identify design elements, with supporting runoff calculations, necessary to show compliance with the drainage design criteria set forth in D03.

(f) Fish passage culvert plans, if applicable.

D03 Drainage Design Criteria

(a) Design a drainage system for the project site to meet the criteria listed in Table D-1.

(b) Retain natural drainage patterns to the extent possible.

(c) Changes to drainage patterns must not adversely affect adjacent property or ROW.

(d) Base the size and capacity of the drainage system on runoff volumes and flow rates assuming full development of the subdivision and a 10 percent increase to runoff from the catchment area.

(e) Utility easements may be crossed by drainage features, but cannot be used to retain or detain water. Drainage easements are required where the ROW is not sufficient to accommodate drainage needs. See subsection E01.2.

(f) Drainage to state or other municipal ROW are subject to their respective requirements and review.
Table D-1: Drainage Sizing and Analysis Criteria

<table>
<thead>
<tr>
<th>Design Requirement</th>
<th>Purpose</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conveyance Design</td>
<td>Size conveyances to pass design peak flows.</td>
<td>Drainage ditches: 10-year, 24-hour Non-regulated streams: 10-year, 24-hour Regulated streams: 100-year, 24-hour</td>
</tr>
<tr>
<td>Wetland Retention</td>
<td>Retain function of original wetlands</td>
<td>In areas where wetlands are disturbed, drainage must be designed to preserve the pre-development function of the remaining wetlands. For jurisdictional wetland areas, comply with United States Army Corps of Engineers wetlands development retention requirements.</td>
</tr>
<tr>
<td>Water Quality Protection</td>
<td>Treat first flush pollutant loading</td>
<td>Treat the initial 0.25 inch of post-developed runoff for each storm event. Control flows in conveyance channels so that transport of particles sized D50 and greater will not occur for the post-development 10-year, 24-hour storm.</td>
</tr>
<tr>
<td>Extended Detention</td>
<td>Protect streams and channels from damage from smaller, more frequent storm flows</td>
<td>Provide 12 to 24 hours of detention for the post-development project runoff in excess of pre-development runoff volume for the 1-year, 24-hour storm.</td>
</tr>
<tr>
<td>Flood Hazard Protection</td>
<td>Control project peak flow to minimize downstream impacts</td>
<td>Maintain the post-development project runoff peak flow from the 10-year, 24-hour storm to less than 1.10 times pre-development runoff peak flow at all project discharge points. If post-development discharge is greater than pre-development discharge, evaluate down-gradient conditions for and mitigate adverse impacts for a distance of 1 mile downstream from the project as measured along the flow path or to the receiving water body, whichever is less.</td>
</tr>
<tr>
<td>Project Flood Bypass</td>
<td>Prevent an increased risk of flood damage from large storm events.</td>
<td>Design or identify an unobstructed, overland flow path for runoff to overtop or bypass project conveyance routes for the post-development 100-year, 24-hour storm.</td>
</tr>
</tbody>
</table>
D04  Drainage Ditches

Normal ditch depth shall be 30 inches and according to the typical section shown in subsection A06. The ditch depth may be reduced at local high points of the ditch, provided the flow line offset is maintained and with DPW concurrence. Alternate ditch design along Residential and Residential Subcollector streets may be considered, if evidence is provided that the following conditions exist:
(a) Ditches are a minimum of 18” deep;
(b) The design peak flow required by Table D-1 is demonstrated to be conveyed within ditches with a minimum freeboard of 12 inches;
(c) Adequate drainage routes are provided and constructed within the ROW or designated drainage easements;
(d) Flow lines are established at least 8 feet from the edge of roadway.
(e) Ditches are deepened to provide cross drainage through 24” corrugated metal culverts (18” with DPW approval).
(f) Cross sectional area of ditch is at least 15 square feet.

D05  Culverts

D05.1  General Culvert Design Criteria

The following criteria apply to all cross road culverts for runoff or seasonal drainage:
(a) The minimum culvert slope is 0.5 percent.
(b) Culverts longer than 100 feet require appropriate maintenance access and DPW approval
(c) Cross road culverts shall have a minimum diameter of 18 inches.
(d) Culverts shall be sized to convey the design peak flow required by Table D 1, based on the larger of the two computed sizes using inlet control and outlet control.
(e) Culverts shall be corrugated metal pipe (CMP).
(f) Install culverts in accordance with the manufacturer’s recommendations for the anticipated traffic loads.

D05.2  Stream Crossing Culvert Criteria

The following criteria apply to all stream crossing culverts:
(a) Prior to preliminary plat submittal, contact the Alaska Department of Fish and Game (ADFG), Division of Habitat to determine if a stream reach harbors fish. If so, stream crossing culverts shall be designed, constructed, and maintained according to D06.
(b) Stream crossing culverts shall be placed as close to the pre-existing channel alignment as possible. Avoid placing culverts at pools and stream bends.
(c) Road alignment shall be as close to perpendicular to the stream channel as possible.
(d) Culvert slope shall be within 25 percent of the natural stream slope. For example, if the natural stream slope is 1.0 percent, the minimum design slope of the culvert would be 0.75 percent and the maximum design slope would be 1.25 percent.
(e) Culvert outlet and inlet protection shall be used as necessary to reduce the risk of scour and perching.

(f) Stream crossings shall be composed of a single pipe or arch for the main stream channel.

(g) Overflow culverts may be used but should be placed at a higher elevation so that flows up to the OHWM pass through the primary culvert.

(h) Stream crossings shall maintain the connectivity of wetlands adjacent to stream channels and shall accommodate sheet flow within such wetlands.

(i) Stream crossing culverts shall not interfere with the functioning of floodplains and shall be designed to convey the design peak flow required by Table D-1. If the stream crossing culvert is not designed to accommodate the 100-year flow, a route must be established to safely convey flows exceeding the design peak flow without causing damage to property, endangering human life or public health, or causing significant environmental damage.

(j) In cases of crossings within high entrenchment ratio environments, the ratio of the flood prone width to the OHWM width is greater than 2.2, floodplain overflow culverts may be beneficial to floodplain connectivity and can be used to pass the design flow. Minimum width requirements for the primary culvert still apply.

(k) Stream crossing culverts shall have a minimum diameter of three feet.

(l) Stream crossing culvert pipes and arches shall be metal.

(m) Culverts longer than 100 feet require appropriate maintenance access and DPW approval.

(n) Install culverts in accordance with the manufacturer’s recommendations for the anticipated traffic loads.

**D06 Fish Passage Culverts**

These criteria provide general design guidance for road crossings of fish-bearing streams to maintain the full hydrologic functioning of the water body they are crossing. Site-specific conditions, such as multi-thread channels, may require alternate design approaches.

**D06.1 Pre-design Conference**

Schedule a fish passage pre-design conference with DPW prior to permit submittals. The pre-design conference is to:

(a) determine required permits;

(b) coordinate interagency requirements;

(c) determine any site-specific design requirements; and

(d) establish a plan review process.

**D06.2 Stream Simulation Method**

Stream simulation methodologies shall be used for the design of all fish-bearing stream crossings. The stream simulation method uses reference data from a representative section, or reference reach, of the specific water body crossed. This method attempts to replicate the natural stream channel conditions found upstream and downstream of the crossing. Sediment transport, flood and debris conveyance, and fish passage are designed to function as they do in the natural channel.
Reference Reach

(a) Select a reference reach on the water body being crossed that is outside any anthropogenic influence, such as an existing culvert. In most cases of new crossings, the reference reach can be at the crossing location.

(b) The length of the reference reach should be a minimum of 20 times the reference bankfull width and no less than 200 feet.

(c) If there is not a suitable reference reach on the water body being crossed, a reference reach may be chosen from another water body with similar geomorphic and hydrologic characteristics. The reference reach characteristics should meet the following criteria in comparison to the water body being crossed:
   (1) The reference reach bankfull width should be at least one half and no more than two times that of the water body being crossed;
   (2) The reference reach bankfull discharge should be at least one half and no more than one and one half times the bankfull discharge of the water body being crossed; and
   (3) The stream order of the reference reach should be within one stream order of the water body being crossed.

(d) For a reference reach from another water body, the geomorphic characteristics of the crossing shall be scaled using ratios of the bankfull conditions.

(e) The reference reach bankfull dimensions should be determined in the field by surveying a detailed cross section at the upper 1/3 of a representative riffle.

(f) Reference data shall include, at a minimum:
   (1) channel width at the OHWM,
   (2) bankfull width,
   (3) bankfull cross-sectional area,
   (4) bankfull slope based on the longitudinal profile,
   (5) substrate, and
   (6) potential for floating debris.

Culvert Size, Slope, and Substrate

In addition to D05.2, the following criteria apply to fish passage culverts:

(a) Under normal flow conditions, the channel within or under the fish passage culvert shall not differ from the reference reach condition in regards to the channel width at the OHWM, cross-sectional area, slope, substrate, and ability to pass floating debris.

(b) The width of fish passage culverts shall not be less than the greater of 1.2 times the channel width at the OHWM and 1.0 times the bankfull width.

(c) Fish passage culverts shall have a minimum diameter of five feet.

(d) The use of smooth wall culverts is prohibited.

(e) The use of trash racks or debris interceptors is prohibited.

(f) Round culvert pipes shall have a minimum invert burial depth of 40 percent of the culvert diameter into the substrate. Arch or box culverts shall have a minimum invert burial depth of 20
percent of the culvert’s rise into the substrate, unless scour analysis shows less fill is acceptable. The minimum invert burial depth is 1 foot.

(g) The gradation of the substrate material within a fish passage culvert shall be designed to be a dense, well-graded mixture with adequate fines to ensure that the majority of the stream flows on the surface and the minimum water depth is maintained.

(h) Substrate material within or under the fish passage culvert shall remain dynamically stable at all flood discharges up to and including a 50-year flood. Dynamic stability means that substrate material mobilized at higher flows will be replaced by bed material from the natural channel upstream of the crossing. For crossings without an adequate upstream sediment supply, the substrate material within the crossing shall be designed to resist the predicted critical shear forces up to the 100-year flood. For culverts with a slope of 6 percent or greater, substrate retention sills may be required to allow the bed load to continuously recruit within the culvert.

(i) Substrate material within or under the fish passage culvert shall incorporate a low flow channel. The low flow channel should mimic the reference reach where possible. If the low flow channel dimensions are not discernable from the reference reach, the low flow channel should have a cross sectional area of 15 to 30 percent of the bankfull cross sectional area and a minimum depth of 4 inches for juvenile fish and 12 inches for adult fish. The low flow channel should be defined by rock features that will resist critical shear forces up to the 100-year flood.

(j) Constructed streambanks are recommended inside fish passage culverts to protect the culvert from abrasion, provide resting areas for fish, and provide for small mammal crossing. If streambanks are constructed through a crossing, the streambanks shall be constructed of rock substrate designed to be stable at the 100-year flood. The streambank width should be a minimum of 1.5 times the maximum sieve size of the streambed material (D100). The crossing width shall be increased to allow for the channel width plus the streambanks.

(k) If substrate retention sills are used, they shall have a maximum weir height of one half of the culvert invert burial depth. Substrate retention sills shall be spaced so that the maximum drop between weirs is 4 inches. The use of sills without substrate is not allowed.

(l) Other state and federal requirements may apply.

D06.3 Hydraulic Method

Hydraulically designed culverts are discouraged for fish-bearing stream crossings, though may be approved by DPW and ADFG in circumstances where stream simulation is not practical. In addition to D05.2, the following criteria apply to hydraulically designed culverts:

(a) The hydraulic method uses the swimming capability and migration timing of target design species and sizes of fish to create favorable hydraulic conditions throughout the culvert crossing. Information and design software for this methodology is available from ADFG, Division of Sport Fisheries (Fishpass) and the US Forest Service (FishXing).

(b) The design fish shall be a 55-milimeter (2.16-inch) juvenile coho salmon for anadromous streams and a 55-milimeter (2.16-inch) Dolly Varden char for non-anadromous streams. These criteria may change based on ongoing research by federal and state agencies.
(c) Fish passage high flow design discharge will not exceed the 5 percent annual exceedance flow or 0.4 times the 2-year peak flow, whichever is lower and has the most supporting hydrologic data.

(d) Fish passage low-flow design discharge shall ensure a minimum 6-inch water depth or natural low flow and depth within the reach the crossing occurs. In cases where local conditions preclude natural low flow characteristics, backwatering or in-culvert structures should be considered.

(e) In cases where flared end sections with aprons are necessary and fish passage is required, water depths and velocities that satisfy fish passage criteria must be demonstrated across the apron in addition to within the culvert.

(f) Fish passage criteria for culverts crossing tidally-influenced streams must be satisfied 90 percent of the time. Tidally-influenced streams may sometimes be impassable due to insufficient depth at low flow and low tide. If the tidal area immediately downstream of a culvert is impassable for fish at low tide, the exceedance criterion shall apply only to the time during which fish can swim to the culvert.

(g) Other state and federal requirements may apply.

D07 Rainfall Data

D07.1 Rainfall Distribution

The following IDF curves and hyetograph, derived from data measured at the Palmer airport, may be used for runoff calculations.

<table>
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<th>IDF Curve Equations</th>
</tr>
</thead>
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<tr>
<td>$I = I (\text{in/hr})$</td>
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<tr>
<td>$D = D (\text{hr})$</td>
</tr>
<tr>
<td>$100$-Year: $I = 0.615D^{-0.66}$</td>
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<td>$50$-Year: $I = 0.52D^{-0.62}$</td>
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<tr>
<td>$1$-Year: $I = 0.261D^{-0.57}$</td>
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</table>

![Figure D-1: Intensity-Duration-Frequency Relationships for the Matanuska-Susitna Borough](image)

Table D-2: Recurrence Interval Hyetographs (in/hr) for the Matanuska-Susitna Borough

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<th>Time (hr)</th>
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<th>2 Year</th>
<th>5 Year</th>
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Note: Total values of rainfall calculated by adding un-rounded average rainfall intensities for each time step.
Source: Palmer Municipal Airport, 1999 to 2008, Stantec – 2009
Section E. Easements

E01 General

E01.1 Common Access Easements
When a shared driveway is required for two or more lots, a common access easement shall be dedicated for the exclusive use of the subject lots, unless otherwise accommodated. The MSB is the permitting authority within common access easements. The common access easement shall be sized to reasonably accommodate separation of the shared driveway to the individual lots.

E01.2 Drainage Easements
Drainage easements are required where the ROW is not sufficient to accommodate drainage needs. Drainage easements can overlap with other platted easements and shall begin or terminate at the ROW. Drainage easements shall be a minimum width of 20 feet, and a minimum average length of 20 feet outside of any overlapping easements or of sufficient size and area shown to facilitate construction and maintenance.

E01.3 Slope Easements
Slope easements are required to contain all cut and fill slopes steeper than 2.5:1 that extend outside of the ROW, plus at least 5 feet outside the cut or fill catches.

E01.4 Sight Distance Maintenance Easements
Sight distance maintenance easements are required where intersection sight triangles extend outside of the ROW.

E01.5 Snow Storage Easements
Snow storage easements are required where the ROW is not sufficient to accommodate anticipated snow removal needs. Snow storage easements shall be located where the storage of snow would not impede sight distance.

E01.6 Utility Easements
Unless lots are otherwise served by alternate utility easements or agreements, at least one 15-foot utility easement adjacent to the ROW is required to allow for utility installation and maintenance. Additional utility easements may be required as deemed reasonably necessary by utility companies to serve the subdivision or protect existing facilities. The applicant is responsible for satisfying any conflicts that may occur in the request for easements from any utility company during the platting process.

Platted utility easements are to be clear of wells, septic systems, structures, or encroachments, as defined by MSB or other applicable code; unless the applicant has obtained an encroachment permit from the MSB and a "Non-Objection to Easement Encroachment" from each utility.
Utility easements are to be fully useable for utility installation where installation equipment can safely work. Whenever possible, utility easements should not be placed in swamps, steep slopes, or other unusable areas.
Section F. Development Implementation

F01 General

This section describes the procedure that is to be followed before constructing any improvements required for recording a subdivision plat. The applicant’s engineer shall be the primary point of contact throughout this process.

It is the applicant’s responsibility to determine, acquire, and follow permits required by other agencies. Approval from MSB does not supersede other agencies’ permit requirements.

F01.1 Preliminary Plat Submittal

The preliminary plat submittal is to be accompanied by:

(a) ADT calculations per A15;
(b) Preliminary drainage plan per D02.1;
(c) Road plan and profile for sections of road where proposed grades exceed 6 percent where cuts and fills exceed 5 feet in height measured from the centerline, or where slope easements will be required, and cross sections at the maximum cut and fill sections. Road plan and profile shall include the vertical curves or grade breaks on either side of the subject sections;
(d) Road plan, profile, and cross-sections if required by B03.3; and
(e) Intersection sight distance evaluation, if requested, according to A09.1.

F01.2 Construction Plans

Submit construction plans to DPW at least seven calendar days before the preconstruction conference. All plan drawing submittals shall be at a scale of 1 inch = 50 feet or more detailed, plottable on 11” by 17” paper. Construction plans shall include the following:

(a) Drainage Report, according to D02.2;
(b) Plan & Profile of proposed roads (if required by F01.1);
   (1) Existing topography with horizontal and vertical accuracy meeting US National Map Accuracy standards, two-foot contour intervals within the proposed road corridors.
(c) Asbuilt survey of visible improvements and above ground utilities within and adjacent to the subdivision;
(d) Copy of agency accepted permit applications required for the improvements prior to construction, including but not limited to ADOT&PF Approach Road Permit, DNR Section Line Easement authorization, MSB Flood Hazard Development permit, and USACE wetland fill permit; and
(e) Plans for any proposed improvements within the ROW that are outside of the scope of this manual (e.g. retaining walls or guard rail) or do not conform to the standards set forth herein, conforming to ADOT&PF design criteria and standards.
F01.3 Preconstruction Conference

The preconstruction conference is for the purpose of reviewing and approving the Subdivision Construction Plan for the required improvements. The engineer may request scheduling of a preconstruction conference with DPW after the preliminary plat has been approved by the Platting Board, the Notification of Action (NOA) has been received, and the construction plans have been submitted. Scheduling of preconstruction conference requests may be delayed during the month of October. The applicant, or designated representative, and the engineer must attend the preconstruction conference. In addition to the construction plans, the following items will be provided at or prior to the preconstruction conference:

(a) Cost estimate of required improvements for the determination of the inspection fee according to the most recently adopted Schedule of Rates and Fees;
(b) Proof of compliance with the Alaska Pollutant Discharge Elimination System Program;
   (1) Acceptable proof includes a Notice of Intent (NOI), a Low Erosivity Waiver (LEW), or a determination by a qualified person that neither is needed.
(c) Rough plan and time line for construction;
(d) Copy of any issued permits required for the improvements prior to construction;
(e) Off-site material source and quantities; and
(f) On-site clearing, grubbing, and topsoil disposal plan, location map.

The Subdivision Construction Plan must be signed by the applicant, or designated representative, and the engineer. Upon acceptance of the Subdivision Construction Plan by DPW and payment of the inspection fee, the Platting Division will issue a Notice to Proceed (NTP). See Appendix B for an example of the Subdivision Construction Plan.

Some construction plans or permit approvals may take longer to develop or obtain, such as fish passage culvert plans and associated permits. Those finalized plans and issued permits may be submitted later but must be received and reviewed by DPW before construction begins within the respective areas.

F01.4 Interim Inspections

The applicant’s engineer shall supervise all phases of construction. Notify DPW of changes to the Subdivision Construction Plan, such as adding or deleting a cross culvert, changes in culvert size, adding or deleting a drainage facility, grade changes of more than 1 percent or that would result in grades of over 6 percent or cuts or fills of over 5 feet in height measured from the centerline, or changes to foreslopes or backslopes. The changes should be approved by DPW prior to completion of construction. Periodic interim inspections may be conducted by DPW. Interim inspections may be requested by the engineer.

F01.5 Pre-Final Inspection

When the engineer has determined that construction of the improvements will be substantially complete according to the Subdivision Construction Plan, the engineer will request a Pre-Final inspection. The Pre-Final Inspection request must be received by September 30th and shall include a
description of work yet to be completed. The Pre-Final Inspection will be scheduled to occur within 14 calendar days of the request and shall be attended by the engineer and DPW. A punch list will be developed, if any work items remain, at the Pre-Final Inspection.

F01.6 Final Inspection

When construction of the improvements and punch list items are complete according to the Subdivision Construction Plan, the engineer will request a Final Inspection of the improvements. The Final Inspection request must be received by October 15th. Final Inspections will cease October 31st, or when winter conditions prohibit inspection, whichever comes first. The Final Inspection will be scheduled to occur within 14 calendar days of the request and shall be attended by the engineer and DPW.

F01.7 Final Report

Upon DPW approval of the Final Inspection, the engineer shall submit a written Final Report to the Plating Division. The Final Report shall include:

(a) Stamped and signed narrative describing at a minimum:
   (1) road construction process and equipment used,
   (2) material source and disposal areas,
   (3) road embankment and subbase used,
   (4) road topping or pavement used,
   (5) compactive effort,
   (6) road dimensions and shaping (length, roadway width, material thicknesses, pavement width, crown, cul-de-sac or t-turnaround dimensions and slope, foreslope, backslope, maximum centerline grade, etc.) for each road constructed,
   (7) drainage, ditch depth, location of drainage easements, and
   (8) road standard certification (Pioneer Road, Residential Street, etc.) for each road constructed;

(b) Stamped and signed final drainage plan, (minimum 11”x17”);

(c) As-built drawing showing the horizontal locations of borrow extraction along the road corridor;

(d) Compaction test reports;

(e) Gradation tests, if required; and

(f) Photos of each stage of construction.

DPW will review the report and provide comments, if necessary, within 14 calendar days.

F01.8 Construction Acceptance

Upon approval of the Final Report, DPW will issue a Certificate of Construction Acceptance.

F01.9 Warranty

All improvements are to be guaranteed until October 31st of the calendar year following issuance of the Certificate of Construction Acceptance. Roads within a Road Service Area may be accepted for
maintenance at the end of the warranty. Pioneer Roads are not eligible for maintenance. Maintenance of Mountain Access Roads is at the discretion of DPW.

During the warranty period, the applicant is responsible for any road maintenance including, but not limited to: snow removal, maintaining a smooth road surface and crown, maintaining stabilized foreslopes and backslopes, and maintaining positive drainage. If any deficiencies arise during the warranty, DPW will issue a punch list to the applicant by September 1st to allow time for completion of repairs. The applicant must notify DPW of completion of repairs by October 15th for the roads to be eligible for maintenance on November 1st.

The warranty period for improvements following completion of a subdivision agreement may be lessened to one calendar year. The applicant shall request a punch list from DPW no more than one month before the end of the one-year warranty.

If the subdivision plat has not recorded within 6 months of the date of the Certificate of Construction Acceptance or if warranty repairs are not completed by October 15th, the warranty will be extended an additional year and the warranty process will be repeated.

Maintenance may be denied and the Certificate of Construction Acceptance revoked if deficiencies are not corrected to the satisfaction of DPW. A notice may be recorded indicating to the public that the MSB is not responsible for road upkeep and maintenance until such a time that the deficiencies are corrected.
Section G. Commercial and Industrial Subdivisions

G01 General

Commercial and Industrial subdivisions shall be designed using trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, and to meet the standards of AASHTO, International Fire Code (IFC), and any other applicable standards or code.
Section H. Utilities

H01 General

These standards apply to the design and construction of utility facilities within the MSB. All utility installation within existing or proposed ROW or utility easements must comply with the provisions of MSB or other applicable code, or as otherwise approved by the permitting authority.

H02 Utility Location Guidelines

H02.1 Underground Utility Facilities:

(a) The location of utility facilities placed within the ROW shall be coordinated with the permitting authority.

(b) Backslopes or foreslopes which extend into a utility easement should not exceed 4:1. These limits are necessary for construction equipment for utility installation.

(c) Utility facilities paralleling the road shall not be located within 10 feet of the roadway, unless otherwise approved by the permitting authority.

(d) Underground road crossings shall be buried a minimum of 48 inches below finished grade. Backfill shall be compacted according to the requirements of Section C, or as otherwise approved by the permitting authority.

(e) Conduit road crossings, if used, shall be installed in accordance with each utility company's standards and applicable code.

(f) Standard burial depth of longitudinal utilities is 36 inches below grade. The applicant should delineate areas, such as where driveways and drainage easements are planned, where deeper burial may be needed.

H02.2 Above Ground Utility Facilities:

(a) Above ground pedestals, poles, and utility facilities shall not be located within 10 feet of the roadway, unless an alternate design meets clear zone requirements.

(b) Above ground pedestals, poles, and utility facilities shall not be located within intersection sight triangles.

(c) Unless otherwise authorized by the permitting authority, above ground pedestals, poles, and utility facilities shall not be located within the ROW nearer than 40 feet from the point of intersection of the extension of the property lines at any existing or proposed intersection on Residential Collector streets or higher classification.

(d) Above ground pedestals, poles, and utility facilities shall not be located within a common access easement or drainage easement, within 20 feet of a common access point, or within 10 feet of a roadway cross culvert.

(e) Permanent 5-foot high snow marker poles, grey with white retroreflective sheeting or yellow, shall be installed on all pedestals and vaults.

(f) All guy wires installed within the ROW or utility easements adjacent to, or near to a roadway shall have a minimum 8-foot long yellow delineator installed above the anchor.
(g) Pedestals located within the ROW shall be located within the outer 1 foot of the ROW.

H02.3 Separation of Utilities:

(a) Recommend 5-foot horizontal separation between power poles and buried utilities.
(b) Recommend minimum 1-foot physical separation between all underground utilities.
(c) Separation of storm, sewer, and water utilities shall meet the requirements of the Alaska Department of Environmental Conservation.
References


Appendix A

MSB Special Provision to the ADOT&PFP Standard Specifications for Highway Construction
SECTION 401
HOT MIX ASPHALT PAVEMENT

Special Provision

Replace Section 401 with the following:

401-1.01 DESCRIPTION. Construct one or more courses of plant-produced Hot Mix Asphalt (HMA) pavement on an approved surface, to the lines, grades, and depths described in the scope of work and shown on the maps at each location.

MATERIALS

401-2.01 ASPHALT BINDER. Conform to Subsection 702-2.01. If binder performance grade is not specified, use PG 52-28. Asphalt binder may be conditionally accepted at the source if a manufacturer's certification of compliance is provided, according to Subsection 106-1.05, and the applicable requirements of Section 702 are met.

401-2.02 LIQUID ANTI-STRIP ADDITIVE. Use anti-strip agents in the proportions determined by ATM 414 and included in the approved Job Mix Design (JMD). At least 70 percent of the aggregate must remain coated when tested according to ATM 414. A minimum of 0.30 percent by weight of asphalt binder is required.

401-2.03 JOINT ADHESIVE. Conform to Subsection 702-2.05.

401-2.04 JOINT SEALANT. Conform to Subsection 702-2.06.

401-2.05 WARM MIX ASPHALT. Conform to Subsection 702-2.07.

401-2.06 ASPHALT RELEASE AGENT. Conform to Subsection 702-2.08.

401-2.07 AGGREGATES. Conform to Subsection 703-2.04. Use a minimum of three stockpiles of crushed aggregate (coarse, intermediate, and fine). Place blend material, if any, in a fourth pile.

401-2.08 RECYCLED ASPHALT PAVEMENT. Recycled asphalt pavement (RAP) may be used in the production of HMA. The RAP may be from pavements removed under the Contract, or from an existing stockpile. Conform to Subsection 703-2.16

401-2.09 JOB MIX DESIGN. Provide target values for gradation that satisfy both the broad band gradation limits shown in Table 703-4 and the requirements of Table 401-1, for Type II, Class B HMA.
TABLE 401-1

HMA MARSHALL DESIGN REQUIREMENTS

<table>
<thead>
<tr>
<th>DESIGN PARAMETER</th>
<th>CLASS “B”</th>
</tr>
</thead>
<tbody>
<tr>
<td>HMA (including Asphalt Binder)</td>
<td></td>
</tr>
<tr>
<td>Stability, Pounds</td>
<td>1200 Min</td>
</tr>
<tr>
<td>Flow, 0.01 Inch</td>
<td>8 – 16</td>
</tr>
<tr>
<td>Voids in Total Mix (VTM), %</td>
<td>3.0 – 5.0</td>
</tr>
<tr>
<td>Compaction, Number of Blows Each Side of</td>
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</tr>
<tr>
<td>Test Specimen</td>
<td>50</td>
</tr>
<tr>
<td>Asphalt Binder</td>
<td></td>
</tr>
<tr>
<td>Voids Filled with Asphalt (VFA), %</td>
<td>65 – 78</td>
</tr>
<tr>
<td>Asphalt Content, Min %</td>
<td>5.0</td>
</tr>
<tr>
<td>Dust-Asphalt Ratio*</td>
<td>0.6 – 1.4</td>
</tr>
<tr>
<td>Voids in Mineral Aggregate (VMA), %, Min</td>
<td>12.0</td>
</tr>
<tr>
<td>Liquid Anti-Strip Additive**, %, Min</td>
<td>0.30</td>
</tr>
<tr>
<td>RAP, %, Max</td>
<td>25.0</td>
</tr>
</tbody>
</table>

*Dust-Asphalt ratio is the percent of material passing the No. 200 sieve divided by the percent of effective asphalt binder (calculated by weight).

**By Weight of Asphalt Binder

The Contractor shall provide a JMD following the requirements specified in this section. Submit the JMD to the Engineer at least two working days prior to the pre-paving meeting. Submit samples to the Engineer upon request for JMD verification testing.

All Contractor-furnished JMDs must be sealed by a Professional Engineer registered in the State of Alaska. The Professional Engineer shall certify that the JMD was performed according to the specified procedures, and meets all project specifications.

Changes in the source of asphalt binder, source of aggregates, aggregate quality, aggregate gradation, or blend ratio shall dictate that the Contractor submit a new JMD for approval.

CONSTRUCTION REQUIREMENTS

401-3.01 PRE-PAVING MEETING. Meet with the Engineer for a pre-paving meeting in the presence of project superintendent and paving supervisor at least five (5) working days before beginning paving operations. Submit a paving plan and pavement inspection plan at the meeting. When directed by the Engineer, make adjustments to the plan and resubmit.

Include the following elements in the paving plan and address these elements at the meeting:

a. Sequence of operations
b. List of equipment that will be used for production, transport, pick-up (if applicable), laydown, and compaction
c. Procedures to produce consistent HMA
d. Procedures to minimize material and thermal segregation
e. Procedures to minimize premature cooling
f. Procedures to achieve HMA density
g. Procedures for joint construction including corrective action for joints that do not meet surface tolerance requirements
h. Quality control testing methods, frequencies, and sample locations for gradation, asphalt binder content, and density, and
i. Any other information or procedures necessary to provide completed HMA construction that meets the contract requirements.

Include the following elements in the pavement inspection plan and address these elements at the meeting:

a. Process for daily inspection, and
b. Means and methods to remove and dispose of project materials.

401-3.02 CONTRACTOR QUALITY CONTROL. Perform quality control (QC) of HMA materials in accordance with Subsection 106-1.03. The Contractor shall employ a qualified person or company to perform process control testing.

401-3.03 WEATHER LIMITATIONS. Place HMA on a stable and non-yielding roadbed. Do not place HMA when the base material is wet or frozen, or when weather conditions prevent proper handling or finishing of the mix. Do not place HMA leveling course when the roadway surface temperature is colder than 40° F.

401-3.04 EQUIPMENT, GENERAL. Use equipment in good working order and free of HMA buildup. Make all equipment available for inspection and demonstration of operation a minimum of 24 hours before placement of HMA and test strip HMA.

401-3.05 ASPHALT MIXING PLANT. Meet AASHTO M 156. Use an HMA plant capable of producing at least 100 tons of HMA per hour noted on posted DEC air quality permit, designed to dry aggregates, maintain consistent and accurate temperature control, and accurately proportion asphalt binder and aggregates. Calibrate the HMA plant and furnish copies of the calibration data to the Engineer at least 24 hours before HMA production.

Provide a scalping screen at the asphalt plant to prevent oversize material or debris from being incorporated into the HMA.

Provide a tap on the asphalt binder supply line just before it enters the plant (after the 3-way valve) for sampling asphalt binder. Provide aggregate and asphalt binder sampling locations meeting OSHA safety requirements.

Belt conveyor scales may be used to proportion plant blends and mixtures if the scales meet the general requirements for weighing equipment and are calibrated according to the manufacturer’s instructions.

401-3.06 HAULING EQUIPMENT. Haul HMA in trucks with tight, clean, smooth metal beds. Keep beds free of petroleum oils, solvents, or other materials that would adversely affect the mixture. Apply a thin coat of approved asphalt release agent to beds as necessary to prevent mixture adherence. Provide
trucks with covers attached and available for use. When directed by the Engineer, cover the HMA in the hauling vehicle(s).

Do not haul HMA on barges.

401-3.07 ASPHALT PAVERS. Use self-propelled asphalt pavers with heated vibratory screed assemblies to spread and finish HMA to the specified section widths and thicknesses without introducing thermal or material segregation.

Equip the paver with a receiving hopper having sufficient capacity for a uniform spreading operation and a distribution system to place the HMA uniformly in front of screed. Use a screed assembly that produces a finished surface of the required smoothness, thickness, and texture without tearing, shoving, or displacing the HMA. Heat and vibrate screed extensions. Place auger extensions within 20 inches of the screed extensions or per written manufacturer's recommendations.

Equip the paver with a means of preventing segregation of the coarse aggregate particles from the remainder of the HMA when carried from the paver hopper back to the augers.

The use of a “Layton Box” or equivalent towed paver is allowed on bike paths, sidewalks, and driveways.

401-3.08 ROLLERS. Use both steel-wheel (static or vibratory) and pneumatic-tire rollers. Use rollers designed to compact HMA and capable of reversing without shoving or tearing the mixture. Select rollers that will not crush the aggregate or displace the HMA. Equip vibratory rollers with separate vibration and propulsion controls.

Equip the rollers with an infrared thermometer that measures and displays the surface temperature to the operator. Infrared thermometer may be hand-held or fixed to the roller.

Utilize a pneumatic roller in the complement of rollers to compact the leveling course. Use fully skirted pneumatic-tire roller having a minimum operating weight of 3000 pounds per tire.

401-3.09 RESERVED.

401-3.10 PREPARATION OF EXISTING SURFACE. Prepare existing surfaces according to the Contract. Prior to placing HMA, clean existing surfaces of loose material and uniformly coat contact surfaces of curbing, gutters, manholes and other structures with tack coat material meeting Section 402. Treat cold joint surfaces according to 401-3.17. Allow tack coat to break before placement of HMA on these surfaces.

Cut existing pavement, as designated by the Engineer, in a neat line with a power driven saw to provide a clean, straight joint. A thin tack coat of asphalt binder shall be sprayed on all cold joints prior to placing any fresh HMA against the joint. Cutting and removing the asphalt and tack coat is subsidiary to 401(1) item.

Before applying tack coat to an existing paved surface, clean and patch the surface. Remove irregularities to provide a reasonably smooth and uniform surface. Remove and replace unstable areas with HMA. Clean the edges of existing pavements, which are to be adjacent to new pavement, to permit
the adhesion of asphalt materials. Clean loose material from cracks. Fill the cleaned cracks, wider than 1 inch, with HMA tamped in place. Wash, sweep, or wash and sweep the paved surface clean and free of loose materials.

Preparation of a milled surface:

1. Prelevel remaining ruts, pavement delaminations, and depressions having a depth greater than 1/2 inch with an approved HMA.
2. Notify the Engineer of pavement areas that appear thin or unstable. Where milling operation creates thin or unstable pavement areas, or where it breaks through existing pavement, remove thin and unstable pavement, and 2 inches of existing base material, compact and replace with an approved HMA.

401-3.11 PREPARATION OF ASPHALT. Provide a continuous supply of asphalt binder to the asphalt mixing plant at a uniform temperature, within the recommended mixing temperature range.

401-3.12 PREPARATION OF AGGREGATES. Dry the aggregate so the moisture content of the HMA, sampled at the point of acceptance for asphalt binder content, does not exceed 0.5 percent (by total weight of mix), as determined by ATM 407.

Heat the aggregate for the HMA to a temperature compatible with the mix requirements specified.

Adjust the burner on the dryer to avoid damage to the aggregate and to prevent the presence of unburned fuel on the aggregate. HMA containing soot or fuel is unacceptable per Subsection 105-1.11.

401-3.13 MIXING. Combine the aggregate, asphalt binder, and additives in the mixer in the amounts required by the JMD. Mix to obtain at least 98 percent coated particles when tested according to AASHTO T195.

For batch plants, put the dry aggregate in motion before addition of asphalt binder.

Mix the HMA within the temperature range determined by the JMD.

Upon the Engineer’s request, provide daily burner charts showing start and stop times and temperatures.

401-3.14 TEMPORARY STORAGE OF HMA. Silo type storage bins may be used, provided the characteristics of the HMA remain unaltered.

Signs of visible segregation, heat loss, changes from the JMD, change in the characteristics of asphalt binder, lumpiness, and stiffness of the mixture, are causes for rejection.

Do not store HMA on barges.

401-3.15 PLACING AND SPREADING. Use asphalt pavers to distribute HMA, including leveling course and temporary HMA. Place the HMA upon the approved surface, spread, strike off, and adjust surface irregularities. The maximum compacted lift thickness allowed is 3 inches.
When multiple lifts are specified in the Contract, do not place the final lift until all lower lifts throughout that section, are placed and accepted.

Do not place HMA abutting curb and gutter until curb and gutter are installed, except as approved by the Engineer.

Do not pave against new Portland cement concrete curbing until it has cured for at least 72 hours.

When practicable, adjust elevation of metal fixtures before paving the final lift, so they will be between 1/4 and 1/2 inch below the top surface of the final lift. Metal fixtures include, but are not limited to manholes, valve boxes, monument cases, hand holes, and drains.

When the section of roadway being paved is open to traffic, pave adjacent traffic lanes to the same elevation within 24 hours. Place approved material against the outside pavement edge when the drop off exceeds 2 inches.

Use hand tools to spread, rake, and lute the HMA in areas where irregularities or unavoidable obstacles make mechanical spreading and finishing equipment impracticable.

Place HMA over bridge deck membranes according to Section 508 and the membrane manufacturer’s recommendations.

Do not mix HMA produced from different plants for testing or paving.

401-3.16 COMPACITION. Thoroughly and uniformly, compact the HMA by rolling. In areas not accessible to large rollers, compact with mechanical tampers or trench rollers. Compact HMA immediately after it is placed and spread, and as soon as it can be compacted without undue displacement, cracking or shoving. Perform initial breakdown compaction while the HMA surface mixture temperature is greater than 235° F and finish compaction before the surface temperature reaches 150° F.

Prevent indentation in the mat, do not leave rollers or other equipment standing on HMA that has not sufficiently cooled.

The Lower Specification Limit for density is 92.0 percent of the Maximum Specific Gravity (MSG) as determined by ATM 409. The MSG from the approved JMD is used for the first lot of each type of HMA. The MSG for additional lots is determined from the first sublot of each lot.

401-3.17 JOINTS. Place and compact the HMA to provide a continuous bond, texture, and smoothness between adjacent sections of the HMA.

Minimize the number of joints. Do not construct longitudinal joints in the driving lanes unless approved by the Engineer in writing at the pre-paving meeting. Offset the longitudinal joints in one layer from the joint in the layer immediately below by at least 6 inches. Align the joints of the top layer at the centerline or lane lines. Where preformed marking tape striping is required, offset the longitudinal joint in the top layer not more than 6 inches from the edge of the stripe.
Form transverse joints by saw-cutting back on the previous run to expose the full depth of the course or by using a removable bulkhead. Skew transverse joints 15 to 25 degrees.

For all joints below the top lift, uniformly coat joint surfaces with tack coat material meeting Section 402.

Uniformly coat the joint face of all top lift joints with a joint adhesive. Follow joint adhesive manufacturer’s recommendations for temperatures and application method. Remove joint adhesive applied to the top of pavement surface. If infrared joint heaters are used and passing joint densities are achieved in each of the first three joint densities taken, then joint adhesive is not required.

The Lower Specification Limit for top lift longitudinal joint density is 91.0 percent of the MSG of the panel completing the joint. MSG will be determined according to ATM 409. Top lift longitudinal joints will be evaluated for acceptance according to Subsection 401-4.03.

For top lift panels that have a longitudinal joint density less than 91.0 percent of the MSG, seal the surface of the longitudinal joints with joint sealant. Apply joint sealant according to the manufacturer’s recommendations while the HMA is clean, free of moisture and prior to final traffic marking. Place the sealant at a maximum application rate of 0.15 gallons per square yard, and at least 12 inches wide centered on the longitudinal joint. After surface sealing, inlay by grinding pavement striping into the sealed HMA. Use grooving equipment that grinds a dry cut to groove the width, length, and thickness of the striping within the specified striping tolerances.

Correct improperly formed joints that result in surface irregularities according to a corrective action plan.

Complete all hot lapped joints while the mat temperature is over 230°F as measured by the Engineer, within 3 inches of the joint. Tack coat and joint adhesive are not required for hot lapped joints.

401-3.18 SURFACE REQUIREMENTS AND TOLERANCE. The finished surface of all HMA paving must match dimensions shown in the Contract for horizontal alignment and width, profile grade and elevation, crown slope, and pavement thickness. Water must drain across the pavement surface without ponding. The surface must have a uniform texture, without ridges, puddles, humps, depressions, and roller marks. The surface must not exhibit raveling, cracking, tearing, asphalt bleeding, or aggregate segregation. Leave no foreign material, uncoated aggregate, or oversize aggregate on the HMA surface.

The Engineer will test the finished surface after final rolling at selected locations using a 10-foot straightedge. The Engineer will identify pavement areas that deviate more than 3/16 inch from the straightedge, including joints, as defective work. Perform corrective work by removing and replacing, grinding, cold milling or infrared heating such areas as required. Do not surface patch. After the Contractor performs corrective work, the Engineer will retest the area. Submit correction methods to the Engineer for approval before correction work commences.

Perform corrective actions according to one of the following or by a method approved by the Engineer:

1. Diamond Grinding. If the required pavement thickness is not decreased by more than 1/4 inch, grind to the required surface tolerance and cross section. Remove and dispose of all waste
materials. Apply joint sealant and sand to exposed aggregates per the manufacturer’s recommendations.

2. **Overlaying.** Mill or sawcut the existing pavement to provide a vertical transverse joint face to match the overlay to the existing pavement. Apply tack coat on the milled surface and joint adhesive to all vertical joints and overlay the full width of the underlying pavement surface. Use the same approved HMA for overlays. Place a minimum overlay thickness of 2.0 inches.

3. **Mill and Fill.** Mill the existing pavement to provide a vertical transverse joint face. Apply tack coat to the milled surface and joint adhesive to all vertical joints prior to inlaying new HMA to match the existing pavement. Use the same approved HMA. Place a minimum thickness of 2.0 inches.

**401-3.19 REPAIRING DEFECTIVE AREAS.** Remove HMA that is contaminated with foreign material, is segregated (determined visually or by testing), flushing, or bleeding asphalt. Remove and dispose defective HMA for the full thickness of the course. Cut the pavement so that edges are vertical and the sides are parallel to the direction of traffic. Coat edges with a tack coat according to Section 402. Place and compact fresh HMA so that compaction, grade, and smoothness requirements are met.

**401-3.20 ROADWAY MAINTENANCE.** Inspect daily according to pavement inspection plan. Remove and dispose of project materials incorrectly deposited on existing and new pavement surfaces inside and outside the project area including haul routes.

The Contractor is responsible for damage caused by not removing these materials and any damage to the roadway from the removal method(s).

Repair damage to the existing roadway that results from fugitive materials or their removal.

**401-3.21 TEMPERATURE REQUIREMENTS.** The Engineer may reject HMA that is mixed, hauled, spread and placed, or compacted at a temperature outside the temperature range determined by either the JMD, by a control test strip, or by the Specifications. Rejected HMA is deemed unacceptable according to Subsection 105-1.11. The Engineer will determine whether the unacceptable HMA shall either be corrected, or removed and replaced.

At the Engineer’s discretion, the Contractor may be allowed to compact HMA that is already placed and spread but is outside the temperature range. If the compacted HMA fails the Engineer’s tests for acceptance, it must be removed and replaced according to Subsection 105-1.11.

**401-3.22 SHOULDERS.** After the paving is complete, if the Engineer determines that the shoulder is too narrow, additional gravel, D-1 material, or both shall be brought in to widen the shoulder. The pavement shall be washed, swept, or both immediately following shoulder work. The haul, placement, and sweeping will be subsidiary to 301(1) item.

All pavement edges shall be backed with base course (D-1), surface course (E-1), or processed material graded flush with the pavement surface. This work shall be accomplished as directed by the Engineer after it is determined that the new HMA has cured sufficiently to avoid damaging the edge. Cul-de-sacs and other areas where a grader cannot reach shall be backed by hand raking. The pavement shall be washed, swept, or both immediately following this work. This work will be subsidiary to 401(1) item.
401-4.01 METHOD OF MEASUREMENT. Section 109 and the following:

1. **Hot Mix Asphalt.** HMA will be measured by the ton in accordance with Section 109, Measurement and Payment. HMA quantities on the bid form include a 10% contingency. Contractor will be required to monitor depth (yield) and waste to not exceed the 10% contingency. Contractor will not be compensated over the HMA amount listed on the bid form unless work is added by a field directive and issued by the Engineer. Asphalt binder, tack coat, and anti-stripping additive will not be measured separately for payment, but are included in the HMA pay item.

2. **Leveling Course.** By Lane-Station (12-foot width) or by weight. Asphalt binder, tack coat, and anti-stripping additive will not be measured separately for payment, but are included in the Leveling Course pay item.

401-4.02 ACCEPTANCE SAMPLING AND TESTING. HMA will be accepted for payment based on the Engineer’s approval of the JMD, and placement and compaction of the HMA to the specified depth, finished surface requirements and tolerances. The Engineer reserves the right to perform any testing required in order to determine acceptance.

Sampling and testing include the following:

1. **Asphalt Binder Content.** HMA samples shall be taken randomly by the Contractor in the presence of the Engineer from behind the paver screed before initial compaction, or will be taken randomly by the Engineer from the windrow, according to ATM 402 or ATM 403, at the discretion of the Engineer. The location (behind the paver screed or windrow) will be determined at the pre-paving meeting. Random sampling locations will be determined by the Engineer.

   Two separate samples will be taken, one for acceptance testing and one held in reserve for retesting if requested. Asphalt binder content will be determined according to ATM 405 or ATM 406, at the discretion of the Engineer.

2. **Aggregate Gradation.** Aggregates tested for gradation acceptance will have the full tolerances from Table 401-2 applied.
   
   a. **Drum Mix Plants.** Samples will be taken from the combined aggregate cold feed conveyor via a diverter device, from the stopped conveyor belt or from the same location as samples for determination of asphalt binder content, at the discretion of the Engineer. Two separate samples will be taken, one for acceptance testing and one held in reserve for retesting if requested. The aggregate gradation for samples from the conveyor system will be determined according to ATM 304. For HMA samples, the gradation will be determined according to ATM 408 from the aggregate remaining after the ignition oven (ATM 406) has burned off the asphalt binder. Locate diverter devices for obtaining aggregate samples from drum mix plants on the conveyor system delivering combined aggregates into the drum. Divert aggregate from the full width of the conveyor system and maintain the diverter device to provide a representative sample of aggregate incorporated into the HMA.
b. **Batch Plants.** Samples will be taken from dry batched aggregates according to ATM 301 or from the same location as samples for determination of asphalt binder content, at the discretion of the Engineer. Two separate samples will be taken, one for acceptance testing and one held in reserve for retesting if requested. The aggregate gradation for dry batch samples will be determined according to ATM 304. For HMA samples, the gradation will be determined according to ATM 408 from the aggregate remaining after the ignition oven (ATM 406) has burned off the asphalt binder.

3. **Density.** The Engineer will determine and mark the location(s) where the Contractor takes each core sample.

   a. **Mat Cores.** The location(s) for taking core samples is determined using a set of random numbers (independent of asphalt binder and aggregate sampling set of random numbers) and the Engineer’s judgment. Take no mat cores within 1 foot of a joint or edge. Core samples are not taken on bridge decks.

   b. **Longitudinal Joint Cores.** The Engineer will mark the location(s) to take the core sample, centered on the visible surface joint, and adjacent to the mat core sample taken in the panel completing the joint.

      Take core samples according to ATM 413 in the presence of the Engineer. Cut full depth core samples, centered on the marks and as noted above, from the finished HMA within 24 hours after final rolling. Neatly core drill one six-inch diameter sample at each marked location. Use a core extractor to remove the core - do not damage the core. The Engineer will immediately take possession of the samples. Backfill and compact voids left by coring with new HMA within 24 hours. The Engineer will determine density of samples according to ATM 410.

4. **Retest.** When test results have failed to meet specifications, retest of acceptance test results for asphalt binder content, gradation, and density may be requested provided the quality control requirements of Subsection 401-3.02 are met. Deliver this request in writing to the Engineer within 7 days of receipt of the final test of the lot. The Engineer will mark the sample location for the density retest within a 2-foot radius of the original core. The original test results are discarded and the retest result is used. Only one retest per sample is allowed. When gradation and asphalt binder content are determined from the same sample, a request for a retest of either gradation or asphalt binder content results in a retest of both.

5. **Asphalt Binder Grade.** The lot size for asphalt binder is 200 tons. If a project has more than one lot and the remaining asphalt binder quantity is less than 150 tons, it is added to the previous lot and that total quantity will be evaluated as one lot. If the remaining asphalt binder quantity is 150 tons or greater, it is sampled, tested and evaluated as a separate lot.

   If the bid quantity of asphalt binder is between 85 – 200 tons, the bid quantity is considered as one lot and sampled, tested, and evaluated according to this subsection. Quantities of asphalt binder less than 85 tons will be accepted based on manufacturer’s certified test reports and certification of compliance.

Sample asphalt binder at the plant from the supply line in the presence of the Engineer
according to ATM 401. The Engineer will take immediate possession of the samples. Take three samples from each lot, one for acceptance testing, one for Contractor requested retesting, and one held in reserve for referee testing if requested. Meet Subsection 702 requirements for asphalt binder quality.

6. **Asphalt Binder Grade Retest.** Retest of acceptance test results may be requested provided the quality control requirements of Subsection 401-3.02 are met. Deliver the request in writing to the Engineer within 7 days of receipt of notice of failing test. The original results are discarded and the restest result is used for acceptance. Only one retest per sample is allowed.

If the contractor challenges the result of the retest, the referee sample held by the Engineer will be sent to a mutually agreed upon independent AASHTO accredited laboratory for testing. The original acceptance test result, the retest acceptance test result, and the referee sample test result will be evaluated according to ASTM D3244 to obtain an Assigned Test Value (ATV). The ATV will be used to determine if the asphalt binder conforms to the contract. The Contractor shall pay for the referee sample test if the ATV confirms the asphalt binder does not meet contract requirements.
Appendix B

Subdivision Construction Plan
SUBDIVISION CONSTRUCTION PLAN

Subdivision Name ________________________________
Platting Case File # __________________________
RSA # ______________________________

Developer/Petitioner ________________________________
Phone # __________________________ email __________________________

Engineer ________________________________
Phone # __________________________ email __________________________

Surveyor ________________________________
Phone # __________________________ email __________________________

Contractor ________________________________
Phone # __________________________ email __________________________

Required Submittals
☐ Cost Estimate
☐ Drainage Plan
☐ SWPPP (if disturbing more than 1 acre)
☐ ________________________________
☐ ________________________________
☐ ________________________________
☐ ________________________________
☐ ________________________________
THE FOLLOWING IS THE PLAN FOR THE REQUIRED IMPROVEMENTS:

1) The Developer’s Professional Civil Engineer (PE) shall be the spokesperson for implementation and completion of this PLAN.

2) The PE shall submit the required data and reports in a timely manner. All submittals must be sent/delivered to the Borough’s Platting Office.

3) The PE shall supervise all phases of the PLAN and be the point of contact for all contractor and subcontractor work on the PLAN.

4) Any proposed changes to this PLAN must be approved by the Borough’s Public Works Department prior to the changes being made.

5) Upon acceptance of all improvements and approval of the Final Report by the Borough’s Public Works Department, a Certificate of Construction Acceptance will be issued to the Developer and the warranty period will begin.

Where will driveway approaches be constructed?

Will winter construction be performed?

Is a subdivision agreement anticipated?

Will paving be performed?

Will a community water or sewer system be installed?

Permits to be acquired:

Types of utilities to be installed:

Note: If utilities are not installed prior to road construction, the Developer shall coordinate with the utility to either install conduits at the proposed crossing locations or ensure through their Engineer that the road crossings are excavated and backfilled properly. It is strongly encouraged that the road surfacing material be placed AFTER the utilities have been installed.

Planned Work Schedule

Clearing and Grubbing

Installation of Utilities

Subbase Construction

Drainage Improvements

Import and Grading top 6" 

Property Corners set by PLS
AGREEMENT:
It is hereby agreed that the above PLAN is acceptable and will be implemented for the required improvements. It is further agreed that no deviation will be made to the above PLAN without signed acceptance by the Professional Civil Engineer and the Borough Public Works Representative.

_________________________________________  Date
Developer's Signature

_________________________________________  Date
Professional Civil Engineer's Signature

_________________________________________  Date
Surveyor's Signature

_________________________________________  Date
Contractor's Signature

_________________________________________  Date
Borough Public Works Representative's Signature
MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 20-05

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

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

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

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

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

WHEREAS, the working group adopted their resolution 20-01 recommending approval of the 2020 Subdivision Construction Manual, an ordinance creating MSB 11.12 Driveway Standards, and that the
Assembly consider a variety of other actions concerning land use, subdivisions, transportation issues and road funding at a future date.

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

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

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2020.

______________________________
COLLEEN VAGUE, Chair

ATTEST

______________________________
MARY BRODIGAN, Planning Clerk
(SEAL)
A RESOLUTION OF THE MSB SUBDIVISION CONSTRUCTION MANUAL UPDATE WORKING GROUP RECOMMENDING ADOPTION OF THE 2020 SUBDIVISION CONSTRUCTION MANUAL AND ADDITIONAL RECOMMENDATIONS.

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

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

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

WHEREAS, the working group met 26 times between July 2018 and January 2020 and created a second revision draft document, for further public review and submittal to the Local Road Service Area Advisory Board, Transportation Advisory Board, Platting Board, and Planning Commission; and

WHEREAS, the working group is committed to ensuring that quality residential development and road construction occurs in the borough; and

WHEREAS, the working group strove to create a document that would:
1. Keep the cost of housing affordable in the valley,

2. Ensure that future roads are designed and constructed in a way that will not inhibit efficient maintenance;

3. Ensure that connectivity of subdivision roads is considered during subdivision design;

4. Reduce the cost burden of road maintenance and upgrades.

NOW, THEREFORE, BE IT RESOLVED, that the MSB SCM working group recommends assembly adoption of the 2020 Subdivision Construction Manual.

BE IT FURTHER RESOLVED that the working group recommends adoption of an ordinance amending MSB Title 11 Roads, Streets, Sidewalks and Trails, to add a section that specifically addresses driveways.

BE IT FURTHER RESOLVED that the working group recommends further actions that the assembly should take, including but not limited to:

1. Reinstitute the mandatory land use permit.

2. Fund an update to the current Official Streets and Highways Map.

3. Create a more detailed Design Criteria Manual that would include regulations for current and future borough roads as well as bridges, etc.

4. Continue to review the subdivision code and subdivision construction manual to identify areas for improvement.
5. Review options for improving the structure for funding of road construction and maintenance including but not limited to:
   
a. Implement some type of an impact fee or transaction fee that could be designated for road maintenance/improvements, to supplement the current RSA tax structure.
   
b. Review the current RSA tax structure for more funding flexibility (i.e. fewer RSA’s covering the same area).
   
c. Pursue adoption of road powers by putting the question on the ballot.

BE IT FURTHER RESOLVED that if substantial changes are proposed to the document following its distribution for review, the SCM working team reserves the opportunity to review the changes prior to final assembly approval

ADOPTED by the MSB SCM working group this 14th day of January, 2020.

Gary LoRusso, PLS, Keystone Surveying

Pio Cottini, PLS, Cottini Land Surveying

Jes Hall, Hall Quality Homes
Dan Elliott, Local RSA Advisory Board and TAB Member

Josh Cross, PE, PTOE, Kinney Engineering LLC, and TAB Member

Curt Holler, PE, Holler Engineering

Signature Pending
Dave Miller, Summit Development

Robert Yundt, Robert Yundt Homes, and Mat-Su Homebuilders Past Chair

Bill Klebesadel, PE, Pioneer Engineering and previously City of Wasilla

Matt Garner, Borough Right-Of-Way Inspector

Jamie Taylor, PE, Borough Civil Engineer

Fredric Wagner, PLS, Platting Officer

Eileen Probasco, Planning Director

WHEREAS, the Matanuska-Susitna Borough was formed in 1964 and is charged by the state of Alaska to perform land use and planning, which includes subdivision of lands; and

WHEREAS, in 1988 the Subdivision Construction Manual was adopted as the document guiding road construction, drainage, and utilities during construction of residential subdivisions; and

WHEREAS, in 1991 the manual was amended to modify some of the original construction standards, and was amended again in 2007 to incorporate standards for culvert construction on anadromous streams; and

WHEREAS, the 1991 version with culvert amendments is still the document being used; and

WHEREAS, since the manual’s adoption, the Borough’s transportation system has been developed, one subdivision at a time, with minimal coordination on a regional level; and

WHEREAS, several unsuccessful attempts have been made to update the manual over the past 20 years; and

Adopted: 01/10/17

MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 17-003
WHEREAS, the Borough population, along with the number of subdivisions, has grown significantly since the construction manual was created, and

WHEREAS, state and federal requirements and design guidelines for road construction have changed greatly since the manual was crafted; and

WHEREAS, advancements in engineering and technology over the past 25 years allow for a greater range of roadway and utility construction options that are not addressed in the 1991 manual; and

WHEREAS, the Borough’s road system efficiency and safety have been challenged by lack of coordination and connection of subdivision roads and outdated road construction requirements, which can lead to increased taxpayer costs for separate road upgrade projects; and

WHEREAS, emergency response can be slowed substantially by roads that have not been constructed to appropriate standards; and

WHEREAS, future growth must be anticipated and accommodated by current subdivision construction; and

WHEREAS, the Borough is working on a revised road classification schedule, which should be reflected in the manual; and
WHEREAS, the cost of maintaining Borough roads is increasingly challenging, often due to poor design and construction oversight.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly hereby supports revision of the 1991 subdivision construction manual.

BE IT FURTHER RESOLVED, that the following issues, to name a few, have been identified as requiring revision:

- consider the Borough’s updated road classification information;
- incorporate most recent data from State and Federal requirements and codes;
- incorporate fire and life safety codes regarding roadways and subdivision access;
- clarify confusing/conflicting language;
- modify and clarify drainage requirements as needed;
- modify and clarify utility requirements as needed;
- update requirements for intersections, temporary turnarounds, and cul-de-sacs;
- revisit final road inspection and acceptance requirements;
- revisit stub roads and connectivity;
- revisit standards for pioneer and mountain access roads;
- modify and clarify traffic impact analysis requirements as needed;
- modify and clarify right-of-way width requirements as needed;
- discuss need for pedestrian facilities with road development to increase safety for residents and students;
- review driveway standards;
- review urban versus rural road standards; and
- update diagrams.

BE IT FURTHER RESOLVED, that the Assembly supports the manual being revised in-house, with an internal working team consisting of members of the Planning Department, Capital Projects
Department, Department of Public Works, and Department of Emergency Services.

ADOPTED by the Matanuska-Susitna Borough Assembly this 10 day of January, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Sykes, McKee, Colligan, Mayfield, Doty, and Kowalke
## NEXT STEPS FOR SCM and Chapter 11.12 Driveways – Target dates

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 17, 2020</td>
<td>Post on Planning’s web page and distribute final draft for information and review to: TAB, LRSAAB, Platting Board, PC and Assembly (alternate date – Monday January 20)</td>
</tr>
<tr>
<td>January 24, 2020</td>
<td>TAB Meeting – adopt resolution (opportunity for special meeting if more time is needed)</td>
</tr>
<tr>
<td>February 20, 2020</td>
<td>Local RSA Advisory Board – adopt resolution (opportunity for March 19 meeting if more time is needed)</td>
</tr>
<tr>
<td>February 6, 2020</td>
<td>Platting Board Worksession</td>
</tr>
<tr>
<td>February 20, 2020</td>
<td>Platting Board Resolution adoption (opportunity for March 5 meeting if more time is needed)</td>
</tr>
<tr>
<td>February 3, 2020</td>
<td>Planning Commission Introduction</td>
</tr>
<tr>
<td>March 2, 2020</td>
<td>Planning Commission Public Hearing and Resolution adoption (opportunity for March 16 if more time is needed)</td>
</tr>
<tr>
<td>March 17, 2020</td>
<td>Assembly Introduction</td>
</tr>
<tr>
<td>April 7, 2020</td>
<td>Assembly Public Hearing and Adoption</td>
</tr>
</tbody>
</table>
INTRODUCTION FOR PUBLIC HEARING

LEGISLATIVE

Resolution No. PC 20-07

MSB 11.12
Driveway Standards

(Page 123 - 160)
MEMORANDUM

DATE: January 21, 2020

TO: Planning Commission

FROM: Eileen Probasco, Planning Director


In April of 2016 the Mat-Su Borough Assembly signed Resolution 17-003 supporting the rewrite of the 1991 Subdivision Construction Manual (SCM). A group of subject matter experts was formed to review the document, consisting of local Land Surveyors, Civil Engineers, Developers, Homebuilders, Board Members and borough staff. Their review meetings began in June of 2018. They met 27 times over the next 18 months, with all but three meetings being full day meetings. The 2020 Subdivision Construction Manual is the results of that effort.

One of the major changes to the document was that the section on Driveways was removed from the Subdivision Construction Manual and a new MSB Chapter 11.12 Driveways was created.

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

Staff recommends approval of Planning Commission Resolution 20-07.
MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 20-07

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ASSEMBLY APPROVAL AN ORDINANCE ADOPTING MSB 11.12 DRIVEWAYS STANDARDS IN ORDER TO ENSURE DRIVEWAYS WITHIN BOROUGH RIGHT-OF-WAYS MINIMIZE NEGATIVE IMPACT TO DRAINAGE, MAINTENANCE, AND SAFETY OF THE TRAVELING PUBLIC.

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

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

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

WHEREAS, one of the major changes to the document was that the section on Driveways was removed from the Subdivision Construction Manual and a new MSB Chapter 11.12 Driveways was created; and

WHEREAS, the draft ordinance was reviewed and approved by the SCM working group, posted on the project web page and advertised on the Planning Department and MSB Facebook pages.
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby approves Resolution 20-07, recommending adoption of an ordinance adopting MSB 11.12 driveways standards in order to ensure driveways within borough right-of-ways minimize negative impact to drainage, maintenance, and safety of the traveling public.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2020.

ATTEST

MARY BRODIGAN, Planning Clerk
(SEAL)

YES:

NO:
CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 20-

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 11.12 DRIVEWAYS STANDARDS IN ORDER TO ENSURE DRIVEWAYS WITHIN BOROUGH RIGHT-OF-WAYS MINIMIZE NEGATIVE IMPACT TO DRAINAGE, MAINTENANCE, AND SAFETY OF THE TRAVELING PUBLIC.

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. Adoption of section. MSB 11.12 is hereby adopted to read as follows:

11.12.010 INTENT
11.12.020 DEFINITIONS
11.12.030 APPLICABILITY
11.12.040 APPLICATION PROCEDURES
11.12.050 GENERAL STANDARDS
11.12.060 LOW VOLUME DRIVEWAY STANDARDS
11.12.070 HIGH VOLUME DRIVEWAY STANDARDS
11.12.080 TRAFFIC IMPACT ANALYSIS
11.12.090 TRAFFIC IMPACT MITIGATION
11.12.100 WAIVER OF STANDARDS
11.12.110 NONCONFORMING DRIVEWAYS
11.12.010 INTENT

(A) This chapter is intended to establish a permit process and standards for driveways within Borough right-of-ways. Minimum standards are provided for proper placement and design of driveways in order to ensure drainage, maintenance, movement and safety of the traveling public.

(B) All driveways are considered encroachments under MSB 11.10 and are subject to the requirements therein.

(C) Issuance of a permit under this chapter grants the permittee no right, title, or interest within Borough right-of-ways. The Borough reserves the right to deny, modify, or revoke any permit issued under this chapter.

11.12.020 DEFINITIONS

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

"Combination truck" means a vehicle falling under classes 8 through 13 of the Federal Highway Administration vehicle classification definitions.
"Corner clearance" means the distance between an intersection and driveway, not including tapers or curve returns.

"Curb cut" means a ramp built into the curb of a sidewalk or pathway to allow the driveway to ramp down from the curb height to the pavement surface.

"Curve return" means the curve located at the end of a driveway connecting the driveway edge to the roadway edge.

"Design year" means the year that is 10 years after the opening date of a development.

"Driveway" means a type of encroachment, as defined by MSB 11.10.010(A), that provides access to Borough right-of-ways or easements.

"Driveway width" means the distance across the driveway at the furthest point of curvature from the roadway, typically within the right-of-way, measured at right angles to the centerline of the driveway surface.

"Edge clearance" means the distance measured from the property corner to near edge of the driveway surface at the property boundary or outside edge of the right-of-way line, not including tapers or curve returns.

"Functional area" means the physical area of an
intersection and the area extending both upstream and downstream which includes perception-reaction distance, maneuver distance, and storage length.

"Lot" means the least fractional part of subdivided lands having limited fixed boundaries and having an assigned number, or other name through which it may be identified.

"Parcel" means a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

"Passenger vehicle" means a vehicle falling under classes 1 through 3 of the Federal Highway Administration vehicle classification definitions.

"Single-unit truck" means a vehicle falling under classes 4 through 7 of the Federal Highway Administration vehicle classification definitions.

(B) The following diagrams are a visual representation of terms used within this chapter:
(1) Plan view of a driveway:

(2) Profile view of a driveway:

(C) In instances where a word is not included in this section nor in the applicable section, reference will be made first to MSB 17.125, followed by the most recent publication of "The Illustrated Book of Development Definitions" then to "The Zoning Dictionary" by Lehman and Associates, then to "Webster’s New Universal, Unabridged Dictionary."

11.12.030 APPLICABILITY

(A) The following require a driveway permit from the Borough:

(1) Existing, unpermitted driveways;

(2) Construction of new driveways;

(3) Physical modifications to existing
driveways; or

(4) Change in land use requiring a different standard from that which the driveway permit was issued.

(B) A permit is not required for driveways constructed or reconstructed by Borough or state projects.

(1) Any physical modification thereafter requires a permit under this chapter.

11.12.040 APPLICATION PROCEDURES

(A) An application for a driveway permit may be initiated by a property owner or the owners' authorized agent. An application for a driveway permit shall be filed on a form provided by the Borough.

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

(2) The application shall include the following:

(a) street being accessed;
(b) driveway dimensions;
(c) pathway or sidewalk dimensions;
(d) culvert type, diameter, and length;
(e) expected completion date;
(f) driveway surface type;

(g) estimated peak hour and average daily traffic generated by the use;

(i) Residential developments can assume a trip generation rate of 1 peak hour trip per dwelling unit,

(ii) Other developments shall use the most recent edition of the Institute of Transportation Engineers Trip Generation Manual, and

(iii) At the discretion of the Borough, local trip generation rates determined by a qualified professional may be used as a substitute for the Institute of Transportation Engineers Trip Generation Manual;

(h) driveway sight triangles for driveways that access a parcel containing uses which generate more than 10 vehicles per hour (VPH) during the peak hour;

(i) driveway plan and profile prepared and stamped by a professional civil engineer or other qualified professional registered in the state of Alaska under AS 08.48, if required by this chapter;

(i) The driveway plan and profile
shall contain sufficient information to demonstrate that all the applicable standards of this chapter are met; and

(i) traffic impact analysis prepared and stamped by a professional civil engineer registered in the state of Alaska, if required by MSB 11.12.080.

(B) Following review of the application, the Borough will grant approval to construct or deny the proposed driveway based on whether or not it meets the standards of this chapter.

(C) Upon approval to construct, the applicant may construct the driveway as approved, and shall notify the Borough upon completion.

(D) The Borough will issue final approval of the driveway if the Borough finds that it meets the requirements of this chapter.

**11.12.050 GENERAL STANDARDS**

(A) The standards within this subsection apply to all driveways regardless of land use.

(1) Driveways shall not cause adverse drainage onto the roadway.

(2) The landowner shall be responsible for maintenance of the driveway, including but not limited
to culvert cleaning and thawing to ensure proper drainage.

(a) Snow removed from the driveway shall not:

(i) be placed in, or pushed across the roadway;

(ii) obstruct traffic signage or address numbers;

(iii) obstruct sight triangles; or

(iv) be placed in the right-of-way in a manner that interferes with drainage or normal maintenance activities.

(3) The driveway landing shall have a negative 2 percent slope away from the road to the extent feasible.

(a) Where a negative slope away from the roadway is not feasible due to topographical constraints, the driveway shall be constructed in a manner that prevents water from flowing onto the roadway.

(4) Length of the driveway landing, as measured from the outside edge of the road shoulder, shall be a minimum of 10 feet.
(a) For uses that regularly utilize larger vehicles, up to 30 feet may be required to allow larger vehicles to come to a complete stop before entering the roadway.

(5) The first 10 feet of the driveway landing shall be installed perpendicular to the roadway to the extent feasible. A driveway may intersect the roadway at an angle up to 60 degrees, upon approval by the Borough, if required by physical constraints.

(6) Any fill or cut slopes created within the right-of-way that are greater than 2:1 are not allowed unless designed by a professional civil engineer or other qualified professional registered in the state of Alaska under AS 08.48.

(7) A minimum 16-gauge thickness, 12-inch diameter, corrugated metal pipe culvert shall be installed with at least one foot of culvert visible at the toe of the foreslopes on each side of the driveway or with sloped end sections flush with the foreslopes.

(a) If it is determined that a 12-inch culvert is likely insufficient to accommodate drainage, the Borough may require a larger culvert and may also require an engineering analysis to determine the size of
the culvert needed to adequately handle flow from events that have a 10% chance of occurring in any given year.

(b) If the driveway crosses a stream reach which harbors fish, as determined by the Alaska Department of Fish and Game, then the culvert shall be installed in accordance with the fish passage culvert section of the MSB subdivision construction manual.

(c) Culverts shall be sloped to match the ditch gradient at a minimum of 0.5 percent in the direction of flow.

(d) Culverts shall be placed in the ditch line or set back up to 4 feet from the ditch line where practical.

(e) The Borough may waive the requirement for a culvert if the Borough determines one is not needed to accommodate drainage.

(8) Driveways shall be installed and maintained in accordance with the following table unless there are topographical or other physical constraints outside of the applicant’s control:
<table>
<thead>
<tr>
<th>Left Sight triangle</th>
<th>Largest type of vehicle frequently accessing roadway</th>
<th>Speed limit (mph)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger vehicle</td>
<td>225 280 335 390 445 500 555 610</td>
<td></td>
</tr>
<tr>
<td>Single-unit truck</td>
<td>280 350 420 490 560 630 700 770</td>
<td></td>
</tr>
<tr>
<td>Combination truck</td>
<td>340 425 510 595 680 765 850 930</td>
<td></td>
</tr>
<tr>
<td>Right Sight Triangle</td>
<td>Passenger vehicle</td>
<td>195 240 290 335 385 430 480 530</td>
</tr>
<tr>
<td>Single-unit truck</td>
<td>250 315 375 440 500 565 625 690</td>
<td></td>
</tr>
<tr>
<td>Combination truck</td>
<td>310 390 465 545 620 695 775 850</td>
<td></td>
</tr>
</tbody>
</table>

(a) The standard sight distances listed above are for vehicles turning onto a two-lane undivided street. For other conditions, the minimum sight distance should be calculated using the most current version of AASHTO’s: A Policy on Geometric Design of Highways and Streets.

(b) Minimum sight distance in the following table shall only be used when standard sight distance cannot be obtained because of topographical or other physical constraints outside of the applicant’s control:
<table>
<thead>
<tr>
<th>Average grade of sight distance triangle</th>
<th>20</th>
<th>25</th>
<th>30</th>
<th>35</th>
<th>40</th>
<th>45</th>
<th>50</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>-10%</td>
<td>130</td>
<td>180</td>
<td>235</td>
<td>295</td>
<td>365</td>
<td>440</td>
<td>525</td>
<td>610</td>
</tr>
<tr>
<td>-9%</td>
<td>130</td>
<td>175</td>
<td>230</td>
<td>290</td>
<td>355</td>
<td>430</td>
<td>510</td>
<td>595</td>
</tr>
<tr>
<td>-8%</td>
<td>125</td>
<td>170</td>
<td>225</td>
<td>285</td>
<td>350</td>
<td>420</td>
<td>495</td>
<td>580</td>
</tr>
<tr>
<td>-7%</td>
<td>125</td>
<td>170</td>
<td>220</td>
<td>280</td>
<td>340</td>
<td>410</td>
<td>485</td>
<td>570</td>
</tr>
<tr>
<td>-6%</td>
<td>120</td>
<td>165</td>
<td>215</td>
<td>275</td>
<td>335</td>
<td>400</td>
<td>475</td>
<td>555</td>
</tr>
<tr>
<td>-5%</td>
<td>120</td>
<td>165</td>
<td>215</td>
<td>270</td>
<td>330</td>
<td>395</td>
<td>465</td>
<td>545</td>
</tr>
<tr>
<td>-4%</td>
<td>120</td>
<td>160</td>
<td>210</td>
<td>265</td>
<td>325</td>
<td>385</td>
<td>455</td>
<td>530</td>
</tr>
<tr>
<td>-3%</td>
<td>120</td>
<td>160</td>
<td>205</td>
<td>260</td>
<td>315</td>
<td>380</td>
<td>450</td>
<td>520</td>
</tr>
<tr>
<td>-2%</td>
<td>115</td>
<td>160</td>
<td>205</td>
<td>255</td>
<td>310</td>
<td>375</td>
<td>440</td>
<td>510</td>
</tr>
<tr>
<td>-1%</td>
<td>115</td>
<td>155</td>
<td>200</td>
<td>250</td>
<td>305</td>
<td>370</td>
<td>435</td>
<td>505</td>
</tr>
<tr>
<td>0%</td>
<td>115</td>
<td>155</td>
<td>200</td>
<td>250</td>
<td>305</td>
<td>360</td>
<td>425</td>
<td>495</td>
</tr>
<tr>
<td>1%</td>
<td>115</td>
<td>155</td>
<td>195</td>
<td>245</td>
<td>300</td>
<td>355</td>
<td>420</td>
<td>485</td>
</tr>
<tr>
<td>2%</td>
<td>110</td>
<td>150</td>
<td>195</td>
<td>240</td>
<td>295</td>
<td>350</td>
<td>415</td>
<td>480</td>
</tr>
<tr>
<td>3%</td>
<td>110</td>
<td>150</td>
<td>190</td>
<td>240</td>
<td>290</td>
<td>345</td>
<td>405</td>
<td>470</td>
</tr>
<tr>
<td>4%</td>
<td>110</td>
<td>150</td>
<td>190</td>
<td>235</td>
<td>285</td>
<td>340</td>
<td>400</td>
<td>465</td>
</tr>
<tr>
<td>5%</td>
<td>110</td>
<td>145</td>
<td>190</td>
<td>235</td>
<td>285</td>
<td>340</td>
<td>395</td>
<td>460</td>
</tr>
<tr>
<td>6%</td>
<td>110</td>
<td>145</td>
<td>185</td>
<td>230</td>
<td>280</td>
<td>335</td>
<td>390</td>
<td>450</td>
</tr>
<tr>
<td>7%</td>
<td>110</td>
<td>145</td>
<td>185</td>
<td>230</td>
<td>275</td>
<td>330</td>
<td>385</td>
<td>445</td>
</tr>
<tr>
<td>8%</td>
<td>105</td>
<td>145</td>
<td>185</td>
<td>225</td>
<td>275</td>
<td>325</td>
<td>380</td>
<td>440</td>
</tr>
<tr>
<td>9%</td>
<td>105</td>
<td>140</td>
<td>180</td>
<td>225</td>
<td>270</td>
<td>320</td>
<td>375</td>
<td>435</td>
</tr>
<tr>
<td>10%</td>
<td>105</td>
<td>140</td>
<td>180</td>
<td>220</td>
<td>270</td>
<td>320</td>
<td>370</td>
<td>430</td>
</tr>
</tbody>
</table>

(c) If minimum sight distance in the previous table cannot be obtained because of topographical or other physical constraints outside of the applicant's control, alternate mitigation such as hidden driveway or advisory speed signs shall be installed in accordance with the latest version of the Alaska Traffic Manual.
(d) The entire area of the sight triangles shown in the following figure shall be designed to provide an unobstructed view from point A at 3.5 feet above the roadway to all points 3.5 feet above the roadway along the lane centerlines from point B to point C and point D to point E:

(9) The cost of redesign and construction of public infrastructure and utilities impacted by the driveway installation shall be the responsibility of the permittee.

(10) The minimum corner clearance for a driveway to a corner lot shall be 60 feet from the projected point of intersection or property corner, as measured from the driveway edge.

(a) In no case shall a driveway be located within the curve return of a constructed roadway.
or right-of-way.

(11) Edge clearance shall be equal to or greater than the radius of the driveway curve return.

(a) Edge clearance is measured from the property corner to near edge of the driveway surface at the right-of-way line.

(12) For the purpose of this chapter, classification of roadways shall be determined by the Public Works Director and shall be based on current constructed roadway standard, current functional classification of the road, and the intended functional classification in accordance with the Long Range Transportation Plan and the Official Streets and Highways Plan.

(13) Curb cuts shall be installed in accordance with the State of Alaska Standard Plans.


11.12.060 LOW VOLUME DRIVEWAY STANDARDS

(A) This section applies to driveways that access a parcel containing uses which generate less than or
equal to 10 vehicles during the peak hour.

(1) Driveway Dimensions.

(a) Driveway width shall be a minimum of 10 feet and a maximum of 25 feet.

(b) The radius of the driveway curve return shall be a minimum of 6 feet and a maximum of 20 feet.

(c) Driveways with dimensions that fall outside the standards of this paragraph shall be designed by a professional civil engineer or other qualified professional registered in the state of Alaska under AS 08.48 and shall be designed to ensure:

(i) the driveway is the minimum width necessary to accommodate the proposed use;

(ii) snow storage equal to or greater than the driveway width at the edge of the roadway is available within the right-of-way in the direction of anticipated snow removal fronting the property to the extent feasible.

(iii) vehicles do not encroach into the opposing lane on collector or higher classification roads; and

(iv) the driveway meets all other
standards within this chapter.

(2) Driveways to corner lots or lots that border two or more roadways shall gain access from the street of lowest classification when streets of multiple classifications bound a lot.

(3) Driveways fronting on paved roadway surfaces shall have a minimum 2-foot paved apron the entire width of the portion of the driveway that intersects the roadway.

(4) Minimum distance between driveways on the same side of the street shall be in accordance with the following table:

<table>
<thead>
<tr>
<th>Roadway Classification</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial roadways</td>
<td>75 feet</td>
</tr>
<tr>
<td>Collector roadways</td>
<td>50 feet</td>
</tr>
<tr>
<td>Local roadways</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

(a) driveway spacing shall be measured parallel to the centerline of the roadway between the intersection of the inside edges of two adjacent driveways and the right-of-way line.

(i) driveway spacing on cul-de-sacs or other turnarounds shall be measured along the edge of
the right-of-way.

(b) adjacent driveway curve returns shall not overlap.

11.12.070 HIGH VOLUME DRIVEWAY STANDARDS

(A) This subsection applies to driveways that access a parcel containing uses which generate more than 10 vehicles per hour (VPH) during the peak hour.

(1) Driveways under this subsection shall be designed by a professional civil engineer or other qualified professional registered in the state of Alaska under AS 08.48.

(2) Minimum 18-inch diameter culverts with sloped end sections are recommended.

(3) Driveway dimensions.

(a) Driveway width shall be a minimum of 24 feet wide.

(b) The radius of the driveway curve return shall be a minimum of 20 feet.

(i) Driveway curve returns may be less than 20 feet in certain circumstances such as angled or one-way driveways. However, the edge clearance shall be a minimum of 20 feet.

(4) Driveways to corner lots or lots that
border two or more roadways may be required to gain access from the street of lower classification when streets of multiple classifications bound a lot.

(5) Driveways fronting on paved roadway surfaces shall have a paved apron to the furthest point of curvature from the roadway.

(6) Signage and striping, if used, shall conform to the latest version of the Alaska Department of Transportation and Public Facilities (ADOT&PF) Alaska Traffic Manual and shall be maintained by the landowner.

(7) Separation from intersections and between high volume driveways shall be in accordance with the following table:

<table>
<thead>
<tr>
<th>Classification of road being accessed</th>
<th>Minimum separation from intersections and between driveways (feet)</th>
<th>Total trip generation of subject parcel (vph)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Posted speed limit or 85th percentile speed of Road being accessed (mph)</td>
<td>Classification of cross street / trip generation of use of neighboring parcel</td>
</tr>
<tr>
<td></td>
<td>10-99 vph</td>
<td>100-249 vph</td>
</tr>
<tr>
<td>Local</td>
<td>15-30</td>
<td>35</td>
</tr>
<tr>
<td>Collector</td>
<td>25-30</td>
<td>70</td>
</tr>
<tr>
<td>Arterial</td>
<td>35-45</td>
<td>70</td>
</tr>
<tr>
<td>Arterial</td>
<td>35-45</td>
<td>150</td>
</tr>
<tr>
<td>Arterial</td>
<td>50-55</td>
<td>300</td>
</tr>
</tbody>
</table>
(a) Minimum separation from intersections and between driveways applies to the same side and opposite sides of the street.

(i) Driveways that are not able to meet separation distance from other existing driveways due to design or physical constraints may be located closer as recommended by the engineer and approved by the Borough.

(b) Separation from intersections and between high volume driveways is measured along the right-of-way line from the driveway edge to the nearest edge of traveled way or driveway edge.

(c) Driveway access within the functional area of an intersection should be avoided when possible.

(d) Driveways on opposite sides of the street shall:

   (i) be aligned directly across from each other to the extent feasible with a lane offset no greater than six feet; or

   (ii) meet the separation distances established by the table within MSB 11.12.070(A)(7).

(e) If the requirements of subparagraph d are not feasible, a lesser separation distance may be
considered if the opposing driveways do not have overlapping left turns.

(f) Separation distances do not apply to driveways on opposite sides of streets that have a non-traversable median.

(g) Lesser separation distances may be considered for one-way driveways, right in/right out driveways, or if other mitigating factors are provided.

(h) Developments which produce greater than 100 vehicles per hour may access the first 600 feet of a local road but may only be approved upon consideration of traffic on residential properties.

(B) This subsection applies to driveways that access a parcel containing uses which generate more than 50 vph during the peak hour.

(1) STOP signs are required.

(2) Painted STOP bars are required when accessing a paved roadway where there is a non-motorized facility.

(3) Pathways and sidewalks shall be relocated in front of STOP bars in accordance with ADOT&PF Central Region details.

(4) Turn lanes may be required if warranted by
State or National guidelines.

11.12.080 TRAFFIC IMPACT ANALYSIS

(A) Driveways that access a parcel containing uses that generate traffic in excess of 100 vehicle trips during any hour of the day require a traffic impact analysis which examines critical movement level of service (LOS) at the driveway and nearby roads and intersections.

(1) The Borough may require a traffic impact analysis for uses that generate less than 100 vehicle trips per hour upon determination that the traffic generated will detract from the safety of the roadway.

(a) in determining whether the access will detract from safety of the roadway the borough shall consider known issues such as:

(i) sight distance
(ii) accident history
(iii) bus stops
(iv) road width

(b) a determination that the access will detract from safety of the roadway shall be issued in writing by the borough.

(2) The traffic impact analysis and driveway
design shall be prepared by a professional civil engineer registered in the State of Alaska under AS 08.48.

(3) Level of service and operational analysis for a traffic impact analysis prepared under this section must be performed in accordance with the latest version of the Transportation Research Board's Highway Capacity Manual. The minimum acceptable LOS at intersections and on road segments both on the development's opening date and in the design year is:

(a) LOS C, if the LOS on the date of application is LOS C or better; or

(b) LOS D, if the LOS on the date of application is LOS D or poorer; however, if the LOS is poorer than LOS D, a lower minimum LOS is acceptable if the operation of the highway does not deteriorate more than 10 percent in terms of delay time or other appropriate measures of effectiveness from the LOS before the development's opening date.

(4) A traffic impact analysis prepared under this section must address:

(a) intersections on roadways where traffic on any approach is expected to increase, as a
result of the proposed development, by at least five percent of the approach's capacity;

(b) segments of roadways between intersections where total traffic is expected to increase, as a result of the proposed development, by at least five percent of the segments' capacity;

(c) roadways and intersections where the safety of the facilities will deteriorate as a result of the traffic generated by the development;

(d) each driveway that will allow egress from or ingress to a roadway for the proposed development;

(e) parking and circulation routes within the proposed development, to the extent necessary to ensure that traffic does not back up onto a roadway; and

(f) pedestrian and bicycle facilities that are part of the roadway to which a permit applicant seeks access.

(5) A traffic impact analysis prepared under this section must consider:

(a) projected traffic at the development's anticipated opening date, excluding the traffic generated by the development; and
(b) projected traffic at the development's anticipated opening date, including the traffic generated by the development.

(6) A traffic impact analysis prepared under this section for a development expected to generate 250 or more vehicle trips during the peak traffic hour of the adjacent roadway must, in addition to the projected traffic volumes before and after the completion of the proposed development, consider:

(a) the projected traffic in the design year for the proposed development, excluding traffic generated by the development; and

(b) the projected traffic for the design year for the proposed development including the traffic generated by the development.

11.12.090 TRAFFIC IMPACT MITIGATION

(A) A traffic impact mitigation plan shall be submitted in association with the traffic impact analysis required under MSB 11.12.080.

(B) The traffic impact mitigation plan shall identify improvements, to be made by the permittee, to a highway or intersection in order to maintain an acceptable LOS if a roadway or intersection has an:
(1) acceptable LOS, under MSB 11.12.080(A)(3), without traffic generated by the development; and

(2) unacceptable LOS, under MSB 11.12.080(A)(3), with traffic generated by the development:

(a) at the opening date of the development; or

(b) in the design year of the development, for a development expected to generate 250 or more vehicle trips during the peak hour of the adjacent roadway on the opening date of the development.

(C) A traffic impact mitigation plan shall be submitted if a roadway has an unacceptable LOS under MSB 11.12.080(A)(3) without traffic generated by the development, either at the opening date of the development or in the design year of the development.

(1) The permittee shall make improvements to the roadway so the operation of the roadway does not deteriorate more than 10 percent in terms of delay time or other appropriate measures of effectiveness with the addition of the traffic generated by the development at the opening date of the development or in the design year.
(D) A traffic impact mitigation plan prepared under this section must identify all of the following:

(1) Locations where road improvements are necessary to mitigate traffic impacts, including locations where the LOS is less than acceptable under MSB 11.12.080(A)(3):

   (a) due to the development at either the opening date or the design year; or

   (b) at either the opening date or the design year without the development and improvements are necessary to prevent the LOS from deteriorating further.

(2) Road improvement alternatives that will achieve an acceptable LOS or minimize degradation of service below an already unacceptable LOS:

   (a) on the opening date of the development; and

   (b) in the design year of the development, for a development expected to generate 250 or more vehicle trips during the peak hour of the adjacent roadway on the opening date of the development.

(3) Bicycle or pedestrian access improvements necessary to accommodate bicycle and pedestrian traffic as negotiated between the Borough and the applicant.
(4) Improvements needed for internal circulation and parking plans.

(E) The Borough will review and comment upon a traffic impact mitigation plan prepared under this section and submitted for a proposed development. The Borough will, in its discretion, request clarification or further analysis of the impacts that it considers necessary to adequately consider the risks presented to the traveling public by the proposed development. If alternative means are proposed by an applicant for mitigation of the traffic impacts of a proposed development, the Borough will select the alternative that provides the greatest public benefit, at the least private cost, and that meets the appropriate LOS on an impacted roadway. If the Borough accepts a means of mitigation, the mitigation must be completed by the permittee as part of a permit issued under this title.

(F) The traffic impact mitigation plan shall ensure:

(1) internal circulation and parking layout provides sufficient queuing distance within the development between the roadway and potential internal block points so that no traffic backs up onto the
roadway; and

(2) impacts to pedestrian and bicycle traffic are mitigated.

(G) The Borough will, in its discretion, relax the requirements for mitigation under this section, if it finds in writing that the:

(1) roadway and intersection only marginally achieve an acceptable LOS under MSB 11.12.080(A)(3) without the traffic generated by the development and would likely fall below an acceptable LOS within five years;

(2) traffic generated by the development results in an unacceptable LOS under MSB 11.12.080(A)(3); and

(3) cost of mitigating the impacts is disproportionate to the cost of the development.

11.12.100 WAIVER OF STANDARDS

(A) The Borough may waive specific standards of this chapter based on physical constraints associated with the property and adjacent roadway, or mitigating factors associated with a traffic impact mitigation plan.

11.12.110 NONCONFORMING DRIVEWAYS
(A) Driveways which were permitted by the Borough prior to the date of adoption of this ordinance, but which do not otherwise meet standards of this chapter, are allowed to remain in the location that they were permitted except for when a permit is required under MSB 11.12.030(A)(4).

(B) Existing driveways which were given approval to construct, but which were not given final approval by the Borough as of the date of adoption of this chapter, are allowed to remain and may be approved under the standards that were in place at the time approval to construct was given. In cases where the standards in place at the time approval to construct was given are in conflict with this chapter, the lesser standards apply.

11.12.120 VIOLATIONS, ENFORCEMENT, AND PENALTIES

(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.

Section 3. Effective date. This ordinance shall take effect
January 1, 2021.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2020.

ATTEST:

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)
PUBLIC HEARING
QUASI-JUDICIAL

Resolution No. PC 20-03
Laughing Salmon
Marijuana Retail Facility CUP
173 N. Rosie Circle

(Page 161 - 284)
STAFF REPORT
DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date: January 22, 2020

File Number: 176020190009

Applicant: Kyle Lutz, on behalf of Laughing Salmon, LLC

Property Owner: Kyle Lutz (dba HTF Investments, LLC)

Request: Planning Commission Resolution 20-03

A conditional use permit application has been submitted for the operation of a marijuana retail facility. The applicant is proposing to operate the facility in a newly constructed commercial structure approximately 2,520 square feet in size. MSB 17.60 requires a conditional use permit for the operation of a marijuana retail facility. Unless this type of use is maintained under and in accordance with a lawfully issued permit, a marijuana retail facility is declared to be a public nuisance. Operation of such a land use without a permit is prohibited.

EXECUTIVE SUMMARY
LAND USE

Existing Land Use:
The subject parcel was created in 2019 from a platting action and became Unit 1 of the Guardian View Plaza. The proposed marijuana retail facility is the first business, and building to be constructed in the plaza. Prior to the platting action, the property was vacant and undeveloped.

The proposed use accesses E. Palmer-Wasilla Highway via an existing State of Alaska permitted driveway.

Surrounding Land Uses:
The surrounding area is comprised of mixed uses. The parcels directly to the south and west will be used for commercial purposes, as they are part of a new commercial business plaza under development. The parcel to the east is vacant and undeveloped, and the use abuts E. Palmer-Wasilla Highway to the north.

E. Palmer-Wasilla Highway is classified as a highway and is capable of handling traffic from residential and commercial uses. Frontage on E. Palmer-Wasilla Highway consists of residential, commercial, and industrial. There are multiple commercial businesses in the surrounding area such as, but not limited to, a tattoo shop, a gravel pit, and a tire business. The closest residential structure is located to the northwest and is approximately 480 feet away from the proposed use.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification
On December 11, 2019 notices were mailed to all property owners within a 600-foot radius of the use. A total of 26 notices were mailed. The permit application notification was published in the December 11, 2019 issue of the Frontiersman. The application material was posted on the Borough web site for public review on December 6, 2019. The proposed use is within the South Lakes Community Council boundary, however, the South Lakes Community Council is inactive, so no notice was sent. Due to its proximity to the City of Wasilla, a notice requesting comments was sent to the City on December 6, 2019. Staff did not receive any comments related to the proposed use.

CORE AREA PERMIT IS NOT REQUIRED

Section 17.61.020 Intent

(4) This ordinance is intended to promote the positive effects of development while insuring the public health, safety, order, prosperity and general welfare of the core area by establishing a review process for commercial and industrial land use activities with the following impacts:

(1) Any commercial or industrial use that generates noise beyond the boundaries of the lot line of the site on which it is located in excess of the levels permitted by MSB 17.61.080;

Findings of Fact:
1. The proposed retail facility will be wholly contained within the commercial structure approximately 2,520 square feet in size.
2. There is no industrial equipment or processes that generate noise associated with the proposed use.

3. The application material indicates that during the summer months outdoor BBQ events may be held on the south side of the structure between the hours of 10:00 a.m. and 6:00 p.m.

4. The application material indicates during the BBQ events, small speakers may be used to play music.

**Discussion:** Staff recommends a condition requiring that the operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 – Noise, Amplified Sound and Vibration.

**Conclusion of Law:** The use will not exceed sound levels set forth in MSB 17.61.080 and noise levels exceeding the levels in MSB 17.61.080 are prohibited. As such, a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(1)).

(2) Any commercial or industrial use that generates traffic in excess of 100 vehicles during the morning or afternoon peak hour, or more than a total of 750 vehicles per day (measured from 12 a.m. to 12 p.m.).

**Findings of Fact:**

1. ITE Trip Generation 10th Edition indicates a “Marijuana Dispensary” 1000-square feet in size is expected to produce 29.93 trips per peak PM hour. The structure that will contain the proposed marijuana retail facility is approximately 2,520 square feet and based on these calculations is expected to produce approximately 76 trips per peak PM hour.

2. ITE Trip Generation 10th Edition indicates a “Marijuana Dispensary” 1000-square feet in size is expected to produce 259.31 trips per day. The structure that will contain the proposed marijuana retail facility is approximately 2,520 square feet and based on these calculations is expected to produce approximately 650 trips per day.

**Conclusion of Law:** Based on the above findings, since the use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified in MSB 17.61.090, Traffic Standards, a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(2)).

(3) Any commercial or industrial use involving processing, manufacturing, or storage of hazardous substances over thresholds established by federal or state community right-to-know laws and regulations (40 CFR 370, AS 29.35.500), any use which generates combustible dust produced in sufficient quantity to produce an explosion or combustion hazard, any use involving the storage and handling of combustible fiber in quantities greater than 100 cubic feet (2.8 m³), and any use which involves generation or management of more than 2,200 pounds of hazardous waste per month as defined by federal regulations (40 CFR 261, 262). Note that these facilities would also be subject to significant federal/state regulatory requirements. Among other obligations, facilities that exceed community right-to-know thresholds are required to submit annual reports to the state and to the local emergency planning committee (LEPC), and facilities that exceed
hazardous waste limits are required to notify the environmental protection agency and comply with requirements for waste storage and disposal.

Findings of Fact:
1. The proposed use will not be processing, manufacturing, or storing hazardous substances identified in MSB 17.61.020(A)(3).

Conclusion of Law: Since the proposed use will not be processing, manufacturing, or storing hazardous substances beyond the thresholds identified in MSB 17.61.020(A)(3), a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(3)).

(4) Any use that generates contaminated water runoff or other discharges that are likely to violate state water quality standards or negatively impact groundwater or surface water quality beyond adjacent property lines.

Findings of Fact:
1. The proposed use is confined to a generally flat area on the parcel.
2. The proposed use is commercial retail in nature and will not generate contaminated water runoff.

Conclusion of Law: The proposed use will not generate contaminated water runoff or other discharges that are likely to violate state water quality standards or negatively impact groundwater or surface water quality beyond adjacent property lines. As such, a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(4)).

Section 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;

Findings of Fact:
1. The proposed retail facility will be wholly contained within a commercial structure approximately 2,520 square feet in size.
2. The property is located in the Core Area; however, there are no specific zoning designations for this parcel.
3. The proposed use accesses E. Palmer-Wasilla Highway from an existing, State of Alaska permitted driveway.
4. E. Palmer-Wasilla Highway is considered a highway and has many different uses on its frontage, including residential, commercial, and industrial.
5. The closest residential structure is located to the northwest and is approximately 480 feet away from the proposed use.
6. The application material indicates two illuminated signs will be installed on the proposed facility. One sign will be installed on the west side of the building and will say “Laughing Salmon Cannabis”, while the other sign will be installed above the entrance to the facility.

7. The proposed hours of operation are 8:00 a.m. until 12:00 a.m., daily.

8. According to the application material, the proposed use is located approximately 36 feet from the E. Palmer-Wasilla highway to the north, approximately 16 feet to the property line to the east, approximately 318 feet to the southern property line, and approximately 78 feet to the property line to the west.

9. The proposed marijuana retail facility is the first unit to be constructed in a new commercial business plaza that is being developed.

10. There are multiple commercial businesses in the surrounding area such as, but not limited to, a tattoo shop, a gravel pit, and a tire business.

11. The surrounding area is comprised of mixed uses. The parcels directly to the south and west will be used for commercial purposes, as they are part of a new commercial business plaza under development. The parcel to the east is vacant and undeveloped and the use abuts E. Palmer-Wasilla Highway to the north.

12. Consumption of marijuana is prohibited at the site.

13. Persons under the age of 21 are prohibited from entering the facility.

14. According to the application material, loitering will not be allowed.

Conclusion of Law: Based on the above findings, the proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).

(2) that granting the conditional use permit will not be harmful to the public health, safety, convenience, and welfare;

Findings of Fact:
1. The closest school (Wasilla Lake Christian School) is approximately 1,350 feet away from the use.
2. Consumption of marijuana is prohibited at the site.
3. Persons under the age of 21 are prohibited from entering the facility.
4. The proposed use accesses E. Palmer-Wasilla Highway from an existing, State of Alaska permitted driveway.
5. E. Palmer-Wasilla Highway is considered a highway and has many different uses on its frontage, including residential, commercial, and industrial.
6. According to the application material, the use has a security plan in place, which includes education of employees on all security measures.
7. Security cameras, motion detectors, panic buttons, and lighting are used to monitor all activities at the facility.
8. The application material indicates two illuminated signs will be installed on the proposed facility. One sign will be installed on the west side of the building and will say “Laughing Salmon Cannabis”, while the other sign will be installed above the entrance to the facility.

9. The Mat-Su Borough Central Mat-Su Fire Department has issued Plan Review #2020-009, for the commercial structure.

10. The commercial structure is in full compliance with the applicable State of Alaska fire code.

11. After proper notification of the State of Alaska Alcohol & Marijuana Control Office, all marijuana products deemed unusable are blended together before being mixed with compostable material, and sealed in a container. The waste will then be taken to a MSB Central Landfill to be disposed of.

Conclusion of Law: Based on the above findings, and with conditions, the proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).

(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

Findings of Fact:
1. According to the application material, the proposed use is located approximately 36 feet from the E. Palmer-Wasilla highway to the north, approximately 16 feet to the property line to the east, approximately 318 feet to the southern property line, and approximately 78 feet to the property line to the west.

2. The commercial structure meets all applicable setback requirements required by MSB 17.55 – Setbacks and Screening Easements.

3. The closest school (Wasilla Lake Christian School) is approximately 1,350 feet away from the use.

4. The proposed use accesses E. Palmer-Wasilla Highway from an existing, State of Alaska permitted driveway.

5. E. Palmer-Wasilla Highway is considered a highway and has many different uses on its frontage, including residential, commercial, and industrial.

6. According to the application material, the use has a security plan in place, which includes education of employees on all security measures.

7. Security cameras, motion detectors, panic buttons, and lighting are used to monitor all activities at the facility.

8. The Mat-Su Borough Central Mat-Su Fire Department has issued Plan Review #2020-009, for the commercial structure.

9. The commercial structure is in full compliance with the applicable State of Alaska fire code.

Conclusion of Law: Based on the above findings and with conditions, sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.60.100(B)(3)).
Finding of Fact:
1. All of the required site plans and operational information have been provided by the applicant.

Conclusion of Law: The application material has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).

Section 17.60.150 General Standards for Marijuana Related Facilities
(A) In addition to the standards set forth by MSB 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 and odor.

Findings of Fact:
1. The proposed retail facility will be wholly contained within a commercial structure approximately 2,520 square feet in size.
2. There is no industrial equipment or processes that generate noise associated with the use.
3. Consumption of marijuana is prohibited at the site.
4. The application material indicates that during the summer months outdoor BBQ events may be held on the south side of the structure between the hours of 10:00 a.m. and 6:00 p.m.
5. The application material indicates during the BBQ events, small speakers may be used to play music.
6. According to the application material, loitering will not be allowed.

Discussion: Staff recommends a condition requiring that the operation comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 – Noise, Amplified Sound and Vibration
Conclusion of Law: Based on the above findings, the proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).

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

Findings of Fact:
1. The proposed retail facility will be wholly contained within a commercial structure approximately 2,520 square feet in size.
2. The Mat-Su Borough Central Mat-Su Fire Department has issued Plan Review #2020-009, for the commercial structure.

3. The commercial structure is in full compliance with the applicable State of Alaska fire code.

4. E. Palmer-Wasilla Highway is considered a highway and has many different uses on its frontage, including residential, commercial, and industrial.

5. According to the application material, the proposed use is located approximately 36 feet from the E. Palmer-Wasilla highway to the north, approximately 16 feet to the property line to the east, approximately 318 feet to the southern property line, and approximately 78 feet to the property line to the west.

6. According to the application material, landscaping on the north and south side of the structure will be done during the summer and following the completion of the building. The landscaping will include seeded grass and flowers.

7. The structure meets all applicable setback requirements required by MSB 17.55 – Setbacks and Screening Easements.

**Conclusion of Law:** Based on the above findings and with conditions, measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).

(3) whether the use is compatible with the character of the surrounding area.

**Findings of Fact:**
1. The proposed retail facility will be wholly contained within a commercial structure approximately 2,520 square feet in size.

2. The subject parcel was created in 2019 from a platting action and became Unit 1 of the Guardian View Plaza. Prior to the platting action the parcel was vacant and undeveloped.

3. The Mat-Su Borough Central Mat-Su Fire Department has issued Plan Review #2020-009, for the commercial structure.

4. The commercial structure is in full compliance with the applicable State of Alaska fire code.

5. E. Palmer-Wasilla Highway is considered a highway and has many different uses on its frontage, including residential, commercial, and industrial.

6. The closest residential structure is located to the northwest and is approximately 480 feet away from the proposed use.

7. According to the application material, the proposed use is located approximately 36 feet from the E. Palmer-Wasilla highway to the north, approximately 16 feet to the property line to the east, approximately 318 feet to the southern property line, and approximately 78 feet to the property line to the west.

8. The structure meets all applicable setback requirements required by MSB 17.55 – Setbacks and Screening Easements.

9. The proposed marijuana retail facility is the first unit to be constructed in a new commercial business plaza that is being developed.
10. There are multiple commercial businesses in the surrounding area such as, but not limited to, a tattoo shop, a gravel pit, and a tire business.

11. The surrounding area is comprised of mixed uses. The parcels directly to the south and west will be used for commercial purposes, as they are part of a new commercial business plaza under development. The parcel to the east is vacant and undeveloped and the use abuts E. Palmer-Wasilla Highway to the north.

12. The proposed hours of operation are 8:00 a.m. until 12:00 a.m., daily.

13. Consumption of marijuana is prohibited at the site.

14. According to the application material, loitering will not be allowed.

**Conclusion of Law:** Based on the above findings and with conditions, the proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).

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

(1) One thousand feet of school grounds;

(C) *Separation distances referenced in subsection (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.*

**Finding of Fact:**

1. The closest school (Wasilla Lake Christian School) is approximately 1,350 feet away from the use.

**Conclusion of Law:** Based on the above finding, the proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).

(D) *Prior to final approval of the permit the applicant shall provide written documentation demonstrating that:*

(1) all applicable licenses have been obtained as required by 3 AAC 306.005.

**Findings of Fact:**

1. On November 15, 2019 at the State of Alaska Marijuana Control Board meeting, the Board voted to approve Laughing Salmon Retail Marijuana Store License #21619 with delegation.

2. A copy of the delegated approval for the applicant’s marijuana retail facility has been provided to the MSB Development Services Division.

**Conclusion of Law:** Based on the above findings, the applicant has provided a copy of the documents demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60.150(D)(1)).

(2) from the fire marshal having jurisdiction, that the proposed conditional use is in full compliance with applicable fire code, including but not limited to...
AS 18.70.010 through 18.70.160, Fire Protection, and 13 AAC 50.025 through 50.080, Fire Code.

Findings of Fact:
1. The Mat-Su Borough Central Mat-Su Fire Department has issued Plan Review #2020-009, for the commercial structure.
2. The commercial structure is in full compliance with the applicable State of Alaska fire code.
3. The applicant has provided a copy of the approved Plan Review #2020-009.

Conclusion of Law: Based on the above findings, the proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

Section 17.60.170 Standards for Marijuana Retail Facilities
(A) Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:
   (1) proximity of the proposed use to existing businesses;
   (2) proximity to parcels developed for residential use; and
   (3) whether roads associated with the proposed use have been, or will be, appropriate for commercial use.

Findings of Fact:
1. The proposed use accesses E. Palmer-Wasilla Highway from an existing, State of Alaska permitted driveway.
2. E. Palmer-Wasilla Highway is considered a highway and has many different uses on its frontage, including residential, commercial, and industrial.
3. E. Palmer-Wasilla Highway is classified as a highway and is capable of handling traffic from residential, commercial, and industrial uses.
4. The proposed marijuana retail facility is the first unit to be constructed in a new commercial business plaza that is being developed.
5. There are multiple commercial businesses in the surrounding area such as, but not limited to, a tattoo shop, a gravel pit, and a tire business.
6. The subject parcel was created in 2019 from a platting action and became Unit 1 of the Guardian View Plaza. Prior to the platting action the parcel was vacant and undeveloped.
7. The surrounding area is comprised of mixed uses. The parcels directly to the south and west will be used for commercial purposes, as they are part of a new commercial business plaza under development. The parcel to the east is vacant and undeveloped and the use abuts E. Palmer-Wasilla Highway to the north.
8. The proposed operating hours are 8:00 a.m. until 12:00 a.m., daily.
9. According to the application material, the proposed use is located approximately 36 feet from the E. Palmer-Wasilla highway to the north, approximately 16 feet to the property line to the east, approximately 318 feet to the southern property line, and approximately 78 feet to the property line to the west.
10. The closest residential structure is located to the northwest and is approximately 480 feet away from the proposed use.

**Conclusion of Law:** Based on the above findings, the proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).

**(B)** *The minimum number of parking spaces for retail facilities shall be one space per 350 square feet of net floor area. Each parking space shall be at least: 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet.*

**Findings of Fact:**
1. The use is approximately 2,520 square feet in size.
2. A marijuana retail facility 2,520 square feet in size is required to provide eight parking spaces with one ADA compliant space.
3. Eight (8) customer parking spaces are being provided.
4. Each space is 20 feet in length and ten feet wide.
5. There are no vertical clearance limitations on site.

**Conclusion of Law:** Based on the above findings, the proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).

**(C)** *Parking spaces shall be provided to comply with current Americans with Disabilities Act guidelines.*

**Findings of Fact:**
1. A marijuana retail facility 2,520 square feet in size is required to provide eight parking spaces with one ADA compliant space.
2. ADA guidelines require one van accessible parking space, 11 feet wide with a five-foot wide parking isle, for every 1 to 25 spaces.
3. According to the site plan, eight (8) customer parking spaces will be provided.
4. According to the site plan, one van accessible parking space, 11 feet wide with a five-foot wide parking isle is being provided.

**Conclusion of Law:** Based on the above findings, the proposed use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

**STAFF RECOMMENDATIONS**

Staff recommends approval of the conditional use permit to operate a Marijuana Retail Facility, 2,520 square feet in size, at 173 N. Rosie Circle (Tax ID# 17N01W11A011 / 9191000U001). The propose use meets all of the standards in MSB 17.60.100, 17.60.150, and 17.60.170. Staff recommends approval of this permit with the following conditions:

1. The operation shall comply with all applicable state and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.

3. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.

4. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 – Noise, Amplified Sound and Vibration.

5. The hours of operation shall not exceed 8:00 a.m. – 12:00 a.m., daily.

6. On-site consumption of marijuana and marijuana products is prohibited.

If the Planning Commission chooses to deny this modification, findings for denial must be prepared by the Commission.
Photo’s taken by Mark Whisenhunt, MSB Planner II, during a January 15, 2020 Site Inspection
AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY
PERSONALLY APPEARED BEFORE JULLIE ZOOK WHO, BEING
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT SHE IS THE
LEGAL AD CLERK OF THE FRONTIERSMAN
PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA SUSITNA
BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:
12/11/2019
AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF
THE RATE CHARGED PRIVATE INDIVIDUALS.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF December, 2019.

NOTARY PUBLIC FOR STATE OF ALASKA

MAT-SU BOROUGH/PAGE
12.11
ACCOUNT NUMBER 405249
Guardian View Condos Unit 1

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, February 3, 2020, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend.

An application for a conditional use permit under MSB 17.60—Conditional Uses, has been submitted for the operation of a marijuana retail facility at 173 North Rosie Circle (Tax ID# 17N01W11A011 / 9191000U001); within Township 17 North, Range 1 West, Section 11, Seward Meridian.

The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of 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.

Application material may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be viewed at the Borough Permit Center. For additional information, you may contact Mark Whisenhunt, Planner II, at 861-8527. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to mark.whisenhunt@matsugov.us. 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 the definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Comments are due on or before January 10, 2020 and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

Publish: December 11, 2019 12-11-19
**Certificate of Bulk Mailing — Domestic**

**Fee for Certificate**

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**Postage:** Mailers must affix meter, PC Postage®, or (uncanceled) postage stamps here in payment of total fee due.

Acceptance employee must cancel postage affixed (by round-date) at the time of mailing.

If payment of total fee due is being paid by Permit Imprint, include the **PostalOne®** Transaction Number here: ________________

**Duplicate Copy □**

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**Postmaster’s Certification**

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.

(____________________)

(Postmaster or Designee)

PS Form 3606-D, January 2016 PSN 7530-17-000-5548

See Reverse for Instructions
The Planning Commission of the Matanuska-Susitna Borough will consider the following:

Applications: Conditional Use Permits for a marijuana retail facility

MSB Code Section: MSB 17.60 - Conditional Uses

Applicant: Kyle Lutz, on behalf of Laughing Salmon

Location: 173 North Rosie Circle (Tax ID# 17N01W11A011 / 9191000U001);
within Township 17 North, Range 1 West, Section 11, Seward Meridian

Request: An application for a conditional use permit under MSB 17.60 - Conditional Uses, has been submitted for the operation of a marijuana retail facility.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, February 3, 2020 at 6:00 p.m. in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of 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. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application material may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be viewed at the Borough Permit Center. For additional information, you may contact Mark Whisenhunt, Planner II, at 861-8527. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail to mark.whisenhunt@matsugov.us. 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 the definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Comments are due on or before January 10, 2020 and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

Name: __________________________ Mailing Address: __________________________

Location/Legal Description of your property: _______________________________________________________________________

Comments: __________________________________________________________________________________________

____________________________________________________________________________________

Note: Vicinity Map Located on Reverse Side
MEMORANDUM

Date: December 6, 2019
To: Various Governmental Agencies
From: Mark Whisenhunt, Planner II
Subject: Request for Review and Comments Governmental Agencies
Project: Conditional Use Permits for a marijuana retail facility.
Location: 173 North Rosie Circle (Tax ID# 17N01W11A011 / 9191000U001); within Township 17 North, Range 1 West, Section 11, Seward Meridian
Applicant: Kyle Lutz, on behalf of Laughing Salmon

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the operation of a marijuana retail facility. The Planning Commission will conduct a public hearing for this request on February 3, 2020.

Application material may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

https://www.matsugov.us/publicnotice/laughing-salmon-marijuana-retail-facility-conditional-use-permit

Comments are due on or before January 10, 2020 and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received after that date will not be included in the staff report to the Planning Commission. Thank you for your review.
Laughing Salmon Marijuana Retail Facility – Conditional Use Permit

An application for a conditional use permit under MSB 17.60 – Conditional Uses, has been submitted for the operation of a marijuana retail facility.

Location: The proposed use is located at 173 North Rosie Circle (Tax ID# 17N01W11A011 / 9191000U001); within Township 17 North, Range 1 West, Section 11, Seward Meridian.

Applicant: Kyle Lutz, on behalf of Laughing Salmon

Public Hearing: The Planning Commission will conduct a public hearing concerning the application for a conditional use permit on Monday, February 3, 2020, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend.

The application material may also be viewed at the Borough Permit Center. If you have questions or want to submit comments, please contact Mark Whisenhunt at 861-8527 or mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645, or email: mark.whisenhunt@matsugov.us

Comments are due on or before January 10, 2020 and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.
Land Use: 882
Marijuana Dispensary

Description
A marijuana dispensary is a standalone facility where cannabis is sold to patients or consumers in a legal manner.

Additional Data
Time-of-day distribution data for this land use for a weekday and Saturday are presented in Appendix A. For the four general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 5:45 and 6:45 p.m., respectively.

The sites were surveyed in the 2010s in Colorado and Oregon.

Source Numbers
867, 893, 919
Marijuana Dispensary
(882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 4
1000 Sq. Ft. GFA: 2
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

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<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>252.70</td>
<td>79.74 - 791.22</td>
<td>336.11</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Caution – Small Sample Size

Fitted Curve Equation: Not Given

\[ T = \text{Trip Ends} \]

\[ X = 1000 \text{ Sq. Ft. GFA} \]
Marijuana Dispensary
(882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 4
1000 Sq. Ft. GFA: 2
Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.44</td>
<td>1.17 - 31.08</td>
<td>14.00</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Caution – Small Sample Size
Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 12
1000 Sq. Ft. GFA: 2
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.83</td>
<td>2.94 - 88.65</td>
<td>27.36</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Fitted Curve Equation: Not Given

Study Site

Average Rate

R² = ****
Marijuana Dispensary
(882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 4
1000 Sq. Ft. GFA: 2
Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.88</td>
<td>6.33 - 63.51</td>
<td>26.07</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Caution – Small Sample Size

\[
X = 1000 \text{ Sq. Ft. GFA}
\]

\[
T = \text{Trip Ends}
\]

\[
\begin{array}{c}
\times \text{ Study Site} \\
\text{Fitted Curve Equation: Not Given}
\end{array}
\]

Average Rate

\[ R^2 = **** \]
Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 9
1000 Sq. Ft. GFA: 2
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>29.93</td>
<td>5.88 - 128.38</td>
<td>41.69</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Fitted Curve Equation: Not Given

R² = **

X = 1000 Sq. Ft. GFA

T = Trip Ends

Study Site

Average Rate
Marijuana Dispensary
(882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Saturday

Setting/Location: General Urban/Suburban
Number of Studies: 4
1000 Sq. Ft. GFA: 2
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>259.31</td>
<td>75.34 - 852.03</td>
<td>364.24</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Caution – Small Sample Size

Fitted Curve Equation: Not Given

R² = ****
Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 4
1000 Sq. Ft. GFA: 2
Directional Distribution: Not Available

Vehicle Trip Generation per 1000 Sq. Ft. GFA

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>36.43</td>
<td>10.85 - 118.92</td>
<td>50.44</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Caution – Small Sample Size

Study Site

Fitted Curve Equation: Not Given

R² = ****
VICINITY MAP
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.

MSS Information Technology/GIS
November 19, 2019
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.
GENERAL NOTES:
1. ALL WORK TO BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE INTERNATIONAL BUILDING CODE, AND ALL OTHER STATE AND FEDERAL AND STATE OSHA REQUIREMENTS FOR WORKER PROTECTION.
2. SEE STRUCTURAL DRAWINGS FOR ALL STRUCTURAL DESIGN PROVISIONS.
3. WALL AND CEILING FINISHES SHALL HAVE A FLAME-SPREAD CLASSIFICATION NOT GREATER THAN CLASS 1.
4. PLAN VIEW AND ELEVATION NOTATIONS ARE TO BE CONSIDERED REFERENCE ELEVATIONS. STRUCTURAL ELEVATIONS SHALL BE CONSIDERED REFERENCE ELEVATIONS.
5. ALL DRAWINGS SHOWN ARE TO BE FIELD VERIFIED BEFORE WORK PROCEEDS.
6. ALL FIELD CONDITIONS WHICH DIFFER FROM DRAWINGS SHOWN MUST BE DISCUSS WITH THE ARCHITECT PRIOR TO PROCEEDING.
7. THESE DRAWINGS ARE INTENDED TO CONVEY A GENERAL SENSE OF WHAT WILL BE BUILT.
8. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT THEIR WORK IS IN CONFORMANCE WITH ALL LOCAL CODES, INCLUDING ALL AMENDMENTS.
9. ALL WORK WILL BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL ELEVATOR CODE.
10. DO NOT SCALE THE DRAWINGS TO OBTAIN CONSTRUCTION DIMENSIONS.
11. ALL INFORMATION SHOULD BE FIELD VERIFIED BEFORE WORK PROCEEDS.
12. ANY DISCREPANCIES FOUND BETWEEN DRAWINGS, DISCIPLINES OR FIELD CONDITIONS, CONTACT THE ARCHITECT IMMEDIATELY.
13. CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, AND SERVICES NOT SPECIFICALLY NOTED.
14. CONTRACTOR SHALL COMPLY WITH ALL STATE AND LOCAL MANDATORY REQUIREMENTS.
15. ALL MATERIALS TO BE USED MUST BE APPROVED BY THE ARCHITECT.
16. CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE, AND ALL OTHER STATE AND LOCAL RELEVANT CODES AND REGULATIONS.
17. CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL ELECTRICAL CODE, AND ALL OTHER STATE AND LOCAL RELEVANT CODES AND REGULATIONS.
18. CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL MECHANICAL CODE, AND ALL OTHER STATE AND LOCAL RELEVANT CODES AND REGULATIONS.
19. CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL PLUMBING CODE, AND ALL OTHER STATE AND LOCAL RELEVANT CODES AND REGULATIONS.
20. CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL FIRE PROTECTION CODE, AND ALL OTHER STATE AND LOCAL RELEVANT CODES AND REGULATIONS.
21. CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL ENERGY CODE, AND ALL OTHER STATE AND LOCAL RELEVANT CODES AND REGULATIONS.
APPLICATION MATERIAL
CONDITIONAL USE PERMIT FOR
MARIJUANA RELATED FACILITIES – MSB 17.60

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 Marijuana Retail Facility
$1,000 for Marijuana Cultivation Facility

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.

Required Attachments for a Marijuana Cultivation Facility:

- Wastewater and Waste Material Disposal Plan – 17.60.160 (A)
- Odor Mitigation and Ventilation Plan – 17.60.160 (B)
- Hazardous Chemicals Information – 17.60.160 (C)
- Security plan – 17.60.160 (D)

Required Attachments for Both Retail and Cultivation Facilities:

- Documentation demonstrating full compliance with applicable fire code – 17.60.150 (D) (2)

Subject Property: Township: 17N, Range: 01W, Section: 11, Meridian: AO
MSB Tax ID# 17NO1W11A011
SUBDIVISION: GUARDSMAN VIEW PLAZA BLOCK(S): ______ LOT(S): #1
STREET ADDRESS: 173 N. ROSIE CIRCLE
LOT#1
FACILITY / BUSINESS NAME: Laughing Salmon

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

Kyle Lutz

Name of Agent / Contact for application

Mailing:

Cir, Wasilla, AK 99654

Phone: Hm_____ Fax_____
Wk______ Cell(907) 232-6295
E-mail Kyle_lutz21@gmail.com

Revised 4/4/2017  Permit# 176020190009
### Site Plan

Attach a detailed, to scale, site plan clearly showing the following information:

<table>
<thead>
<tr>
<th>Proposed and existing structure(s) on the site. Indicate which structure(s) will be used for the proposed use. Dimensions and locations of all existing and proposed structures on the site in relationship to all property lines.</th>
<th>Attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signage – Existing and Proposed.</td>
<td>x</td>
</tr>
<tr>
<td>Location and dimensions for all access points to and from the site to public rights-of-way or public access easements.</td>
<td>x</td>
</tr>
<tr>
<td>Buffering – Fences, vegetation, topography, berms, and any landscaping</td>
<td>x</td>
</tr>
<tr>
<td>Drainage</td>
<td>x</td>
</tr>
<tr>
<td>Vehicular and pedestrian circulation patterns.</td>
<td>x</td>
</tr>
<tr>
<td>Exterior site lighting.</td>
<td>x</td>
</tr>
<tr>
<td>Location and dimensions of parking areas to be provided</td>
<td>x</td>
</tr>
<tr>
<td>Scale and north arrow using standard engineering intervals such as 1&quot; = 30’, 1” = 50’ or similar as required by project size.</td>
<td>x</td>
</tr>
</tbody>
</table>

### Map

Attach a detailed, to scale, vicinity map clearly showing the following information:

<table>
<thead>
<tr>
<th>Identify all existing land uses within 1,000 feet.</th>
<th>Attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scale and north arrow using standard engineering intervals such as 1&quot; = 30’, 1” = 50’ or similar as required by project size.</td>
<td>x</td>
</tr>
</tbody>
</table>

### In order to grant a conditional use permit under MSB 17.60, the Planning Commission must find that each of the following requirements have been met.

**Explain the following in detail:**

<table>
<thead>
<tr>
<th>Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?</th>
<th>Yes X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?</td>
<td>No X</td>
</tr>
<tr>
<td>Are sufficient setbacks, lot area, buffers and other safeguards being provided?</td>
<td>Yes X</td>
</tr>
<tr>
<td>Does the conditional use fulfill all other requirements of MSB Chapter 17.60 pertaining to the conditional use in this section?</td>
<td>Yes X</td>
</tr>
<tr>
<td>Describe measures taken to prevent any potential negative effect upon other properties in the area due to such factors as noise and odor.</td>
<td>X</td>
</tr>
<tr>
<td>Describe measures taken to reduce negative effects upon adjacent properties by:</td>
<td></td>
</tr>
<tr>
<td>• Increased property line and right-of-way buffers</td>
<td>X</td>
</tr>
<tr>
<td>• Planted berms and landscaping</td>
<td></td>
</tr>
<tr>
<td>• Site and building design features which contribute to the character of the surrounding area</td>
<td></td>
</tr>
<tr>
<td>Describe how this use is compatible with the character of the surrounding area.</td>
<td>X</td>
</tr>
</tbody>
</table>

Current status of State License application process – 17.60.150 (D) (1)

Complete
## 17.60.170 Standards for Marijuana Retail Facilities:

Describe how the subject parcel is appropriate for the proposed conditional use. Include information detailing:
- The proximity of the proposed use to existing businesses;
- The proximity of parcels developed with residential uses;
- Whether the roads associated with the proposed use have been, or will be, appropriate for commercial use; and
- Proposed hours of operations.

Provide information showing minimum parking standards have been met as required by MSB 17.60.170 (B) and (C).

<table>
<thead>
<tr>
<th>Floor Plan for Marijuana Retail Facilities – Attach a detailed, to scale, floor plan clearly showing the following information:</th>
<th>Attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dimensions of all structures.</td>
<td>X</td>
</tr>
<tr>
<td>Interior floor plans (specific location of the use or uses to be made of the development).</td>
<td>X</td>
</tr>
<tr>
<td>Net floor area square footage calculations.</td>
<td>X</td>
</tr>
</tbody>
</table>

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

MSB Tax account #(s) and, I hereby apply for approval of a conditional use permit to operate a marijuana related facility on the property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.60 and with all other applicable borough and state.

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 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, and at other times necessary to monitor compliance.

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

---

Signature: Property Owner       Printed Name: Kyle Lutz    Date: 10/15/19

---

Signature: Agent       Printed Name       Date

Revised 4/4/2017   Permit#  ________________   Page 3 of 3
Matanuska Borough Planning Commission Questions
Laughing Salmon, LLC Cannabis Retail Store

Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?

- Yes, Laughing Salmon retail store is a newly constructed building located at Guardian View Plaza, 173 North Rosie Circle off the Palmer Wasilla Highway. This new construction will be compatible with its surrounding area and improve the value, character and integrity of the commercial land and surrounding areas. This will be the first building/business in located on Guardian View Plaza and assist in bringing in new development on the property. Located to the east of this commercial property there is a crowley gas station and a diversified tire, located to the south of the property there is a mechanic shop and residential properties, located to the west of the property there are cabin rentals (off cottonwood creek) and a hair salon, located to the north of the property (other side of the Palmer/Wasilla Highway) there is a tattoo parlor and residential properties near Wasilla Lake.

Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?

- This conditional use permit will not be harmful to the public’s health, safety, convenience and/or welfare. All Laughing Salmon products that will be sold in this retail marijuana facility containing cannabis will have all the required testing done, per state regulations and taxed by the state of Alaska and Matanuska-Susitna Borough. Laughing Salmon will have 360-degree video surveillance around the outside of the building with glass break sensors on the windows and 24/7 security monitoring. We will have a detailed security plan as well as a waste management plan, loitering prevention plan, and diversion prevention plan. No one under 21
will be allowed to enter the building and valid ID’s will be checked at the door to ensure they are 21 years of age or older.

Security Plan

Laughing Salmon will have high quality surveillance cameras surrounding the outside of the building with adequate lighting to ensure clear camera coverage. All exterior windows will have glass breaks for the alarm system. Windows are tinted to ensure the inside of the building will not be visible to the public. Inside the building will have motion detection and cameras completely covering every room with panic buttons for employees. Doors will have door break alarms and card swipe access control. All video surveillance will be stored for a minimum of 40 days onto a DVR locked in a secure room. Any product onsite will be stored and locked into safes/locking coolers when the store is closed for business. Laughing Salmon will be using the State approved Metre tracking system along with the POS software that works with Metre.

Laughing Salmon plans on employing 10-15 employees for the retail store. Employees will be required to be 21 years of age or older and have a valid state issued marijuana handlers card. They will also be required to have a food handler permit issued by the DEC. At all times Laughing Salmon employees are required to have their marijuana handler card, state issued ID and their Laughing Salmon employee badge on their persons at all times. Card access will be given to employees only and we will be able to monitor their access points through the card access software. Employees will be required to have Metre training, POS system training, and emergency response training prior to being authorized to work at Laughing Salmon. Any non-employees that wish to visit or are delivering marijuana products will be required to sign into a log book, assigned a visitor badge and escorted by a Laughing Salmon Employee.

Are sufficient setbacks, lot area, buffers, and other safeguards be provided?

- All setbacks, lot areas, buffers and safeguards have been followed as per the guardian view plaza’s declarations and the Mat-Su Borough. Northside of the building is set back 36’, Southside is 318’, Eastside is 16’,
and West side is 78’ from the property lines. Driveway permit #24348 is for the access to the Palmer Wasilla Highway which is located to the North West of the Laughing Salmon Retail Store. The entrance from the Palmer Wasilla Highway that enters Laughing Salmon marijuana retail has good visibility both east and west to allow traffic entering and exiting a clear view.

Does the conditional use fulfill all other requirements of the MSB Chapter 17.60 pertaining to the conditional use in this section?

- Laughing Salmon fulfills all requirements required for a marijuana retail facility as per MSB Chapter 17.60 and 17.60.60.

Describe measures taken to prevent any potential negative effect upon other properties in the area due to such factors as noise and odor.

- No loitering will be allowed on this premises and signs will be posted on the front and side door of the building. Persons found to be loitering will be asked to leave the premises. During summers months Laughing Salmon may hold an outdoor BBQ event in which food will be served to customers. At no time will customers/employees be allowed to consume Marijuana or Alcohol on site. On the southside of the building additional seating and parking will be available. Small speakers may be used to lightly play music during these BBQ events. BBQ events will be held during business hours of 10 a.m.-6 p.m. BBQ events will comply with the Borough noise ordinance outlined in MSB 8.52. Noise should not be an issue inside or outside of the Marijuana retail store. There will be no ventilation on this building. All marijuana products stored inside this store will be sealed in containers to minimize any odors.

Describe measures taken to reduce negative effects upon adjacent properties by: increased property line and right-of-way bumpers, planted berms and landscaping, and site of building design features which contribute to the character of the surrounding area.
• H5 construction helped us design the building and constructed it for HTF investments and is being leased to Laughing Salmon, LLC. H5 has been building numerous commercial buildings for many types of businesses and have made an amazing change in the character of the commercial/retail buildings in the area. Landscaping on the north and south side of the building will be done the summer following the completion of the building which will include some seeded grass and flowers during the summer. Asphalt has been laid down for parking and will make a clean appeal to the building and access for parking. Property line buffers have been made to best suit adjacent properties to ensure this new development can be built nicely.

Describe how this use is compatible with the character of the surrounding area.

• The surrounding area consists of commercial buildings and commercial businesses along the Palmer Wasilla Highway. Palmer Wasilla Highway has a high volume of traffic that passes by each day. The entrance that enters Laughing Salmon marijuana retail has good visibility both east and west to allow traffic entering and exiting a clear view. With an essential gas station and diversified tire shop just to the east of this location that see a high volume of traffic. Also, the planned Hermon Rd extension that will come out directly to the east of Laughing Salmon and the planned turn lanes for Palmer Wasilla Highway will allow an additional entrance and exit route to the Palmer Wasilla Highway and to Herman road which will help us greatly reduce the traffic pattern on Palmer Wasilla Highway for all surrounding businesses.

Current status of State License application process-17.60.150(D)(1)

• State License #21619 Laughing Salmon is currently complete and approved by the Marijuana Control Board on 11/15/2019 with delegation.

• On-site consumption is not being proposed at this time for Laughing Salmon.
17.60.170 Standards for marijuana retail facilities.

Describe how the subject parcel is appropriate for the proposed conditional use: Include detailing:

a. The proximity of the proposed use to existing businesses:

Laughing Salmon Cannabis is located at 173 N Rosie Circle in a new commercial plaza. We will be the first unit to build out to suit the retail store we are applying for. Some businesses nearby include: 500’ from a tattoo shop, 725’ from Crowley gas service, 1240’ from Diversified Tire.

b. The proximity of parcels developed with residential uses:

The closest residential use from Laughing Salmon Store is 803’ to the south east and south west of the property lines. Surrounding the property to the east, west and south is a heavily covered with trees. The only visible sight of this property is from the Palmer Wasilla Highway. Directly to the North on the other side of the Palmer Wasilla Highway is a vacant parcel of land.

c. Whether the roads associated with the proposed use have been, or will be, appropriate for commercial use:

Laughing Salmon has access directly to the Palmer Wasilla Hwy, see attached Driveway Permit #24348.

d. Proposed hours of operation:

The proposed hours of operation are Monday through Sunday 8 a.m. through 12 a.m.

e. Provide information showing minimum parking standards have been met as required by MSB 17.60.170(B) and (C):

This retail stores total building size is 2520 sq ft. which will require 8 parking spaces at 20’x10’ and has a vertical clearance of at least 7’. See attached site plan showing locations and dimensions. Designated parking spaces have been provided and clearly marked to comply with current Americans with Disabilities Act guidelines.
ADA GRAB BAR DETAIL
1/2" = 1'-0"

ADA TOILET DETAIL
1/2" = 1'-0"

ADA SINK DETAIL
1/2" = 1'-0"

NOTE: PIPE DIMENSIONS ARE SHOWN AS NOM DIA.
GENERAL NOTES:
1. ALL EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF FOUNDATION.
2. ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
3. WALL AND CEILING FINISHES SHALL HAVE A FLAME-SPREAD CLASSIFICATION OF LESS THAN 250.
4. OWNER AND/OR CONTRACTOR IS RESPONSIBLE FOR ALL SITE-RELATED ISSUES INCLUDING BUT NOT LIMITED TO SOILS, PROPERTY LINES, GRADING, FOUNDATION STEPS, SETBACKS, SEPTIC SYSTEM, WELL, ZONING, UTILITY EASEMENTS, ETC.
5. SEE STRUCTURAL DRAWINGS FOR ALL STRUCTURAL DESIGN.
6. THESE DRAWINGS ARE BASED ON THE CURRENT INFORMATION AVAILABLE. FIELD CONDITIONS WHICH DIFFER MATERIALLY FROM THOSE DRAWN BY DATE DEPICTED HEREIN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO PROCEEDING.
7. THESE DRAWINGS ARE INTENDED TO CONVEY A GENERAL SENSE OF REQUIRED WORK, AND DO NOT ADDRESS EVERY FIELD CHECKED JOB NO.
8. CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS AND EQUIPMENT REQUIRED TO PROVIDE A COMPLETE FACILITY.
9. ALL WORK WILL BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE 2012 INTERNATIONAL BUILDING CODE, AND ALL OTHER STATE AND LOCAL CODES, INCLUDING ALL AMENDMENTS.
10. CONTRACTOR SHALL COMPLY WITH STATE, LOCAL AND FEDERAL REGULATIONS REGARDING DEMOLITION, HANDLING AND DISPOSAL OF SHEET CONTENTS REGULATED MATERIALS. CONTRACTOR SHALL ALSO COMPLY WITH FEDERAL AND STATE OSHA REQUIREMENTS FOR WORKER PROTECTION.
11. ALL WORK WILL BE INSTALLED IN ACCORDANCE WITH THE 2012 INTERNATIONAL BUILDING CODE, AND ALL OTHER STATE AND LOCAL CODES, INCLUDING ALL AMENDMENTS.
12. ALL WORK MUST COMPLY WITH THE 2012 INTERNATIONAL BUILDING CODE, AND ALL OTHER STATE AND LOCAL CODES, INCLUDING ALL AMENDMENTS.
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22. ALL WORK MUST COMPLY WITH THE 2012 INTERNATIONAL BUILDING CODE, AND ALL OTHER STATE AND LOCAL CODES, INCLUDING ALL AMENDMENTS.
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30. ALL WORK MUST COMPLY WITH THE 2012 INTERNATIONAL BUILDING CODE, AND ALL OTHER STATE AND LOCAL CODES, INCLUDING ALL AMENDMENTS.
GENERAL NOTES:
1. ALL EXTERIOR DIMENSIONS ARE TO OUTER FACE OF FOUNDATION.
2. ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
3. WALL AND CEILING FINISHES SHALL HAVE A FLAME-SPREAD CLASSIFICATION OF NOT GREATER THAN 200.
4. OWNER AND/OR CONTRACTOR IS RESPONSIBLE FOR ALL SITE-RELATED ISSUES INCLUDING BUT NOT LIMTED TO SOILS, PROPERTY LINES, GRADING, FOUNDATION STEPS, SETBACKS, SEPTIC SYSTEM, WELL, ZONING, UTILITY EASEMENTS, ETC.
5. SEE STRUCTURAL DRAWINGS FOR ALL STRUCTURAL DESIGN.
6. THESE DRAWINGS ARE BASED ON THE CURRENT INFORMATION AVAILABLE. FIELD CONDITIONS WHICH DIFFER MATERIALLY FROM THOSE DEPICTED HEREIN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO PROCEEDING.
7. THESE DRAWINGS ARE INTENDED TO CONVEY A GENERAL SENSE OF REQUIRED WORK, AND DO NOT ADDRESS EVERY FIELD CONDITION. CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS AND EQUIPMENT REQUIRED TO PROVIDE A COMPLETE FACILITY.
8. CONTRACTOR SHALL COMPLY WITH STATE, LOCAL AND FEDERAL REGULATIONS REGARDING DEMOLITION, HANDLING AND DISPOSAL OF REGULATED MATERIALS. CONTRACTOR IS ALSO RESPONSIBLE FOR ALL SITE-RELATED ISSUES INCLUDING BUT NOT LIMITED TO SOILS, PROPERTY LINES, GRADING, FOUNDATION STEPS, SETBACKS, SEPTIC SYSTEM, WELL, ZONING, UTILITY EASEMENTS, ETC.
9. ALL WORK WILL BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE 2012 INTERNATIONAL BUILDING CODE, AND ALL OTHER STATE AND LOCAL CODES, INCLUDING ALL AMENDMENTS.
10. DO NOT SCALE THE DRAWINGS TO OBTAIN CONSTRUCTION DIMENSIONS.
11. ALL INFORMATION SHOULD BE FIELD VERIFIED BEFORE WORK PROCEEDS. ANY DISCREPANCY BETWEEN DRAWINGS, DISCiplines OR FIELD CONDITIONS, CONTACT THE ARCHITECT IMMEDIATELY.
WEST ELEVATION

1/4" = 1'-0"

SOUTH ELEVATION

1/4" = 1'-0"

GENERAL NOTES:

1. ALL EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF FOUNDATION.

2. ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.

3. WALL AND CEILING FINISHES SHALL HAVE A FLAME-SPREAD CLASSIFICATION OF NOT GREATER THAN 200.

4. OWNER AND/OR CONTRACTOR IS RESPONSIBLE FOR ALL SITE-RELATED ISSUES INCLUDING BUT NOT LIMITED TO SOILS, PROPERTY LINES, GRADING, FOUNDATION STEPS, SETBACKS, SEPTIC SYSTEM, WELLS, ZONING, UTILITY EASEMENTS, ET C.

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8. CONTRACTOR SHALL COMPLY WITH STATE, LOCAL AND FEDERAL REGULATIONS REGARDING DEMOLITION, HANDLING AND DISPOSAL OF REGULATED MATERIALS. CONTRACTOR SHALL ALSO COMPLY WITH FEDERAL AND STATE OSHA REQUIREMENTS FOR WORKER PROTECTION.

9. ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE 2012 INTERNATIONAL BUILDING CODE, AND ALL OTHER STATE AND LOCAL CODES, INCLUDING ALL AMENDMENTS.

10. DO NOT SCALE THE DRAWINGS TO OBTAIN CONSTRUCTION DIMENSIONS.

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REVISED DESCRIPTION DATE
1. POST 3-04-19
2. PICTURE SCHEDULES 7-09-19
3. DRAWN BY DATE
4. CHECKED JOB NO.
5. SHEET CONTENT

BUILDING ELEVATIONS

SHEET NO

A2.01
GENERAL NOTES:
1. ALL EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF FOUNDATION.
2. ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
3. WALL AND CEILING FINISHES SHALL HAVE A FLAME-SPREAD CLASSIFICATION OF NOT GREATER THAN 200.
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Matanuska-Susitna Borough Development Services

NOV 2 4 2019

Received
Panel Layout NORTH ELEVATION

(2) 5'x2' panels
(2) 2'x2' panels
(14) 6'x2' panels
(2) 7'x2' panels
(14) 8'x2' panels.

Panel Layout WEST ELEVATION

(2) 2'x2' panels
(2) 3'x2' panels
(1) 4'x2' panels
(1) 5'x2' panels
(21) 6'x2' panels
(22) 8'x2' panels
BUILDING SECTION 2

TYPICAL ROOF CONSTRUCTION:
- Metal Roof
- R-38 Rigid Insulation
- Roof Sheathing, See Structural Pre-Engineered Mono Roof Trusses
- Vapor Barrier
- 5/8" Gypsum Board Type X

TYPICAL EXTERIOR WALL CONSTRUCTION:
- Compositesiding, See Elevations
- Building Wrap
- 2X6 Studs @ 16" O.C.
- R-21 Batt Insulation
- Vapor Barrier
- S/B Gypsum Wallboard

GENERAL NOTES:
1. All exterior dimensions are to outside face of foundation
2. All interior dimensions are to center of stud (when specified)
3. Metal roof and composite siding shall have a fire spread classification of no greater than 250
4. Contractor and/or architect is responsible for all structural design
5. Owner and/or contractor is responsible for all site-related issues including but not limited to soils, property lines, grading, foundation steps, setbacks, septic system, well, zoning, utility easements, etc.
6. See structural drawings for all structural design
7. These drawings are intended to convey a general sense of required work, and do not address every field condition
8. Owner and/or contractor shall provide all labor, materials, and equipment required to provide a complete facility
9. Contractor shall comply with state, local and federal regulations regarding demolition, handling and disposal of regulated materials. Contractor shall also comply with federal and state OSHA requirements for worker protection
10. All work will be installed in accordance with the provisions of the 2012 International Building Code, and all other state and local codes, including all amendments
11. Do not scale the drawings to obtain construction dimensions

Received

Matanuska - Susitna Borough Development Services
NOV 14 2019

Signatures
SIGN TYPE: ILLUMINATED WALL SIGN

QTY: 1

* CHANNEL LOGO, WHITE LED ILLUMINATION
* CHANNEL LETTERS, WHITE LED ILLUMINATION

SCALE: 1/8" = 1'
SIGN TYPE: ILLUMINATED WALL SIGN

QTY: 1

* CHANNEL LETTERS. WHITE LED ILLUMINATION

SCALE: 1/8" = 1'

CLIENT: HS CONSTRUCTION
ADDRESS / SITE: ANCHORAGE / AK

APPROVED: AS IS

SIGNCO QUALITY SIGNS
Section 7 – Security

Review the requirements under 3 AAC 306.350 and 3 AAC 306.720.

7.1. Describe the retail marijuana store's procedures for ensuring a form of valid photographic identification has been produced before selling marijuana or marijuana product to a person, as required by 3 AAC 306.350(a):

At all times customers will be required to show a valid state/government issued ID prior to purchasing any marijuana products to ensure the customer is 21 years of age or older. Employees for Laughing Salmon will be required to verify expiration dates and birth dates, at any time if they feel the ID is not valid they will reject the customers attempt to purchase any marijuana product and asked to leave.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

7.2. The video surveillance and camera recording system for the licensed premises covers each point-of-sale area.

Section 8 – Waste Disposal

Review the requirements under 3 AAC 306.740.

8.1. Describe how you will store, manage, and dispose of any marijuana waste, including expired marijuana or marijuana products, in compliance with any applicable laws. Include details about the material(s) you will mix with ground marijuana waste and the processes that you will use to make the marijuana waste unusable for any purpose for which it was grown or produced:

Laughing Salmon will segregate all waste, expired, and outdated marijuana or marijuana products. Waste will be identified in the marijuana inventory tracking system as required in 3 AAC 306.730 and the board will be given 3 days notice before making the waste unusable and disposed of. For faulty or unusable vape cartridges, the product will be removed and cartridge will be disposed of properly with no product remaining in the cartridge. We will keep a record in our business files of the final destination of marijuana waste made unusable.

Waste must be made unusable by grinding the marijuana waste and mixing it with at least an equal amount of other compost or non-compost materials. The marijuana waste will be mixed with compost and non-compost materials including food waste, yard waste, paper waste, cardboard waste, plastic waste, vegetable based grease or oils. The waste will then be taken to the local permitted solid waste facility for final disposal.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

8.2. The retail marijuana store shall give the board at least three days written notice required under 3 AAC 306.740(c) before making marijuana waste unusable and disposing of it.

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Printed name of licensee

Subscribed and sworn to before me this 10 day of October, 2019.
Owner: Bru-Nette LLC
Mailing Address: 3201 E. Tamarak Ave.
Wasilla, AK 99654

Driveway location (highway, address, subdivision, legal description milepost, etc.)
Wasilla DW – Access to Palmer Wasilla Highway from - T17N R1W Sec 11 Lot A11
TAX ID: 17N01W11A011

Design Criteria

<table>
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<tr>
<th>Driveway width</th>
<th>30 Feet</th>
<th>Road surface type</th>
<th>Paved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left edge clearance</td>
<td>300 Feet</td>
<td>Shoulder type</td>
<td>Gravel</td>
</tr>
<tr>
<td>Right edge clearance</td>
<td>415 Feet</td>
<td>Landing surface type</td>
<td>Asphalt</td>
</tr>
<tr>
<td>Left return radius</td>
<td>40 Feet</td>
<td>Left driveway fore slope</td>
<td>4:1</td>
</tr>
<tr>
<td>Right return radius</td>
<td>40 Feet</td>
<td>Right driveway fore slope</td>
<td>4:1</td>
</tr>
<tr>
<td>Shoulder width</td>
<td>2 Feet</td>
<td>Ditch depth</td>
<td>12 Feet</td>
</tr>
<tr>
<td>Approach angle</td>
<td>90 Degrees</td>
<td>Culvert Type</td>
<td>Corrugated Metal Pipe</td>
</tr>
<tr>
<td>Landing grade</td>
<td>2 Percent</td>
<td>Culvert Size</td>
<td>24 Inches</td>
</tr>
<tr>
<td>Landing length</td>
<td>30 Feet</td>
<td>Culvert Length</td>
<td>95 Feet</td>
</tr>
</tbody>
</table>

This permit applies only to the State right of way.

This permit grants permission for a driveway allowing access to and from your property onto a State maintained highway. It does not permit the following within the right of way or within that portion of a driveway that is within the right of way: (1) Parking of vehicles "for sale"; (2) Obstructions of any kind (i.e. logs, cables, fencing, etc.); (3) Advertising signs or banners/flags; (4) Parking vehicles with signs/advertising on the side.

A driveway constructed under permit within a highway right-of-way is the property of the State, but all cost and liability arising from the construction, operation, or maintenance of a driveway is at the sole expense of those lands served.
The Department is not obligated to change its maintenance practices to accommodate a driveway constructed under a permit, or to incur any additional expense removing snow berms or other obstructions from a driveway within a right of way, resulting from the Department's activities, or activities under a permit issued under 17 AAC 15.

Owner is responsible for adjusting, relocating or removing the driveway without cost or liability to the Department if the use or safety of the highway requires.

This permit is not a property right but a temporary authorization, revocable by the State upon violation of any permit terms or conditions, or for other reasons. All reasonable attorney's fees and costs associated with legal or enforcement actions related to the terms and conditions of this permit will be borne by the Owner.

Any survey monument or monument accessory that is disturbed or destroyed during construction or maintenance of the driveway will be restored or replaced by a Land Surveyor licensed in the State of Alaska.

The Owner will be responsible for all necessary Federal, State, and Municipal permits and licenses required by law, pay all taxes and special assessments lawfully imposed upon the permitted area, and pay other fees and charges assessed under applicable law.

Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization from the U.S. Army Corps of Engineers. It is the responsibility of the owner to contact the Corps before filling activities take place.

The Owner shall construct and maintain a driveway in such a manner that the highway, and all of the highway's appurtenances or facilities, including drainage facilities, pipes, culverts, ditches, traffic control devices, street lights, pathways, and sidewalks are not impaired or endangered in any way by the construction or maintenance. If you damage any improvements within the State owned right of way, you will be responsible for returning them to their previous condition. The Department will inspect and approve the restored improvements.

Owner will indemnify, defend, and hold harmless the State, and its officers, employees, and contractors, from any and all claims or actions resulting from injury, death, loss, or damage sustained by any person or personal property resulting directly or indirectly from Owner's use of or activities in the permitted area.

Landings from all paved roads must be paved and maintained from edge of the road to the length of the landing as stipulated in this permit.

If a culvert is required by this driveway permit, culvert ends must be installed at the time of installation and maintained continuously by the owner.

No person shall place, leave, or deposit upon any street, avenue, alley, sidewalk, or other public right of way any snow or ice which has been removed from a private driveway, private parking area, or the adjacent property. Owner is responsible for contractor's actions concerning placement of snow from Owner's property.
If driveway construction or maintenance interferes with the public’s safety and/or use of facilities within State owned right of way, you will be directed to stop work until adjustments are made.

While doing construction or maintenance activities do not park equipment or stockpile material on the shoulder during non-working hours.

Owner is responsible for sight distance clearing of brush and obstructions adjacent to their property.

Contact the Department for information about acceptable driveway markers (i.e., size, materials, distance, etc.) for placement within the right of way.

Attachments included as part of this permit are:

- Site Plan

I, Marcus VanBuskirk, acknowledge and accept that Bru-Nette LLC will comply with all the provisions and conditions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.

Marcus VanBuskirk  
Date

DOT&PF Signature  
Date
November 26, 2019

Laughing Salmon LLC
DBA Laughing Salmon
Via: kyle.lutz21@gmail.com

Re: Laughing Salmon #21619

Dear Laughing Salmon LLC:

At the November 13-15, 2019, meeting of the Marijuana Control Board in Anchorage, Alaska, the board voted to approve your new marijuana retail store application with delegation to the director. Delegation means that the board has authorized me to issue the license once all outstanding approvals are received.

Attached are post-approval instructions and the pre-inspection checklist, which provide information on your next steps. Please note that the pre-inspection checklist is informational. You will be provided with an individualized checklist at the appropriate time.

Please contact marijuana.licensing@alaska.gov with any questions.

Sincerely,

Mikal Martin
Records and Licensing Supervisor

For
Glen Klinkhart,
Interim Director

cc: License File
Matanuska-Susitna Borough
Fire and Life Safety Division
Central Mat-Su Fire Service Area No. 130 - District 1
Department of Emergency Services, Matanuska-Susitna Borough

Plan Review #2020-009
HTF Investments
New Construction/Addition Approval

This is to certify that the plans for this building were reviewed by CMSFD’s Fire & Life Safety Division on 8/15/2019, for conformance with AS 18.70.010-100; 13 AAC 50.027. This certificate becomes invalid 180 days after the work on the site is commenced within 180 days after issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the time work is commenced. An extension may be requested at the above mentioned address.

This certificate shall be posted in a conspicuous place on the premises listed above and shall remain posted until construction is completed. Notice: Any changes or modifications to the approved plans must be resubmitted for review by the Central Mat-Su Fire Department.

Authority: AS 18.70.080, 13 AAC 50.075 & MSB RS 06-054

by Jacob R. Boothby, Fire Code Official
UNIT DEED
(Including the Warranties of AS 34.15.030)

The GRANTOR,

BRU-NETTE, LLC, an Alaska limited liability company, whose address is 5099 E. Blue Lupine Drive, Suite 201, Wasilla, AK 99654, for and in consideration of TEN DOLLARS ($10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, conveys and warrants to GRANTEE,

KYLE LUTZ, a married person, d/b/a HTF INVESTMENTS, whose address is

5484 N. Gooseberry Cyn. Wasilla, AK 99654,

the following described real estate located in the State of Alaska:

Unit 1, GUARDIAN VIEW PLAZA, as identified in the declaration recorded March 29, 2018 as Reception No. 2018-006032-0, and amendments thereto and as shown on floors plans and Condominium Plat filed under Plat No. 2019-7, in the office of the Recorded of the Palmer Recording District, Third Judicial District, State of Alaska.

SUBJECT TO:

The reservations, restrictions on use and all covenants and obligations set forth in the above referenced Declaration and survey maps and floor plans, and as set forth in the Bylaws of Guardian View Plaza Owners Association, Inc., as it may be amended from time to time, all of which restrictions, payment of charges, and all other covenants, agreements, obligations, conditions and provisions contained in any of the foregoing are incorporated in this deed by reference, and shall constitute covenants running with the land, equitable servitude, and liens to the extent set forth in said documents, and as provided by law, all of which are accepted by the Grantee as binding, and be binding on the Grantee, and his successors, heirs, administrators, executors and assigns, or the heirs and assigns of the survivor of them as the case may be. And the Grantee in consideration of the foregoing conveyance, hereby assumes and agrees to pay the pro rata share of all charges, assessments and other payments as are provided for in such instruments which may be amended from time to time, in the same proportion as the undivided interest in the Common Areas and Facilities conveyed herein, as and when due, and will save Grantor harmless, and will indemnify same against all claims and demands whatsoever which shall hereafter arise from or in connection therewith.
Reservations and exceptions as contained in the United States Patent and/or in Acts authorizing the issuance thereof, said patent was recorded May 24, 1949, in Book 7 at Page 243.

Easement, which affects Units 1, 2 and Common Element, for right-of-way, including terms and provisions thereof, in favor of United States of America, recorded August 31, 1951, Book 9 Page 52.

Blanket Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof, granted to Matanuska Electric Association, Inc., recorded February 17, 1960, Book 29 Page 41.

Blanket Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof, granted to Matanuska Electric Association, Inc., recorded October 6, 1961, Book 39 Page 106.

Blanket Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof, granted to Matanuska Electric Association, Inc., recorded October 6, 1961, Book 39 Page 133.

Blanket Easement for electrical transmission and/or telephone distribution and incidental purposes, including terms and provisions thereof, granted to Matanuska Telephone Association, Inc., recorded December 9, 1976, Book 128 Page 893.

Rights of the Public and/or governmental agencies, in and to any portion of said land lying within the boundaries of the E. Palmer-Wasilla Highway, which affects Units 1, 2 and Common Element.

State of Alaska, Department of Transportation and Public Facilities Right of Way Base Map for Alaska Project Palmer-Wasilla Highway, Parks Highway to Trunk Road, State Project No. 59271, recorded October 10, 2014, as Plat No. 2014-121, which affects Units 1, 2 and Common Element.

Covenants, conditions, restrictions and/or easements, including terms and provisions thereof, as contained in the Declaration submitting said premises to the Uniform Common Interest Ownership Act (34.08) of the State of Alaska, recorded March 29, 2018, Reception No. 2018-006032-0, amended by instrument recorded January 25, 2019, Reception No. 2019-001488-0, amended by instrument recorded April 26, 2019, Reception No. 2019-007789-0.

Terms, provisions and covenants, of the by-laws of the Guardian View Plaza Owners Association, Inc., and any amendments or additions thereto, recorded March 29, 2018, Reception No. 2018-006032-0.

Liability for future assessments and/or charges as may be imposed by the Guardian View Plaza Owners Association, Inc.
Terms, conditions, provisions and future liens of the Uniform Common Interest Ownership Act of the State of Alaska (Chapter AS 34.08) and supplements and amendments thereto.

Notes as shown on the plat of Guardian View Plaza, Plat No. 2019-7.

Easement(s) as delineated on the plat of Guardian View Plaza, Plat No. 2019-7.

FURTHER SUBJECT TO reservations and exceptions in U.S. Patents and/or in Acts authorizing the issuance thereof, the Horizontal Property Regimes Act, the Uniform Common Interest Ownership Act, easements, slope easements, rights-of-way, covenants, conditions, reservations, exceptions, by-laws, easements dedicated or delineated on the plat, notes on the plat, and other restrictions of record, if any.

By the execution hereof, GRANTEE acknowledges receipt of a true copy of the By-laws of Guardian View Plaza Owners Association, Inc.

DATED  \( \text{Q} \) 2019

GRANTOR: BRU-NETTE, LLC

By ASHLEY STETSON, Manager II

STATE OF ALASKA )

) ss.

THIRD JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me on  \( \text{M} \) 2019, by ASHLEY STETSON, Manager II of BRU-NETTE, LLC, an Alaska limited liability company, on behalf of the company.
Dated: 5/4/19, 2019

GRANTEE:

KYLE LUTZ

STATE OF ALASKA )
) ss.
THIRD JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me on by KYLE LUTZ.

Notary Public in and for Alaska
My Commission Expires: ______________

Record in Palmer Recording District.
Return to:
KYLE LUTZ

5484 N. Gooseberry Cir
Wasilla, AK 99654

Dalrymple Law, P.C. • 927 S. Cobb Street, Palmer AK 99645 • 907-745-6332 • www.matsulaw.com
Unit Deed, Page 4

2019-008652-0
Mark Whisenhunt

Please see the attached letter requesting required information related to your application for Conditional Use Permit for a marijuana retail facility. Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us
November 14, 2019

Kyle Lutz, of
Laughing Salmon, LLC
5684 N. Gooseberry Circle
Wasilla, AK 99654

SUBJECT: Conditional Use Permit Application – Request for Required Information
LOCATION: 173 N Rosie Circle #1 – Tax ID #17N01W11A011

Dear Mr. Lutz,

Borough staff has reviewed the application material and the site plan(s) submitted on October 18, 2019 for a Conditional Use Permit to operate a Marijuana Retail Facility under MSB 17.60 on the above referenced property. It has been determined that the following information needs to be provided and/or clarified in order to process this request:

1. The land use map within 1,000 feet of the property does not identify the actual land uses (such as, residential, vacant, etc...). I can provide you with a blank map if you would like.

2. Please submit the building plans electronically. The printed 8.5 X 11 inch plans are too small to read.

3. Due to copyright laws, we are unable to accept any stamped drawings that have been altered by persons other than the author. Please call me if you have questions.

4. This property is within the Core Planning Area. According to my estimation, it appears the proposed facility will not exceed the traffic standards listed in MSB 17.61. This means a Core Area Conditional Use Permit is not required at this time.

5. The narrative with your application is insufficient. Please address each question specifically in your narrative. Some information to include in your narrative which is helpful to our evaluation are: loitering prevention, diversion prevention, ID policy, lighting information (ie location, height, type, and direction), odor mitigation measures, specific information on setback distances, landscape details, hours of operation, estimated number of employees etc... I'd be happy to have a meeting with you to go over these details.

6. The site plan does not meet any of the standards listed on page 2 of the application.

Providing Outstanding Borough Services to the Matanuska-Susitna Community.
Once an application has been determined to be complete, staff will begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-8527, or email: mark.whisenhunt@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
January 10, 2020

Kyle Lutz  
5684 N. Gooseberry Circle  
Wasilla, Alaska 99654

SUBJECT: Request for Payment of Advertising & Mailing Fees  
LOCATION: 173 North Rosie Circle (Tax ID# 17N01W11A011 / 91910000U001)

Greetings:

The conditional use permit application for the proposed marijuana retail facility on the above referenced property has been distributed for comments. In accordance with the requirements of MSB 17.03 – Public Notification, the applicant shall pay the cost of mailings or advertisements required by ordinance specific to that action. Please be advised of the following charges:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising</td>
<td>$135.00</td>
</tr>
<tr>
<td>Mailing</td>
<td>$ 21.55</td>
</tr>
<tr>
<td>TOTAL DUE</td>
<td>$156.55</td>
</tr>
</tbody>
</table>

The advertisement was published in the December 11, 2019 Frontiersman. Please pay the fees on or before February 3, 2020. Should you have any questions or require additional information please contact me at the above address, phone# 861-8527, or e-mail: mark.whisenhunt@matsugov.us.

Respectfully,

Mark Whisenhunt  
Planner II  
Matanuska-Susitna Borough
Hi Kyle,

Mr. Whisenhunt will most likely be out of the office until sometime in February, so I have taken over this file from him and will write the staff report and put the packet together for the Planning Commission meeting. I’m in the process of writing the staff report and I have a question about fire marshal approval.

MSB 17.60.150(D)(2): requires that the proposed use is in full compliance with applicable fire code. I didn’t see this documentation in the file. Have you received a Plan Review or other documentation from the Fire Marshall that indicates the structure is in compliance with the applicable State of Alaska fire code? Please clarify.

If I have any other questions, I will be sure to let you know and if you have any questions for me or need clarification on anything, don’t hesitate to contact me.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862

--

Kyle Lutz
(907)232-6298
As I’m in the process of writing this staff report I have come up with a couple more questions.

Will there be any signs associated with the business? If so, please elaborate and include in they will be illuminated.

The application material indicates you have a security plan in place. Will all employees be trained on all security measures?

When do you go before the AMCO board?

Will there be any cannabis waste associated with the business? If so, could you outline your cannabis waste material disposal procedures.

Thank you Kyle.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862
Hey Kyle,

Thanks for getting back to me so quickly.

I was able to locate the signage information, so no need to resend that.

Security plan information should be good to go know, I just wanted to make sure all employees are trained on the security plan, which you indicate they are.

I now see that you went before the AMCO board of November 15, 2019, so no need to resend that.

I wasn’t able to locate the waste management plan in the packet of information. Your narrative indicates that you will have a waste management plan, but I don’t see any detailed information about the plan. If you could send that over that would be great.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862

From: Kyle Lutz <kyle.lutz21@gmail.com>
Sent: Saturday, January 18, 2020 11:09 AM
To: Joseph Metzger <Joseph.Metzger@matsugov.us>
Subject: Re: Laughing Salmon Fire Code Approval

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]
Hey, Most these questions should be in the packet I sent in?
#1 Yes there will be signs and I am pretty sure I sent him a picture of what the signs are going to look like, if needed I can send you another one.
#2 Employees will be shown how to use the security system and signed off on the security plan once they have gone through the training.
#3 We have already went to the AMCO meeting and have been approved and delegated. This is also in the packet I believe
#4 Waste plan should also be in the packet, if it isn’t let me know and I’ll send that over to you.
Let me know if you don’t have the packet of questions and answers that I had sent to Mark and I’ll send you a copy of it also
Thanks
Kyle

On Sat, Jan 18, 2020 at 10:04 AM Joseph Metzger <Joseph.Metzger@matsugov.us> wrote:

Hey Kyle,
Received, thank you Kyle. Just need the fire marshal review now.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862

From: Kyle Lutz <kyle.lutz21@gmail.com>
Sent: Monday, January 20, 2020 9:55 AM
To: Joseph Metzger <Joseph.Metzger@matsugov.us>
Subject: Fwd: Waste

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]
Here is the waste disposal plan in section 8.1.
Let me know if there is anything else.
Thanks

--

Kyle Lutz
(907)232-6298
Greetings:

Please see the attached letter requesting payment of costs related to your application for Conditional Use Permit. Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us
January 10, 2020

Kyle Lutz
5684 N. Gooseberry Circle
Wasilla, Alaska 99654

SUBJECT: Request for Payment of Advertising & Mailing Fees
LOCATION: 173 North Rosie Circle (Tax ID# 17N01W11A011 / 9191000U001)

Greetings:

The conditional use permit application for the proposed marijuana retail facility on the above referenced property has been distributed for comments. In accordance with the requirements of MSB 17.03 – Public Notification, the applicant shall pay the cost of mailings or advertisements required by ordinance specific to that action. Please be advised of the following charges:

- Advertising: $135.00
- Mailing: $21.55
- TOTAL DUE: $156.55

The advertisement was published in the December 11, 2019 Frontiersman. Please pay the fees on or before February 3, 2020. Should you have any questions or require additional information please contact me at the above address, phone# 861-8527, or e-mail: mark.whisenhunt@matsugov.us.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
## USE PERMITS

<table>
<thead>
<tr>
<th>Permit Description</th>
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<tbody>
<tr>
<td>8.35 Public Display of Fireworks</td>
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</tr>
<tr>
<td>17.02 Mandatory Land Use Permits</td>
<td>$25.00</td>
</tr>
<tr>
<td>Residential Non-habitable</td>
<td></td>
</tr>
<tr>
<td>Commercial/Industrial</td>
<td>$150.00</td>
</tr>
<tr>
<td>17.04 Nancy Lake Special Land Use District CUP</td>
<td>$1,000.00</td>
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<tr>
<td>17.06 Electrical Generating &amp; Delivery Facility Application</td>
<td>$500.00</td>
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<tr>
<td>17.08 Hay Flats Special Land Use District Exception Application</td>
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<tr>
<td>17.17 Denali State Park Conditional Use Permit</td>
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<td>17.18 Chickaloon Special Land Use District CUP</td>
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<tr>
<td>17.19 Glacier View Special Land Use District CUP</td>
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<td>17.23 Port MacKenzie Development Permit</td>
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<td>17.61 Commercial/Industrial Core Area Conditional Use Permit</td>
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<tr>
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<td>Nonconforming Use</td>
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<td>17.70 Regulation of Alcoholic Beverage Use Permit Application</td>
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<td>$156.55</td>
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<td>Regulation of Alcoholic Beverage Use Permit Application</td>
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<td>17.73</td>
<td>Multi-Family Land Use Permit – add $25.00 for each additional unit beyond 5 units.</td>
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<td>Single-Family Residential Land Use District CUP</td>
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<td>17.76</td>
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<td>Nonconforming Structures (Amnesty) Pre-Existing Legal Nonconforming (Grandfather)</td>
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<td>17.90</td>
<td>Regulation of Adult Businesses – Conditional Use Permit</td>
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</tbody>
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**RIGHT-OF-WAY FEES:**

- Driveway: $50.00
- Driveway Deposit {100.226.100}: $150.00
- Construction: $200.00
- Utility (Application Fee = $100 – Distance Fee $0.25/per lineal foot): $150.00
- Encroachment: $150.00
- Construction Bond {100.227.000}:

**PLATTING PRE-APPLICATION CONFERENCE:**

- Pre-Application Fee: $50.00

**FEES:**

- Flood Plain Development Survey CD: $10.00
- CD/DVD/DVD-R: $7.50
- Construction Manual/Title 43: $5.00
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- Cultural Resources Books or Maps
- Citation Payment (If sent to collections – use total due from Courtview)
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$1000.00 Amount Paid Date: 10/21/17 Receipt #9136103 By: LA

Revised: 3/29/2019
PLANNING COMMISSION

RESOLUTION
A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 173 North Rosie Circle (TAX ID# 17N01W11A011 / 9191000U001); WITHIN TOWNSHIP 17 NORTH, RANGE 1 WEST, SECTION 11, SEWARD MERIDIAN.

WHEREAS, an application has been received from Kyle Lutz on behalf of Laughing Salmon for a conditional use permit for the operation of a marijuana retail facility at 173 North Rosie Circle, (Tax ID# 17N01W11A011 / 9191000U001); within Township 17 North, Range 1 West, Section 11, Seward Meridian; and

WHEREAS, MSB 17.60.030(A)(4) requires a conditional use permit for the operation of a marijuana retail facility; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, marijuana retail facilities are declared to be a public nuisance; and

WHEREAS, the proposed retail facility will be wholly contained within the commercial structure approximately 2,520 square feet in size; and

WHEREAS, there is no industrial equipment or processes that generate noise associated with the proposed use; and

WHEREAS, the application material indicates that during the
summer months outdoor BBQ events may be held on the south side of
the structure between the hours of 10:00 a.m. and 6:00 p.m.; and

WHEREAS, the application material indicates during the BBQ
events, small speakers may be used to play music; and

WHEREAS, ITE Trip Generation 10th Edition indicates a
"Marijuana Dispensary" 1000-square feet in size is expected to
produce 29.93 trips per peak PM hour. The structure that will
contain the proposed marijuana retail facility is approximately
2,520 square feet and based on these calculations is expected to
produce approximately 76 trips per peak PM hour; and

WHEREAS, ITE Trip Generation 10th Edition indicates a
"Marijuana Dispensary" 1000-square feet in size is expected to
produce 259.31 trips per day. The structure that will contain the
proposed marijuana retail facility is approximately 2,520 square
feet and based on these calculations is expected to produce
approximately 650 trips per day; and

WHEREAS, the proposed use will not be processing,
manufacturing, or storing hazardous substances identified in MSB
17.61.020(A)(3); and

WHEREAS, the proposed use is confined to a generally flat
area on the parcel; and

WHEREAS, the proposed use is commercial retail in nature and
will not generate contaminated water runoff; and
WHEREAS, the property is located in the Core Area; however, there are no specific zoning designations for this parcel; and

WHEREAS, the proposed use accesses E. Palmer-Wasilla Highway from an existing, State of Alaska permitted driveway; and

WHEREAS, E. Palmer-Wasilla Highway is considered a highway and has many different uses on its frontage, including residential, commercial, and industrial; and

WHEREAS, the closest residential structure is located to the northwest and is approximately 480 feet away from the proposed use; and

WHEREAS, the application material indicates two illuminated signs will be installed on the proposed facility. One sign will be installed on the west side of the building and will say “Laughing Salmon Cannabis”, while the other sign will be installed above the entrance to the facility; and

WHEREAS, the proposed hours of operation are 8:00 a.m. until 12:00 a.m., daily; and

WHEREAS, according to the application material, the proposed use is located approximately 36 feet from the E. Palmer-Wasilla highway to the north, approximately 16 feet to the property line to the east, approximately 318 feet to the southern property line, and approximately 78 feet to the property line to the west; and

WHEREAS, the proposed marijuana retail facility is the first unit to be constructed in a new commercial business plaza that is
being developed; and

WHEREAS, there are multiple commercial businesses in the surrounding area such as, but not limited to, a tattoo shop, a gravel pit, and a tire business; and

WHEREAS, the surrounding area is comprised of mixed uses. The parcels directly to the south and west will be used for commercial purposes, as they are part of a new commercial business plaza under development. The parcel to the east is vacant and undeveloped and the use abuts E. Palmer-Wasilla Highway to the north; and

WHEREAS, consumption of marijuana is prohibited at the site; and

WHEREAS, persons under the age of 21 are prohibited from entering the facility; and

WHEREAS, according to the application material, loitering will not be allowed; and

WHEREAS, the closest school (Wasilla Lake Christian School) is approximately 1,350 feet away from the use; and

WHEREAS, according to the application material, the use has a security plan in place, which includes education of employees on all security measures; and

WHEREAS, security cameras, motion detectors, panic buttons, and lighting are used to monitor all activities at the facility; and
WHEREAS, according to the application material, landscaping on the north and south side of the structure will be done during the summer and following the completion of the building. The landscaping will include seeded grass and flowers; and

WHEREAS, the structure meets all applicable setback requirements required by MSB 17.55 - Setbacks and Screening Easements.

WHEREAS, the Mat-Su Borough Central Mat-Su Fire Department has issued Plan Review #2020-009, for the commercial structure; and

WHEREAS, the commercial structure is in full compliance with the applicable State of Alaska fire code; and

WHEREAS, the applicant has provided a copy of the approved Plan Review #2020-009; and

WHEREAS, the subject parcel was created in 2019 from a platting action and became Unit 1 of the Guardian View Plaza. Prior to the platting action the parcel was vacant and undeveloped; and

WHEREAS, a marijuana retail facility 2,520 square feet in size is required to provide eight parking spaces with one ADA compliant space; and

WHEREAS, each space is 20 feet in length and ten feet wide; and
WHEREAS, eight (8) customer parking spaces are being provided; and

WHEREAS, there are no vertical clearance limitations on site; and

WHEREAS, ADA guidelines require one van accessible parking space, 11 feet wide with a five-foot wide parking isle, for every 1 to 25 spaces; and

WHEREAS, according to the application material, one van accessible parking space, 11 feet wide with a five-foot wide parking isle is being provided; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.170; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 20-03:

1. The proposed use, with conditions, will not detract from the value, character, and integrity of the surrounding area (MSB 17.60.100(B)(1)).
2. The proposed use, with conditions, will not be harmful to the public health, safety, convenience, and welfare (MSB 17.60.100(B)(2)).

3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.60.100(B)(3)).

4. The application material meets all of the requirements of this chapter (MSB 17.60.100(B)(4)).

5. The proposed use, with conditions, will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).

6. Measures are in place, with conditions, to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).

7. The proposed use, with conditions, is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).

8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).

9. The applicant has provided documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60.150(D)(1)).

10. The applicant has provided documentation demonstrating the proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).
11. The proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).
12. The proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).
13. The proposed use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby approve the conditional use permit for the operation of a marijuana retail facility, with the following conditions:

1. The operation shall comply with all applicable state and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to
Borough staff shall be a violation of this Conditional Use Permit.

4. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 – Noise, Amplified Sound and Vibration.

5. The hours of operation shall not exceed 8:00 a.m. – 12:00 a.m., daily.

6. On-site consumption of marijuana and marijuana products is prohibited.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ____, 2020.

__________________________
COLLEEN VAGUE, Chair

ATTEST

__________________________
MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:
PUBLIC HEARING
QUASI-JUDICIAL

Resolution No. PC 20-04

Foremost Construction
Earth Materials Extraction CUP
3429 N. Pittman Road

(Page 285 - 456)
EXECUTIVE SUMMARY

The Conditional Use Permit will allow for the removal of approximately 400,000 cubic yards of earthen material through 2059. The total area of earth material extraction activity will occur on approximately 41 acres within the 71-acre parcel. A Conditional Use Permit for material extraction is required under MSB 17.30 – Conditional Use Permit (CUP) for Earth Materials Extraction Activities. The applicant is requesting a permit to support their construction business, with a
potential for general product sales. The subject parcel is located in Assembly District 7 and is within the Gold Trail Road Service Area, RSA #28.

**LAND USE**

**Existing Land Use:**
The subject property consists of two lots totaling approximately 71 acres in size. Roughly 30 acres of the property is not included as part of the mining site. The land is currently vacant and undeveloped. The property is heavily forested, consisting mostly of spruce with a mix of birch and other species. According to the applicant, they had originally planned on subdividing the property and building houses, however, after drilling multiple water wells and getting poor results, the decision was made to pursue a gravel pit. Access to the site is from North Pittman onto a State of Alaska approved to construct driveway.

**Surrounding Land Uses:**
The proposed mining area abuts North Pittman Road to the north. The land directly to the north of North Pittman is owned by the applicant, as is the land located to the east of the proposed mining area. Two parcels, both approximately 40 acres in size are located to the north of the applicant’s property. One of the parcels consists of a single-family residential home, while the other is vacant and undeveloped. The parcels to the east and south of the applicant’s property are roughly 1 to 2 acres, most of which are developed with single-family residential homes and are part of the Greensward Subdivision. The parcel directly to the west is approximately 5 acres in size and is residential in nature.

Within the half-mile notice area, land uses are mostly residential. There is a gravel pit located approximately 190-feet from the west property line of the proposed use. This gravel pit has been granted pre-existing legal non-conforming status (grandfather rights) as the pit was in existence prior to the adoption of the earth material extraction code.

**REVIEW OF APPLICABLE CRITERIA AND FINDINGS**

**MSB 17.03 – Public Notification**
Notices were mailed to all property owners within a half-mile radius of the property and to the Meadow Lakes Community Council (MLCC). A total of 131 notices were mailed on December 11, 2019. The permit application notification was published in the December 11, 2019 issue of the Frontiersman newspaper. The application material was posted on the Borough web site for public review on December 11, 2019. The request for comment was emailed to the MLCC on December 11, 2019. MLCC did not submit any comments for the proposed use. A total of eight (8) comments were received, six (6) of which are in opposition to the use. Their concerns in general are:

- General opposition
- Lower property values
- Road damage
- Increase in traffic
- Potential impact to ground water
- Already enough nearby gravel pits
- Borough would lose tax revenue
• Potential negative impact to environment
• Dust and air pollutants
• Noise pollution
• Health and safety concerns
• Proximity to residential neighborhood
• Negative effects to wildlife
• Material quality is poor
• Pit will be an eyesore

17.30.055 REQUIRED COMPLIANCE WITH STATE AND FEDERAL LAWS.

(A) All applicants for permits for earth material extraction are required to demonstrate compliance with state and federal law. Prior to final approval of the permit, the applicant or agent shall provide written documentation of compliance with the following:

1. mining license as required by the Alaska State Department of Revenue, pursuant to A.S. 43.65;
2. mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land;
3. reclamation plan as required by ADNR, pursuant to A.S. 27.19;
4. notice of intent (NOI) for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Environmental Protection Agency (EPA) pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements; and
5. United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity is to take place within wetlands, lakes and streams.

Findings of Fact:

1. An Alaska State Department of Revenue mining license is not required for this application because Alaska law was amended in 2012 and rock, sand and gravel quarries are now exempt from the requirement.

2. An Alaska State Department of Natural Resources (ADNR) mining permit is not required for this application because the extraction activities will not take place on state land.

3. A reclamation plan has been developed as required by Alaska State Department of Natural Resources (ADNR), pursuant to A.S. 27.19, and has been submitted as part of this application.

4. The application material indicates a qualified person has determined a storm water pollution prevention plan (SWPPP) is not required at this time as there is no reasonable potential to cause a discharge of storm water into any water of the United States.

5. A United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act is not required for this application as the applicant is not proposing any extraction activity to take place within any identified wetlands, lakes, streams, or other waterbodies.

Discussion: The application material indicates a SWPPP has been prepared for this site, but will not be implemented or submitted until the MSB permitting process is complete. Furthermore, once/if the gravel pit obtains the necessary permits to operate, the project owners will file an
electronic notice of intent with Alaska Department of Environmental Conservation to seek coverage under the Multi-Sector General Permit. Staff recommends a condition requiring a SWPPP be obtained prior to the commencement of mining activity.

**Conclusion of Law:** All of the requirements to demonstrate compliance with state and federal laws have been met (MSB 17.30.055(A)).

**Section 17.30.060 General Standards for Approval**

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

1. that the use is not inconsistent with the applicable comprehensive plan;

**Comprehensive Plan:**

This property is located within the boundary of the Meadow Lakes Comprehensive Plan, which was adopted in October 2005. The Meadow Lakes Comprehensive Plan is a formal policy statement of Meadow Lakes’ community goals and serves as a means for setting priorities, protecting what residents enjoy about their community and guide growth to improve the future of the community.

The Meadow Lakes Comprehensive Plan presents a framework for land use policy by establishing and using land use districts. The Meadow Lakes Comprehensive Plan land use district map breaks the area into six (6) districts. The proposed use is part of the “residential collector road corridor”, as well as the “rural residential” land use district. While the subject parcel is shown on the land use district map as being part of both the “residential collector road corridor” and the “rural residential” district, based on the nature of the property and the fact that the parcel straddles N. Pittman Road, it is likely most appropriate for this property to be classified as “residential collector road corridor.” Essentially the two land use districts are very similar in nature in terms of allowed, encouraged, and discouraged uses. As such, staff processed this request focusing on this parcel being part of the “residential collector road corridor” land use district.

Excerpts taken directly from the Meadow Lakes Comprehensive Plan, which relate to the proposed Conditional Use Permit are outlined below.

**SUMMARY OF ISSUES AND GOALS REPORT FEEDBACK**

**Land Use**

- Create a Special Use District (SPUD) that will guide future use in the community’s residential areas, addressing issues like setbacks and building heights, and also setting rules on the allowed types of uses. The SPUD would permit home-based businesses, but discourage large scale commercial and industrial activities.
- Create a Special Use District (SPUD) along the Parks Highway corridor so future development is more attractive and centralized than the pattern currently found in Wasilla. Require setbacks and other measures so commercial development is attractive. Concentrate development in a town center and a few other commercial districts rather than stretched over the entire length of the Parks Highway.
- Establish rules to reduce off-site impacts of industrial & commercial development, particularly sand and gravel mining.
- Protect quality of water systems – lakes, wetlands, rivers
**LAND USE GOALS**

1. Maintain the Community’s Rural Character
2. Concentrate and Screen Commercial Development; Avoid Sprawl Along the Parks Highway
3. Create a Pedestrian-Oriented, Mixed-Use Town Center
4. Guide Location and Character of Development

**Concentrate and Screen Commercial Development; Avoid Sprawl along the Parks Highway**

- Location of Commercial Development - Encourage new commercial develop to locate in relatively concentrated nodes.
- Green Space - Maintain several undeveloped “green spaces” along the Parks Highway to separate developed areas.
- Appearance of Roadside Development - Require retention and/or planting of buffers, trees and other landscape features so roadside development is attractive. Where development does occur, encourage high quality, visually appealing site development and buildings.

**Guide Location and Character of Development**

The community wants to maintain the natural, rural character of the community, and to protect the quality of residential neighborhoods. At the same time, the community recognizes the value of creating opportunities for employment, and increasing the local tax base, for example, through sand and gravel extraction. The balance point between these goals is to accept economic development activities, but also to establish rules to minimize the off-site impacts of such activities. This goal focuses on uses with significant impacts, such as large scale resource development like coal-bed methane and gravel extraction, but also is intended to limit impacts of more modest uses such as auto storage/junk yards.

Specific strategies to reduce these impacts include:

1. Establish land use standards to minimize the off-site impacts of development.
2. Discourage certain high impact uses in specific portions of the community, such as sand and gravel operations adjoining stream corridors.
3. Establish a special land use district that requires a conditional use permit for high impact uses and sets rules on the location and magnitude of these activities.

**Standards for Specific Uses**

Commercial Sand And Gravel Extraction – Gravel operations, as currently practiced in Meadow Lakes, create significant traffic, noise and other impacts on the community. New policies and better enforcement of existing policies are required to reduce these impacts. The following policies apply to all existing and future operations:

- An approved Master Plan for Operations and Reclamation is required prior to commencing operations. Operators must put up a performance bond ensuring compliance to the master plan and other development standards.
- Reclamation required – Return the land to a useable state.
- Noise – Minimize noise of operations on adjoining properties. Limit hours of operation to portions of the day when adjoining properties can reasonably expect peace and quiet, i.e., evenings, nights, early mornings. If necessary to avoid disrupting neighboring uses, build sound reducing walls around the operation.
Use of residential roads by trucks, heavy equipment is a significant community concern and timing of use shall be limited to avoid congestion, noise, dust and safety impacts on community roads.

RESIDENTIAL COLLECTOR ROAD CORRIDORS

Background and Boundaries
This district follows the three major collector roads in Meadow Lakes’ residential area – Pittman, Church and Schrock roads. These roads currently have minimal roadside development and are attractive, rural, and tree-lined. This character plays a big role in the attractive, rural feel of the community as a whole.

Overall Objective
Maintain the largely natural, undeveloped appearance that currently exists along these roads. Commercial uses should provide the option for limited, concentrated areas of commercial services, to serve adjoining residential areas. This option will make it easier for residents to get convenience services without driving to the planned Town Center or other commercial areas.

Land Uses

Encouraged Uses:
- Residential use
- Residential-compatible, home-based “cottage industry” businesses as long as the use does not adversely impact neighboring homes or the attractive, existing character of the road.

Allowed Uses:
- Other, non-home-based, commercial uses are conditionally allowed. Preferred uses are in two categories:
  - Residential-compatible commercial uses include lodges, recreation rentals (e.g., canoe rentals), and espresso stands (same category as in rural residential district).
  - Commercial activities serving neighborhood commercial needs, such as a video store, or coffee shop. Larger scale, regional commercial developments, such as offices and service commercial activities like auto repair are encouraged to locate in the town center area, or other Parks Highway commercial areas.
- Public Facilities and Institutions – schools, churches, similar institutional uses are conditionally allowed.
- Resource-based activities – small scale farming, lumber milling or logging is permitted, if operations are designed to not impact neighboring residential uses (e.g. through limits on operation hours, noise, smells, etc.)
- Other resource-based activities, such as gravel extraction already in place at the time of the adoption of this plan, as long as such uses comply with local, and other regulatory standards.

Discouraged Uses:
- Uses other than those listed above, including new, larger scale resource development activities, are discouraged in residential areas.
Development Standards Specific to This District

- Road Design – Minimize the number of curb cuts along the highway. Instead, future residential development adjoining the road should be reached by on roads that branch off these main roads (to houses back onto Pittman and Schrock). Same standards as the Rural Residential District.

Findings of Fact:

1. This property is located within the Meadow Lakes Community Council planning area.

2. According to the application material, a 100-foot vegetative buffer will remain in place around the entire mining area.

3. Other than through the driveway access point, the operation is not visible from N. Pittman Road.

4. The application material indicates a 14-foot high, 40-foot wide, earthen berm will be constructed around the entire mining area.

5. According to the application material, water trucks will be used as needed during operations as a dust control measure.

6. The application material indicates a qualified person has determined a storm water pollution prevention plan (SWPPP) is not required as there is no reasonable potential to cause a discharge of storm water into any water of the United States.

7. The applicant is not proposing to mine below or within four feet of the seasonal high water table.

8. According to the application material, slopes will be left at a 5:1 (H:V) slope which meets the standards of MSB code 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material.

9. The Meadow Lakes Comprehensive Plan identifies four (4) land use goals. Those goals are: (1) Maintain the community’s rural character, (2) concentrate and screen commercial development; avoid sprawl along the Parks Highway, (3) Create a pedestrian-oriented, mixed-use town center, (4) Guide location and character development.

10. The Meadow Lakes Comprehensive Plan identifies strategies to concentrate and screen commercial development. These strategies include: encouraging new commercial development to locate in relatively concentrated nodes, and to require retention and/or planting of evergreen buffers, trees and other landscape features so roadside development is attractive.

11. The Meadow Lakes Comprehensive Plan identifies strategies to guide the location and character of development. These strategies include: establish land use standards to minimize the off site impacts of development, discourage certain high impact uses in specific portions of the community, such as sand and gravel operations adjoining stream corridors, and establish a special land use district that requires a conditional use permit for high impact uses and sets rules on the location and magnitude of these activities.

12. The Meadow Lakes Comprehensive Plan recognizes the community wants to maintain the natural, rural character of the community and to protect the quality of residential neighborhoods. At the same time, the community recognizes the value of creating opportunities for employment, and increasing the local tax base through sand and gravel
extraction. The balance point between these goals is to accept economic development
activities, but also to establish rules to minimize the off-site impacts of such activities.

13. The Meadow Lakes Comprehensive Plan identifies six (6) land use districts on a map
named “Land Use Districts” on page 41 of the plan.

14. The subject parcel is located within the “Residential Collector Road Corridors” identified
on “Land Use Districts” map on page 41 of the plan.

15. The Meadow Lakes Comprehensive Plan identifies “allowed uses” in Residential Collector
Road Corridors. Allowed uses include: resource-based activities such as small scale
farming, lumber milling or logging, if operations are designed to not impact neighboring
residential uses (e.g. through limits on operation hours, noise, smells, etc.) and other
resource-based activities, such as gravel extraction already in place at the time of the
adoption of this plan, as long as such uses comply with local, and other regulatory
standards.

16. The Meadow Lakes Comprehensive Plan identifies “discouraged uses” within the
Residential Collector Road Corridors. Discouraged uses include: new, larger scale
resource development activities are discouraged in residential areas.

17. The Meadow Lakes Comprehensive Plan identifies development standards for specific
uses including “Commercial Sand and Gravel Extraction.” The plan indicates the
following policies apply to all existing and future operations: (1) An approved Master Plan
for operations and reclamation is required prior to commencing operations. Operators must
put up a performance bond ensuring compliance to the master plan and other development
standards, (2) Reclamation required – return the land to a useable state, (3) Noise –
Minimize noise of operation to portions of the day when adjoining properties can
reasonably expect peace and quiet, i.e., evenings, nights, early mornings. If necessary to
avoid disrupting neighboring uses, build sound reducing walls around the operation, (4)
Use of residential roads by trucks, heavy equipment is a significant community concern
and timing of use shall be limited to avoid congestion, noise, dust and safety impacts on
community roads.

Discussion: Comprehensive plans are long-term formal planning documents that state goals of
a community and identify priority projects. Although comprehensive plans include land use
guidelines, the comprehensive plan is not a zoning ordinance. The Meadow Lakes Comprehensive
Plan identifies community-wide and specific development standards and indicates a Special Land
Use District will be created to guide future use and development. A Special Land Use District has
not been adopted to implement any of the development standards.

The Comprehensive Plan indicates the proposed use is part of the “Rural Residential” as well as
the “Residential Collector Road Corridor” land use districts. Both of these land use districts
indicate that “new, larger scale resource development activities, are discouraged in residential
areas”, however, “larger scale resource development” is not defined within the Comprehensive
Plan, nor is it defined in Borough code. The plan discourages “new, larger scale resources
development”, but it does not prohibit these types of activities. Furthermore, the plan identifies
development standards for specific uses including “Commercial Sand and Gravel Extraction.” It
is staffs opinion that if the Meadow Lakes Comprehensive Plan intention was to outright prohibit
“commercial sand and gravel extraction”, then the plan would not identify specific development
standards for such uses as material extraction or recognize the balance point between protecting
the quality of neighborhoods and the value of creating opportunities for employment and increasing the local tax base.

**Conclusion of Law:** Based on the above findings, and with conditions, the proposed use is consistent with the applicable comprehensive plan (MSB 17.30.60(A)(1)).

(2) that the use will preserve the value, spirit, character, and integrity of the surrounding area;

**Findings of Fact:**
1. Land uses within one-half mile of the site contain a mixture of residential, undeveloped and commercial uses.
2. Parcels within the surrounding area range in size from approximately 1.5 acres to 53 acres.
3. The total area of earth extraction will occur on approximately 41 acres of the 71-acre parcel.
4. The proposed mining area abuts the N. Pittman right of way to the north. The applicant owns the land north of the N. Pittman right of way.
5. The proposed mining area abuts the applicant’s property on the east side of the mining area. To the east of the applicant’s property there are residential homes.
6. Ten (10) lots of the Greensward Subdivision border the proposed mining area to the south. The majority of these lots have been developed.
7. One lot borders the proposed use to the west and it is used for residential purposes.
8. Pre-existing legal non-conforming status (grandfather rights) to extract earth materials was granted in 2006 to a parcel approximately 190 feet to the west of the proposed use property line.
9. According to the application material, a 100-foot vegetative buffer will remain in place around the entire mining area.
10. The application material indicates a 14-foot high, 40-foot wide earthen berm will be constructed around the entire mining area.
11. Other than through the access point, the operation is not visible from N. Pittman Road.
12. Access is made directly onto N. Pittman Road.
13. The applicant is not proposing to mine below or within four feet of the water table.
14. According to the application material, slopes will be left at a 5:1 (H:V) slope which meets the standards of MSB 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material.
15. The proposed hours of operation are 7:30 AM - 5:30 PM, Monday-Saturday.
16. According to the application material, the final year of material extraction is estimated to end in 2059.

**Discussion:** Staff has concern with the potential longevity of the mining activity at this location. The amount of material the applicant is proposing to extract can be accomplished in a much shorter timeframe. Staff recommends limiting the number of years material can be extracted at this...
location. Staff recommends that mining activity and extraction of material be concluded by December 31, 2030.

The proposed hours of the operation are 7:30 AM – 5:30, Monday-Saturday. Staff recommends a condition limiting the hours of operation to as they are proposed; 7:30 AM – 5:30 PM, Monday-Saturday.

**Conclusion of Law:** Based on the above findings, and with conditions, the proposed use will not detract from the value, character and integrity of the surrounding area (MSB 17.30.060(A)(2)).

(3) that the applicant has met all other requirements of this chapter pertaining to the use in question;

**Finding of Fact:**
1. All of the site plan and site development requirements have been provided.

**Conclusion of Law:** The applicant has met all of the requirements of this chapter (MSB 17.30.060(A)(3)).

(4) that granting the permit will not be harmful to the public health, safety and general welfare;

**Findings of Fact:**
1. According to the application material, slopes will be left at a 5:1 (H:V) slope which meets the standards of MSB code 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material.
2. According to the application material, a 100-foot vegetative buffer will remain in place around the entire mining area.
3. The application material indicates a 14-foot high, 40-foot wide earthen berm will be constructed around the entire mining area.
4. Other than through the driveway access point, the operation is not visible from N. Pittman Road.
5. Access is made directly onto N. Pittman Road.
6. N. Pittman is a State road and is classified as a minor collector. As such, the road is capable of handling traffic from residential and commercial uses.
7. N. Pittman is a paved road that is approximately 24-feet in width and has a posted speed limit of 45.
8. The driveway access location is mostly flat and provides more than 300-feet of unobscured line of sight looking east or west on N. Pittman.
9. According to the application material, water trucks will be used as needed during operations as a dust control measure.
10. The applicant is not proposing to mine below or within four feet of the water table.
11. The application material indicates a qualified person has determined a storm water pollution prevention plan (SWPPP) is not required as there is no reasonable potential to cause a discharge of storm water into any water of the United States.

**Discussion:** The application material indicates that access is made directly onto N. Pittman Road, and the applicant has received "approval to construct" a driveway from the State of Alaska onto N. Pittman Road. Staff recommends that prior to commencement of mining activities, that the applicant provide a State of Alaska Approved Driveway Permit.

**Conclusion of Law:** Based on the above findings, and with conditions, the proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.30.060(A)(4)).

(5) that the sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in MSB 17.30.050(B).

**Findings of Fact:**
1. According to the site development plan, proposed permanent and semi-permanent structures associated with the proposed use meet setback requirements.
2. According to the site plan, earth material extraction activities will not take place within 100-feet of any identified wetlands or waterbodies.
3. The application material indicates a qualified person has determined a storm water pollution prevention plan (SWPPP) is not required as there is no reasonable potential to cause a discharge of storm water into any water of the United States.
4. According to the application material, a 100-foot vegetative buffer will remain in place around the entire mining area.
5. The vegetative buffer is heavily forested and consists mostly of spruce with a mix of birch and other species.
6. The application material indicates a 14-foot high, 40-foot wide earthen berm will be constructed around the entire mining area.
7. Other than through the access point, the operation is not visible from N. Pittman Road.
8. Access is made directly onto N. Pittman Road.
9. An asphalt / hot mix plant is not proposed as part of this application.

**Discussion:** The applicant material indicates a 100-foot vegetative buffer will remain in place around the entire mining area and a 14-foot high, 40-foot wide earthen berm will be constructed around the entire mining area. Staff believes the 100-foot vegetative buffer and 14-foot high berm are important safeguards being instituted to help control noise, dust, and visually screen the operation from adjoining landowners. Staff recommends a condition requiring the 100-foot vegetative buffer to remain in place around the entire mining area.

Because the applicant is proposing to mine the area in small increments rather than the entire proposed 41-acre site at once, staff believes that requiring the 14-foot berm to be constructed around the entire 41-acre mining area to be mined is not necessary.

Staff recommends a condition that requires a 14-foot berm be constructed and maintained whenever vegetation is cleared within 300 feet of the property line.
Conclusion of Law: Based on the above findings, sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.30.60(A)(5)).

Section 17.28.060 Site Development Standards
(A) Standards for site development plan are as follows:

(1) identification of surrounding property owners, existing land uses, and wetlands and waterbodies within one-quarter mile of the site;

Findings of Fact:
1. Maps are included in the record identifying surrounding property ownership, existing land uses, wetlands, and waterbodies within ½ mile of the proposed site.
2. According to the site plan, earth material extraction activities will not take place within 100-feet of any identified wetlands or waterbodies.

Conclusion of Law: The surrounding property ownership, existing land uses, and wetlands and water bodies within the notification area have been identified (MSB 17.28.060(A)(1)).

(2) phases of proposed mining activities including a map showing the area to be mined, a description of the topography and vegetation, approximate time sequence for mining at particular locations, and general anticipated location of semi-permanent equipment such as conveyor belts, crushers, dredges, batch plants, etc.;

Findings of Fact:
1. A site plan is included in the record showing the location of the earth materials extraction site, including phases of mining within the subject parcel.
2. A topographic contour map, bare earth map, and aerial photography are included in the record. These items show topographic features and vegetation of the subject property and adjacent properties.
3. According to the site development plan, proposed permanent and semi-permanent structures associated with the proposed use meet setback requirements.

Conclusion of Law: Phases of proposed mining activities, description of the topography and vegetation, and approximate time sequence for the duration of the mining activity have been identified. No permanent, semi-permanent, or portable equipment are anticipated to be located within the required setbacks (MSB 17.28.60(A)(2)).

(3) The road and access plan shall include anticipated routes and traffic volumes, and shall be approved by the director. If the level of activity exceeds the minimum levels specified in MSB 17.61.090, traffic standards, a traffic control plan consistent with state regulations may be required

Findings of Fact:
1. Access is made directly onto N. Pittman Road.
2. According to the application material, the proposed operation does not anticipate generating traffic in excess of 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles per day.

Discussion: Staff recommends a condition that requires a traffic control plan consistent with state regulations be in place, should traffic volumes exceed levels specified in MSB 17.61.090.

Conclusion of Law: The proposed traffic route and traffic volumes have been identified. Traffic generated from the proposed use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified in MSB 17.61.090, Traffic Standards (MSB 17.28.60(A)(3)).

(4) visual screening measures shall include a detailed description of the type of visual screening to be utilized, and shall be maintained as necessary during the course of extraction activities. Visual screening may include, but is not limited to, berms, natural vegetation, solid fences, walls, evergreen hedges or other means as approved by the commission. If mining is planned to be conducted within 300 feet of the property line, berms or other visual screening methods shall be a minimum of ten feet in height. If mining is planned to be conducted greater than 300 feet from the property line, the applicant shall utilize commission-approved screening methods to minimize visual impacts of the mining operation. The commission shall adopt policies and procedures to assist applicants in developing screening plans. In its discretion, the commission may waive screening requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Screening requirements shall be required in consideration of and in accordance with existing uses of adjacent property at the time of designation of the interim materials district. An interim materials district shall not be required to screen the district from uses which arise after the designation of the interim materials district;

Finding of Fact:
1. According to the application material, a 100-foot vegetative buffer will remain in place around the entire mining area.
2. The vegetative buffer is heavily forested and consists mostly of spruce with a mix of birch and other species.
3. Other than through the access point, the operation is not visible from N. Pittman Road.
4. The application material indicates a 14-foot high, 40-foot wide earthen berm will be constructed around the entire mining area.

Conclusion of Law: Existing vegetation and earthen berms will be used to meet the visual screening measures (MSB 17.28.60(A)(4)).

(5) noise mitigation measures shall include a description of measures to be taken by the applicant to mitigate or lessen noise impacts to surrounding properties and shall include, but not be limited to, hours of operation of noise-producing equipment, erecting noise barriers (i.e., berms a minimum of ten feet in height) between noise-producing equipment and adjacent uses, location of noise-producing equipment (i.e.,
below grade in excavated pit areas), and measures to utilize equipment with noise reduction features.

(a) no sound resulting from the earth materials extraction activities shall create a sound level that exceeds the limits set forth for the existing receiving land use category in Table 1 when measured at or within the property boundary of the receiving land us:

Table 1. Sound Levels by Receiving Land Use

<table>
<thead>
<tr>
<th>Receiving Land Use Category</th>
<th>Time</th>
<th>Sound Level Limit (dB(A))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td>7 a.m. – 10 p.m.</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>10 p.m. – 7 a.m.</td>
<td>50</td>
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<tr>
<td>Commercial Use</td>
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<td>Industrial Use or Undeveloped Land</td>
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(b) [Repealed by Ord. 08-150, § 2, 2008]

(c) for any sound that is of short duration, between the hours of 7 a.m. and 7 p.m. the levels established in Table 1 may be increased by:

(i) five dB(A) for a total of 15 minutes in any one hour; or
(ii) ten dB(A) for a total of five minutes in any hour; or
(iii) fifteen dB(A) for a total of one and one-half minutes in any one-hour period.

(d) an interim materials district or a conditional use permit for earth materials extraction activities shall not be required to provide noise mitigation measures to mitigate or lessen noise impacts if a land use requiring lesser noise levels than for an industrial area arises on properties adjacent to earth materials extraction sites after the designation of the interim materials district or the effective date of the conditional use permit.

Findings of Fact:

1. According to the application material, a 100-foot vegetative buffer will remain in place around the entire mining area.

2. The application material indicates a 14-foot high, 40-foot wide earthen berm will be constructed around the entire mining area.

3. The proposed hours of operation are 7:30 AM to 5:30 PM, Monday-Saturday.

4. Noise levels exceeding the levels in MSB 17.28.060 are prohibited.

5. Earthen berms and vegetative buffers have been incorporated into the operation plan as noise mitigation measures.

Conclusion of Law: Noise mitigation measures include retaining vegetative buffers and constructing earthen berms will ensure that sounds generated from earth material extraction
activities do not exceed sound levels set forth in MSB 17.28.060(A)(5)(a). Noise levels exceeding the levels in 17.28.060(A)(5)(a) are prohibited.

(6) lighting standards are:
(a) exterior lighting shall be located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky.
(b) illumination or other fixtures mounted higher than 20 feet or 150 watts or more shall have downward directional shielding.

Finding of Fact:
1. According to the application material, if lighting is needed, exterior lighting will be located and shielded to direct the light towards the ground in order to minimize light spillage onto adjacent properties and upward into the night sky. Illumination or other fixtures mounted higher than 20 feet or 150 watts or more will have downward directional shielding.

Conclusion of Law: Based on the above finding, the proposed use meets lighting standards in accordance with MSB 17.28.060(A)(6).

(7) Except as permitted by MSB 17.30.037, the following restrictions shall apply: an undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including wetlands (unless permitted by U.S. Army Corps of Engineers 404 Permit, MSB 17.28.040(A)(5)). This regulation shall not apply to manmade water bodies being constructed during the course of the materials extraction activities.
(a) an undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including wetlands (unless permitted by United States Army Corps of Engineers 404 Permit, MSB 17.28.040(A)(5)).
(b) a four-foot vertical separation between all excavation and the seasonal high water table shall be maintained.

Findings of Fact:
1. According to the site plan, earth materials extraction activities will not take place within 100-feet of any identified wetlands or waterbodies.
2. Maps are included in the record identifying surrounding property ownership, existing land uses, wetlands, and waterbodies within ½ mile of the proposed site.
3. The applicant is not proposing to mine below or within four feet of the seasonal high water table.

Conclusion of Law: The operation will not conduct earth material extraction activities within 100 linear feet of any identified wetland, stream, river or other waterbody and the operation will not mine below or within four feet of the seasonal high water table (MSB 17.28.60(A)(7)(a – b)).
STAFF RECOMMENDATIONS

Staff recommends approval of the Conditional Use Permit for Earth Materials Extraction Activity to commercially extract approximately 400,000 cubic yards through 2030, from Parcel 18N02W23B002 and 18N02W23A002. The application meets all the standards of MSB 17.30 and 17.28 and staff recommends approval of this permit with the following conditions:

1. The owner and/or operator shall comply with all applicable federal, state, and local regulations.
2. A copy of the approved permit shall be provided to each contractor company working at the site.
3. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the Conditional Use Permit shall be required prior to any alteration or expansion of the material extraction operation.
4. Material extraction shall be limited to the approximate 41-acre area identified in the application material and depicted on the applicant’s site plan(s).
5. A 14-foot tall berm shall be constructed around the entire mining area whenever vegetation is disturbed within 300 feet of the property line.
6. The 100-foot vegetative buffer surrounding the proposed mining area and shown on the site plan(s), shall be left undisturbed.
7. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected for leaks at the end of each day.
8. On-site maintenance of vehicles shall be done in an area where all leaks can be contained with drip pans or other discharge prevention devices.
9. Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
10. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water.
11. Prior to the commencement of mining activity, an approved SWPPP shall be submitted to MSB Development Services.
12. Prior to the commencement of mining activities, an approved driveway permit from the State of Alaska shall be submitted to MSB Development Services.
13. All track-out sediments from the site shall be removed from the right-of-way daily.
14. The permit holder shall perform dust mitigation techniques as described in the application as-needed to minimize dust impacts to the surrounding areas.
15. The operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060 – Site Development Standards and MSB 8.52 – Noise, Amplified Sound, and Vibration.
16. All extraction activities, including all activities that cause noise, dust, or traffic, shall be limited to 7:30 AM to 5:30 PM, Monday through Saturday.
17. Hot mix or asphalt batch plants shall not be operated on the subject property.
18. If cultural remains are found during material extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.

19. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.

20. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring and, with prior verbal or written notice, and at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.

21. The property owner and/or operator shall comply with the reclamation standards of MSB 17.28.067.

22. All junk, trash, and junk vehicles, as defined in MSB 8.50 shall be removed and properly disposed of prior to the completion of reclamation on the subject parcel.

23. A traffic control plan consistent with state regulations shall be in place, prior to generating traffic volumes that exceed the levels specified in MSB 17.61.090.

24. If illumination devices are required, they shall not be greater than 20 feet in height, shall utilize downward directional shielding devices, and shall meet the requirements of MSB 17.28.060(A)(6) Lighting standards.

25. Authorization for earth material extraction activities approved by this Conditional Use Permit shall expire on December 31, 2030.

If the Planning Commission chooses to deny this permit, findings for denial must be prepared by the Commission.
Photo’s taken by Joe Metzger, MSB Planner II, during a January 15, 2020 site inspection
Looking South from Access Road to site off of N. Pittman
Observation well located in northeast portion of mining area.
Public Notice Posted At Community Mailboxes in Greensward Subdivision.
Public notice posted at community mailboxes in Greensward Subdivision
Looking South toward test pit in northeast portion of mining area
Test pit in northeast portion of mining area
Looking north towards N. Pittman at access point
Looking west from access point on N. Pittman
Looking east from access point on N. Pittman
Looking south towards access point
AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY PERSONALLY APPEARED BEFORE JULLIE ZOOK WHO, BEING FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT SHE IS THE LEGAL AD CLERK OF THE FRONTIERSMAN

PUBLISHED AT WASILLA AND CIRCULATED THROUGHOUT MATANUSKA SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA

AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

12/11/2019

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF THE RATE CHARGED PRIVATE INDIVIDUALS.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF December, 2019.

NOTARY PUBLIC FOR STATE OF ALASKA

MAT-SU BOROUGH/PAGE 12.11 ACCOUNT NUMBER 405249
The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, February 3, 2020, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend.

An application for a conditional use permit under MSB 17.30 - Conditional Use Permit for Earth Materials Extraction, has been submitted by Dan Steiger, on behalf of Foremost Construction, LLC. The site is located at 3429 N. Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian. The Conditional Use Permit would allow for the extraction of approximately 400,000 cubic yards of earthen material through 2030. The total area of earth material extraction activity will occur on approximately 41 acres of the 48-acre parcel.

The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of 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. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application materials may also be reviewed at the Borough Permit Center. For additional information, you may contact Joseph Metzger, Planner II, at 861-7882. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645, or e-mail comments to Joseph.Metzger@matsugov.us. 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 the definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Comments received on or before January 3, 2020 will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

Published: December 11, 2019
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MEMORANDUM

Date: December 11, 2019
To: Various Governmental Agencies
From: Joseph Metzger, Planner II
Subject: Request for Review and Comment Governmental Agencies
Project: Conditional Use Permit for Earth Material Extraction
Location: 3429 N. Pittman Road, (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian
Applicant: Dan Steiner, on behalf of Foremost Construction

An application for a conditional use permit under MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities, has been submitted. A conditional use permit would allow for the removal of approximately 400,000 cubic yards of earth materials from a 41-acre mining site within a 48-acre parcel, through 2059. The Planning Commission will conduct a public hearing on this request on February 3, 2020.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material may also be reviewed at the Borough Permit Center. A direct link to the application material is here:

https://www.matsugov.us/publicnotice/foremost-construction-conditional-use-permit

Comments are due on or before January 10, 2020 and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862
MEMORANDUM

Date: December 11, 2019
To: Various Governmental Agencies
From: Joseph Metzger, Planner II
Subject: Request for Review and Comment Governmental Agencies
Project: Conditional Use Permit for Earth Material Extraction
Location: 3429 N. Pittman Road, (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian
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Respectfully,

Joseph Metzger
MSB Planner II
907-861-7862
Foremost Construction – Conditional Use Permit

An application for a conditional use permit under MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities, has been submitted. A conditional use permit would allow for the removal of approximately 400,000 cubic yards of earth materials from a 41-acre mining site within a 48-acre parcel, through 2059.

Location: The proposed use is located at 3429 N. Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian.

Applicant: Dan Steiner, on behalf of Foremost Construction

Public Hearing: The Planning Commission will conduct a public hearing concerning this application for a conditional use permit on Monday, February 3, 2020, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend.

The application material may also be reviewed at the Borough Permit Center. If you have questions or want to submit comments, please contact Joseph Metzger, Planner II at 861-7862 or mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645, or email: joseph.metzger@matsugov.us

Comments are due on or before January 3, 2020 and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.
Certificate of Bulk Mailing — Domestic

Fee for Certificate

Use Current Price List (Notice 123)

Postage: Mailers must affix meter, PC Postage®, or (uncanceled) postage stamps here in payment of total fee due.

Acceptance employee must cancel postage affixed (by round-date) at the time of mailing.

If payment of total fee due is being paid by Permit Imprint, include the PostalOne® Transaction Number here: ________________________________

Number of Identical Weight Pieces: 1

Class of Mail: 1st

Postage for Each Mailpiece Paid: $0.65

Number of Pieces to the Pound: 960

Total Number of Pounds: 2.16

Total Postage Paid for Mailpieces: $0.65

Fee Paid: $0.55

Mailed For: Dev. Services

Mailed By: Sarah

Postmaster’s Certification

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.

(Postmaster or Designee)

PS Form 3606-D, January 2016 PSN 7530-17-000-5548

See Reverse for Instructions
Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

The Planning Commission of the Matanuska-Susitna Borough will consider the following:

Application: Conditional Use Permit for Earth Materials Extraction
MSB Code Section: MSB 17.30 - Conditional Use Permit for Earth Materials Extraction Activities
Applicant: Dan Steiner on behalf of Foremost Construction, LLC
Location: 3429 North Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian.

Request: An application for a conditional use permit under MSB 17.30 - Conditional Use Permit for Earth Materials Extraction Activities, has been submitted. A conditional use permit would allow for the removal of approximately 400,000 cubic yards of earth materials through 2059. The total area of earth material extraction activity will occur on approximately 41 acres of the 48-acre parcel.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, February 3, 2020 at 6:00 p.m. in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request more information from the applicant at the time of 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. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking on “All Public Notices & Announcements.” Application material is also available for review at the Borough Permit Center. For additional information, you may contact Joe Metzger, Planner II, at 861-7862. Written comments can be mailed to the MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to Joseph.Metzger@matsugov.us. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated as an “interested party.” See MSB 15.39.010 for definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk's office, or at various libraries within the borough.

Comments are due on or before January 3, 2020 and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

Name: ___________________ Mailing Address: ___________________

Location/Legal Description of your property: ___________________________

Comments: _______________________________________________________

_________________________________________________________________

_________________________________________________________________

Note: Vicinity Map Located on Reverse Side
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Excerpts from the Meadow Lakes Comprehensive Plan
3.0 Major Goals & Strategies

3.1 LAND USE

ORGANIZATION OF THIS CHAPTER

A. Overview .......................... page 29
B. Land Use Goals ...................... pages 30 - 32
C. Policies That Apply Throughout The Area .......................... pages 33 - 38
D. Policies By Land Use District .......................... pages 39 - 54

A. OVERVIEW

"One of the things I like about this place is the lack of people telling me what to do – but things are changing, and we might need some rules if we’re going to hang on to what we like.”

Meadow Lakes is among the fastest growing and largest communities in the Matanuska-Susitna Borough. In 12 years the community more than doubled in size, reaching 5,300 people in 2002. This growth is expected to continue. The community has extensive vacant private land, and much of this land is physically suited for development. There are currently nearly 2,000 vacant subdivided lots of less than 5 acres in the community (see Table 10: 2004 Numbers/ Sizes of Lots in MLCC Area), and many thousands of acres of private land in larger parcels that could be subdivided in the future. Land prices continue to be relatively low compared to Anchorage, and the area has good proximity to job opportunities in the southern Borough and Anchorage. Over the next 15-20 years, growth trends for the Matanuska Susitna Borough are likely to continue and the population of Meadow Lakes could easily double again.

Table 10 - 2004 Numbers/ Sizes of Lots in MLCC Area

<table>
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<tr>
<th>LOT SIZE (ACRES)</th>
<th>NUMBER OF LOTS</th>
<th>PERCENT OF LOTS</th>
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<td>160 to &gt;100</td>
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<td>1,957</td>
<td>40%</td>
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Table by Agnew::Beck, based on MSB Assessors office 2004 data
Without community action, the qualities that create the rural character of Meadow Lakes, and that make the community such an attractive place to live, are likely to continue to fade into history.

Like all the recommendations presented in this comprehensive plan, the following goals emerged from the community surveys, the Spring 2004 community workshops, and work with the Meadow Lakes planning team.

B. LAND USE GOALS

1. Maintain the Community's Rural Character
2. Concentrate and Screen Commercial Development; Avoid Sprawl Along the Parks Highway
3. Create a Pedestrian-Oriented, Mixed-Use Town Center
4. Guide Location and Character of Development

I. Maintain the Community's Rural Character

Community surveys and public workshops show that for most residents, the area's rural character is one of the top motivations to live in Meadow Lakes. This character includes low density housing, friendly neighbors, limited traffic, large tracts of open land, good views, presence of wildlife, and ready access to trails, rivers, lakes, and recreation. Strategies to maintain and enhance this rural character include:

- Housing Densities - Encourage low density residential development in the majority of the community. The exact policies should be worked out through the Special Land Use District process to implement this plan, but community sentiment strongly favors a target greater than the 40,000 square feet minimum currently required under MSB standards. In a few settings - at the planned town center, as part of open space subdivisions, and near the Parks Highway - higher density housing is appropriate, including smaller lot single family housing and, in the town center, attached and multi-family housing. In other areas, lots significantly larger than this target are more appropriate, for example in key watershed and wetland areas, and along the community's three major watersheds. For the purpose of clarity, the Planning Team thought it was important to identify specific minimum lot size.

- While working with the target for minimum lot size, the size of specific subdivision lots should consider the following:
  - Physical character of the land - minimum lot sizes are acceptable where soil quality and drainage is good; lots should be larger where soil quality and drainage is poor.
  - Use of "open space" subdivision process - to the degree land is dedicated to community use as open space, parks and trails through the open space subdivision process, lot sizes are allowed to be smaller.
o Size of surrounding lots – lots in new subdivisions should be at least the minimum, and should respond to the size of surrounding lots, e.g., if an "inholding" is subdivided in a neighborhood of large lots, the lots around the edge of the new subdivision should match the sizes of surrounding parcels.

o Land Use Districts - In this Comp Plan, the large majority of Meadow Lakes is designated in a single rural residential land use district. In the future, the community may wish to develop a set of more diverse land use districts, setting different lot size standards in different portions of the community (e.g. establishing a lower density in more northern portions of the community).

• Open Space – Guide growth to retain and expand public open space, waterways and trails. Retain the “natural feel” of the community and the dominate sense of natural landscapes – forests, wetlands, streams, wildlife, and views.

• Establish “Open Space” subdivision policies so sub-dividers are encouraged to retain land for trails and recreation and to protect natural areas like wetlands or streams (more details on Open Space subdivisions later in this chapter).

2. Concentrate and Screen Commercial Development; Avoid Sprawl Along the Parks Highway

In past public workshops and surveys, people expressed a clear concern that the Parks Highway should not be lined with strip commercial development like what is found in other parts of the southern Mat-Su Borough. The community recognizes that without land use controls, development will likely scatter along the length of the Parks Highway. Strategies to reach this goal include:

• Location of Commercial Development - Encourage new commercial develop to locate in relatively concentrated nodes, rather than spread along the length of the Parks Highway. Establish a town center as the focus point for commercial development (see below).

• Green Space - Maintain several undeveloped “green spaces” along the Parks Highway to separate developed areas.

• Appearance of Roadside Commercial Development - Require retention and/or planting of evergreen buffers, trees and other landscape features so roadside development is attractive. Encourage modest sized, attractive signage and roadside development.
3. Create a Pedestrian-Oriented, Mixed-Use Town Center

A town center was established as a clear priority for the community during both the workshops and survey. Desired uses in the town center include public spaces to meet friends and neighbors, venues for events and community meetings, and commercial services like a bank, Post Office, grocery, restaurants. A successful town center can improve resident quality of life, attract spending from people traveling through the community, and help develop a stronger, positive image for Meadow Lakes.

Strategies to develop the town center include:

- Identify the right location and size for a town center site – The plan identifies the area along the south side of the Parks Highway near the Pittman road intersection as the best location. This area is large enough to include an “inner circle” of pedestrian-oriented development, and an outer ring for more vehicular-oriented commercial and industrial development.
- Public Actions – Improve vehicular and pedestrian access and transit; encourage public facilities in this area to serve as “anchors” for development; partner with agencies or organizations like Denali Commission, AIDEA, Rasmuson, Great Land Trust
- Private Actions - Partner with private landowners and developers, particularly with larger landowners such as the Mental Health Land Trust and Knikatu Corporation.

4. Guide Location and Character of Development

The community wants to maintain the natural, rural character of the community, and to protect the quality of residential neighborhoods. At the same time, the community recognizes the value of creating opportunities for employment, and increasing the local tax base, for example, through sand and gravel extraction. The balance point between these goals is to accept economic development activities, but also to establish rules to minimize the off-site impacts of such activities. This goal focuses on uses with significant impacts, such as large scale resource development like coal-bed methane and gravel extraction, but also is intended to limit impacts of more modest uses such as auto storage/junk yards.

Specific strategies to reduce these impacts include:

- Establish land use standards to minimize the off site impacts of development.
- Discourage certain high impact uses in specific portions of the community, such as sand and gravel operations adjoining stream corridors.
- Establish a special land use district that requires a conditional use permit for high impact uses and sets rules on the location and magnitude of these activities.
C. POLICIES THAT APPLY THROUGHOUT THE AREA

This section presents policies that apply in all parts of Meadow Lakes; the land use districts section that follows presents policies for specific portions of the community.

Site Development Standards (for all types of uses)

To protect unique site opportunities and constraints, including slope, natural vegetation, water quality, and views, and to maintain a sense of the natural setting, the following standards are established:


2. Natural Vegetation/Site Disturbance – Maximize retention of existing vegetation; grading and clear cutting the entire parcel prior to selling or developing land is strongly discouraged. Large portions of the site’s natural vegetation and contours should be maintained.

3. Drainage – Development must not change drainage patterns or create drainage or icing problems on adjoining lots. Construction of driveways and other impervious areas must not increase summer runoff or winter ice on adjoining roads or properties.

4. Water Quality & Erosion - Use drainage swales, holding basins and similar best management practices to ensure runoff from developed areas does not degrade quality of water in adjoining streams and lakes. See appendix for voluntary MSB best management practices.

5. Hazards and Sensitive Areas – Avoid development in hazard areas, including floodplains and steep slopes. Minimize development and development impacts on wetlands and other sensitive natural environments.

6. Setbacks From Waterbodies - Require at least the MSB 75’ minimum development setback from streams, lakes, wetlands and other water bodies; “development” is defined as habitable structures. Non habitable structures, such as boathouses, sheds, decks or saunas can be built within 75’ of lakes and streams, but these improvements should be designed to have minimal environmental and visual impact on the adjoining waterway.

7. Protection of Water Quality – Use of land adjoining waterbodies shall be designed to minimize impacts on water quality. Actions to achieve this goal include minimizing removal of natural vegetation along the majority of the edge of lakes, streams or wetlands, to keep lawn chemicals, silt, and septic effluents out of the watershed, to inhibit bank erosion and provide habitat for wildlife such as ducks and loons, while also providing some screening of development.

17.55.020 Setbacks for Shorelands (B) docks, piers, marinas, aircraft hangars and boathouses may be located closer than 75 feet and over the water, provided they are not uses for habitation and do not contain sanitary or petroleum fuel storage facilities. (E) No part of a subsurface sewage disposal system shall be closer than 100 feet from any body of water or watercourse.
8. Trail Reservations on Private Land – To the greatest degree possible, reserve for continued public use all important existing community trails crossing private land when that private land is subdivided. This can be done through the “open space subdivision” policy outlined later in this chapter. Trails may be reserved along traditional routes, or moved to new locations within the parcel. Trails shall be included as part of all new collector roads.

9. Underground Utilities – If practical, utilities should be placed underground. Exceptions include high voltage electric transmission lines, sub-transmission lines, and substations.

Standards for Commercial, Industrial or Other Development with Significant Off-Site Impacts (for uses ranging from large scale sand and gravel operations to smaller-scale commercial)

The community wants to maintain the natural, rural character of the community, the quality of residential neighborhoods and the visual quality of road corridors. To do this, two sets of development standards are established – the first applies to all uses, the second to specific types of uses.

Regulatory control over development is spread among several levels of government – federal, state, borough and local. The policies presented here are designed to supplement and complement policies administered by other agencies.

Standards for All Development

1. Noise - Limit maximum noise levels as discernable on adjoining properties.

2. Commercial Use of Roads - Use of residential roads by trucks, heavy equipment is a concern of the community. Such use should be controlled, in terms of amount and timing of use, to minimize congestion, noise, dust and safety impacts on community roads.

3. Impacts On Environment – Activities creating off site impacts on surface and sub-surface water quality and quantity, and air quality are not permitted.

4. Reclamation Required – Return land used for mining, sand and gravel extraction or similar uses to a useable state.

5. Control Extraction Of Water From Area Lakes And Streams – Limit direct use of water (e.g., by industrial uses) to a level that doesn’t noticeably reduce lake levels or impact habitat values (this restriction does not apply to emergency use for fire fighting).

6. Hazardous Materials – adequately addressed through MSB Borough-wide regulations
7. Animals - The raising, breeding, and selling of livestock, domesticated animals, including sled dogs, and providing services relating to animals is an established and acceptable use. Operations should be designed and maintained so as not to impact neighboring uses. The following policies apply:
- All waste must be properly disposed of to eliminate environmental impacts;
- All operations should be designed and maintained to restrict a negative affect of noise, sight, and smell on neighboring uses.

8. Signs - Balance the need of area businesses to have sufficient signage to attract customers, with the community’s desire to maintain attractive road corridors. Options to achieve this balance include, for example, using one sign for several businesses, and controls on sign size and materials. One part of this effort will involve working with DOT/PF to find ways for businesses to advertise close enough to the active roadway to be visible to drivers. The plan establishes the following signage policies:
- All signs must be tasteful and modest in size.
- The height of all signs must not interfere with the view of the surrounding properties
- Prohibited signs:
  - Portable signs;
  - Signs mounted on top of buildings;
  - Flashing, rotating, animated or intermittent lighted signs.

9. Building Height – In order to preserve and maintain the existing views of the mountains, lakes and meadows, and to ensure buildings can be served by local fire fighting equipment, building height should not exceed three stories.

10. Lighting – Lighting should be shielded so light is directed down and away from the sky, to protect views of the night sky and aurora borealis, and to avoid shining directly onto neighboring properties.


12. Screening along Roads
   To maintain the community’s natural setting and to promote privacy, vegetative screening at the edge of lots should be sufficient to give the impression to drivers that they are passing through a forested landscape, punctuated by buildings, vs., appearing as a cleared landscape, with occasional trees (see Figure 7: Vegetative Buffer Alternatives). Therefore, the following guidelines are established:
- A buffer of vegetation should be retained along the majority of the lot’s circumference (at least 12 feet in width from an existing easement).
- Alternative to natural vegetation: Where natural vegetation is limited or nonexistent, evergreen buffers should be planted along the majority of the lot’s circumference.
Exceptions: Screening along street side should not interfere with the sight distance at driveways. Screening is not required in the pedestrian core of the town center.

A strip of land at least as wide as the suggested screening which has been dedicated to the public for use as a trail or open space can be included in meeting the recommended screening distance.

**Figure 7 – Vegetative Buffer Alternatives**

Discouraged:
No front or side vegetative buffers

Better:
Front vegetative buffers with opening for access drive

Recommended:
Front and side vegetative buffers extending at least $\frac{1}{2}$ the length of site boundaries; access drive OK

**Standards for Specific Uses**

1. Coal Bed Methane & Mineral Extraction - All coal bed methane and mineral extraction activities shall comply with the MSB codes adopted in 2004 *(insert code reference)*.

2. Commercial Sand And Gravel Extraction – Gravel operations, as currently practiced in Meadow Lakes, create significant traffic, noise and other impacts on the community. New policies and better enforcement of existing policies are required to reduce these impacts. The following policies apply to all existing and future operations:

   • An approved Master Plan for Operations and Reclamation is required prior to commencing operations. Operators must put up a performance bond ensuring compliance to the master plan and other development standards
   
   • Reclamation required – Return the land to a useable state.
   
   • Noise – Minimize noise of operations on adjoining properties. Limit hours of operation to portions of the day when adjoining properties can reasonably expect peace and quiet, i.e., evenings, nights, early mornings. If necessary to avoid disrupting neighboring uses, build sound reducing walls around the operation.
   
   • Use of residential roads by trucks, heavy equipment is a significant community concern. The amount and timing of use shall be limited to avoid congestion, noise, dust and safety impacts on community roads.
3. Medical Waste Incinerators - adequately addressed through MSB Borough-wide regulations

4. Junk/Salvage Yards:
- Require sufficient setbacks, vegetative screening and/or fencing to minimize visual impacts on surrounding roads, trails and properties;
- Be located no closer than 1 mile to any lake, river or water body;
- Obtain all permits as required by federal, state, and borough code, to control environmental impacts;
- Properly dispose of all hazardous waste;
- In commercial junkyards, it is recommended that cars be dismantled to reduce the size of the lots and visibility of the lot from surrounding properties.

17.60 030 Permit Required. (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; (B) maintenance of such as land use without a permit is prohibited.

5. Airports, Airstrips & Float Plane Bases
There are numerous private airstrips and float plane bases in the Meadow Lakes area. These airstrips and float plane bases are established and acceptable uses. Present and future operations should be designed to protect adjacent property and land uses.


7. Agriculture – Agriculture activities, ranging from hobby farms to hay fields and livestock breeding, and including sled dog lots and kennels, are established and acceptable uses. Associated noise and odors or dust caused by animals and machinery is to be expected, however such effects should be minimized.
- All operations should be designed and maintained to restrict negative side effects of noise, sight and smell on neighboring uses.
- Animal waste and agricultural chemicals, including fertilizers, should be used and disposed in a way that causes no negative environmental impacts.
- Stockyards and/or slaughter houses, if allowed, should operate under strict regulations so there are no negative environmental impacts, or impacts on neighboring uses.

Open Space Sub-Divisions
Traditional subdivision practices typically result in 100% of a parcel being subdivided into smaller private lots. A number of alternatives to this practice have been successfully developed around the country. These alternative models - referred to as cluster subdivisions, or “open space subdivisions” – allow for slightly smaller lot sizes, in exchange for portions of the original subdivided property being retained for public use such as trails or buffers on waterways. Working with the Borough, a similar policy should be established and applied in Meadow Lakes. The community strongly supports the inclusion of open space, parks, trails,
or similar recreation features in all future subdivisions. (See Figure 8: Standard versus Open Space Subdivisions.)

**Figure 8: Standard Versus Open Space Subdivisions: An Illustration on a 10 acre Parcel - Same number of lots and houses, two different layouts**

Top – Standard subdivision: ten approximately 2.5 acre lot; all available land is sold.

Below: “Open Space Subdivision:” same number of lots; average lot size is slightly smaller, difference is used to retain land for open space, trails, and stream buffers. Done correctly, this approach increases access to amenities and produces higher average value for all lots. The residential land near Westchester Lagoon in Anchorage is an urban example of this concept. Lots 2-3 tiers back from the lagoon are highly desirable because they have access to the lake, its trails and picnic areas.

To be most successful open space land needs to be aligned with similar open space in adjoining properties, e.g. to establish a contiguous river or trail corridor. The Borough, a land trust or a Homeowners Association needs to hold the title and manage the land.

Area retained as public open space
D. POLICIES BY LAND USE DISTRICT

This section presents a framework for land use policy in Meadow Lakes, using land use districts. Each district defines an area with generally similar types of land use issues, and similar intended future development.

For each of the districts the comprehensive plan presents policies on the following topics:

- Background And Boundaries
- Overall Objectives
- Encouraged And Discouraged Land Uses
- Development Standards Specific To That Land Use District

A map showing land use district boundaries is presented on the following page; land use districts are listed below.

- Rural Residential Areas
- Parks Highway Road Corridor
- Town Center Commercial
- Neighborhood Commercial centers (within residential areas)
- Watershed and Stream Corridors
- Baldy

Like all the policies presented in this comprehensive plan, these proposals emerged from the community surveys, the Spring 2004 community workshops, and work with the Meadow Lakes planning team.
2. RESIDENTIAL COLLECTOR ROAD CORRIDORS

Background and Boundaries
This district follows the three major collector roads in Meadow Lakes’ residential area—Pittman, Church and Schrock roads. These roads currently have minimal roadside development and are attractive, rural, and tree-lined. This character plays a big role in the attractive, rural feel of the community as a whole.

Overall Objective
Maintain the largely natural, undeveloped appearance that currently exists along these roads. Commercial uses should provide the option for limited, concentrated areas of commercial services, to serve adjoining residential areas. This option will make it easier for residents to get convenience services without driving to the planned Town Center or other commercial areas.

Land Uses

Encouraged Uses:
- Residential use.
- Residential-compatible, home-based “cottage industry” businesses as long as the use does not adversely impact neighboring homes or the attractive, existing character of the road.

Allowed Uses:
Other, non-home-based, commercial uses are conditionally allowed. Preferred uses are in two categories:

Residential-compatible commercial uses include lodges, recreation rentals (e.g., canoe rentals), and espresso stands (same category as in rural residential district).

Commercial activities serving neighborhood commercial needs, such as a video store, or coffee shop. Larger scale, regional commercial developments, such as offices and service commercial activities like auto repair are encouraged to locate in the town center area, or other Parks Highway commercial areas.

Public Facilities and Institutions – schools, churches, similar institutional uses are conditionally allowed.

Resource-based activities – small scale farming, lumber milling or logging is permitted, if operations are designed to not impact neighboring residential uses (e.g. through limits on operation hours, noise, smells, etc.

Other resource-based activities, such as gravel extraction already in place at the time of the adoption of this plan, as long as such uses comply with local, and other regulatory standards.
Discouraged Uses:
- Uses other than those listed above, including new, larger scale resource development activities, are discouraged in residential areas.

Development Standards Specific to This District

Road Design – Minimize the number of curb cuts along the highway. Instead, future residential development adjoining the road should be reached by on roads that branch off these main roads (to houses back onto Pittman and Schrock).

Same standards as the Rural Residential District.
3. PARKS HIGHWAY CORRIDOR

Background and Boundaries

The Parks Highway corridor extends east-west across Meadow Lakes. The corridor is defined as the area both sides of the highway back to the rear of the first row of parcels on either side of the highway or, where lots are shallow, to a distance of approximately 1,000 feet back from the road. Uses in this area currently include a mix of undeveloped land and a range of commercial and industrial uses.

Overall Objectives

The community wants the Parks Highway to be an attractive, limited access road, primarily serving as a route for traffic moving through the community or driving to a handful of distinct commercial nodes, rather than a strip commercial highway as is the case in other parts of the southern Matanuska Susitna Borough.

A particular objective is to retain significant portions of the natural vegetation and/or plant trees along the road. Buffers should be of sufficient width to give the impression to drivers that they are passing through a forested landscape, punctuated by buildings.

Previous workshops and the survey show the Meadow Lakes area is generally not seeking significant commercial growth. The community would like, however, to see more daily convenience services. Specific interests include commercial uses such as a bank, post office, and a community center in the proposed Town Center area.

Land Uses

Encouraged Uses (assuming setbacks & vegetative buffers described below):

Residential uses – densities between the relatively low densities intended for rural residential areas, and the higher densities planned in the Town center area.

Industrial - small scale industrial use allowed as “by right” permitted use; larger scale industrial allowed conditionally.

Recreation – maintain trails along both sides of the road.

Open Space – undeveloped areas to protect habitat, and separate commercial districts within Meadow Lakes, and between Meadow Lakes and adjoining communities.

Allowed Uses

Commercial uses – commercial uses are allowed along the corridor, although the preferred location for new commercial use is in the town center.

Non-Alcoholic Cabarets and Under 21 Entertainment Venues.

Bars, liquor stores (see notes under development standards)
Discouraged Uses:

Large scale industrial or commercial uses that dominate views from the road, such as large scale gravel extraction. Existing gravel operations are expected and allowed to continue, but over the long term, the community looks forward to the day when resources are exhausted, and these sites can restored and used for other purposes.

Adult entertainment

Development Standards Specific to This District

1. Screening – same as community-wide policy, plus additional policies below:
   - Retain or plant a vegetative buffer facing the street at least 25 feet back from the ROW, to screen views from the highway. This buffer should be continuous except for access drives.
   - If a commercial operation is using fencing for security purposes the fence must be placed inside the vegetative screening.

2. Liquor Licenses
   Businesses with liquor licenses are numerous in the Meadow Lakes area. Due to the large number of businesses that sell alcohol the plan establishes the policy that future liquor licenses of all classifications, including new and transfers, must be no less than:
   - 1/2 mile from an existing establishment, unless located with the proposed town center;
   - 1 mile from a school, private or alternative school, church, daycare center, park or playground;
   - 1 mile from any under 21 entertainment venue.

3. Non-Alcoholic Cabarets and Under 21 Entertainment Venues
   At the time this plan was written there were two such businesses in existence in Meadow Lakes. At that time the Community Council supported an ordinance as proposed by the borough to regulate this type of businesses. This plan recommends that the existing businesses and future businesses of this type be operated to comply with borough code.
4. TOWN CENTER

Background and Boundaries

Many small towns around Alaska and all over America are working to establish viable town centers, or revitalize main streets, to serve as a commercial and civic center for the community. The desire for a Meadow Lakes town center came through as a priority during both the workshops and survey.

The town center needs a central, convenient location, easily reached, but slightly off the Parks Highway. The area that best meets these criteria is the area south of the Parks Highway, in the vicinity of the Pittman intersection. This area already is the prime retail location in the community, has potential for the right kind of access, and includes large blocks of undeveloped private land.

Overall Objectives

Desired uses in the town center include comfortable public spaces to meet friends and neighbors; space for events, community activities and a range of commercial uses; and higher density housing.

The town center will have two sub-districts:

- The core area is intended to be a pedestrian-oriented district, with relatively high density mixed use development, in the spirit of traditional American main streets.
- Surrounding the core area will be a more spread out commercial and industrial district, providing space for uses that require larger buildings, larger parking lots, and a more auto-oriented character.

The town center is intended to serve as an amenity and convenience to Meadow Lake residents, be a profitable place for local businesses, provide an attractive destination for visitors, and help build a positive image for Meadow Lakes.

Developing a viable town center will require a challenging, multi-year process, and will only be successful with the cooperative efforts of the public sector and private land owners and developers. The qualities desired in the town center sought for Meadow Lakes are outlined below:

- Mixed-use – includes commercial services (see list below), civic uses and with housing within walking distance. This set of uses allows people to conveniently take care of shopping and other needs of daily life.
- Pedestrian-oriented – the central core needs to be comfortable to move around without a vehicle.
- Social life in public places – comfortable places to meet and visit with friends, neighbors, and strangers, including attractive sidewalks and perhaps a central square or plaza, and provides entertainment options for children, young adults, adults and seniors.
• Space to Grow - Provides sufficient space to meet commercial and industrial needs of a growing community; helps concentrate commercial development.
• Clustered Development - By clustering residential development, provides for more affordable housing and reduces costs for providing utilities.
• Identity – the town center should help give Meadow Lakes a more distinct, positive identity.

Steps to develop the town center are outlined below:
• Establish a phased development plan, for public and private investments, including roads and sidewalks, utilities, public buildings, amenities.
• Improve access to the site, for vehicles and pedestrians. Provide good access into and through the area for pedestrians (trails to the site, sidewalks within); provide convenient vehicular access in the area and good visibility to the area from adjoining roads, but avoid high speed traffic through the area.
• Provide a pedestrian overpass across the Parks Highway into this area; provide park and ride lots, and ultimately, a link to rail-based transit.
• Limit commercial development directly off the Parks Highway.
• Plan and develop infrastructure needed to support the more concentrated development associated with successful town centers, including common water, sewer and drainage.
• Adopt a Special Use District that expands upon and adds authority to the standards presented below.

**TOWN CENTER: PEDESTRIAN CORE**

*Land Uses*

**Encouraged Uses:**
- Commercial: Primarily local serving commercial uses. Uses most desired include “Main Street” commercial uses such as a bank, grocery, restaurants, bakery, book store, personal service (barber, hair salon), gas stations, repairs, arts and crafts/gift stores, hotels/motels. Secondary commercial uses include regional and visitor serving uses, such as specialty shops and restaurants.
- Secondary commercial uses include regional and visitor serving uses, such as specialty shops and restaurants.
- Public uses: for example, a library, post office, (the area already hosts the school and the senior center), space for a farmers market.
- Residential: single family and multifamily housing – encourage relatively high densities (including apartments and townhouses, up to approx 15 units per acre).

**Discouraged Uses:**
- Uses that disrupt opportunities to create a pedestrian-oriented commercial district. Uses that deaden a town center include large parcels devoted to a single function, e.g., large scale industrial activities, auto sales, storage, junkyards, big box retail stores.
Development Standards

1. Overall Character - Create a comfortable, attractive environment that invites people to linger, and is convenient and attractive to residents and to people passing through the area. Specific objectives include:

2. Setbacks - Encourage buildings to locate relatively close to the street, to create a sense of enclosure, and provide views into store fronts from the sidewalk. (note: this is different than the setback standards applying in the remainder of the community).

3. Streetscape - Encourage actions to create a good walking environment - require sidewalks, planting between street and building, on street parking. Include seating, sunlight, attractive and appropriately scaled buildings, historical information.

4. Include parks within and adjoining the town center, and trails that lead to undeveloped natural areas.

5. Building size/footprint - Smaller buildings are encouraged; break large buildings into smaller, human-scaled components rather than constructing large monolithic structures.

6. Parking - Create an attractive, inviting environment for walking. Screen parking areas, break-up large parking areas with planting. Encourage development of shared parking areas. Allow on-street parking.

7. Utilities and Services - Require screening of dumpsters, service bays, similar building features


9. Building heights and densities - Allow buildings of greater density and height than in other parts of Meadow Lakes, allow multifamily attached housing.

TOWN CENTER: OTHER COMMERCIAL / OUTER RING

Land Uses

Encouraged Uses:

- Commercial & Light Industrial: variety of commercial uses, including all those listed for the pedestrian core, plus larger scale industrial and commercial activities - larger grocery stores, construction equipment storage, manufacturing, etc.

- Public uses: for example, a library, post office, (the area already hosts the school and the senior center).

- Residential: Single family and multifamily housing - encourage relatively high densities (including apartments and townhouses, up to approx 15 units per acre).
Note – this area is intended to provide a combination of commercial, industrial and residential uses. More detailed planning will be needed, during the preparation of the Special Use District implementing this plan, to ensure these uses are compatible.

Development Standards

1. Allow buildings of greater density than in other parts of Meadow Lakes; allow multifamily attached housing.
2. Encourage attractive buildings, landscaping.
3. Require on-site parking.
5. **WATERSHED & STREAM CORRIDORS**

*Background and Boundaries*

Primary watersheds and stream corridors are defined as shown on the map at the beginning of this land use districts section. These boundaries are preliminary and may need to be refined as better information becomes available on the relative importance and sensitivity of different watershed areas.

Nearly all of Meadow Lakes' rivers, streams, lakes and wetlands are in private ownership. The areas included in this district are singled out as having particularly high recreation, habitat, open space and environmental values. Specific areas identified are the corridors of the Little Susitna River, Meadow Creek, Lucille Creek and the lakes and wetlands connected by these water-bodies. While not included in the boundaries of this district, tributaries to these water-bodies are also important and need protection.

*Overall Objectives*

The goal of this plan is to protect the water quality, open space, habitat and where possible, recreation values of these corridors, while recognizing that private owners have rights to develop their properties consistent with these goals. This can be done by establishing rules that limit the amount and impact of development on stream corridors, including low density development, minimizing disruption of natural vegetation, and restricting activities prone to damage ground and surface water. The overall intent of these policies is to find a balance between the community benefits of maintaining these areas in a largely natural state and desires of private land owners for use of their land. The recreation and open space chapter that follows provides specific recommendations for use in these areas.

Little Susitna River corridor is a designated State Recreation River. Under this designation, State lands, including the stream itself up to the average high water mark, are reserved for public recreation and protection of habitat and other environmental values. The website below gives more information on the State Recreation Rivers Program: http://www.dnr.state.ak.us/mlw/planning/mgtplans/susitna/index.htm

*Land Uses*

*Encouraged Uses*

Protection of water quality, open space, habitat.

*Allowed Uses*

_Residential - low intensity residential, either low densities (approximately 5-10 acres per lot) single family housing where using on-site septic systems are used, or higher density residential where septic is treated off-site, significant land is retained as undeveloped open space, and development is set well back from creeks._
Discouraged Uses

- Commercial - general commercial not allowed, recreation-oriented commercial (e.g., lodging) allowed conditionally.
- Industrial – prohibited.
- Transfer Station/Recycling centers: shall not be located in the proposed residential area or within the open space/stream corridor.

Development Standards Specific to This District

1. Motorized Recreation Use - Establish policies restricting use of the Little Susitna River to non-motorized craft
2. Setbacks of buildings from water – expand MSB existing minimums from 75 to 100’.

(Also see standards applying to all uses in Meadow Lakes.)
6. BALDY

Background and Boundaries

"Baldy" refers to the mountain area rising north of the Little Susitna River. Much of this area is public land held by the State of Alaska. The Department of Natural Resources' Willow Sub-basin and Deception Creek plans set out policies for the use of these areas.

The public land in this area includes a large, contiguous parcel held by the Alaska Mental Health Trust Authority (AMHTA). It is important to understand that Trust Lands are managed separately from other State of Alaska lands, in accordance with regulations adopted in 1997. The regulations provide that Trust Lands are managed solely in the best interest of the Alaska Mental Health Trust and its beneficiaries.

The website below gives details (see the Hatcher Pass and Little Susitna River management units).

http://www.dnr.state.ak.us/mlw/planning/areaplans/willow/index.cfm

Current uses in the area are primarily recreational activities, including hiking, horseback riding, snow machining, four wheeling and hunting. Bench Lake is one popular destination.

Overall Objectives

State lands in this area, excluding Alaska Mental Health Trust lands, should remain in public ownership, and be managed for a range of public uses including protection of water quality, protection of fish and wildlife habitat, subsistence activities and a range of recreation uses including those current uses mentioned above. Mining is discouraged, but permitted to the degree it can occur without significantly reducing opportunities for these other uses.

Private land within this area may be used for the same general set of uses outlined for rural residential district; however, any development will require special care to minimize adverse impacts on visual quality, and impacts on water quality and habitat. This can generally be achieved through either small, carefully placed clusters of homes on suitable sites, or limited numbers of large parcel "estate homes". For the purposes of this section, lands held by the Alaska Mental Health Trust Authority are considered private lands.

Land Uses

Encouraged Uses:

Recreation, open space, habitat protection are the primary uses on state land.

Allowed Uses:

Residential development on AMHLT property, as discussed above

Discouraged Uses:

Resource development such as mining. To the extent mining occurs it shall be strictly regulated to maintain recreation, open space, habitat and visual quality.

Residential, commercial, industrial:
Development Standards

Construct, maintain and guide use of trails to ensure protection of environmental quality, and to meet the needs of diverse trail users.
VICINITY MAP
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.

MSB Information Technology/GIS
December 09, 2019

18N02W23B002
18N02W23A002
1. It is the responsibility of the Contractor to verify the position of the horizontal and vertical control lines.
2. Survey performed by Jull Maps, Anchorage, AK.

CALL BEFORE YOU DIG
Juli Maps
Alaska Blvd (907) 276-2123, (800) 479-3703
SITE PLAN
1.  GRADNİNG IS DONE WITH FINAL GRADES.  SIDE TANGENT FORMATION IS 20' LONG AND GRADED TO FIRM GRADE IN 2' LAYERS.  FORMATION IS 5' WIDE.  TANGENT PRODUCES a 6-8' DEVIATION FROM THE RL.
2.  FORM TANGENT TO THE NORTH END 'SIDE.  TANGENT IS 4' WIDE.
3.  FORM TANGENT TO THE SOUTH END 'SIDE.  TANGENT IS 4' WIDE.
4.  RECLAMATION PLAN MAY CHANGE AS PER DEVELOPMENT ENGINEER SPECIFICATIONS.  RECLAMATION PLAN MUST BE APPROVED PRIOR TO ISSUE OF ANY BUILDING PERMITS.

FINISH GRADE IS SHOWN WITH FINAL CONTOURS.  FINAL GRADE MAY CHANGE IF ENCOUNTERED AS SOIL EXTRACTED FROM THE SITE.

ROOT/ORGANIC DEBRIS WILL BE BURNED, BURIED, CRUSHED AND COVERED WITH TOPSOIL.  RECLAMATION MAY CHANGE AS OTHER OPERATIONS BECOME AVAILABLE.

LOT 5  200 610 SQ FT
TRACT 1  2.1 02.30 SQ ACRE
S 89°28'57" W  27.92'  N 89°59'36" W  60.00'

MATAKUSKA-JUSTUS BOROUGH DEVELOPMENT SERVICES

SDCS, LLC

FOREMOST CONSTRUCTION

GRANITE PILE DEVELOPMENT

PAGE 367
APPLICATION MATERIAL
APPLICATION FOR A CONDITIONAL USE PERMIT FOR
EARTH MATERIALS EXTRACTION – MSB 17.30

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

THIS APPLICATION IS FOR MATERIALS EXTRACTION THAT DOES NOT OCCUR WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE. IF YOUR PLAN INCLUDES EXTRACTION WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE YOU MUST COMPLETE THE APPLICATION SPECIFIC TO THAT PURPOSE.

Application fee must be attached, check one:

☐ $500 for Administrative Permit (Less than two years or less than 7,000cy annually)
✓ $1,000 for Conditional Use Permit (More than two years and more than 7,000cy annually)

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:

MSB Tax ID# 87185

SUBDIVISION: ___________ BLOCK(S): ___________ LOT(S): ___________

STREET ADDRESS: 3429 N. Pittman Road Wasilla, AK

FACILITY / BUSINESS NAME: Foremost Construction - Gravel Pit

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

Irina Filyuk - Foremost Construction

Mailing: P.O. Box 871874

Wasilla, AK 99687

Phone: Hm ___________ Fax ___________

Wk ___________ Cell 907-814-6898

E-mail foremostconstruction@yahoo.com

Name of Agent / Contact for application

Dan Steiner, PE

Mailing: 5900 W. Dewberry Dr.

Wasilla, AK 99623

Phone: Hm ___________ Fax ___________

Wk 907-357-5609 Cell 907-715-7704

E-mail dsteiner@mtaonline.net

Revised 4/4/2017

Permit # 173020190003
Description What type(s) of material is being extracted? Sand, gravel, topsoil.

Total acreage area of all parcels on which the activity will occur: 48.3
Total acreage area of earth material extraction activity: 41
Total cubic yards extraction per year: 10,000 C.Y.
Total projected cubic yards to be extracted: 400,000 C.Y.
What is the estimated final year extraction will occur? 2059

Required information

1. Attach a plan of sufficient detail to demonstrate compliance with the requirements of MSB 17.28.050 and MSB 17.28.060.

<table>
<thead>
<tr>
<th>Plan of Operation</th>
<th>Attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide seasonal start and end dates</td>
<td>See Narrative</td>
</tr>
<tr>
<td>Provide days of the week operations will take place.</td>
<td>See Narrative</td>
</tr>
<tr>
<td>Provide hours of operation.</td>
<td>See Narrative</td>
</tr>
<tr>
<td>Estimated end date of extraction</td>
<td>See Narrative</td>
</tr>
<tr>
<td>Estimated end date of reclamation</td>
<td>See Narrative</td>
</tr>
<tr>
<td>Describe all other uses occurring on the site</td>
<td>See Narrative</td>
</tr>
<tr>
<td>Describe methods used to prevent problems on adjacent</td>
<td>See Narrative</td>
</tr>
<tr>
<td>properties, such as lateral support (steep slopes),</td>
<td></td>
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<tr>
<td>water quality, drainage, flooding, dust control</td>
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<tr>
<td>and maintenance of roads; how will the operation</td>
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<td>monitor the seasonal high water table to stay at least</td>
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<td>four feet above it</td>
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<tr>
<td>Provide quantity estimates and topographical</td>
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<tr>
<td>information such as cross section drawings depicting</td>
<td></td>
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<tr>
<td>depth of excavation, slopes and estimated final grade</td>
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<tr>
<td></td>
<td>Sheet C2.0 -</td>
</tr>
<tr>
<td></td>
<td>SECTIONS.</td>
</tr>
</tbody>
</table>

2. Submit a site plan. Drawings must be detailed and drawn to scale. Drawings under seal of an engineer or surveyor are recommended but not required.

<table>
<thead>
<tr>
<th>SITE PLAN REQUIREMENTS</th>
<th>Attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify location of permanent and semi-permanent</td>
<td>Sheet C1.0</td>
</tr>
<tr>
<td>structures on the site for verification of setback</td>
<td></td>
</tr>
<tr>
<td>requirements. Include wells and septic systems.</td>
<td>Sheet C1.0</td>
</tr>
<tr>
<td>Depict buffer areas, driveways, dedicated public</td>
<td>Sheet C1.0</td>
</tr>
<tr>
<td>access easements, and noise buffers (such as fences,</td>
<td></td>
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<tr>
<td>berms or retained vegetated areas), and drainage</td>
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<tr>
<td>control such as ditches, settling ponds etc.</td>
<td></td>
</tr>
<tr>
<td>Identify wetlands and waterbodies on site and</td>
<td>Sheet C0.2</td>
</tr>
<tr>
<td>within one mile</td>
<td></td>
</tr>
<tr>
<td>Identify existing surrounding land uses within one</td>
<td>Provided by MSB</td>
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<tr>
<td>mile</td>
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<tr>
<td>Identify surrounding property ownership (i.e. public</td>
<td>Sheet C1.0</td>
</tr>
<tr>
<td>vs. private) within one mile of exterior boundaries</td>
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<tr>
<td>Show entire area intended for gravel/material</td>
<td></td>
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<tr>
<td>extraction activity and the boundary of the lot(s)</td>
<td></td>
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<tr>
<td>containing the operation. Identify areas used for</td>
<td></td>
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<tr>
<td>past and future phases of the activity. Identify</td>
<td></td>
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<tr>
<td>phases of proposed mining activities including a map</td>
<td></td>
</tr>
<tr>
<td>showing the area to be mined, a description of the</td>
<td></td>
</tr>
<tr>
<td>topography and vegetation, approximate time</td>
<td></td>
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<tr>
<td>sequence for mining at particular locations, and</td>
<td></td>
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<tr>
<td>general anticipated location of semi-permanent</td>
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<tr>
<td>equipment such as conveyor belts, crushers,</td>
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</tr>
<tr>
<td>dredges, batch plants, etc.</td>
<td></td>
</tr>
</tbody>
</table>

Revised 4/4/2017 Permit # ___________________________ Page 2 of 4
3. Submit a reclamation plan including the following:

<table>
<thead>
<tr>
<th>Reclamation Plan</th>
<th>Attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provided timeline for reclamation at particular locations and that is in compliance with MSB 17.28.067</td>
<td>Sheet C3.0</td>
</tr>
<tr>
<td>Provide copy of reclamation financial assurance filed with the State of Alaska (If exempt, provide qualifying documents for exemption)</td>
<td>Sheet C3.0</td>
</tr>
</tbody>
</table>

4. Submit documentation of compliance with borough, state and federal laws:

<table>
<thead>
<tr>
<th>COMPLIANCE WITH BOROUGH, STATE AND FEDERAL LAWS</th>
<th>Applied for (list file #)</th>
<th>Attached (list file #) or N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mining license as required by the Alaska State Department of Revenue, pursuant to A.S.42.63</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Reclamation plan as required by ADNR, pursuant to A.S. 27.19</td>
<td>Sheet C3.0</td>
<td></td>
</tr>
<tr>
<td>Notice of intent (NOI) for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Environmental Protection Agency (EPA) pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements</td>
<td>Attached</td>
<td>N/A</td>
</tr>
<tr>
<td>United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity is to take place within wetlands, lakes and streams.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Other (Such as, driveway / access permits. List as appropriate.)</td>
<td>* ADOT Driveway Permit. See Sheet C1.0</td>
<td></td>
</tr>
</tbody>
</table>

OWNER'S STATEMENT: I am owner or authorized agent of the following property:

MSB Tax account #(s) __________________________ and, I hereby apply for approval of conditional use permit for earth material extraction activities on the property as described in this application.

Revised 4/4/2017 Permit # __________________________           Page 3 of 4
I understand all activity must be conducted in compliance with all applicable standards of MSB 17.28, MSB 17.30 and with all other applicable borough, state and federal laws, including but not limited to, air quality, water quality, and use and storage of hazardous materials, waste and explosives, per MSB 17.30.055.

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 authorizations 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 may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to operators on this property, and to the buyer when I sell the land. Additionally, I agree to comply with 17.30.120 Transfer of Conditional Use Permit, in the event this permit is transferred to a subsequent property owner.

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, and at other times necessary to monitor compliance.

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

Signature: Property Owner  
Printed Name Date

Signature: Agent  
Printed Name Date

Dan Steiner 6/25/19
June 25, 2019

Planning and Land Use Department
Development Services Division
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645-6488

Re: Foremost Construction – Gravel Pit - Application for Condition Use Engineering Narrative

To Whom it May Concern,

As part of the MSB “Earth Materials Extraction” application, the following information is provided too meet requirements of MSB 17.28.050 and MSB 17.28.060:

- Seasonal Start and End dates: None to operate year-round.
- Days of operation: Monday - Saturday
- Hours of operation: 7:30 am - 5:30 pm.
- Estimated End Date of Extraction: Dec. 31, 2059
- Estimated End Date of Reclamation: Dec. 31, 2060
- Other uses occurring on site: Screening of gravel and sand, stockpile of soil, processing topsoil.
- Problem prevention:
  
  Lateral Support: Final slopes will be 5h:1v or flatter.

  Water Quality: This action will not encounter groundwater. No other water quality issues anticipated.

  Drainage: This action will create a low spot on the site. No runoff is anticipated to leave the site.
Dust Control: Dealt with the site vegetative buffer. Water truck to sprinkle site if needed.

Maintenance of Road: Site operate has needed equipment to maintain on site roads.

Flooding: The site is very flat. There are no waterways to this site. Flooding is not anticipated

Groundwater Monitoring: There are five test wells on site (See C1.0). These will be used to monitor groundwater levels to maintain excavation +4' above groundwater.

Please note that the Meadow Lakes Comprehensive Plan discourages “large scale” gravel pits. However, it states that a promising source of continued local economic prosperity for the Meadow Lakes area is its significant gravel reserves (Page 21). However, this document does not give a definition for “large scale”. Based on the estimated annual volume of extraction to be 10,500 cubic yards, we feel that this would certainly not be a large scale gravel pit.

It does list items that should be required in the case of developing new gravel pits on page 37. We feel that we have meet these requirements, including a 100' perimeter buffer and ask for your thoughtful consideration in this matter.

Thank you for your help with this project.

Sincerely,

Dan Steiner, P.E.
Manager

des
encl.
July 11, 2019

Dan Steiner
on Behalf of Foremost Construction Pit
5900 W. Dewberry Drive
Wasilla, AK 99623

Subject: Conditional Use Permit Application for Earth Materials Extraction – Request for Additional Information
Location: 3429 N. Pittman Road; Parcel Account #18N02W23B002

Dear Mr. Steiner,

Borough staff has reviewed the application material and the site plan(s) submitted on June 25, 2019 for a Conditional Use Permit for the extraction of earth materials under MSB 17.30 on the above referenced property. It has been determined that the following information needs to be provided and/or clarified in order to process this request.

1. Please indicate the anticipated number of traffic trips per day for the proposed use. One “round trip” equals two trips.

2. The application material indicates a job shack, portable restroom, equipment, etc will be relocated around the site as needed. Are there any additional screening/buffering measures that will be implemented to minimalize impacts on the adjacent landowner from this portable equipment?

3. Is the location of the job shack, portable restroom, equipment, etc depicted on the site plan in the intended position for the start of the proposed mining operation?

4. The application material indicates the earthen berms will be 14’ tall, but does not include the width of the berms. Provide the width of the berms.

5. Provide a copy of the approved Mining and Reclamation Plan, and financial assurance by the Alaska Department of Natural Resources Division of Mining, Land, and Water for the proposed use.

6. Provide documentation from a qualified individual indicating “No-SWPPP needed at this time.”
7. The application material indicates the proposed lighting plan is found on the site plan Sheet C1.0, however, there is no lighting plan shown on Sheet C1.0. Please clarify.

8. The site plans are not to scale. The key indicates (1”=80' plotted at 22’x 34’), however the site plans submitted are on 11”x 17”. The scale is not accurate even when converting the scale to 1” =160’). Resubmit drawings and site plans drawn to scale.

9. Identify wetlands and waterbodies on the site and within one mile. The application material indicates this is depicted on “Sheet C0.2”, but no such document was including in the application.

10. The site plan/narrative does not identify the phases of proposed mining activities. Submit documentation indicating the phases of the proposed mining activities, a map showing the specific areas to be mined, a description of the topography and vegetation, and the time sequence for mining particular locations on the property.

11. Provide proof of a State of Alaska Driveway Permit allowing access to and from N. Pittman Road.

12. The application narrative lists some steps that will be taken to prevent potential problems on adjacent properties, but provides little detail. Provide a more detailed description of the preventative measures.

Once the items above have been addressed and we have determined the application to be complete, staff will begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-7862, or email: joseph.metzger@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,

Joseph Metzger, Planner II
Development Services Division
Matanuska-Susitna Borough
Below are the responses to your request for additional information. The number represents the number in the list if items form your letter.

1. It is estimated that there will be 20 (10 round trips) per day.
2. No other screening/buffering measures will be implemented. The 100' vegetative buffer and the 14' soil berm will be sufficient.
3. The owner has decided that the items listed will not be relocated. The note stating that they will be relocated has been removed.
4. The width of the berm will be a minimum of 40' wide. A note stating this has been added to C1.0
5. Pending
6. I am sorry if my responses have been confusing regarding the SWPPP. A SWPPP has been prepared is will be implemented once the gravel pit has been approved and the owner moves forward with development.
7. If gravel is extracted during the times of the year when lighting is needed, lights will be off of the job shack and from a portable light/generator that will only operate during working hours.
8. The scale is correct. The west property line was miss labeled. This has been corrected.
9. Sheet C0.2 added.
10. A the phases have been added to sheet C1.0.
11. Pending
12. Please see the following for additional information for preventative measures:

   **Lateral Support:** All Federal, State, and Local safety regulations will be followed during the extraction of soil from the site. The site will be maintained in an acceptable state while not being used that will provide adequate lateral support to all excavation slopes. The final slopes of the site once soil has been extracted will be $5h:1v$ or flatter which is a very stable slope for this type of soil.

   **Water Quality:** With the existing soils, there will be no standing water on the site. Also, as soil is removed, groundwater will not be encountered. No water quality issues will need to be addressed.

   **Drainage:** This site is very flat, as is the property surrounding this site. Because of the flat topography and the existing soils, no drainage will enter the site from adjacent properties. The extraction of soil from this site will create a low spot on the site and so no runoff will leave the site. With the type of existing soil a this site, rain and snowmelt will be absorbed into the soil. There will be no drainage issues at this site.
Dust Control: The vegetative buffer surrounding the site will protect adjacent properties from dust form the site. If there is an issue with dust, a water truck will be used to sprinkle site to keep dust down. The site will be sprinkled as needed depending on the days there will be traffic at the site and depending on the volume of traffic.

Maintenance of Road: The only “road” that will need to be maintained is the driveway at the site. Site operate has needed equipment to maintain on site roads. If there is mud tracked onto Pittman Road, the owner will sweep and/or wash the dust and/or mud off the road.

Flooding: There are no waterways to this site and no runoff from adjacent properties. The only flooding that could take place is from rainfall that falls directly onto the site. However, with the type of existing soils, all rainfall will be absorbed directly into the soil.

Groundwater Monitoring: There are five test wells on site (See C1.0). These will be used to monitor groundwater levels. The on-site operators will monitor groundwater elevations, and using construction levels will make sure that excavation will not be closer than 4' above the groundwater.

Attached are updated plans and a copy of the SWPPP.

If you need hard copies brought to your office, please contact Irena Filyuk and she will deliver them to your office.

Dan Steiner, PE
SDCS, LLC
(wk) 907-357-5609
(fax) 907-357-5608
(cell) 907-715-7704

From: Joseph Metzger <Joseph.Metzger@matsugov.us>
Sent: Thursday, July 11, 2019 11:28 AM
To: dsteiner@mtaonline.net
Subject: RFAI Foremost Construction

Good Morning Dan,

Attached, please find a letter requesting additional information for the Foremost Construction CUP application.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862
Good morning Dan and Irina,

Staff has determined some more information is needed to process this request. Please see the attached letter requesting additional information on your CUP request. As always if you have questions or need clarification on any matter don’t hesitate to contact me.

Respectfully,

Joe Metzger
MSB Planner
907-851-7862
Dear Mr. Steiner,

Borough staff has reviewed the application material and the additional information submittals received on July 25, 2019 and October 14, 2019 for a Conditional Use Permit request for the extraction of earth materials under MSB 17.30 on the above referenced property. It has been determined that the following information needs to be provided and/or clarified in order to process this request.

1. Staff has been provided with a “Letter of Acceptance for Non-State Land Reclamation Letter of Intent” from the State of Alaska, however, the LOI only includes 4-acres of the 48.3-acre tract. Is this LOI for a specific phase of mining or portion of the property? Please clarify and elaborate.

2. Staff understands a SWPPP has been created and will be implemented if a permit is granted, however, documentation from a qualified individual indicating “No-SWPPP needed at this time” needs to be provided.

3. Identify wetlands and waterbodies on the site and within one mile. The application material indicates this is depicted on “Sheet C0.2”, but it unclear what is a waterbody or wetland. Please clarify. The National Wetlands Inventory or similar database is typically a great resource for such information.

4. Site plan C1.0 indicates there are 10 phases of mining, but, but it does not provide the time and sequence for the mining of the phases. Please clarify and elaborate.

Once the items above have been addressed and we have determined the application to be complete, staff will begin the public notice process. Should you have any questions or require additional
information, please feel free to contact me at the above mailing address, phone: 861-7862, or email: joseph.metzger@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,

[Signature]

Joseph Metzger, Planner II
Development Services Division
Matanuska-Susitna Borough
November 7, 2019

Joseph Metzger, Planner II
Development Services Division
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645-6488

Re: Conditional Use Permit Application for Earth Materials Extraction
Response to MSB Request for Additional Information

Location: 3429 N. Pittman Road; Parcel Account #18N02W23B002

Mr. Metzger,

We have received your letter dated October 25, 2019 requesting additional information. This letter is in response to that request. Your number requests are listed below with our response in bold.

1. Staff has been provided with a “Letter of Acceptance for Non-State Land Reclamation Letter of Intent” from the State of Alaska, however, the LOI only includes 4-acres of the 48.3-acre tract. Is this LOI for a specific phase of mining or portion of the property? Please clarify and elaborate.

As part of the Alaska DNR Letter of Intent, the project owner is required to put up a “bond” to cover the area that needs to be reclaimed after material extraction is completed. Since this project will take place over +20 years, it was not feasible for the project owner to provide a bond for the entire site since only a small portion of the site will be mined at any one time. DNR agreed to require a bond for only 4-acres. This requirement is based on an agreement with the project owner that land will be reclaimed as material extraction takes place so that no more than 4-acres will be mined at a time.

2. Staff understands a SWPPP has been created and will be implemented if a permit is granted, however, documentation from a qualified individual indicating “No-SWPPP needed at this time” needs to be provided.

Per our phone conversation, a letter is included with this submittal from a qualified individual stating that at this time a SWPPP is not needed. See attached letter.
3. Identify wetlands and waterbodies on the site and within one mile. The application material indicates this is depicted on “Sheet C0.2”, but it unclear what is a waterbody or wetland. Please clarify. The National Wetlands Inventory or similar database is typically a great resource for such information.

Sheet C0.2 has been updated to include the locations of wetlands within one mile of the project site. An updated Sheet C0.2 is included with this letter.

4. Site plan C1.0 indicates there are 10 phases of mining, but, but it does not provide the time and sequence for the mining of the phases. Please clarify and elaborate.

Sheet C1.0 has been updated to include estimated dates (year 1, year 2, etc.) that the phases will take place. An updated Sheet C1.0 is included with this letter.

We hope this letter and the included attachments has provided the needed information you are looking for. We are anxious to continue working through this permitting process.

Thank you for your help with this project.

Sincerely,

Dan Steiner, P.E.
Manager
Received, thank for the response. I will incorporate this information in my staff report to the Planning Commissioners.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862

Joseph Metzger

From: dsteiner@mtaonline.net <dsteiner@mtaonline.net>
Sent: Wednesday, January 22, 2020 10:19 AM
To: Joseph Metzger <Joseph.Metzger@matsugov.us>
Cc: 'Irina Filyuk' <foremostconstruction@yahoo.com>
Subject: RE: Couple of Questions Foremost Construction

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Joseph,

Attached is an updated site plan with the typo’s corrected.

Regarding some of your previous questions, end dumps or side dump trucks will be used to haul material from this site.

The current design includes and average excavation depth of about 11’. The soil data indicates that there is sand and gravel to about 32’. With the same buffer, no groundwater, and 5:1 slopes, approximately 750,000 cubic yards of additional material could be extracted from this site.

The following are my response to the public comments that were sent to us. Instead of addressing each letter I have summarized the comments since many of the people responding had the same concerns. There are comments that I will not be address since our original submittal already addressed them or I am not qualified to respond to them. For example, questions about time of operation was presented originally in our submittals. Also, I will not be commenting how this project could impact peoples’ property values or the statement that there are already enough gravel pits in the area.

- Access to the gravel pit would make the surrounding neighborhood dangerous. – Access to the gravel pit will be from Pitman Road and will not increase traffic within the surrounding residential neighborhoods.

- Noise from pit. – There will certainly be an increase in noise during the hours the pit is opened. However, there will remain a 100’ buffer of very dense trees and vegetation as well as a 14’ berm surrounding the gravel pit area. These items will help with the noise issue. Hours of operation will also be limited to typical business hours.
• Dust from the pit. – Dust control will be part of the gravel pit operation. Water truck(s) will be utilized as needed to keep dust down. The very large buffer will also help with dust abatement.

• Contamination of ground water. – Per MSB requirements, no excavation will take place within 4’ of the groundwater. This will be monitored with the existing wells that were drilled looking for water. Also, there is no groundwater in this area. That is why they are proposing to develop this as a gravel pit.

• Impact surrounding septic systems. – This type of gravel pit will not include any kind of process water or use of groundwater. It will have no negative impact on surrounding septic systems.

• Increased traffic. – There will, of course be some increase in traffic, but it will not be in the surrounding residential neighborhoods, it will be on Pitman Road. Also, the volume of gravel to be extracted every year is very minimal and will have a very slight increase in daily traffic on Pitman Road.

• Visual impact. – The owner of this site is trying very hard to have very little visual impact as a result of this development. They are proposing a 100’ buffer from the property lines. The existing vegetation is very dense trees and shrubs. In addition to the buffer, there will be a 14’ berm. This will provide an additional 50’ of buffer. Other than where the driveway accesses Pitman Road, a person will not be able to see the gravel pit operation from outside the site.

• Additional roads built to access the gravel pit. – There will be no additional road constructed as a result of the development of this gravel pit.

• Low quality sand and gravel. – The existing soil is very similar to much of the sand and gravel in this area. This gravel pit is being developed for the use of the owner and meets the needs of what it is intended.

Dan Steiner, PE
SDCS, LLC
(wk) 907-357-5609
(fax) 907-357-5608
(cell) 907-715-7704

From: Joseph Metzger <Joseph.Metzger@matsu.gov>
Sent: Tuesday, January 21, 2020 2:36 PM
To: dsteiner@mtaonline.net
Cc: Irina Filyuk <foremostconstruction@yahoo.com>
Subject: RE: Couple of Questions Foremost Construction

Dan and Irina,

One other point to clarify...

MSB 17.28.060(A)(6) lighting standards are:
(a) exterior lighting shall be located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky.

(b) illumination or other fixtures mounted higher than 20 feet or 150 watts or more shall have downward directional shielding.

The application material indicates if lighting is needed, lights will be off the job shack and from a portable generator that will only operate during working hours. I just want to confirm that the lighting will be shielded to direct light towards the ground and to minimize light spillage onto adjacent properties and upward into the night sky. Is this correct? Could you confirm this for me?

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862

From: Joseph Metzger
Sent: Saturday, January 18, 2020 10:12 AM
To: dsteiner@mtaonline.net; 'Irina Filyuk' <foremostconstruction@yahoo.com>
Subject: Couple of Questions Foremost Construction

Hi Dan and Irina,

Just a couple of quick questions for you.

What type of trucks would be used to transport the materials offsite? (Side dumps, rear dumps, etc.)

The application material indicates you only plan to extract approximately 400,000 cubic yards from the mining site. Do you have an estimate for the total material potential for what the mining site could actually produce?

Thank you.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862
That is correct - it will be shielded.

Foremost Construction LLC
PO Box 871874
Wasilla AK 99687
907-841-6898

Sent from Yahoo Mail for iPhone

On Tuesday, January 21, 2020, 2:36 PM, Joseph Metzger <Joseph.Metzger@matsugov.us> wrote:

Dan and Irina,

One other point to clarify...

MSB 17.28.060(A)(6) lighting standards are:

(a) exterior lighting shall be located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky.

(b) illumination or other fixtures mounted higher than 20 feet or 150 watts or more shall have downward directional shielding.

The application material indicates if lighting is needed, lights will be off the job shack and from a portable generator that will only operate during working hours. I just want to confirm that the lighting will be shielded to direct light towards the ground and to minimize light spillage onto adjacent properties and upward into the night sky. Is this correct? Could you confirm this for me?
1. It is the responsibility of the contractor to verify the position of the horizontal and vertical control lines.

2. Survey performed by Bull Moose Surveying.

3. Job No.: 17-009

Date: 7/24/2019

Drawn: 062

Reviewed: DGS

PLANNING COMMISSION

FEBRUARY 3, 2020

PAGE 396
Foremost Construction
Gravel Pit Development Plan

18N02W23A002
18N02W23B002

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<th>Phase</th>
<th>Years</th>
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<th>Perimeter Soil Berm</th>
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<th>Conditional Use Permitted Parcels</th>
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September 9, 2019

Irina Filyuk
P.O. Box 871874
Wasilla, AK 99687

Re: LAS 33000 – Letter of Acceptance for Non-State Land Reclamation Letter of Intent

Dear Ms. Filyuk,

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Office (SCRO), received your Letter of Intent (LOI) for the reclamation of 4 acres after extracting 10,000 cubic yards of gravel and sand. According to the application, the subject site is located on private land within Seward Meridian, Township 18 North, Range 2 West, Section 18, Tract A.

Thank you for submitting a LOI for gravel and sand extraction activities. After reviewing the LOI we have determined that the LOI is complete as submitted. The proposed reclamation measures are appropriate provided that the operation is conducted in a manner that will prevent unnecessary and undue degradation of land and water resources, and the operation shall be reclaimed using current reclamation methods so that the site is left in a stable and safe condition. No financial assurance is required for activities under a LOI.

Although the proposed gravel and sand extraction is exempt under the provision for small operations, an annual reclamation statement needs to be filed with this office at the end of the year. This statement should disclose the total acreage and volume of material mined in the current year, the total acreage reclaimed, and the specific reclamation methods used to comply with AS 27.19.020 (Reclamation Standards). Please submit this statement to SCRO no later than December 31, 2019. If a statement is not submitted, subsequent operations, regardless of size, will no longer be exempt from a mining reclamation plan and bonding.

This acceptance letter does not alleviate the necessity to obtain authorizations required by other agencies and entities for this activity. The LOI needs to be completed on an annual basis; this LOI is effective for the calendar year of 2019. If you have any questions, please feel free to contact Kyle Kidder at (907) 269-8560 or at kyle.kidder@alaska.gov.

Respectfully,

Clark Cox
Regional Manager
November 7, 2019

Joseph Metzger, Planner II
Development Services Division
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645-6488

Re: Conditional Use Permit Application for Earth Materials Extraction
No Notice of Intent (NOI) is needed at this time.

Location: 3429 N. Pittman Road; Parcel Account #18N02W23B002

Mr. Metzger,

Per your request, this letter is to address the need for an NOI and Storm Water Pollution Prevention Plan (SWPPP).

The State of Alaska Department of Environmental Conservation (ADEC) has issued a Multi-Sector General Permit (MSGP) covering storm water discharges associated with industrial activities. The above reference project will need to seek coverage under this MSGP. To do this an NOI is filed with ADEC seven days prior to beginning material extraction at the site. Part of getting coverage under the MSGP is to have a SWPPP prepared for the project.

A SWPPP has been prepared for this site. However, until the MSB permitting process is completed, no material extraction will take place. Because of this, an NOI is not needed at this time. Once this gravel pit has the needed permits, the project owner will file an electronic NOI with ADEC to seek coverage under the MSGP.

Please contact me if you have any questions or need additional information.

Sincerely,

Dan Steiner, P.E.
Manager
des
Driveway Approval to Construct (ATC) #29591

This Approval to Construct (ATC) pertains only to State rights of way.

Contact Name: Irina Filyuk  
Phone Number: (907) 841-6898

Owner: FOREMOST CONSTRUCTION LLC 
Mailing Address: PO BOX 871874, Wasilla AK 99687

Driveway Location: Wasilla DW–NHN N Pittman Rd – T 18N R2W Sec 23, Lot A2, MSB Parcel ID# 33912

Approval to Construct Expires: (9/30/2020)

Driveway Provisions:

A copy of this ATC must be on site during construction of the driveway.

The State reserves the right to require cessation and removal of all activities from the right of way if any conditions of this ATC are violated.

This ATC is not a property right but a temporary authorization revocable by the State upon violation of any provision, special conditions, or other reasons. All reasonable attorney's fees and costs associated with legal or enforcement actions related to the terms and conditions of this ATC will be borne by the Owner.

A driveway or approach road constructed under permit within a highway right of way is the property of the State, but all cost and liability arising from the construction, operation, or maintenance practices to accommodate a driveway constructed under a permit, or to incur any additional expense removing snow berms or other obstructions from a driveway within the right of way resulting from DOT&PF's activities, or activities under a permit issued under 17 AAC 15.

Owner is responsible for adjusting or relocating the driveway without cost or liability to DOT&PF, if the use or safety of the highway requires that the driveway be adjusted or relocated.

If driveway construction interferes with the public's safety and/or use of public facilities within the State right of way, the Owner will be directed to stop work until adjustments satisfactory to
DOT&PF are complete. If any conditions are violated, the State reserves the right to require the cessation of all activities from the area. Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization from the U.S. Army Corps of Engineers (USACE). Before any filling activities take place within the right of way, or on the property adjacent to the right of way affected by this permit, it is the responsibility of the owner to contact the USACE before filling activities take place. 

www.poe.usace.army.mil/reg

The Owner will obtain all necessary Federal, State, and Municipal permits and licenses required by law. Note: for relocation or adjustment of any utility within State rights of way a DOT&PF Utility Permit (or amendment as appropriate) may be required.

The Owner will construct and maintain a driveway in such a manner that the highway, and all of the highway's appurtenances or facilities, including drainage facilities, pipes, culverts, ditches, traffic control devices, street lights, pathways, and sidewalks are not impaired or endangered in any way by the construction or maintenance. (17 AAC 10.20(b))

If, as a result of this project, any improvements within the State right of way are damaged, the Owner will be responsible for restoring them to their previous condition. DOT&PF inspection and approval of the restored improvements is required. (17 AAC 10.065)

No person will place, leave, or deposit upon any street, avenue, alley, sidewalk, or other public rights of way any snow or ice which has been removed from a private driveway, private parking area, or the adjacent property. The Owner is responsible for their snow removal contractors actions concerning placement of snow from Owner's property.

The owner will indemnify, defend and hold harmless the State, and its officers, employees, and contractors, from any and all claims or actions resulting from injury, death, loss, or damage sustained by any person or personal property resulting directly or indirectly from Owner's use of or activities in the area.

No equipment or materials are permitted to be stock piled on the shoulder during non-working hours.

Any survey monument or monument accessory which will be disturbed or destroyed during construction of the driveway, will be referenced prior to the disturbance and restored or replaced by a Land Surveyor licensed in the State of Alaska. The Land Surveyor must file a Monument Record in accordance with AS 34.65.040. All Monument Records will be reviewed by the Department prior to filing with the District Recorder.

All litter and debris generated as a result of this project must be removed and properly disposed of by the contractor. The Owner will be responsible for any and all costs incurred by the State associated with clean up or restoration of the right of way.
Design Criteria:

<table>
<thead>
<tr>
<th>A. Driveway width</th>
<th>24 Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Left edge clearance</td>
<td>300 Feet</td>
</tr>
<tr>
<td>C. Right edge clearance</td>
<td>970 Feet</td>
</tr>
<tr>
<td>D. Left return radius</td>
<td>40 Feet</td>
</tr>
<tr>
<td>E. Right return radius</td>
<td>40 Feet</td>
</tr>
<tr>
<td>F. Shoulder width</td>
<td>2 Feet</td>
</tr>
<tr>
<td>G. Approach angle</td>
<td>90 Degrees</td>
</tr>
<tr>
<td>H. Curb type</td>
<td>None</td>
</tr>
<tr>
<td>I. Curb to sidewalk distance</td>
<td>None</td>
</tr>
<tr>
<td>J. Left driveway foreslope</td>
<td>4:1</td>
</tr>
<tr>
<td>K. Right driveway foreslope</td>
<td>4:1</td>
</tr>
<tr>
<td>L. Culvert length</td>
<td>38 Feet (field fit)</td>
</tr>
<tr>
<td>M. Landing grade</td>
<td>2 Percent</td>
</tr>
<tr>
<td>N. Landing length</td>
<td>30 Feet</td>
</tr>
<tr>
<td>O. Culvert size</td>
<td>18 Inches</td>
</tr>
<tr>
<td>P. Culvert type</td>
<td>Corrugated Metal Pipe (CMP)</td>
</tr>
<tr>
<td>Q. Ditch depth</td>
<td>3 Feet</td>
</tr>
<tr>
<td>R. Shoulder type</td>
<td>Gravel</td>
</tr>
<tr>
<td>S. Road surface type</td>
<td>Paved</td>
</tr>
<tr>
<td>T. Driveway surface type</td>
<td>Asphalt</td>
</tr>
</tbody>
</table>

If a culvert is required by this ATC, the following applies:
- Culvert length and ditch depth, as stipulated in the Design Criteria, are generally based on information supplied by the applicant and must be verified on site during construction,
- Culvert and culvert ends must be installed at time of the driveway construction,
- Ensure a minimum ground cover of 12-inches is over the culvert prior to paving,
- HDPE is preferred however CMP may be used;
- Maintain existing drainage patterns.

Landings from all paved roads must be paved from the edge of pavement to the radius return or a distance stipulated by the Design Criteria “Landing length.”
Traffic Control for Driveway Construction:

The Owner or their contractor shall obtain a Lane Closure Permit for any work that closes traffic lanes, roadway shoulder, or pathway/sidewalk.

Short term or short duration work within the right of way does not typically require a Lane Closure Permit provided it conforms to the table below:

<table>
<thead>
<tr>
<th>DURATION</th>
<th>WORK ON THE SHOULDER</th>
<th>WORK BEYOND SHOULDER (ROADSIDE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TIME OF DAY</td>
<td>Less than 1 hour</td>
<td>Less than one day</td>
</tr>
<tr>
<td></td>
<td>Daylight conditions only</td>
<td></td>
</tr>
<tr>
<td>BASIC TRAFFIC SAFETY REQUIREMENTS</td>
<td>Use high intensity rotating, flashing, oscillating or strobe light on top of all vehicles visible for 700 feet or more in all directions.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wear orange work vests labeled as meeting ANSI/ISEA 107-2004 Class 2 with Level 2 retroreflective material.</td>
<td></td>
</tr>
<tr>
<td>WORK EXAMPLES</td>
<td>Offloading equipment to the roadside.</td>
<td>Matching paved driveway to edge of roadway pavement Sweeping the roadway shoulder.</td>
</tr>
</tbody>
</table>

Do not park equipment within 30 feet of the edge of traveled way or within 10 feet of a curb when not working.

A permit for this driveway will be issued only after construction is complete and accepted by the Department of Transportation and Public Facilities. Please contact DOT&PF for an inspection after final construction of driveway.

Special Conditions: Truck haul warning signs during active haul are the owner's responsibility when they increase trucks per hour into the 25/hr range. That requires a lane closure permit to install signs.

Incorporated as part of this ATC:
- Site Plan

I, [Owner Name], the Owner, acknowledge and accept that I will comply with all the provisions and conditions of this ATC.

[Owner Signature]

[Date: 10/8/19]

[DOT&PF Signature]

[Date: 10/14/19]
This map is only for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of this 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 907-352-7901.

Date: 12/11/2019
Real Property Detail for Account: 18N02W23A002

<table>
<thead>
<tr>
<th>Site Information</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Number</td>
<td>Owners</td>
</tr>
<tr>
<td>18N02W23A002</td>
<td>FOREMOST CONSTRUCTION LLC</td>
</tr>
<tr>
<td>Parcel ID</td>
<td>PO BOX 671874 WASILLA AK 99687-1874</td>
</tr>
<tr>
<td>TRS</td>
<td>Primary Owner’s Address</td>
</tr>
<tr>
<td>S18N02W23</td>
<td></td>
</tr>
<tr>
<td>Abbreviated Description</td>
<td>Primary Buyer’s Address</td>
</tr>
<tr>
<td>(Not for Conveyance)</td>
<td></td>
</tr>
<tr>
<td>TOWNSHIP 18N RANGE 2W SECTION 23</td>
<td></td>
</tr>
<tr>
<td>LOT A2</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ownership Details</th>
<th>Building Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ownership</td>
<td>Building Number</td>
</tr>
<tr>
<td>Owners</td>
<td>Description</td>
</tr>
<tr>
<td>FOREMOST CONSTRUCTION LLC</td>
<td></td>
</tr>
<tr>
<td>Primary Owner’s Address</td>
<td></td>
</tr>
<tr>
<td>PO BOX 671874 WASILLA AK 99687-1874</td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th>Appraisal Information</th>
<th>Building Item Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>Land Appraised</td>
</tr>
<tr>
<td>2019</td>
<td>$69,800.00</td>
</tr>
<tr>
<td>2018</td>
<td>$69,800.00</td>
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<tr>
<td>2017</td>
<td>$69,800.00</td>
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</table>

<table>
<thead>
<tr>
<th>Building Number Information</th>
<th>Tax/Billing Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Account Status ²</td>
<td>Tax Billing Information</td>
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<tr>
<td>Yes</td>
<td>Certified</td>
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<tr>
<td>0041</td>
<td>2017</td>
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</table>

<table>
<thead>
<tr>
<th>Percent Complete</th>
<th>Recorded Documents</th>
<th>Area</th>
<th>LID Exists</th>
</tr>
</thead>
<tbody>
<tr>
<td>100%</td>
<td>Recording Info (offsite link to DNR)</td>
<td>136 WEST LAKES FSA</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land and Miscellaneous</th>
<th>* Total Assessed is net of exemptions and deferrals, rest, penalties, and other charges posted after Last Update Date are not reflected in balances. Last Updated: 12/11/2019 12:00:17 AM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Acreage</td>
<td>Taxable Acreage</td>
</tr>
<tr>
<td>31.00</td>
<td>31.00 Assembly District 007</td>
</tr>
</tbody>
</table>

² If account is in foreclosure, payment must be in certified funds.
### MATANUSKA-SUSITNA BOROUGH

**Real Property Detail for Account: 18N02W23B002**

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>18N02W23B002</td>
<td>None</td>
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</table>

<table>
<thead>
<tr>
<th>Parcel ID</th>
<th>City</th>
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<tbody>
<tr>
<td>87185</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>TRS</th>
<th>Map H008</th>
</tr>
</thead>
<tbody>
<tr>
<td>S18N02W23</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Abbreviated Description (Not for Conveyance)</th>
<th>Tax Map</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOWNSHIP 18N RANGE 2W SECTION 23 LOT B2</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Address</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>3429 N PITTMAN RD</td>
<td>FOREMOST CONSTRUCTION LLC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Address</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ownersh ip</td>
<td>Buyers</td>
</tr>
<tr>
<td>Primary Owner's Address</td>
<td>Primary Buyer's Address</td>
</tr>
<tr>
<td>3429 N PITTMAN RD</td>
<td>FOREMOST CONSTRUCTION LLC</td>
</tr>
<tr>
<td>PO BOX 871874 WASILLA AK 99687-1874</td>
<td></td>
</tr>
</tbody>
</table>

### Appraisal Information

<table>
<thead>
<tr>
<th>Year</th>
<th>Land Appraised</th>
<th>Bldg. Appraised</th>
<th>Total Appraised</th>
<th>Year</th>
<th>Land Assessed</th>
<th>Bldg. Assessed</th>
<th>Total Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>$90,000.00</td>
<td>$0.00</td>
<td>$90,000.00</td>
<td>2019</td>
<td>$90,000.00</td>
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<tr>
<td>2018</td>
<td>$90,000.00</td>
<td>$0.00</td>
<td>$90,000.00</td>
<td>2018</td>
<td>$90,000.00</td>
<td>$0.00</td>
<td>$90,000.00</td>
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<tr>
<td>2017</td>
<td>$90,000.00</td>
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<td>$90,000.00</td>
<td>2017</td>
<td>$90,000.00</td>
<td>$0.00</td>
<td>$90,000.00</td>
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</table>

### Building Information

<table>
<thead>
<tr>
<th>Building Number</th>
<th>Description</th>
<th>Area</th>
<th>Percent Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tax/Billing Information</th>
<th>Recorded Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>Certified</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
</tr>
<tr>
<td>2017</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tax Account Status</th>
<th>Tax Balance</th>
<th>Farm</th>
<th>Disabled Veteran</th>
<th>Senior</th>
<th>Total</th>
<th>LID Exists</th>
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</thead>
<tbody>
<tr>
<td>Current</td>
<td>$0.00</td>
<td></td>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>No</td>
</tr>
</tbody>
</table>

### Land and Miscellaneous

<table>
<thead>
<tr>
<th>Gross Acrga</th>
<th>Taxable Acrga</th>
<th>Assembly District</th>
<th>Precinct</th>
<th>Fire Service Area</th>
<th>Road Service Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>40.00</td>
<td>40.00</td>
<td>Assembly District 007</td>
<td>10-025</td>
<td>136 WEST LAKES FSA</td>
<td>028 Gold Trail RSA</td>
</tr>
</tbody>
</table>

1. Total Assessed is net of exemptions and deferments, rest, penalties, and other charges posted after last update date are not reflected in balances.

2. If account is in foreclosure, payment must be in certified funds.

Last Updated: 6/25/2019 12:00:48 AM
## USE PERMITS

<table>
<thead>
<tr>
<th>Permit Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.35 Public Display of Fireworks</td>
<td>$25.00</td>
</tr>
<tr>
<td>8.40.010 Liquor License - Alcohol &amp; Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)</td>
<td>$100.00</td>
</tr>
<tr>
<td>8.41.010 Marijuana License - Alcohol &amp; Marijuana Control Office (AMCO) Referrals for Matanuska Susitna Borough Review of Issuance, renewal or transfer (location, owner)</td>
<td>$100.00</td>
</tr>
<tr>
<td>8.52 Temporary Noise Permit</td>
<td>$500.00</td>
</tr>
<tr>
<td>8.55 Special Events Permit</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td>$300.00</td>
</tr>
<tr>
<td></td>
<td>$25.00</td>
</tr>
<tr>
<td></td>
<td>$150.00</td>
</tr>
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<td></td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td>$1,000.00</td>
</tr>
<tr>
<td>17.25 Talkeetna Conditional Use Permit</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>17.25 Talkeetna Conditional Use Permit - Variance</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>17.27 Sutton Special Land Use District CUP</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>17.28.030 Interim Materials District</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>17.29 Flood Damage Prevention Development Permit</td>
<td>$100.00</td>
</tr>
<tr>
<td>17.29 Flood Damage Prevention Development Permit - Variance</td>
<td>$500.00</td>
</tr>
<tr>
<td>17.30.040 Earth Materials Extraction Admin. Permit</td>
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</tr>
<tr>
<td>17.30.050 Earth Materials Extraction CUP</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>17.36 Residential Planned Unit Development Application - Concept Plan - up to 50 Lots Additional Lots or tracts being created - Per Lot</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>$100.00</td>
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<tr>
<td>17.48 Mobile Home Park Permit Application</td>
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<tr>
<td>17.52 Residential Land Use District App (Rezone)</td>
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<td>17.82 Conditional Use Permit Application</td>
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<td>17.55 Shoreline Setback Exception Application</td>
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<tr>
<td>17.60 Conditional Use Permit Application</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

---

**Revised:** 3/29/2019
The Planning Commission of the Matanuska-Susitna Borough will consider the following:

**Application:** Conditional Use Permit for Earth Materials Extraction

**MSB Code Section:** MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities

**Applicant:** Dan Steiner on behalf of Foremost Construction, LLC

**Location:** 3429 North Pittman Road (Tax IDs 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian.

**Request:** An application for a conditional use permit under MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities, has been submitted. A conditional use permit would allow for the removal of approximately 400,000 cubic yards of earth materials through 2059. The total area of earth material extraction activity will occur on approximately 41 acres of the 48-acre parcel.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, **February 3, 2020 at 6:00 p.m.** in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request more information from the applicant at the time of 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. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at [www.matsugov.us](http://www.matsugov.us) by clicking on “All Public Notices & Announcements.” Application material is also available for review at the Borough Permit Center. For additional information, you may contact Joe Metzger, Planner II, at 861-7862. Written comments can be mailed to the MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to Joseph.Metzger@matsugov.us. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated as an “interested party.” See MSB 15.39.010 for definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: [www.matsugov.us](http://www.matsugov.us), in the Borough Clerk’s office, or at various libraries within the borough.

Comments are due on or before **January 3, 2020** and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

**Name:** Thomas L. Hood  
**Mailing Address:** P.O. Box 298926 Wasilla, AK 99627

**Location/Legal Description of your property:** Lot 10, Block 3, Greensward Sub

**Comments:** I’m opposed to the C.U.P for earth material extraction activities by Foremost Construction LLC. My homes are on the north side of the street and right next to the lots they are going to affect. There is already a gravel pit on Pittman Rd.

**Note:** Vicinity Map Located on Reverse Side

---

**52042805L008 43**  
HOOD TOM  
5401 W GREEBSWARD DR  
WASILLA AK 99623-9170
The Planning Commission of the Matanuska-Susitna Borough will consider the following:

**Application:** Conditional Use Permit for Earth Materials Extraction  
**MSB Code Section:** MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities  
**Applicant:** Dan Steiner on behalf of Foremost Construction, LLC  
**Location:** 3429 North Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002), within Township 18 North, Range 2 West, Section 23, Seward Meridian.  
**Request:** An application for a conditional use permit under MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities, has been submitted. A conditional use permit would allow for the removal of approximately 400,000 cubic yards of earth materials through 2059. The total area of earth material extraction activity will occur on approximately 41 acres of the 48-acre parcel.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, **February 3, 2020 at 6:00 p.m.** in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request more information from the applicant at the time of 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. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

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Comments are due on or before **January 3, 2020** and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

**Name:** Doug Beatty  
**Mailing Address:** P.O. Box 874071 Wasilla, AK 99687

**Location/Legal Description of your property:** 52042B05L014

**Comments:** Gov’t. Stipends N(D)ease Value decrease by 25 percent approx.  
Groundtable affected Water, noise, dust, ugly,  
Approximate 20 years for loss. Value to maybe come back to what it was. Wells can be affected is forecasted to compense all of your owner's for this and many other issues.  

*Note: Vicinity Map Located on Reverse Side*
The Planning Commission of the Matanuska-Susitna Borough will consider the following:

**Application:** Conditional Use Permit for Earth Materials Extraction

**MSB Code Section:** MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities

**Applicant:** Dan Steiner on behalf of Foremost Construction, LLC

**Location:** 3429 North Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian.

**Request:** An application for a conditional use permit under MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities, has been submitted. A conditional use permit would allow for the removal of approximately 400,000 cubic yards of earth materials through 2059. The total area of earth material extraction activity will occur on approximately 41 acres of the 48-acre parcel.

The Planning Commission will conduct a public hearing concerning the following application for a conditional use permit on Monday, **February 3, 2020 at 6:00 p.m.** in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request more information from the applicant at the time of 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. Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at [www.matsugov.us](http://www.matsugov.us) by clicking on “All Public Notices & Announcements.” Application material is also available for review at the Borough Permit Center. For additional information, you may contact Joe Metzger, Planner II, at 861-7862. Written comments can be mailed to the MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to Joseph.Metzger@matsugov.us. In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated as an “interested party.” See MSB 15.39.010 for definition of “interested party.” The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: [www.matsugov.us](http://www.matsugov.us), in the Borough Clerk’s office, or at various libraries within the borough.

Comments are due on or before **January 3, 2020** and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

**Name:** Doug Beatty

**Mailing Address:** P.O. Box 874071, Wasilla, AK 99687

**Location/Legal Description of your property:** 52042B05L012

**Comments:** 2 houses affected by this, plus daughter bought lot also six acres affected a lot of issues why we do not want gravel pit
The Planning Commission of the Matanuska-Susitna Borough will consider the following:

Application: Conditional Use Permit for Earth Materials Extraction

MSB Code Section: MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities

Applicant: Dan Steiner on behalf of Foremost Construction, LLC

Location: 3429 North Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian.

Request: An application for a conditional use permit under MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities, has been submitted. A conditional use permit would allow for the removal of approximately 400,000 cubic yards of earth materials through 2059. The total area of earth material extraction activity will occur on approximately 41 acres of the 48-acre parcel.

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Name: LINDA MEeks Mailing Address: 617 CEDAR ST, APTOS, CA 95003-3506

Location/Legal Description of your property:

Comments: I WOULD LIKE TO BE COMPENSATED FOR THE EXTRACTION OF EARTH. WE CAN’T PAY TAXES ON THIS PROPERTY AS MY HUSBAND AND I ARE RETIRED IN OUR 70’s AND JUST RECEIVE SOCIAL SECURITY. PLEASE LET US KNOW THE PLANS.

PS, WE NEED MONEY.

Note: Vicinity Map Located on Reverse Side
The Planning Commission of the Matanuska-Susitna Borough will consider the following:

**Application:** Conditional Use Permit for Earth Materials Extraction

**MSB Code Section:** MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities

**Applicant:** Dan Steiner on behalf of Foremost Construction, LLC

**Location:** 3429 North Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian.

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Comments are due on or before **January 3, 2020** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission.

**Name:** Samantha Ricke  
**Mailing Address:** PMB 272 3060 N. Lazy Eight CT, Ste. 2  
**Location/Legal Description of your property:** 3429 N. Pittman Rd.  
**Comments:** See attached Letter.

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**Note:** Vicinity Map Located on Reverse Side
Dec. 30. 2019

Kevin and Samantha Ricke
3694 N. Pittman Road
Wasilla, AK 99654

To Whom this may concern,

We are writing regarding the application for a conditional use permit for earth materials extraction on behalf of Dan Steiner of Foremost Construction, LLC. We have recently built a new home near this extraction site. We have done some research and are opposed to having a gravel pit near our new home.

The research we found states that our septic water can become affected from having a gravel pit nearby. Activities occurring above the water have an impact on the underground water and may cause contamination. We are also concerned about on-site dust caused by excavation. This can cause health problems, safety concern in relation to driving an already dangerous road like Pittman, and the cleanliness of our personal property indoor and outdoor from dust.

Regarding the road, hauling of gravel on Pittman will impact road traffic and road conditions. I would think this would affect the municipality financially as the municipality may have to repave or reconstruct damaged roads. Not only will it affect the municipality, but it will also affect the traffic on our rural road.

We bought land on Pittman and built our home here for the rural aspect. We enjoy having views of the mountains in our backyard with extraction can be affected by dust. We enjoy having grouse, eagles, and moose fly/run around our property. If a gravel pit moves next door it will affect the wildlife around us and disturb the wildlife and breeding of these animals according to Fish and Game. Also, having a gravel pit nearby is an eyesore. We bought land out here to enjoy the beauty Alaska has to offer. Not to mention having a gravel pit nearby will also affect the property value of our brand-new home when we want to sell our starter home.

We are also concerned about the trucking and crushing of gravel and the noise impact that will have. Not to mention the backup beepers on the trucks used in gravel pit operations from research seems to be a common complaint from nearby neighborhoods.

As mentioned above there are several impacts associated with the extraction of materials and having a gravel pit near our neighborhood. Can you please consider the following questions prior to approving this application.

1. What are the hours of operation? Will the hours create noise that will affect the following neighbors?
2. How will the operator address the noise from the operation?
3. How will the operator address and implement dust and noise control?
4. How will the gravel pit affect (road, air, water, and wildlife) residents in the area?
5. Will the proposed gravel pit be in major conflict with other land uses?
6. Will the municipality be financially burdened in the future with the upgrade and improvement of roads repeatedly used by trucks hauling gravel?

7. Will the location of the pit be visually unappealing?

8. What will be the proposed land use after reclamation, and will there be a conflict with surrounding land uses?

9. Has Foremost Construction met all proposed setbacks and requirements?

10. Has Foremost Construction met all required provincial requirements?

11. What is the projected lifespan of the gravel pit?

12. What is the maximum area that will be disturbed at any one time?

13. Will the operation be a net benefit to the community?

14. Will access roads be constructed for the pit?

15. Have all residents directly affected by the proposed gravel pit been personally interviewed and notified in writing of the intent to develop the site?

16. Is there a plan in place to notify directly affected residents to activation of pit operations?

17. Have one or more open houses been held in the community?

18. Are there provisions for affected residents to be consulted (on an annual basis) throughout the lifespan of the gravel pit operations?

19. Have haul roads been established and agreed to?

20. Have the number of gravel trucks that will be operating been agreed to?

21. Has a traffic assessment been undertaken to address potential traffic issues?

Thank you for taking the time to read this letter and answering our questions.

Sincerely,

Kevin and Samantha Ricke
Received, thank you for your comment. Your comment will be included in the packet that goes to the Planning Commissioners.

Respectfully,

Joe Metzger
MSB Planner II
907-861-7862

From: RONALD LAVIGNE <extreme@mtaonline.net>
Sent: Saturday, December 28, 2019 3:54 PM
To: Joseph Metzger <Joseph.Metzger@matsugov.us>
Subject: land use permit 3429 NorthPittman Tax ID#18N02W23B002 &18N02W23A002

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hello one and all!

This writ is targeted at the Planning Commission of the MSB. Specifically MSB 17.30- Conditional Use Permit for Earth Materials Extraction Activities At 3429 North Pittman Rd. (tax ID# 18No2W23B002 AND 18N02W23A002; within Township 18 North, Range 2 West, Section 23, Seward Meridian.

First off there are at least four maybe five gravel extraction pits already on Pittman Rd. Some still active. One of those pits (LONG PIT) are just a stone throw away from the land the applicant is trying to permit. Another Gravel pit in the opposite direction on pittman Rd. Less than 2 miles from the proposed permit land (B&E pit) and then there is George Lustick's old pit at Smith's place that's closer yet to the proposed area for permit. No room for another gravel pit.

Also, the quality of the material at the proposed site is way less than favorable for commercial or residential use. That material will never meet specifications for capitol projects or other bankable activities. Round sand won't keep still unless it is surrounded by something to capture it and keep it in place. Even so the surface is just short of useless without material to bind it up!

My personal opinion: I would feel ripped off if some one were to sell me a load of that gravel extracted from the proposed site for my personal driveway.

There is always the issue of dust for a neighborhood that is already suffering the effects of dust due directly to imported materials with quantities of silt for binder. When Greensward Drive and spur Rs. drys out, It's nothing nice for breathing, as well the vision impairment caused even at very low speeds. For the applicant to fire up a screening plant, loaders, trucks and other equipment would add unbearable amounts of particles in our already suffering neighborhood. Sound also being an issue. There is know way that the proposed Contractor would stay within the time boundary described on application. Those are just words on paper. We see that repeatedly all around the Borough. If that contractor can make money after five o'clock extracting gravel it will be done with long summer sun
etc. The Borough hasn't enforced after hour infractions in a timely manner, SOOOO," Homeowners suffer again".

There is also the issue about property values. Even if our appraisals are not affected, who in the world wants to buy a home next to this extraction site that literally borders more than a dozen properties on the back line(south) and several other properties on the east and west borders.

The permit applicant should not be allowed further extraction of any materials with gravel pits in such close proximity. The monies invested in this venture to date should be classified as education and the contractor have zero recourse on recovering from an undesirable investment that could have been prevented by spending fractions in comparison on studies for the project BEFORE PURCHASE.
Dear Planning Commission Members:

We received your letter referencing a gravel pit proposal in a residential neighborhood, a community we recently moved to seeking a safe environment to raise our three young children, quite likely the same reason this area is growing with new homes. A gravel pit is not a safe environment, nor is it quiet, esthetically appealing, or beneficial for residential expansion, not to mention the road damage in the surrounding area.

Respectfully, we urge you to deny the request.

We are long time Alaska citizens and want to raise our children in an Alaskan lifestyle, for us that means a residential community or houses and growing families on a bit of land, not a gravel pit with heavy equipment and huge trucks speeding to make more deliveries than time safely allows.

Our property is located at 5501 West Greensward Drive (number 1 on the map), next to potential road access to the proposed pit, and adjacent to the 40 acres in question. If the petition is approved, our children are in danger if they simply ride bikes in the neighborhood, our property value is greatly diminished, the feeling of neighborhood is lost forever, numerous types of safety concerns escalate, and the Borough loses significant long-term revenue, a tax base far more valuable than one more gravel pit.

The Borough is growing, specifically noting the area around Church Road and Pittman and obviously extending to Greensward and the other residential developments of the area, all of which will surely continue to grow and develop a forever tax base. Ancillary tax growth will definitely come in the form of services, LEDs for example. I know people on our road are interested in an LED to bring natural gas services to a rapidly developing part of Wasilla.

We ask you to deny the gravel pit proposal.

There are already 9 gravel pits between Palmer and Meadow Lakes, including Fitz Gravel Pit, around 6 miles from the proposed site, and a second pit on Vine, only a bit further than Fitz. Please do not accept a short-term gain from an unnecessary new gravel pit when the long-term option is so much better for the Borough and a growing community. Please think of the safety issue and the liability issue. Please choose kids and families, not another gravel pit.

If you want to develop the land, how about a natural habitat park?
If for any reason you do approve the gravel pit proposal, please ensure the families most affected receive reasonable compensation. For example, each landowner whose land touches or is in some form adjacent to the proposed pit should receive free and clear deed to a five-acre buffer lot, a zone of safety, and any landowner whose property is adjacent to or touching an access road to the pit should receive land and/or financial compensation for noise, clouds of dust from trucks, and the obvious enormous safety concerns.

Our primary concerns, and reasons why the proposed gravel pit should be denied, are:
child safety;
noise and dust from heavy equipment in the pit area and on all the surrounding roads;
loss of a residential community;
loss of long-term tax base;
non-prudent deviation from logical residential growth boundaries;
and, another gravel pit is unnecessary given the large number (9) already available in a small driving radius.

PLEASE DENY THE GRAVEL PIT REQUEST.

Cordially,

Mike and Mary Gullett,
Homeowners on Greensward Drive
Michael Gullett <gull7900@msn.com>

Sent: Thursday, January 2, 2020 11:18 AM
To: Joseph Metzger <Joseph.Metzger@matsugov.us>
Subject: Comment and Request to Stop Gravel Pit Behind Greensward Drive Wasilla - Meadow Lakes

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]
From: Michael and Mary Gullett, homeowners
Date: December 27, 2019
Re: 40 Acre proposed gravel pit in Wasilla

Dear Planning Commission Members:

We received your letter referencing a gravel pit proposal in a residential neighborhood, a community we recently moved to seeking a safe environment to raise our three young children, quite likely the same reason this area is growing with new homes. A gravel pit is not a safe environment, nor is it quiet, esthetically appealing, or beneficial for residential expansion, not to mention the road damage in the surrounding area.

Respectfully, we urge you to deny the request.

We are long time Alaska citizens and want to raise out children in an Alaskan lifestyle, for us that means a residential community or houses and growing families on a bit of land, not a gravel pit with heavy equipment and huge trucks speeding to made more deliveries than time safely allows.

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and develop a forever tax base. Ancillary tax growth will definitely come in the form of services, LEDs for example. I know people on our road are interested in an LED to bring natural gas services to a rapidly developing part of Wasilla.

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If you want to develop the land, how about a natural habitat park?

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child safety;
noise and dust from heavy equipment in the pit area and on all the surrounding roads;
loss of a residential community;
loss of long-term tax base;
non-prudent deviation from logical residential growth boundaries;
and, another gravel pit is unnecessary given the large number (9) already available in a small driving radius.

PLEASE DENY THE GRAVEL PIT REQUEST.

Cordially,

Michael S. Gullett and Mary Gullett,
Homeowners on Greensward Drive

Michael S. Gullett
Alaska Native Cultural Charter School
Assistant Principal
The Planning Commission of the Matanuska-Susitna Borough will consider the following:

**Application:** Conditional Use Permit for Earth Materials Extraction

**MSB Code Section:** MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities

**Applicant:** Dan Steiner on behalf of Foremost Construction, LLC

**Location:** 3429 North Pittman Road (Tax ID# 18N02W23B002 and 18N02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian.

**Request:** An application for a conditional use permit under MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities, has been submitted. A conditional use permit would allow for the removal of approximately 400,000 cubic yards of earth materials through 2059. The total area of earth material extraction activity will occur on approximately 41 acres of the 48-acre parcel.

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**Name:** John Koutskey

**Mailing Address:** P.O. Box 870685, Wasilla, AK 99687

**Location/Legal Description of your property:** Lot 1, Block 2, Subdivision

**Comments:** We live in a quiet residential neighborhood. Our concerns are dust, noise, increased traffic, and property values, and the quality of our ground water. There are already gravel pits on Pittman Road. We don’t want any more! 

Note: Vicinity Map Located on Reverse Side
December 12, 2019

Joseph Metzger, MSB Planner II
Matanuska-Susitna Borough
Planning & Land Use Department
350 East Dahlia Avenue
Palmer, Alaska 99645-6488

Subject: Conditional Use Permit for Earth Material Extraction located at 3429 N Pittman Rd within Township 18 North, Range 2 West, Section 23, Seward Meridian.

Dear Mr. Metzger:

ENSTAR Natural Gas Company has reviewed the application for the Conditional Use Permit for Earth Material Extraction.

We have no comments or concerns related to this activity.

If you have any questions, please feel free to contact me at 907-334-7944 or by email at cassie.acres@enstarnaturalgas.com.

Sincerely,

Cassie Acres
Right-of-Way and Compliance Technician
ENSTAR Natural Gas Company
PLANNING COMMISSION

RESOLUTION
A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE EXTRACTION OF 400,000 CUBIC YARDS OF EARTH MATERIAL FROM AN APPROXIMATELY 41-ACRE SITE WITHIN A 71-ACRE PARCEL AT 3429 N. PITTMAN ROAD (TAX ID# 18N02W23B002 and 18N02W23A002); WITHIN TOWNSHIP 18 NORTH, RANGE 2 WEST, SECTION 23, SEWARD MERIDIAN.

WHEREAS, an application has been received from Dan Steiner on behalf of Foremost Construction, LLC for a conditional use permit for the extraction of earth material at 3429 N. Pittman Road, (Tax ID# 18N02W23B002 and 18B02W23A002); within Township 18 North, Range 2 West, Section 23, Seward Meridian; and

WHEREAS, it is the intent of the MSB to recognize the value and importance of promoting the utilization of natural resources within its boundaries; and

WHEREAS, it is the purpose of MSB Chapter 17.30 to allow resource extraction activities while promoting the public health, safety, and general welfare of the Borough through the regulation of land uses to reduce the adverse impacts of lands uses and development between and among property owners; and

WHEREAS, it is further the purpose of MSB 17.30 to promote orderly and compatible development; and
WHEREAS, MSB 17.30.020(E) requires a conditional use permit for the annual extraction of more than 2,000 cubic yards of earth materials; and

WHEREAS, an Alaska State Department of Revenue mining license is not required for this application because Alaska law was amended in 2012 and rock, sand and gravel quarries are now exempt from the requirement; and

WHEREAS, an Alaska State Department of Natural Resources (ADNR) mining permit is not required for this application because the extraction activities will not take place on state land; and

WHEREAS, a reclamation plan has been developed as required by Alaska State Department of Natural Resources (ADNR), pursuant to A.S. 27.19, and has been submitted as part of this application; and

WHEREAS, the application material indicates a qualified person has determined a storm water pollution prevention plan (SWPPP) is not required at this time as there is no reasonable potential to cause a discharge of storm water into any water of the United States; and

WHEREAS, a United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act is not required for this application, as the applicant is not proposing any extraction activity to take place within any identified wetlands, lakes, streams, or other waterbodies; and
WHEREAS, this property is located within the Meadow Lakes Community Council planning area; and

WHEREAS, according to the application material, a 100-foot vegetative buffer will remain in place around the entire mining area; and

WHEREAS, other than through the driveway access point, the operation is not visible from N. Pittman Road; and

WHEREAS, the application material indicates a 14-foot high, 40-foot wide earthen berm will be constructed around the entire mining area; and

WHEREAS, according to the application material, water trucks will be used as needed during operations as a dust control measure; and

WHEREAS, according to the application material, slopes will be left at a 5:1 (H:V) slope which meets the standards of MSB 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material; and

WHEREAS, the Meadow Lakes Comprehensive Plan identifies four (4) land use goals. Those goals are: (1) Maintain the community’s rural character, (2) concentrate and screen commercial development; avoid sprawl along the Parks Highway, (3) Create a pedestrian-oriented, mixed-use town center, (4) Guide location and character development; and
WHEREAS, the Meadow Lakes Comprehensive Plan identifies strategies to concentrate and screen commercial development. These strategies include: encouraging new commercial development to locate in relatively concentrated nodes, and to require retention and/or planting of evergreen buffers, trees and other landscape features so roadside development is attractive; and

WHEREAS, the Meadow Lakes Comprehensive Plan identifies strategies to guide the location and character of development. These strategies include: establish land use standards to minimize the off site impacts of development, discourage certain high impact uses in specific portions of the community, such as sand and gravel operations adjoining stream corridors, and establish a special land use district that requires a conditional use permit for high impact uses and sets rules on the location and magnitude of these activities; and

WHEREAS, the Meadow Lakes Comprehensive Plan recognizes the community wants to maintain the natural, rural character of the community and to protect the quality of residential neighborhoods. At the same time, the community recognizes the value of creating opportunities for employment, and increasing the local tax base through sand and gravel extraction. The balance point between these goals is to accept economic development activities, but also to establish rules to minimize the off-site impacts of such activities; and
WHEREAS, the Meadow Lakes Comprehensive Plan identifies six (6) land use districts on a map named “Land Use Districts” on page 41 of the plan; and

WHEREAS, the subject parcel is located within the “Residential Collector Road Corridors” identified on “Land Use Districts” map on page 41 of the plan.

WHEREAS, the Meadow Lakes Comprehensive Plan identifies “allowed uses” in Residential Collector Road Corridors. Allowed uses include: resource-based activities such as small scale farming, lumber milling or logging, if operations are designed to not impact neighboring residential uses (e.g. through limits on operation hours, noise, smells, etc.) and other resource-based activities, such as gravel extraction already in place at the time of the adoption of this plan, as long as such uses comply with local, and other regulatory standards; and

WHEREAS, the Meadow Lakes Comprehensive Plan identifies “discouraged uses” within the Residential Collector Road Corridors. Discouraged uses include: new, larger scale resource development activities are discouraged in residential areas; and

WHEREAS, the Meadow Lakes Comprehensive Plan identifies development standards for specific uses including “Commercial Sand and Gravel Extraction.” The plan indicates the following policies apply to all existing and future operations: (1) An approved Master Plan for operations and reclamation is required prior to commencing

Planning Commission Resolution PC 20-04
Adopted:
operations. Operators must put up a performance bond ensuring compliance to the master plan and other development standards,
(2) Reclamation required - return the land to a useable state,
(3) Noise - Minimize noise of operation to portions of the day when adjoining properties can reasonably expect peace and quiet, i.e., evenings, nights, early mornings. If necessary to avoid disrupting neighboring uses, build sound reducing walls around the operation, (4) Use of residential roads by trucks, heavy equipment is a significant community concern and timing of use shall be limited to avoid congestion, noise, dust and safety impacts on community roads; and

WHEREAS, land uses within one-half mile of the site contain a mixture of residential, undeveloped and commercial uses; and

WHEREAS, parcels within the surrounding area range in size from approximately 1.5 acres to 53 acres; and

WHEREAS, the total area of earth extraction will occur on approximately 41 acres of the 71-acre parcel; and

WHEREAS, the proposed mining area abuts the N. Pittman right of way to the north. The applicant owns the land north of the N. Pittman right of way; and

WHEREAS, the proposed mining area abuts the applicant’s property on the east side of the mining area. To the east of the applicant’s property there are residential homes; and
WHEREAS, one lot borders the proposed use to the west and it is used for residential purposes; and

WHEREAS, pre-existing legal non-conforming status (grandfather rights) to extract earth materials was granted in 2006 to a parcel approximately 190 feet to the west of the proposed use property line; and

WHEREAS, access is made directly onto N. Pittman Road; and

WHEREAS, the applicant is not proposing to mine below or within four feet of the water table; and

WHEREAS, the proposed hours of operation are 7:30 AM - 5:30 PM, Monday-Saturday; and

WHEREAS, according to the application material, the final year of material extraction is estimated to end in 2059; and

WHEREAS, N. Pittman is a State road and is classified as a minor collector. As such, the road is capable of handling traffic from residential and commercial uses; and

WHEREAS, N. Pittman is a paved road that is approximately 24-feet in width and has a posted speed limit of 45; and

WHEREAS, the driveway access location is mostly flat and provides more than 300-feet of unobscured line of sight looking east or west on N. Pittman; and

WHEREAS, all of the site plan and site development requirements have been provided; and
WHEREAS, according to the site development plan, proposed permanent and semi-permanent structures associated with the proposed use meet setback requirements; and

WHEREAS, the vegetative buffer is heavily forested and consists mostly of spruce with a mix of birch and other species; and

WHEREAS, an asphalt / hot mix plant is not proposed as part of this application; and

WHEREAS, maps are included in the record identifying surrounding property ownership, existing land uses, wetlands and waterbodies within ½ mile of the proposed site; and

WHEREAS, according to the site plan, earth material extraction activities will not take place within 100-feet of any identified wetlands or waterbodies; and

WHEREAS, according to the site plan, earth material extraction activities will not take place within 100-feet of any identified wetlands or waterbodies; and

WHEREAS, a site plan is included in the record showing the location of the earth materials extraction site, including phases of mining within the subject parcel; and

WHEREAS, a topographic contour map, bare earth map, and aerial photography are included in the record. These items show topographic features and vegetation of the subject property and adjacent properties; and
WHEREAS, according to the application material, the proposed operation does not anticipate generating traffic in excess of 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles per day; and

WHEREAS, noise levels exceeding the levels in MSB 17.28.060 are prohibited; and

WHEREAS, earthen berms and vegetative buffers have been incorporated into the operation plan as noise mitigation measures; and

WHEREAS; according to the application material, if lighting is needed, exterior lighting will be located and shielded to direct the light towards the ground in order to minimize light spillage onto adjacent properties and upward into the night sky. Illumination or other fixtures mounted higher than 20 feet or 150 watts or more will have downward directional shielding; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.30 and MSB 17.28; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 20-04:
1. All of the requirements to demonstrate compliance with state and federal laws have been met (MSB 17.30.055(A)).

2. The proposed use, with conditions, is consistent with the applicable comprehensive plan (MSB 17.30.60(A)(1)).

3. The proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.30.060(A)(2)).

4. The application material has met all of the requirements of this chapter (MSB 17.30.060(A)(3)).

5. The proposed use, with conditions, will not be harmful to the public health, safety, convenience and welfare (MSB 17.30.060(A)(4)).

6. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.30.60(A)(5)).

7. The surrounding property ownership, existing land uses, and wetlands and water bodies within the notification area have been identified (MSB 17.28.060(A)(1)).

8. The area to be mined, description of the topography and vegetation, and approximate time sequence for the duration of the mining activity have been determined. No permanent, semi-permanent, or portable equipment are anticipated to be located within the required setbacks (MSB 17.28.60(A)(2)).
9. The proposed traffic route and traffic volumes have been identified. Traffic generated from the proposed use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified in MSB 17.61.090, Traffic Standards (MSB 17.28.60(A)(3)).

10. Existing vegetation and earthen berms will be used to meet the visual screening measures (MSB 17.28.60(A)(4)).

11. Noise mitigation measures include retaining vegetative buffers and constructing earthen berms to ensure that sounds generated from earth material extraction activities do not exceed sound levels set forth in MSB 17.28.060(A)(5)(a). Noise levels exceeding the levels in 17.28.060(A)(5)(a) are prohibited.

12. The proposed use meets lighting standards in accordance with MSB 17.28.060(A)(6).

13. The operation will not conduct earth material extraction activities within 100 linear feet of any identified wetland, stream, river or other waterbody and the operation will not mine below or within four feet of the seasonal high water table (MSB 17.28.60(A)(7)(a - b)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.30 and MSB 17.28.
and does hereby approve the conditional use permit earth material extraction activities with the following conditions:

1. The owner and/or operator shall comply with all applicable federal, state, and local regulations.

2. A copy of the approved permit shall be provided to each contractor company working at the site.

3. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the Conditional Use Permit shall be required prior to any alteration or expansion of the material extraction operation.

4. Material extraction shall be limited to the approximate 41-acre area identified in the application material and depicted on the applicant’s site plan(s).

5. A 14-foot tall berm shall be constructed around the entire mining area whenever vegetation is disturbed within 300 feet of the property line.

6. The 100-foot vegetative buffer surrounding the proposed mining area and shown on the site plan(s), shall be left undisturbed.

7. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected for leaks at the end of each day.
8. On-site maintenance of vehicles shall be done in an area where all leaks can be contained with drip pans or other discharge prevention devices.

9. Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.

10. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water.

11. Prior to the commencement of mining activity, an approved SWPPP shall be submitted to MSD Development Services.

12. Prior to the commencement of mining activities, an approved driveway permit from the State of Alaska shall be submitted to MSB Development Services.

13. All track-out sediments from the site shall be removed from the right-of-way daily.

14. The permit holder shall perform dust mitigation techniques as described in the application as-need to minimize dust impacts to the surrounding areas.

15. The operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060 – Site Development Planning Commission Resolution PC 20-04

Adopted:
Standards and MSB 8.52 - Noise, Amplified Sound, and Vibration.

16. All extraction activities, including all activities that cause noise, dust, or traffic, shall be limited to 7:30 AM to 5:30 PM, Monday through Saturday.

17. Hot mix or asphalt batch plants shall not be operated on the subject property.

18. If cultural remains are found during material extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.

19. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.

20. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring and, with prior verbal or written notice, and at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.

21. The property owner and/or operator shall comply with the reclamation standards of MSB 17.28.067.
22. All junk, trash, and junk vehicles, as defined in MSB 8.50 shall be removed and properly disposed of prior to the completion of reclamation on the subject parcel.

23. A traffic control plan consistent with state regulations shall be in place, prior to generating traffic volumes that exceed the levels specified in MSB 17.61.090.

24. If illumination devices are required, they shall not be greater than 20 feet in height, shall utilize downward directional shielding devices, and shall meet the requirements of MSB 17.28.060(A)(6) Lighting standards.

25. Authorization for earth material extraction activities approved by this Conditional Use Permit shall expire on December 31, 2030.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of _____, 2020.

COLLEEN VAGUE, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:
COMMISSION BUSINESS

Upcoming PC Agenda Items

(Page 457 - 462)
MEMORANDUM

DATE: January 24, 2020

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

March 2, 2020 (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
- Resolution PC 20-06, an application under MSB 17.65 Variances, for an exception to the minimum 25-foot right-of-way setback requirement under MSB 17.55. The variance would allow the existing single-family home to remain 21.3 feet from the E. Rough Cut Circle right-of-way, and the existing garage to remain 1.9 feet from the E. Rough Cut Circle right-of-way. (Applicant: Adam Copson and Janet Flaherty, Staff: Joe Metzger)

Public Hearing Legislative
- Resolution PC 20-05, supporting an ordinance amending MSB 43.05.015(B)(3) to adopt the 2020 Subdivision Construction Manual. (Staff: Eileen Probasco)
- Resolution PC 20-07, recommending Assembly approval of an ordinance adopting MSB 11.12 Driveway Standards in order to ensure driveways within borough right-of-ways minimize negative impact to drainage, maintenance, and safety of the traveling public. (Staff: Eileen Probasco)
Unfinished Business
( None )

New Business
( None )

Commission Business
- Adjudicatory ( if needed )
- Upcoming Planning Commission Agenda Items ( Staff: Eileen )

March 16, 2020 ( 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
( None )

Unfinished Business
( None )

New Business
( None )

Commission Business
- Adjudicatory ( if needed )
- Upcoming Planning Commission Agenda Items ( Staff: TBD )
Upcoming PC Actions

Quasi-Judicial

- Alaska Car Crushing – Junkyard CUP Modification, 6919000L001 and L002. (Staff: Mark Whisenhunt)
- D&S Alaskan Trail Rides, Inc. – Denali SpUD, 29N05W33D012 and 29N05W33D0028. (Staff: Joe Metzger)
- Nu Aspen LLC – Talkeetna SpUD, 5352B12L014A. (Staff: Joe Metzger)
- Nu Aspen LLC – Regulation of Alcoholic Beverages, 5352B12L014A. (Staff: Joe Metzger)
- Bubba Greens – Marijuana Cultivation Facility, 18N01W15C009. (Staff: Mark Whisenhunt)
- Wilderness Acres – Variance MSB 17.65, 633B02L008. (Staff: Joe Metzger)
- Canna Get Happy – Marijuana Retail Facility, 17N01W11A020. (Staff: Joe Metzger)
- Arctic Hydroponics - Marijuana Cultivation Facility, 22N04W01A004. (Staff: Joe Metzger)
- MCC Flight - Marijuana Retail Facility, 1807B01L011. (Staff: Mark Whisenhunt)
- Moonstone Farm – Alcoholic Beverage Dispensary, 17N01E16C012. (Staff: Mark Whisenhunt)

Legislative

- Title 17 Consolidation (Staff: Eileen Probasco)
- Subdivision Construction Manual Update (Staff: Fred Wagner)
- Onsite Consumption (Staff: Alex Strawn)
- Driveway Standards (Staff: Alex Strawn)
- Wetlands Mitigation (Staff: Eileen Probasco)
- Shooting Ranges (Staff: Alex Strawn and Adam Bradway)

Other Upcoming Administrative Actions (Not going to the PC)

- Aldeman – Multifamily Permit; 17N01W18B011. (Staff: Joe Metzger)
- Birdsell #1 – Nonconforming Structures, 6040B03L016. (Staff: Joe Metzger)
- Donald Patterson – Multifamily Development Permit, 1009B02L011. (Staff: Adam Bradway)
- Hinderman - Nonconforming Structures, 6043B01L006. (Staff: Joe Metzger)
- Carefree Acres – Multifamily Development Permit, 1009B02L011. (Staff: Adam Bradway)
- North Palmer Fire Hall Site – Tall Tower Permit, 23730000000. (Staff: Joe Metzger)
- Finger Lakes Heights – Nonconforming Structures, 6111000T003. (Staff: Joe Metzger)
- Trapper Creek Bluegrass Festival – Special Event, 25N05W15C003. (Staff: Joe Metzger)
- Prospect Peak – Nonconforming Structures, 2350B02L008. (Staff: Mark Whisenhunt)
Beaver Green – Nonconforming Structures, 6024000L013. (Staff: Joe Metzger)
Bridgeway Community – Multifamily Development Permit, 17N02W11B005. (Staff: Joe Metzger)
Ashmore – Nonconforming Structures, 18N01E34A001. (Staff: Joe Metzger)

PC Decisions Currently Under Appeal

- **Resolution 18-30**, a Conditional Use Permit (CUP) in accordance with MSB 17.60 – Conditional Uses; allowing the operation of a junkyard/refuse area, located at 743 West Sunrise Drive (Tax ID#: 640500L006); within Township 18 North, Range 2 West, Section 33, Seward Meridian. Appealed to Alaska Superior Court. (Applicant: Dewayne Creech for Creech’s Junkyard, Staff: Mark Whisenhunt)

- **Resolution PC 19-17**, a Conditional Use Permit in Accordance with MSB 17.60 – Conditional Uses; allowing for the operation of a marijuana retail facility, located at 1204 N. Hyer Spur (Tax ID# 7775000L002); within Township 17 North, Range 1 East, Section 4, Seward Meridian. Appealed to the BOAA. Planning Commission decision upheld by BOAA September 11, 2019. Appealed to Alaska Superior Court. (Applicant: Teri Zell, on behalf of Higher By Bad Gramm3r, LLC; Staff: Joe Metzger)

- **Resolution PC 19-18**, a conditional use permit in accordance with MSB 17.30, Conditional Use Permit for Earth Material Extraction, located at 56218 S. Parks Highway (Tax ID# 22N04W06B003); within Township 22 North, Range 4 West, Section 6, Seward Meridian. A CUP would allow for the removal of approximately 1,000,000 cubic yards of earth materials through 2029. BOAA decision reversing the denial by the Planning Commission. Appealed to Alaska Superior Court. (Applicant: Emily McDonald on behalf of Don Jean Pit, Staff: Joe Metzger)

Updates on PC items going to the Assembly (Pending)

None

Updates on PC items that went to the Assembly (Complete)

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