

MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

TAB Packet
June 26, 2020
Page 1 of 71

CHAIRPERSON

Joshua Cross

MSB STAFF

Kim Sollien



BOARD MEMBERS

Scott Adams
Jennifer Busch
Cindy Bettine
Dan Elliott
Antonio Weese
LaQuinta Chmielowski

Transportation Advisory Board Special Meeting

AGENDA

Call-in Number 1-907-290-7880

Conference ID: 232 062 812#

SPECIAL MEETING

9:00 am

June 26th, 2020

When calling in, please mute your phone until you wish to speak. This will eliminate unnecessary noise. Thank you.

- I. CALL TO ORDER; ROLL CALL
- II. APPROVAL OF AGENDA
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF THE MINUTES
 - a. June 5th 2020
- V. AUDIENCE INTRODUCTION/PARTICIPATION
- VI. ITEMS OF BUSINESS
 - a. MSB Code of Ethics 2.17
 - b. Driveway Ordinance Discussion and Comments
 - Draft Resolution supporting the Driveway Ordinance
 - c. Set a date to have a work session to discuss
 - Non-Motorized Facilities, ROW and MSB code – Title 43 & 17
 - Traffic Counts
 - Impact Fees
- VII. MEMBER COMMENTS
- VIII. NEXT REGULAR MEETING
 - August 28th, 2020
 - October 30th, 2020
- XI. ADJOURNMENT

MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

TAB Packet
June 26, 2020
Page 2 of 71

CHAIRPERSON

Joshua Cross

MSB STAFF

Kim Sollien



BOARD MEMBERS

Scott Adams

Jennifer Busch

Cindy Bettine

Dan Elliott

Antonio Weese

LaQuinta Chmielowski

Transportation Advisory Board Special Meeting

Minutes

REGULAR MEETING

2:00 PM

June 5th, 2020

When calling in, please mute your phone until you wish to speak. This will eliminate unnecessary noise. Thank you.

- I. **CALL TO ORDER; ROLL CALL** 2:12pm via telecon- Josh Cross, Antino Weese, Jennifer Busch, Dan Elliott, Cindy Bettine, Scott Adams, LaQuinta Chmielowski and Kim Sollien
MSB Staff

Guests- Jamie Taylor and Alex Strawn

II. **APPROVAL OF AGENDA**

Motion: by Dan Elliott to omit the need for the pledge of allegiance because of the conference call

- III. **Motion:** by Josh Cross to prioritize Items A & B on the agenda and hold on C & D if we need a special meeting

Vote: Motions to amend the agenda passed unopposed

IV. **APPROVAL OF THE MINUTES February 24th 2020**

Motion: by Cindy Bettine to approve the minutes as amended, Dan seconded with two edits to the LRSAA reference and the number of their resolution

Vote: Motion Passes Unopposed

V. **AUDIENCE INTRODUCTION/PARTICIPATION**

No audience participation

Josh Cross asked LaQuita to introduced herself, she shared that she is a civil engineer with experience in transportation planning and that she has been in the valley for 20 years.

She works for DOWL engineering and she is happy to be nominated to join TAB to support the MSB in navigating transportation issues.

VI. ITEMS OF BUSINESS

a. Staff Reports Kim Sollien

- i. **Capital Improvements Plan 2020**- 470 projects were nominated to the CIP list. The official list will be published to the MSB website once the final MSB budget is complete for 2021.
- ii. **MPO RFP Update** – staff requested TAB appoint a member to the Technical Advisory Committee once the Pre-MPO working group is formed- This will be added as an agenda item to a future agenda for discussion
- iii. **OS&HP RFP Update**- staff requested TAB appoint a member to the Technical Advisory Committee once the OSHP contract is awarded and the working group is formed- This will be added as an agenda item for a future discussion

b. (MSB) Subdivision Construction Manual Comments Resolution Work Session

Motion: by **Cindy Bettine** to discuss the Draft Resolution 20-03 that Cindy provided, seconded by Jennifer Busch

Vote: Passed unopposed

Discussion: C02.5(c) of the SCM was a big topic so the TAB Resolution was amended to include a specific paragraph from the 2017 *Standard Specifications for Highway Construction* (ADOT&PF) for a recommended changes to this section.

Alex Strawn shared that the SCM is going before the PC on July 20th so it was unlikely that the SCM would meet again to review TAB's comments.

TAB decided to make sure the Resolution was specific to the edits they wanted to see to the SCM.

Discussion: How is the MSB managing and monitoring the connection to multiple developments and the need for facilities. Is the MSB doing traffic count studies?

Action: Traffic Count Monitoring will be added as a topic to discuss when we hold the work session on title 43 amendments- creating incentives for bike and pedestrian facilities. It was also requested that we discuss the possibility of charging traffic impact fees.

Motion: by Cindy Bettine moved to adopt the resolution as amended, Dan seconded,

Vote: passed unopposed

Motion: by Cindy Bettine, Dan second to reconsider the final THEREFORE BE IT FURTHER RESOLVED to make TAB's resolution clear that we support the SCM if our amendment is approved.

Vote: passed unopposed

Motion: by Cindy Bettine to adopt TAB resolution 20-02 Dan seconded,

Vote: passed unopposed

Motion: by Cindy Bettine to extend the meeting to 5:05, Dan seconded to discuss the next meeting date

Vote: passed unopposed

Motion: by Josh Cross for 5 c & 5 d items on the agenda for the next meeting,

Vote: passed unopposed

Discussion Special meeting June 26th at 9am to work on the driveway ordinance resolution. The other items on the agenda, including non-motorized facilities, ROW and MSB code, impact fees and traffic modeling will be discussed and a date for special meeting will be determined.

VII. MEMBER COMMENTS

no member comments

Josh Cross welcomed to LaQuita to the board

VIII. NEXT MEETING –

June 26th 9am, 2020

August 28th, 2020

October 30th, 2020

XI. ADJOURNMENT

Motion: Cindy Bettine to adjourn

Vote: passed unopposed

CHAPTER 2.71: CODE OF ETHICS

Section

[2.71.005 Definitions](#)

[2.71.010 Short title](#)

[2.71.020 Purposes and policies of code](#)

[2.71.030 Applicability](#)

[2.71.040 Board of ethics; created; membership](#)

[2.71.050 Board of ethics; reimbursement](#)

[2.71.060 Board of ethics; powers and duties](#)

[2.71.070 Conflict of interests; prohibited acts](#)

[2.71.080 Recusal](#)

[2.71.090 Employment of municipal officials](#)

[2.71.100 Conflict-of-interest report](#)

[2.71.110 Prohibited actions](#)

[2.71.120 Request for board opinion](#)

[2.71.130 Confidentiality](#)

[2.71.140 Filing and initial processing of complaint](#)

[2.71.150 Screening](#)

[2.71.160 Procedure for notification](#)

[2.71.170 Probable cause for hearing](#)

[2.71.180 Pre-hearing conference](#)

[2.71.190 Hearing procedures](#)

[2.71.200 Penalties and other remedies](#)

[2.71.210 Time limitation](#)

[2.71.220 Protection of public interest](#)

[2.71.230 Education and training](#)

2.71.005 DEFINITIONS.

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

- “Appointed officials” includes the manager, clerk, attorney, purchasing officer, finance director, deputies, and persons acting in their behalf.
- “Benefit” means anything that is to a person’s advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value.
- “Board” means the borough ethics board.
- “Board secretary” means the clerk or the person selected by the clerk to be the secretary to the board.
- “Borough” means all units of the Matanuska-Susitna Borough unless the context clearly indicates otherwise.
- “Clear and convincing evidence” means evidence indicating that the thing to be proved is highly probable or reasonably certain. This is a greater burden than preponderance of the evidence, the standard applied in most civil trials, but less than evidence beyond a reasonable doubt, the norm for criminal trials.
- “Complainant” means a person filing a complaint with the ethics board.
- “Confidential information” means information obtained in the course of holding public office or employment, which is not available to members of the public and which the official is not authorized to disclose, except to designated individuals or bodies, including written and non-written information.
- “Designated supervisor” means a municipal official’s designated supervisor, or the person responsible for supervision of that municipal official. The clerk is the designated supervisor for the mayor and the assembly, but only under circumstances delineated in MSB [2.71.070](#) regarding reporting certain information to a designated supervisor.

- “Entity” means an organization (such as a business or governmental unit) that has a legal identity apart from its members.
- “Ex parte” means a communication between a person and the ethics board or an ethics board member regarding a matter pending before the board when other parties are not present. This does not include communications with the ethics board clerk or the borough clerk’s office regarding procedural matters.
- “Financial interest” means:
 - (1) an interest held by a person subject to this code or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit in an amount over \$1,000; or
 - (2) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management.
- “Hearing officer” means an officer of the Matanuska-Susitna Borough Office of Administrative Hearings under MSB 2.29.
- “Immediate family member” means a municipal official’s grandparents, parents, children, grandchildren, siblings, spouse or domestic partner, spouse’s children, spouses of children, or a regular member of the official’s household.
- “Municipal official” includes the following:
 - (1) elected or appointed Matanuska-Susitna Borough officials;
 - (2) Matanuska-Susitna Borough employees;
 - (3) all paid or unpaid members of boards, commissions and committees of the Matanuska-Susitna Borough; and
 - (4) school board members.
- “Nepotism” means bestowal of official favors on one’s immediate family members, especially in hiring.
- “Official action” means a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a municipal official.
- “Organization” means a group, association, society, political party, or other entity made up of two or more persons, whether operated for profit or nonprofit.

- “Paid” means a person who receives value for the person’s services unless otherwise exempted from this code.
- “Parties” means respondent and complainant.
- “Person” includes a corporation, company, partnership, firm, association, organization, business trust or society, as well as a natural person.
- “Personal interest” means an interest held or involvement by a municipal official, or the official’s immediate family member, including membership in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit.
- “Probable cause” means evidence sufficient to cause a person of ordinary prudence and caution to conscientiously entertain a reasonable belief that an ethics violation has occurred; more than a bare suspicion but less than evidence that would determine a violation.
- “Respondent” means the person against whom a complaint is filed with the ethics board.
- “Source of income” means an entity for which service is performed for compensation or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person’s spouse or child, or a combination of them, holds a controlling interest, the “source” is the client or customer of the proprietorship, partnership, or corporation; if the entity which is the origin of payment is not the client or customer for whom the service is performed, both are considered the source.
- “Special consideration, treatment, or advantage” includes:
 - (1) any attempt to secure a benefit or any action giving an unfair advantage to another person where a primary motivation for the consideration, treatment, or advantage is improper;
 - (2) improper motivation for purposes of this definition is one not related solely to the best interests of the borough, including a person’s:
 - (a) friendship or kinship with the municipal official;
 - (b) financial association with the municipal official;
 - (c) other personal association with the municipal official;

- (d) potential for conferring a future benefit by the municipal official;
 - (e) political affiliation;
 - (f) political support for the governor, lieutenant governor, or legislators.
- (3) evidence of special consideration, treatment, or advantage includes, but is not limited to, the following situations:
- (a) The municipal official interfered with, took actions not in conformance with, or took actions other than those set out in procedures for the award of a benefit, whether the procedures were established formally or informally, in a manner that favored or had an unequal impact on the person receiving the consideration, treatment, or advantage.
 - (b) The person receiving the consideration, treatment, or advantage did not meet the standards set out for the award of a benefit, whether or not those standards were established formally or informally.
 - (c) The person receiving the consideration, treatment, or advantage was substantially less qualified than other persons considered for the award of a benefit when compared in light of the formal or informal standards set out for the award of the benefit.
- (4) includes meetings with or other forms of access to a municipal official if:
- (a) the person gaining access to the municipal official has the relationship described in subsections (2)(a) through (b) of this definition; and
 - (b) the access allows that person to gain information, make a presentation, or receive other consideration, treatment, or advantage that results in an unfair advantage in applying for a borough contract or job that would normally be procured or filled by a competitive process.
- (5) the burden of proof shifts to the municipal official to show by a preponderance of the evidence that the primary motivation for the consideration, treatment, or advantage was the best interest of the borough if, at hearing, it is shown by clear and convincing evidence both:
- (a) that the person receiving the consideration, treatment, or advantage had the relationship described in subsections (2)(a) through (f) of this definition;
 - (b) that one of the circumstances described in subsections (3)(a) through (c) of this definition occurred.
- (6) It is not a justification for the granting or securing of a consideration, treatment, or advantage or

benefit that the result of what would otherwise be defined as a special consideration, treatment, or advantage was in the borough's best interest.

(Ord. 11-022, § 3 (part), 2012)

2.71.010 SHORT TITLE.

This chapter shall be known as the code of ethics.

(Ord. 11-022, § 3 (part), 2012)

2.71.020 PURPOSES AND POLICIES OF CODE.

(A) The Matanuska-Susitna Borough expects all municipal officials to provide their honest services, with equality, honesty, and transparency to the general public. Honest services includes the right to conscientious, loyal, faithful, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.

(B) To encourage high moral and ethical standards:

(1) To establish standards of ethical conduct.

(2) To promote ethics education for all municipal officials.

(3) To provide clear guidance to municipal officials of the ethical procedures and standards of the borough:

(a) to recommend procedures that promote ethical behavior and hold municipal officials responsible and accountable for their behavior;

(b) to promote borough procedures that protect municipal officials from harassment or retribution should they raise concerns about activities that do not appear to be in line with good government, honest services or other ethical behavior.

(4) To provide for the consideration of potential ethical problems before they arise.

(5) To provide for the fair and effective administration and enforcement of this code.

(C) *Scope of code.* Any effort to benefit a substantial financial interest through official action is a violation of the public trust. The assembly finds that, so long as it does not interfere with the full and faithful discharge of an official's public duties and responsibilities, this code does not prevent an official from following other independent pursuits. The assembly further recognizes that:

(1) in a representative democracy, the representatives are drawn from society, and therefore cannot and

should not be without personal and financial interests in the decisions and policies of borough government;

(2) people who serve as municipal officials retain their rights to interests of a personal or financial nature; and

(3) standards of ethical conduct for municipal officials need to distinguish between those minor and insubstantial conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

(D) *Unethical conduct.* Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a municipal official's:

(1) financial interest in the matter is insubstantial, or of a type that is possessed generally by the public or a large class of persons to which the municipal officer belongs; or

(2) action or influence would have insubstantial or conjectural effect on the matter.

(3) A financial interest over \$1,000 is presumed substantial under this chapter. A lesser amount is presumed insubstantial.

(Ord. 11-022, § 3 (part), 2012)

2.71.030 APPLICABILITY.

(A) The code of ethics shall apply to all municipal officials and shall apply to former municipal officials to the extent that the conduct involved occurred during the term of service of the former municipal official.

(B) MSB [2.71.190](#) shall apply to all persons subject to a subpoena or order issued by the board of ethics in connection with an official proceeding before the board.

(Ord. 11-022, § 3 (part), 2012)

2.71.040 BOARD OF ETHICS; CREATED; MEMBERSHIP.

(A) There is created a board of ethics with a total membership of five persons designated by seats numbered one through five. All members shall be residents of the Matanuska-Susitna Borough in accordance with MSB 4.05.040. For any matter to be set for pre-hearing conference under MSB [2.71.180](#) to come before the board for a full hearing under MSB [2.71.190](#) or for any matter involving an advisory opinion, the board will be called.

(B) A paid municipal official may not be a board member.

(C) The chair of the board shall be a hearing officer from the Matanuska-Susitna Borough Office of Administrative Hearings.

(D) The chair shall rule on all matters and make all determinations through screening and probable cause. If the matter continues, the chair rules on all procedural matters, presides over the hearing under MSB [2.71.190](#), makes all rulings thereunder and rules on evidentiary matters. The chair may attend, assist and participate in discussions regarding the final order after a hearing under MSB [2.71.190](#) or the final opinion on an advisory matter, but shall not vote on such final orders or opinions.

(E) Members called for a pre-hearing conference under MSB [2.71.180](#) to come before the board for a full hearing under MSB [2.71.190](#) may not participate in probable cause or screening and do not vote on matters of conduct of the hearing, procedure, admissibility of evidence, etc. Members called for a hearing or advisory opinion vote on the final opinion only.

(F) A quorum shall be three voting members of the board called for a purpose; however, no action may be taken without the presence of the chair.

(G) Any member of the board who has conflicting interests, including being a complainant, in any matter under active investigation may not participate in the matter.

(H) If any board member misses three consecutive meetings for any reason, the member automatically forfeits his seat and the clerk shall report the vacancy to the assembly.

(I) In the event a quorum cannot be met due to disqualification or recusal of members, the case documentation and information shall be considered solely by a hearing officer from the office of administrative hearings for action according to the procedures as set forth in this chapter.

(Ord. 17-133, § 2, 2017; Ord. 11-022, § 3 (part), 2012)

2.71.050 BOARD OF ETHICS; REIMBURSEMENT.

(A) Board members shall be reimbursed for mileage incurred in connection with meetings of the board in the same manner as borough employees are reimbursed for mileage expenses upon presentation of supporting documentation satisfactory to the borough clerk. Reimbursement to the ethics board members is not a form of compensation for the purposes of this chapter.

(Ord. 11-022, § 3 (part), 2012)

2.71.060 BOARD OF ETHICS; POWERS AND DUTIES.

(A) The duties of the board shall be as follows:

- (1) to prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this code;
- (2) to conduct hearings, recommend disciplinary action, assess penalties, and make referrals;

- (3) to prepare an annual report and recommend changes to this code;
- (4) to investigate complaints alleging violation of the standards in this code of ethics;
- (5) upon the written request of any municipal official, to issue its advisory opinion, in writing, as to any questions;
- (6) to make recommendations to the assembly for amendments to this code of ethics and for other legislation affecting the subject matter of this code of ethics as the board may deem necessary or desirable;
- (7) to provide a continuing program of education, assistance and information about this code to persons to whom it applies;
- (8) to timely process complaints concerning acts subject to the code;
- (9) to create and revise policies and procedures as necessary to transact business under this chapter.

(Ord. 11-022, § 3 (part), 2012)

2.71.070 CONFLICT OF INTERESTS; PROHIBITED ACTS.

(A) *Misuse of official position.*

- (1) A municipal official may not grant, obtain, or receive directly or indirectly, any special consideration, treatment, or advantage, for themselves or others, beyond what is generally available to borough residents.
- (2) A municipal official may not, among other things:
 - (a) seek other employment or contracts through the use or attempted use of official position;
 - (b) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the borough;
 - (c) use borough time, property, equipment or other facilities to benefit substantial financial interests;
 - (d) take or withhold official action in order to affect a matter in which the municipal official has a substantial financial interest; or
 - (e) attempt to benefit a personal or financial interest through coercion of another municipal official covered by the code.
 - (f) No municipal official in his or her official capacity or using their title may publicly promote

products or services. However, this does not prohibit a municipal official from answering inquiries by other governmental officials, consumer organizations, or product information services.

(B) *Nepotism.*

(1) Nepotism is prohibited.

(C) *Receiving improper gifts.*

(1) A municipal official or a member of the official's immediate family may not solicit, accept, or receive, directly or indirectly, a gift in any form, that is a substantial financial interest to the officer under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment, or constitute a benefit for past performance of official duties, actions, or judgment. Going away parties, parting gifts, social activities, and other events of this type are exempt.

(2) A municipal official subject to this code shall notify the official's designated supervisor of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, within 30 days after the date of its receipt, if the municipal official may take or withhold (or took or withheld) official action that affects the giver.

(3) Municipal officials may request guidance from the board concerning whether acceptance of a particular gift is prohibited.

(4) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

(5) Gifts that are not connected with the recipient's status as a municipal official are outside the scope of this chapter and no disclosure is required.

(D) Improper influence in borough grants, contracts, leases, or loans includes the following:

(1) A municipal official or the official's immediate family members may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a borough grant, contract, lease, or loan if the municipal official may take or withhold official action that affects the award, execution, or administration of the borough grant, contract, lease, or loan.

(2) The prohibition in subsection (C)(1) of this section does not apply to a borough grant, contract or lease that is competitively solicited unless the municipal official:

(a) is employed by the administrative unit awarding the grant, contract or lease, or is employed by the administrative unit for which the grant, contract, or lease is let; or

(b) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

(3) A municipal official shall report in writing to the official's designated supervisor a personal or financial interest held by the official or the official's immediate family members, in a borough or school district contract, lease or loan that is awarded, executed or administered by the department that the official serves. The supervisor shall immediately send a copy of this written report to the clerk to be appended to the municipal official's financial disclosure conflict of interests report.

(E) A board, commission, committee, or assembly member may not appear on behalf of a private or public interest before any borough body of which the municipal official is a member.

(F) A municipal official may not represent a private or public interest in any action or proceeding against the interest of the borough to which the borough is a party; provided, that this section shall not apply to:

(1) any member of the assembly or a municipal official appearing before governmental agencies in behalf of or as a representative of constituents in the course of official duties; or

(2) performing public or civic obligations without additional compensation; or

(3) any municipal official appearing on the official's own behalf; or

(4) board, commission, committee, or an assembly member representing a client in front of a borough body of which they are not a member.

(G) A municipal official may not render services to benefit a personal or financial interest, or engage in or accept employment outside the public employer the official serves, if the outside employment or service is incompatible with, or in conflict with, or impairs the official's independence of judgment or action, the proper discharge of the official's official duties, except as set forth in MSB [2.71.020\(C\)\(1\)](#) and (2) and subsections (D)(1) through (3) of this section.

(H) A municipal official may not take an active part in political campaigns during duty hours or on borough premises.

(I) A municipal official must notify the manager, in writing, when an immediate family member is applying for a position with the borough.

(J) Improper use or disclosure of information includes the following:

(1) A municipal official or a former municipal official may not disclose any confidential information obtained formally or informally as part of his or her work for the borough or due to his or her position with the borough, or use any such confidential information to further his or her own or any other person or entity's personal or financial gain. "Confidential information" means information obtained in the course of holding public office or employment, which is not available to members of the public and which the official is not authorized to disclose, except to designated individuals or bodies, including written and non-written information. When such information is also available through channels open to the public, officials are not prohibited from disclosing the availability of those channels.

(2) A current or former municipal official may not disclose or use confidential information acquired in the course of official duties.

(K) Release of confidential information is a violation of the ethics code.

(Ord. 11-022, § 3 (part), 2012)

2.71.080 RECUSAL.

(A) A municipal official shall recuse himself from acting on any matter or proceeding coming before a borough-elected body, board, commission, or committee of which the official is a member when the matter or proceeding involves any person who is, or has been, a client of the official or the official's firm or partnership within the 12-month period immediately preceding the date of the action.

(Ord. 11-022, § 3 (part), 2012)

2.71.090 EMPLOYMENT OF MUNICIPAL OFFICIALS.

(A) An elected official of the borough shall not be eligible for employment with the borough while serving as an elected official or within one year after leaving office.

(B) Except for salary, benefits, and expense reimbursement applicable to each elected official in the course of performing their duties of elected office, an elected official of the borough, an entity employing an elected official, or an entity in which the elected official exercises any control, management, or operational decision making authority shall not be eligible to be employed, represent, advise, or assist the borough for compensation in any manner, or have any interest in a contract to provide services or supplies to the borough while the elected official is in office or within one year after leaving office. The borough assembly, in its sole and absolute discretion, may waive application of this section in advance of any bid, response, or offer being placed.

(C) A school board member shall not be eligible for employment with the borough or school district while serving as an elected school board member or within one year after leaving office.

(D) A municipal official who leaves borough service may not, for one year after leaving borough service,

represent, advise or assist a person for compensation regarding the following:

- (1) a matter that was under consideration by the department served by that municipal official; or
- (2) a matter in which the official participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures; or the proposal, consideration or adoption of administrative regulations or code.
- (3) This restriction on employment or re-employment after leaving municipal service does not prohibit the municipality from contracting with a former municipal official to provide service on a matter on behalf of the municipality.
- (4) The assembly may waive application of this restriction upon determination that a proposed action by a former municipal official is not adverse to the public interest. The waiver shall be by formal action and a copy shall be provided to the board of ethics.

(E) A municipal official other than an elected official who leaves borough service may not, for one year after leaving borough service, represent, advise, or assist the borough for compensation in any manner unless the borough assembly, in its sole and absolute discretion, approves the compensation. This section does not apply where the official is re-hired, elected, or appointed into a position within the borough.

(Ord. 19-088, § 2, 2019; Ord. 11-022, § 3 (part), 2012)

2.71.100 CONFLICT-OF-INTEREST REPORT.

(A) A conflict-of-interest report shall be filed under oath once each year by all elected officials, manager, clerk, attorney, department heads, all paid members of boards or commissions, and all municipal officials authorized to obligate the borough to make expenditures, unless a financial disclosure and conflict-of-interest report required by state law is filed with the clerk. An unpaid member of a board or commission with a personal or financial interest, or other activity governed by this code, or prohibited by any other provision of law, shall file the financial disclosure and conflict-of-interest report required by this code and shall update it, as necessary, in accordance with subsection (B) of this section.

(B) The reports shall be filed with the clerk's office within 30 days after an official comes under jurisdiction of this code. If the information in the report becomes incomplete or inaccurate during the year, the statement shall be corrected within 30 days after the changed circumstances occur.

(C) A conflict-of-interests report shall contain the following information:

- (1) the name of each person doing business with or receiving benefit from the borough from which a municipal official or member of the official's immediate family has received a benefit in an amount in

excess of \$500 during the preceding year if the officer knew of the benefit incurred;

(2) the names of any corporations, partnerships, firms, associations or enterprises (including sole proprietorships) doing business with, or receiving benefit from the borough in which the municipal official or the official's spouse has a direct financial interest in excess of \$1,500; provided, that policies of insurance and amounts on deposit in accounts in banks, savings and loan associations or credit unions shall not be considered to be a financial interest within the meaning of this paragraph;

(3) the names of any corporations, partnerships, firms, associations, or enterprises doing business with the borough, both profit and nonprofit, in which the municipal official or immediate family member holds a position of official or member of board of directors, and the title of each position held; and

(4) sources of income in excess of \$5,000 for all elected officials and municipal officials authorized to execute contracts, make purchases or award grants.

(D) In addition to disclosure required by MSB code or state law, all municipal officials filing a conflict-of-interest report with the clerk as required under this section shall simultaneously file a supplement to the report on a form prescribed by the borough clerk. The supplement shall contain a list of all civil and criminal judgments entered against the official within ten years of the date of the report to include the case name, nature of action, year of judgment, and a brief description of the judgment entered and/or sentence imposed.

(Ord. 14-168, § 2, 2014; Ord. 11-022, § 3 (part), 2012)

2.71.110 PROHIBITED ACTIONS.

(A) It is unlawful:

(1) for any municipal official to willfully fail or refuse to file a written statement required by this code, or to knowingly make any false statement of a material fact in any written statement so filed;

(2) for any person to intentionally file an ethics complaint they know to be false, against any municipal official;

(3) for any person to fail or refuse, to appear before the board of ethics pursuant to an order of the board;

(4) for any person to refuse to be sworn or to affirm or to answer any material or proper question;

(5) for any person to fail to produce, upon reasonable notice, any material or proper documents, papers, books, accounts, letters, or records in the person's possession or under the person's control;

(6) for any person having been duly sworn to fail to tell the truth by knowingly giving false testimony as to any material matter; or

(7) to violate any provision of this code.

(Ord. 11-022, § 3 (part), 2012)

2.71.120 REQUEST FOR BOARD OPINION.

(A) Municipal officials are encouraged to request an opinion from the board relating to any situation which may give rise to the possibility of a conflict of interest under this code. Requests shall be in writing, shall set forth the pertinent facts, be signed by the municipal official making the request and, if requested by the municipal official, be held in confidence by the board.

(B) The mayor and assembly members may request an opinion from the borough attorney relating to any situation which may give rise to the possibility of conflict of interest or other violation under this code. The mayor or assembly member may also request the opinion be held in confidence.

(C) An advisory opinion rendered by the board of ethics, or borough attorney, until and unless amended or revoked, is binding upon the ethics board in any subsequent proceeding concerning the person or entity that requested the opinion and acted in good faith, unless he, she or it omitted or misstated a material fact to the board of ethics or borough attorney.

(D) The ethics board or borough attorney may amend or revoke an advisory opinion including a showing that material facts were omitted or misstated in the request for the opinion. The municipal official who requested the opinion shall be notified of any proceedings regarding modification of said opinion.

(E) Notwithstanding all other provisions of the Matanuska-Susitna Borough Code, it is not a violation of the code, and the board has no jurisdiction to hear any complaint alleging an elected official should not have voted or participated in an issue before the borough assembly where an elected official discloses a potential conflict of interest and the following procedure (or substantially similar) is followed:

(1) the mayor or an assembly member may declare a potential conflict and shall declare a substantial financial interest the member has in an official action and may ask to be excused from participating and voting on the matter;

(2) the mayor shall rule on a request by an assembly member to be excused;

(3) the deputy mayor shall rule on a request by the mayor to be excused;

(4) the decision on a request to be excused may be overridden by four affirmative votes of the assembly, except that the member to whom the ruling applies shall not vote on the question.

(Ord. 11-022, § 3 (part), 2012)

2.71.130 CONFIDENTIALITY.

(A) The filing of a complaint and information regarding an investigation conducted under this code, or obtained by the hearing officer during the investigation, will take place under a confidential process. Confidentiality shall be maintained by the complainant, the respondent, the hearing officer, the board, the clerk, and all contacted municipal officials during the:

- (1) filing of a complaint;
- (2) screening of a complaint; and
- (3) process of determining probable cause.

(B) All third parties contacted who are not municipal officials shall be asked to maintain confidentiality.

(C) All portions of board meetings held solely to make a decision are confidential and are held in closed adjudicatory session.

(D) It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

(E) The respondent may, in writing, waive the confidentiality protection of this section as to the complaint, the response and associated documentation.

(F) Prior to a determination of probable cause, if confidential provisions of this chapter are violated by anyone other than the respondent, the complaint shall be dismissed with prejudice.

(Ord. 11-022, § 3 (part), 2012)

2.71.140 FILING AND INITIAL PROCESSING OF COMPLAINT.

(A) Any person or entity may file a complaint regarding the conduct of a current or former municipal official.

(B) A complaint shall:

- (1) be alleged in writing on a form provided by the clerk's office;
- (2) shall clearly state allegations of ethics violations under MSB code; and
- (3) shall be signed and affirmed by the complainant.

(C) A complaint alleging a violation of this code shall be filed within one year of the violation.

(D) *Procedures.*

- (1) When the complaint is filed in the clerk's office, the clerk shall:
 - (a) date, notarize, number, and log the complaint;
 - (b) send a copy of the complaint and attached documents to the respondent.
- (2) The clerk shall contact the next available hearing officer for appointment as chairperson, who shall review the complaint and may request public background material associated with the complaint. The request for all information and the response shall be kept confidential.
- (3) The clerk shall prepare a confidential file available only to the hearing officer and the respondent, which contains a copy of the complaint and associated documentation.

(Ord. 11-022, § 3 (part), 2012)

2.71.150 SCREENING.

(A) *Standard of review.* The hearing officer shall review each complaint filed to determine whether it is:

- (1) properly completed;
- (2) clear and understandable; and
- (3) contains allegations, which if true could constitute conduct in violation of this code.

(B) The hearing officer shall screen the complaint in closed adjudicatory session. The request for all information and the response shall be kept confidential.

(C) After the screening, the hearing officer shall, by formal order:

- (1) accept the complaint in whole or in part; or
- (2) reject the complaint in its entirety.

(D) In addition, after the screening, the hearing officer shall by formal order:

- (1) refer allegations of violations of municipal, state, or federal law outside the board's authority to the proper authority for appropriate disposition; and
- (2) refer a complaint outside the jurisdiction of this code to the manager if the complaint alleges a violation of the personnel rules or other matters.

(Ord. 11-022, § 3 (part), 2012)

2.71.160 PROCEDURE FOR NOTIFICATION.

- (A) *Rejection.* If the complaint is rejected, the clerk shall notify the complainant and respondent of the hearing officer's rejection of the complaint, including a copy of the complaint, within ten calendar days of its decision.
- (B) *Acceptance.* If the hearing officer accepts a complaint, in part or in whole, the clerk shall notify the complainant and respondent of the acceptance of the complaint. The hearing officer shall request the respondent to provide full and fair disclosure, in writing, of all facts and circumstances pertaining to the alleged violation(s). Misrepresentation of material facts in a response to the hearing officer is a violation of this code. The respondent shall provide a response within 20 calendar days after service. An additional time period of ten to 20 days may be granted in writing by the hearing officer. At the conclusion of the prescribed time, the hearing officer may continue its investigations or immediately proceed to determining probable cause.
- (C) *Reception of information.* Within 20 days of receiving the requested information, the clerk shall forward the information to the hearing officer who shall proceed in determining probable cause.
- (D) *Lack of response from respondent.* If the 20-day limit for response has expired, and no response has been received from the respondent, the clerk shall forward the information to the hearing officer who shall proceed in determining probable cause.

(Ord. 11-022, § 3 (part), 2012)

2.71.170 PROBABLE CAUSE FOR HEARING.

- (A) The hearing officer shall consider all information gathered and determine whether or not there is probable cause to believe that a violation of this code has occurred.
- (B) If probable cause is not found, all parties are notified and the information gathered remains confidential.
- (C) If probable cause is determined by the hearing officer, the documents and all subsequent proceedings, outside of deliberations or closed adjudicatory sessions, are open to the public. Release of such documents shall be subject to restrictions imposed by other provisions of law, if applicable.

- (1) The clerk shall notify all the parties of the decision and schedule a pre-hearing conference within 30 days. Extensions may be requested by the parties.

(Ord. 11-022, § 3 (part), 2012)

2.71.180 PRE-HEARING CONFERENCE.

- (A) All parties shall be notified of the pre-hearing conference.
- (B) The pre-hearing conference may include:

- (1) setting a time and place for the hearing within 45 days of the pre-hearing conference unless extensions are granted;
- (2) stipulation as to matters of fact;
- (3) simplifying issues;
- (4) identifying and scheduling pre-hearing matters;
- (5) setting the briefing schedule and establishing dates for witness lists; and
- (6) resolving other pre-hearing matters before the hearing.

(C) In the event that a proposed settlement agreement had been reached it may be announced at the pre-hearing conference and a hearing scheduled for the board to consider only the settlement;

- (1) should the board disagree with the party's settlement agreement, a future hearing date shall be set no sooner than seven business days.

(Ord. 11-022, § 3 (part), 2012)

2.71.190 HEARING PROCEDURES.

(A) The hearing officer, as the chair of the board, shall preside over the hearing and shall make all rulings on issues of procedure, process, continuances, form and conduct of the hearing and admissibility of evidence, etc. The remainder of the board shall attend the entire hearing, but does not vote on any issue except the final decision.

(B) The board may administer oaths, hold hearings, and take testimony, issue subpoenas, and consider and accept stipulations or possible settlement agreements.

(C) The respondent may be represented by counsel, by submitting a notice of appearance to the board. The parties may each have the opportunity to be heard, present evidence, and cross-examine witnesses, who shall testify under oath. Written requests to appear by telephone may be considered by the chair.

(D) Within ten business days after the conclusion of the last pre-hearing conference, unless good cause is shown and an extension is granted, the parties shall submit witness lists with requests for subpoenas to be issued, if needed. Within five days after receipt of witness list and request for subpoenas, the clerk shall mail or personally serve the parties. Upon request by a party, the chair, on the board's behalf, may issue subpoenas as follows:

- (1) the parties may summon witnesses and request the production of records, books, and papers by the issuance of subpoenas; and

(2) subpoenas shall be served as prescribed by Rule 45 of the Alaska Rules of Civil Procedure. Failure of any person to comply with a subpoena or order issued by the board is a violation of borough code.

Remedies, enforcement actions and penalties for such violations shall be consistent with the terms of MSB 1.45. Such remedies are not exclusive and the borough may pursue any and all legal and equitable remedies available under law necessary to enforce such subpoenas and orders, including application to superior court.

(E) The chair may rule on a motion for continuance or extension of deadlines without calling a board meeting as long as there has been an opportunity for the other party to respond to the motion for continuance. The continuance may be granted for good cause. The ruling shall be in writing and shall specify the date to which the deadline has been changed or the time frame which has been extended.

(F) Any motions that the parties would like the board to consider shall be filed within ten business days after the date of service of the witness lists. Within three business days, the clerk shall serve the motion(s) to all of the parties. An opposition to the motion may be filed within seven business days of the date of service of the motion. Upon receipt of the motions, the chair may determine the need to schedule an additional pre-hearing conference to consider the motion(s), otherwise the board can consider the motions at the hearing.

(G) Written arguments and exhibits shall be submitted by the date determined at the pre-hearing conference. Written arguments and exhibits submitted shall become part of the record, and shall be mailed or personally served to the board and the parties within seven business days after the written arguments and exhibits are due.

(1) Any evidence not already part of the record that a party wants the board to consider must be submitted to the clerk's office before or on the day written arguments are due. Written arguments and exhibits shall not be accepted after the deadline and before the hearing date unless the party requests and is granted leave by the board chair to make a late filing. New evidence may be submitted at the time of hearing if the board chair determines that the evidence was not discovered or could not have been obtained prior to the deadline for evidence submittal, or if the evidence is relevant and it is in the interest of justice that it be considered.

(H) The hearing shall be subject to the following order:

- (1) introduction of the case;
- (2) opening statement by complainant;
- (3) opening statement by respondent;
- (4) complainant witnesses:

- (a) complainant questions witnesses;
 - (b) respondent may cross-examine the complainant's witnesses;
 - (c) board members may ask questions of the complainant's witnesses;
- (5) respondent's witnesses:
- (a) respondent questions witnesses;
 - (b) complainant may cross-examine the respondent's witnesses;
 - (c) board members may ask questions of the complainant's witnesses;
- (6) complainant's closing statement;
- (7) respondent's closing statement; and
- (8) complainant rebuttal.

(I) The chair or hearing officer may limit testimony by any person to reduce cumulative or repetitive testimony. The chair or hearing officer may vary the hearing procedures as long as the parties are afforded a fair and reasonable opportunity to be heard.

(J) Technical rules of evidence do not apply, but the board's finding shall be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing shall be recorded and retained according to applicable borough records retention schedules. Upon request, a copy of the recording of the hearing shall be furnished to the parties.

(K) *Decision of the board.* The board may deliberate in closed adjudicatory session. A finding of a violation of this code shall be supported by clear and convincing evidence presented at the hearing. The board's decision shall be in writing, shall state it is a final decision, and shall state the parties have 30 days from the date of distribution to appeal to the Superior Court. The decision shall include findings of fact and conclusions and shall be reasonably specific so as to provide a clear and precise understanding of the reason for the decision.

(L) The board's decision shall be filed with the clerk within 30 days after the completion of the hearing and served to the parties by the clerk within 10 days after the board decision has been filed. Final administrative decisions may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure, part 600.

(M) The chair may attend, assist, and participate in all sessions of the board, but may not vote on the final decision.

(Ord. 11-022, § 3 (part), 2012)

2.71.200 PENALTIES AND OTHER REMEDIES.

- (A) The board, upon a finding of a violation of this code in the case of current or former official, may singly or in combination:
- (1) impose a civil fine of not more than \$5,000;
 - (2) order divestiture, establishment of a blind trust, restitution or forfeiture;
 - (3) order the municipal official to stop engaging in any official action related to the violation;
 - (4) recommend that the official's appointing authority take disciplinary action, including dismissal. In the event the board recommends disciplinary action and the manager or appointing authority disagrees with the recommendation, the manager or appointing authority must provide a written explanation for the manager or appointing authority's action to the board within ten days of service of the board's decision.
- (B) If the board determines that a non-salaried member of a board or commission has violated this code, it:
- (1) shall order the member to refrain from voting, deliberating or participating in the matter;
 - (2) may order restitution; or
 - (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission.
- (C) Notwithstanding other provisions of the borough code, a violation of this code is grounds for removal of a board or commission member for cause. If the ethics board recommends that any board or commission member be removed from office, the board shall forward its recommendation to the mayor and the assembly.
- (D) If the ethics board determines that a former municipal official has violated this code, it shall issue a public statement of its findings, conclusions and recommendations. Additionally, it shall recommend the borough seek all available recommended remedies.
- (E) Disciplinary action for violation shall be as follows:
- (1) The board of ethics, on behalf of the borough, may censure or reprimand any person or entity it finds has violated this code and/or recommend to the appointing authority: demotion, suspension, discharge or other disciplinary actions. Should the responsible municipal official not wish to follow the recommendations of the board, a written explanation shall be provided to the board within 30 days of the board's final decision.

(F) Actions taken in violation of this code shall be treated as follows:

(1) In addition to any other action provided by law, a grant, contract, or lease entered into in violation of this code is voidable by the borough. In determining whether to void a grant, contract or lease, the interest of third parties who could be damaged may be taken into account. The borough may give notice of intent to void a borough grant, contract or lease under this section no later than 30 days after the board's determination of a violation under this code.

(2) In addition to any other action provided for by law, a loan issued by the borough received in violation of this code could become immediately payable.

(3) Any borough action taken in violation of this code is voidable, except that the interest of third parties in the nature of the violation may be taken into account. The borough may pursue any other available legal or equitable remedies.

(4) The borough may recover any fee, compensation, gift or benefit received by a person as a result of a violation of this code by a current or former municipal official.

(G) Any municipal official that intentionally violates any provision of this code may be required to pay the borough an additional civil penalty up to twice the amount that any person obtained as a result of the violation. This provision may be imposed in addition to any penalty imposed under subsection (A)(1) of this section.

(H) A penalty imposed under this section is exclusive of and not instead of any other penalty that may be imposed according to law. To the extent that violations under this code are punishable in a criminal action, that sanction is in addition to the civil remedies in this code.

(I) Any person or entity that violates any provision of this code is liable in damages to the borough for any losses or increased costs incurred by the borough as a result of the violation.

(J) A decision of the board is final. An appeal from a decision of the board may be taken within the time prescribed in the State of Alaska Rules of Appellate Procedure by the aggrieved party. Upon request, the clerk shall estimate the cost of preparing the transcript of the public hearing and compile the record on appeal. The appellant shall deposit the estimated costs with the clerk in advance. Upon completion of the record on appeal, the clerk shall refund any excess deposited or charge the appellant for costs exceeding the deposit.

(Ord. 11-022, § 3 (part), 2012)

2.71.210 TIME LIMITATION.

A complaint alleging a violation of this code shall be filed within one year of the violation.

(Ord. 11-022, § 3 (part), 2012)

2.71.220 PROTECTION OF PUBLIC INTEREST.

This code shall be liberally construed in favor of protecting the public interest in full disclosure of conflict of interests and promoting high standards of ethical conduct for borough government. However, the code shall be narrowly construed where it would limit or hinder an elected official's right and duty to vote or otherwise participate on any issue before the elected body or in performing their duties as local legislators. The provisions of this chapter are not subject to collective bargaining.

(Ord. 11-022, § 3 (part), 2012)

2.71.230 EDUCATION AND TRAINING.

(A) The borough shall provide training to all persons covered by this code who shall sign an acknowledgement that they have received the training and understand the code; and

(B) People doing business with the borough, and candidates for borough office shall receive a copy of the ethics code.

(Ord. 11-022, § 3 (part), 2012)

**MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD
RESOLUTION NO. TAB 20-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD 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 Transportation Advisory Board 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 TRANSPORTATION ADVISORY BOARD this ___ day of ___, 2020.

Joshua Cross, Chair

ATTEST

Kim Sollien, Planning Services
Manager, Staff Support

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 RIGHTS-OF-WAY 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 chapter. 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

11.12.120 VIOLATIONS, ENFORCEMENTS, AND PENALTIES

11.12.010 INTENT

(A) This chapter is intended to establish a permit process and standards for driveways within Borough rights-of-way. 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 rights-of-way. 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.

“Corner clearance” means the distance between an intersection and driveway, not including tapers or curve returns.

"Curb cut" means a ramp built into a curb 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 vehicle" means the largest type of vehicle that frequently accesses the roadway from a driveway.

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

"Driveway" means a type of encroachment, as defined by MSB 11.10.010(A), that provides access to Borough rights-of-way 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 the near edge of the driveway surface at the right-of-way line, not including 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.

"High volume driveway" means a driveway which accesses a parcel containing uses which generate more than 10 vehicles during the peak hour.

"Level of Service (LOS)" means a qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience. Six LOS, from A to F, are used to represent a range of operating conditions with LOS A representing the best operating conditions and F the worst.

"LOS A" means vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream, passing demand is well below passing capacity, drivers are delayed no more than 30 percent of the time by slow moving vehicles.

"LOS B" means the ability to maneuver a vehicle is only slightly restricted; passing demand approximately equals passing capacity, and drivers are delayed up to 45 percent of the time; the level of physical and psychological comfort provided to drivers is still high.

"LOS C" means the ability to maneuver a vehicle is noticeably restricted and lane changes require more care and vigilance on the part of the driver; percent time delays are up to 60 percent; traffic will begin to back-up behind slow moving vehicles.

"LOS D" means the level at which speeds begin to decline with increasing traffic flow, density begins to increase somewhat more quickly, passing demand is very high while passing capacity approaches zero, and the driver experiences reduced physical and psychological comfort levels; the percentage of time motorists are delayed approaches 75 percent, even minor incidents can be expected to back-up traffic because the traffic stream has little space to absorb disruptions.

"LOS E" means the roadway is at capacity; the percentage of time delay is greater than 75 percent, passing is virtually impossible, as there are virtually no usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to maneuver, physical and psychological comfort afforded to the driver is poor.

"LOS F" means that traffic is heavily congested with traffic demand exceeds traffic capacity, there is

a breakdown in vehicular flow, and vehicle delay is high.

"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.

"Low volume driveway" means a driveway which accesses a parcel containing uses which generate less than or equal to 10 vehicles during the peak hour.

"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.

"Peak hour" means a one-hour period representing the highest hourly volume of vehicle trips generated by the development.

"Qualified professional" means a professional civil engineer or other professional registered with the State of Alaska under A.S. 08.48 qualified to practice the type of work required by this chapter.

"Roadway" means the portion of a road that includes driving lanes and shoulders.

"Roadway Classification" means the type of roadway or right-of-way as determined by the Public Works Director, based on current constructed roadway standard, current functional classification of the road, and the intended functional classification in accordance with the most current MSB Long Range Transportation Plan and MSB Official Streets and Highways Plan. Types of roadway classification include local, collector, and arterial.

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

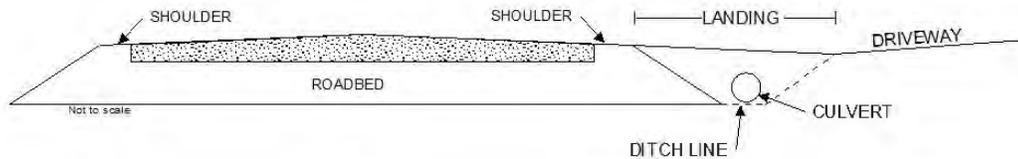
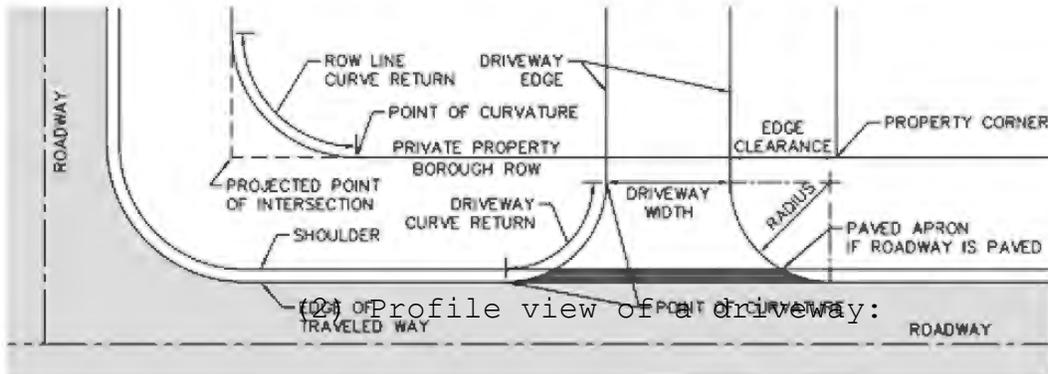
"Traffic Impact Analysis" means a specialized engineering study performed by a qualified professional civil engineer which determines the degree or extent to which proposed land use developments, and the traffic they are expected to generate, will affect the adjacent or surrounding transportation system.

"Vehicle trip" means a single or one-direction vehicle movement exiting or entering a development.

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

(1) Plan view of a driveway:

How do these mesh with A03 of the new SCM? Where are these classifications defined?



(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) All driveway application shall include the following items:

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

(f) driveway surface type;
(g) proposed land use;
(h) estimated peak hour and average daily traffic generated by the use;

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

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

(iii) Local vehicle trip generation rates determined by a professional civil engineer registered by the state of Alaska may be used as a substitute for the Institute of Transportation Engineers Trip Generation Manual.

Suggest requiring the determination be accompanied by supporting calculations and information.

(3) In addition to items within paragraph (2) of this subsection, driveway applications for high volume driveway and low volume driveways required to be designed by a qualified professional shall include the following items:

(a) design vehicle;
(b) driveway sight triangles for driveways that access a parcel containing uses which

generate more than 10 vehicles per hour (VPH) during the peak hour; and

(c) driveway plan and profile, containing sufficient information to demonstrate that all the applicable standards of this chapter are met, prepared and stamped by a qualified professional.

(4) In addition to items within paragraph (2) - (3) of this subsection, driveway applications for uses generating more than 50 vehicles during the peak hour shall submit a turn lane warrant analysis prepared by a professional civil engineer registered by the State of Alaska.

(5) In addition to items within paragraphs (2)-(4) of this subsection, driveway applications for uses generating more than 100 vehicles during the peak hour shall submit a traffic impact analysis prepared and stamped by a professional civil engineer registered by the State of Alaska.

(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) Upon notification that construction of the driveway is complete, 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

How will this section apply to existing driveways?

in a manner that interferes with drainage or normal maintenance activities.

this could be tricky in some situations, like superelevated curves.

Suggest just saying +/- 2%.

Drainage is covered previously 11.12.050 A(1).

By comparison DOT and MOA require a +/-2% landing and an algebraic grade change of no more than 8%.

Define "landing"

(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) When the design vehicle is single-unit truck or larger, the borough may require a longer landing, up to 30 feet, 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 no less than 60 degrees, upon approval by the Borough, if required by topographical or physical constraints.

(6) Any fill or cut slopes created within the right-of-way that are steeper than 2H:1V are not allowed unless designed by a professional civil engineer registered by the state of Alaska.

(7) Unless otherwise specified, driveways shall be installed with a minimum 16-gauge thickness, 12-inch diameter, corrugated metal pipe.

Suggest
18-inch
diameter
culverts

SCM says
typical
ditches
should be
30 inches
deep. that
would still
leave 12
inches of
cover.

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

(8) Culverts shall be installed as follows:

(a) at least one foot of culvert shall be visible at the toe of the foreslopes on each side of the driveway or with sloped end sections flush with the foreslopes;

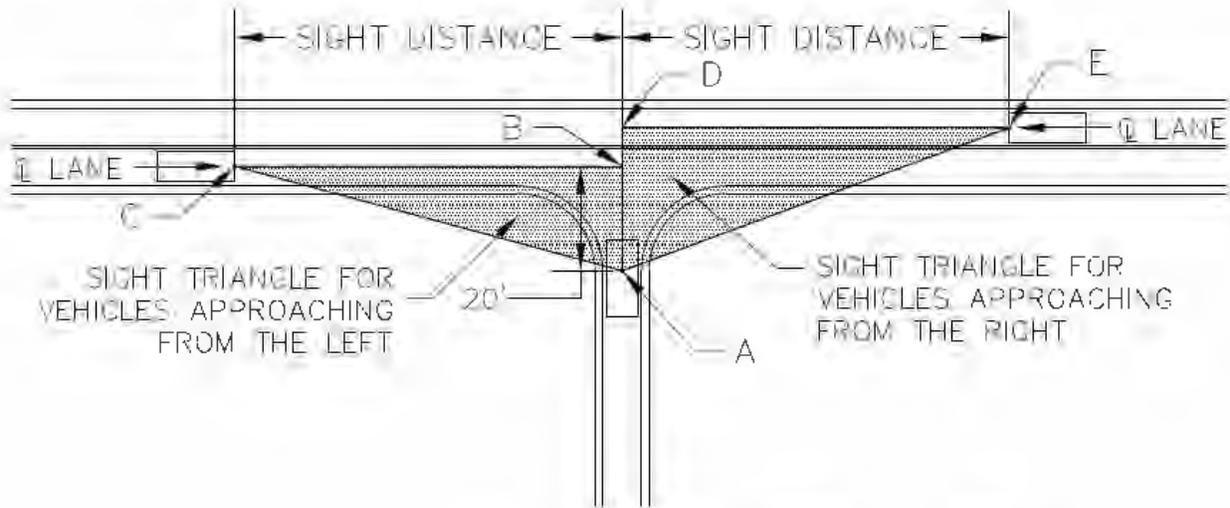
(b) culverts shall be sloped to match the ditch gradient at a minimum of 0.5 percent in the direction of flow; and **maximum gradient needed?**

(c) culverts shall be placed in the existing ditch line or the ditch line can be modified such that the culvert is set back up to 6 feet, as long as the ditch remains entirely within the right-of-way.

(9) Driveways shall be installed and maintained to provide the required sight distance triangles as follows:

(a) The entire area of the sight triangles shown in the **below?** **above** figure shall be designed to provide a largely 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:



(b) The standard sight distances listed in the following table are for vehicles turning onto a two-lane undivided street. For other conditions, the standard sight distance should be calculated using Chapter 3, Section 1.1.1 of the 7th edition of *A Policy on Geometric Design of Highways and Streets* (American Association of State Highway Transportation Officials).

Standard Driveway Sight Distance (feet)									
Sight triangle	Design Vehicle	Speed limit (mph)							
		20	25	30	35	40	45	50	55
Left (B to C)	Passenger vehicle	225	280	335	390	445	500	555	610
	Single-unit truck	280	350	420	490	560	630	700	770
	Combination truck	340	425	510	595	680	765	850	930
Right (D to E)	Passenger vehicle	195	240	290	335	385	430	480	530

Single-unit truck	250	315	375	440	500	565	625	690
Combination truck	310	390	465	545	620	695	775	850

(c) 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:

Minimum Sight Distance (feet)								
Average grade of sight distance triangle	Speed limit (mph)							
	20	25	30	35	40	45	50	55
-10%	130	180	235	295	365	440	525	610
-9%	130	175	230	290	355	430	510	595
-8%	125	170	225	285	350	420	495	580
-7%	125	170	220	280	340	410	485	570
-6%	120	165	215	275	335	400	475	555
-5%	120	165	215	270	330	395	465	545
-4%	120	160	210	265	325	385	455	530
-3%	120	160	205	260	315	380	450	520
-2%	115	160	205	255	310	375	440	510
-1%	115	155	200	250	305	370	435	505
0%	115	155	200	250	305	360	425	495
1%	115	155	195	245	300	355	420	485
2%	110	150	195	240	295	350	415	480
3%	110	150	190	240	290	345	405	470
4%	110	150	190	235	285	340	400	465
5%	110	145	190	235	285	340	395	460
6%	110	145	185	230	280	335	390	450
7%	110	145	185	230	275	330	385	445
8%	105	145	185	225	275	325	380	440
9%	105	140	180	225	270	320	375	435
10%	105	140	180	220	270	320	370	430

(d) 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 **Suggest saying "Most Current"** 2016 Alaska Traffic Manual (Alaska Department of Transportation & Public Facilities).

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

(11) 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.

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

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

(a) Edge clearance for flag lots with flag poles less than or equal to 40 feet wide shall have

a minimum edge clearance of 5 feet.

(b) Edge clearance does not apply to common use driveways serving two adjoining properties.

(13) adjacent driveway curve returns shall not overlap.

(14) Curb cuts shall be installed in accordance with the February 2019 *Alaska Standard Plan I-20.20* (Alaska Department of Transportation & Public Facilities).

(15) All pedestrian walkway crossings shall conform to 2006 *Americans with Disabilities Act Standards for Transportation* (US Department of Transportation) and the 2016 *Alaska Traffic Manual* (Alaska Department of Transportation & Public Facilities).
Suggest saying "Most Current"

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 (a) - (b) of this paragraph shall be designed by a qualified professional 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 turning into or out of the driveway 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 right-of-way of lowest classification when rights-of-way 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:

Roadway Classification	Distance
Arterial roadways	75 feet
Collector roadways	50 feet
Local roadways	35 feet

(a) Driveway spacing shall be measured at the edge of the right-of-way, parallel to the centerline of the roadway, between the inside edges of two adjacent driveways.

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

11.12.070 HIGH VOLUME DRIVEWAY STANDARDS

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

(1) Driveways under this subsection shall be designed by a qualified professional.

(2) Minimum 18-inch diameter culverts with

culverts
required for
low volume
driveways?

sloped end sections are required when the ditch depth is 24 inches or deeper.

(3) Driveway dimensions.

(a) Driveway width shall be a **minimum of 24 feet** wide, except as provided in subparagraph (c) of this paragraph.

is there a maximum width? how can a "continuous" driveway be prevented?

(b) The radius of the driveway curve return shall be a minimum of 20 feet, except as provided in subparagraph (c) of this paragraph.

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

(4) Access to arterials is discouraged when other options are available.

(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 **2016** *Alaska Traffic Manual* (Alaska Department of Transportation and Public Facilities) and shall be maintained by the landowner.

(7) High volume driveways shall be separated

from intersections and other high volume driveways in accordance with the following table:

Minimum High Volume Driveway Spacing (feet)										
Classification of road being accessed	Posted speed limit or 85 th percentile speed of road being accessed (mph)	Total vehicle trip generation of subject parcel (vph)								
		11-100			101-250			> 250		
		Total vehicle trip generation of subject parcel, nearby parcel, or classification of cross street			Total vehicle trip generation of subject parcel, nearby parcel, or classification of cross street			Total vehicle trip generation of subject parcel, nearby parcel, or classification of cross street		
		11-100 vph or local road	101-250 vph or collector	> 250 vph or arterial	11-100 vph or local road	101-250 vph or collector	> 250 vph or arterial	11-100 vph or local road	101-250 vph or collector	> 250 vph or arterial
Local	≤30	35	70	150	70	150	150	150	150	300
Collector	≤30	70	150	300	150	150	300	300	300	300
	>30	70	150	300	150	300	300	300	300	300
Arterial	≤40	150	300	300	300	300	600	300	600	600
	>40	150	300	600	300	600	600	600	600	600

where are these defined? the SCM has different classifications

(a) Driveway spacing shall be measured at the edge of the right-of-way, parallel to the centerline of the roadway, between the inside edges of two adjacent driveways or between the inside edges of a driveway and intersecting roadway.

(b) Driveway spacing applies to intersections and high volume driveways on the same side and opposite sides of the street.

(i) Driveway spacing does not apply to driveways or intersections on opposite sides of

streets that have a non-traversable median.

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

(d) Developments which produce greater than 100 vehicle trips during the peak hour may access the first 600 feet of a local road measured from the intersection with a higher classification roadway, but may only be approved upon consideration of traffic impacts on residential properties.

(e) 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).

(f) Driveway spacing may be reduced, as recommended by an engineer and approved by the Borough, to as low as one-half the distance specified in the minimum high volume spacing table in MSB 11.12.070(A)(7) for the following:

(i) right in/right out driveways;

(ii) when the cross street has a

non-traversable median;

(iii) one-way driveways;

(iv) driveways accessing one way streets;

(v) Driveways where the requirements of subparagraph (e) are not feasible, if the opposing driveways do not have overlapping left turns.

(v) driveways where a traffic impact analysis demonstrates capacity needs;

(vi) when sufficient mitigating factors are provided; or

(vii) Driveways that are not able to meet separation distance from other existing driveways or intersections due to physical constraints.

(B) The following is required for driveways that access a parcel containing uses which generate more than 50 vehicle trips during the peak hour:

(1) STOP signs;

(2) painted STOP bars when accessing a paved roadway where the driveway crosses bike paths or sidewalks;

(3) relocation of pathways and sidewalks in

front of STOP bars in accordance with ADOT&PF Central Region details;

(4) installation of right turn lanes if warranted by the 1985 *National Cooperative Research Program Report 279*, Figure 4-23 (Transportation Research Board); and

(5) installation of left turn lanes if warranted by the 1967 *Highway Record 211* (Highway Research Board). Why not use NCHRP 279? it includes the 1967 HR211.

11.12.080 TRAFFIC IMPACT ANALYSIS

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

(1) A traffic impact analysis for uses that generate less than 100 vehicle trips per hour may be required if the Borough determines 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:

(i) sight distance;

(ii) accident history;
(iii) bus stops;
(iv) road width;
(v) functional area; and
(vi) other traffic and safety related factors.

(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 by 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 *Highway Capacity Manual, 6th Edition* (Transportation Research Board).

(4) The minimum acceptable LOS at intersections and on road segments both on the development's anticipated 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 roadway 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 anticipated opening date.

(5) 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.

(6) 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.

(7) 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 roadway 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 anticipated 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 anticipated 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 anticipated opening date of the development or in the design year of the development.

(1) The mitigation plan shall propose 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 anticipated 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 anticipated opening date or the design year, or

(b) at either the anticipated 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 anticipated 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 anticipated 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; and

(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

Is this enforceable. seems like MSB can't dictate what happens internally.

Who at the borough? will they be qualified to review?

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 construction permit issued under this title. **suggest adding "and before the development opens"**

(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 traffic does not regularly back 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) **but**
~~without the traffic generated by the development and~~
would likely fall below an acceptable LOS within five
years; **without the traffic generated by the development;**

(2) traffic generated by the development
results in an unacceptable LOS under MSB
11.12.080(A) (4); and

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

11.12.100 WAIVER OR REDUCTION OF STANDARDS

(A) The Borough may waive or reduce specific
standards of this chapter based on physical constraints
associated with the property or 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

The MSB can
deny a permit if
they deem a
driveway
"unsafe", but
can relax
mitigation
based on cost
of mitigation?

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.

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

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

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

This Page Intentionally Left Blank

**MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD RESOLUTION NO. TAB 20-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD 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 TRANSPORTATION ADVISORY BOARD this ___ day of ___, 2020.

Joshua Cross, Chair

ATTEST

Kim Sollien, Planning Services
Manager, Staff Support

MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD RESOLUTION NO. TAB 20-03

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD 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, at the request of subdivision developers, engineers and surveyors an unofficial working group was formed. The working group consisted of MSB staff, subdivision developers and their contractors, and two members of the Transportation Advisory Board representatives; 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

WHEREAS, the Transportation Advisory Board duties as outlined by Assembly ordinance 17-01 is to advise the Planning Commission and Assembly on the location and development of transportation systems, transportation corridors, traffic movement, those aspects

of growth which facilitate or impede movement of people and goods, and those aspects of transportation that contribute to the orderly economic development of the Borough; and

WHEREAS, Subdivision roads are turned over to the Borough for maintenance, and substandard, improperly constructed roads result in increased long term maintenance costs to taxpayers and lead to unnecessary capital projects; and

WHEREAS, The Transportation Advisory Board has reviewed and discussed the draft Subdivision Construction Manual and the Local Road Service Area Advisory Board Resolution 20-01 as attached in addendum A; and

WHEREAS, The SCM does not address or accommodate for non-motorized transportation, we request the Assembly direct the Planning Commission and Planning staff to revisit title 43 to insure non-motorized transportation is included in a meaningful way into MSB Code.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Transportation Advisory Board hereby recommends Section C02.5(c) of the SCM be changed to, "Place roadway embankment of earth materials in horizontal layers not to exceed 8 inches (uncompacted) for the full width of the embankment, except as required for traffic, and compact as specified before the next layer is placed. Use spreading equipment on each lift to obtain

uniform thickness prior to compacting. Maintain uniform density, during compaction. Add or remove water, as necessary, to obtain the required density. Route compaction equipment uniformly over the entire surface of each layer." as referenced in the Department of Transportation and Public Facilities' (DOT&PF) Standard Specifications for Highway Construction Section 203.

BE IT FURTHER RESOLVED, the that the Matanuska-Susitna Borough Transportation Advisory Board hereby recommends adoption of an ordinance amending MSB 43.05.015(B)3 to adopt the 2020 Subdivision Construction Manual provided our suggested amendment is addressed in the final Subdivision Construction Manual.

BE IT FURTHER RESOLVED, that the Transportation Advisory Board supports the additional recommendations of the subdivision construction manual working group as outlined in their resolution. ADOPTED by the Matanuska-Susitna Borough Transportation Advisory Board this ___ day of _____, 2020.

JOSHUA CROSS, Chair

ATTEST

KIM SOLLIEN, PLANNING SERVICE
MANAGER/CLERK